



Metropolitan Transportation Authority

# May 2018

**MTA Board Action Items**



**MTA Board Meeting**  
2 Broadway - 20th Floor Board Room  
New York, N.Y. 10004  
Wednesday, 5/23/2018  
9:00 AM - 12:00 PM ET

**1. PUBLIC COMMENT PERIOD**

**2. APPROVAL OF MINUTES**

**MTA Regular Board Minutes - April 25, 2018**

*MTAHQ Minutes - April 25, 2018 - Page 5*

**NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - April 25, 2018**

*NYCT/MaBSTOA/SIRTOA/MTA Bus Company Minutes - April 25, 2018 - Page 11*

**MTA Metro-North Railroad Regular Board Minutes - April 25, 2018**

*Metro-North Minutes - April 25, 2018 - Page 16*

**MTA Long Island Rail Road Regular Board Minutes - April 25, 2018**

*LIRR Minutes - April 25, 2018 - Page 21*

**MTA Bridges & Tunnels Regular Board Minutes - April 25, 2018**

*B&T Minutes - April 25, 2018 - Page 32*

**MTA Capital Construction Regular Board Minutes - April 25, 2018**

*MTACC Minutes - April 25, 2018 - Page 36*

**3. COMMITTEE ON FINANCE**

**Action Item**

**i. Atlantic Ticket Field Study**

*Atlantic Ticket Field Study - Page 39*

**MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 41*

**i. Non-Competitive**

*MTAHQ Non-Competitive Procurements - Page 43*

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 46*

**iii. Ratifications**

*MTAHQ Ratifications - Page 51*

**Information Item**

**i. 2016-2017 Station Maintenance Billing**

*Station Maintenance Billing - Page 56*

**ii. Annual Pension Fund Report (Materials Available in the Exhibit Book and MTA.Info)**

**Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 61*

**4. COMMITTEE ON NYCT & BUS**

**NYCT Procurements**

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

**i. Non-Competitive**

*NYCT Non-Competitive Actions - Page 77*

**ii. Competitive**

*NYCT, MTA Bus Competitive Actions - Page 79*

**iii. Ratifications**

*NYCT Ratifications - Page 85*

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

**Metro-North Procurements**

*MNR Procurements - Page 88*

**i. Non-Competitive**

*MNR Non-Competitive Procurements - Page 92*

**ii. Competitive**

*MNR Competitive Procurements - Page 97*

**iii. Ratifications**

*MNR Ratifications - Page 101*

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

**LIRR Procurements**

*LIRR Procurements - Page 107*

**i. Non-Competitive**

*LIRR Non-Competitive - Page 111*

**ii. Competitive**

*LIRR Competitive - Page 115*

**iii. Ratifications (no items)**

**LIRR MTACC Procurements**

*MTA CC Procurements - Page 117*

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

**ii. Competitive (no items)**

**iii. Ratifications**

*MTA CC Ratifications - Page 120*

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

**B&T Procurements**

*B&T Procurements - May 2018 - Page 123*

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

**ii. Competitive**

*B&T Competitive - May 2018 - Page 126*

**iii. Ratifications (no items)**

**8. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC)**

**FMTAC Annual Meeting Report**

**i. FMTAC Staff Summary**

*FMTAC Annual Meeting Staff Summary - Page 135*

**ii. FMTAC Related Materials (Available in the Exhibit Book and MTA.Info)**

**9. EXECUTIVE SESSION**

Date of Next Meeting: Wednesday, June 20, 2018

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
April 25, 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. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman**

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

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

**The following members were absent:**

**Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke**

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Donald Spero, Deputy Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Phillip Eng, 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.**

Chairman Lhota reminded public speakers that comments are limited to two minutes for each speaker. Mr. Morello called speakers' attention to the countdown clock and stated that each speaker would be notified by him thirty seconds before their two-minutes expired.

The following thirty-four (34) 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.

Robert Soto, SMART, Locat #137  
Franklin Wilson, private citizen  
Omer Khwnja, JMA, NY  
Christopher Guerra, private citizen  
Sebastien Tertulien, Build Up New York  
Dominique Martin, private citizen  
Kenny Bruno, private citizen  
Devon Gilliam, private citizen  
Malika Conner, Align  
Renaey Reynolds, NYC Environmental Justice Alliance  
Tara Borth, private citizen  
Matt Shotkin, private citizen  
Mary Ann Jones, private citizen  
H.P. Schroer, private citizen /WWI Veteran  
Kazi Shuchi, private citizen  
Mary Parisen LaVelle, CURES  
John Maier, CURES  
Eric Shall, private citizen  
Tony Murphy, Peoples MTA  
Ellyn Shannon, PCAC  
Miriam Fisher, private citizen  
Linda Nguyen, Jobs for Move America  
Travis Eby, Riders Alliance  
Elizabeth Neaves, Riders Alliance

Regular Board Meeting  
April 25, 2018

Samuel Santaella, Riders Alliance  
Lijay Duggal, private citizen  
Juman Ganguli, Riders Alliance  
Mary Kaessinger, Peoples MTA  
Veronika Podoprigora, Straphangers Campaign  
Mitchell White, Riders Alliance  
Beth Childs, Riders Alliance  
Gustavo Febles, NYPIRG/Straphangers Campaign  
Nick Sifuentes, Tri State Transportation Campaign  
Jason Pinero, private citizen

**2. CHAIRMAN’S REMARKS.**

Chairman Lhota welcomed everyone to the April MTA Board meeting.

Chairman Lhota asked for a moment of silence in honor of Stephen Livecchi, a 37-year veteran of MTA Bus Company, who died on the job last month at the College Point Bus Depot in Queens, N.Y. The Chairman, on behalf of the entire MTA organization, extended deepest condolences to Mr. Livecchi’s family, friends, and coworkers.

Chairman Lhota recognized and presented heroism awards to Kevin Bartsch, New York City Transit (“NYCT”) Subway Conductor and Christian Winn, an Emergency Medical Technician, who were credited for saving the life of a distressed passenger on the Manhattan-bound F train last month.

Chairman Lhota also recognized and presented a heroism award to Brian Geary, Metro-North Signal Maintainer, who rescued a woman from a burning car on the side of the road on the Taconic Parkway last week.

Chairman Lhota welcomed Phillip Eng, who joined the MTA family as Chief Operating Officer last year, to his first Board meeting as President of MTA Long Island Rail Road (“LIRR”). Mr. Eng succeeds Patrick A. Nowakowski, who served as LIRR President for nearly four years. The Chairman thanked Mr. Nowakowski for his service and leadership during his tenure as LIRR President.

**3. BUS ACTION PLAN.**

Chairman Lhota introduced NYCT President Andrew Byford, who summarized for the Board the Bus Action Plan that he presented at Monday’s Transit Committee meeting.

The details of Mr. Byford’s presentation, Board Members’ comments and discussions are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records.

**4. MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the Regular Board Meeting held on March 21, 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 2017 Annual Investment Report and MTA All Agency Investment Guidelines. Approved the Board adopted MTA All-Agency Investment Guidelines and MTA's submission of the 2017 Annual Investment Report, pursuant to Public Authorities Law Section 2925.
2. Capital Markets-Based Reinsurance. Approved a resolution authorizing the First Mutual Transportation Assurance Company ("FMTAC") to undertake a capital markets-based reinsurance program by expanding FMTAC's current traditional capital markets-based reinsurance program to include catastrophe bond-based reinsurance transaction.

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

1. Art & Design (A&D) Projects at NYCT Subway Station. Approved the award of an A&D competitively negotiated procurement contract to Diana Al-Hadid to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the 34<sup>th</sup> Street Penn Station.
2. A&D Project at LIRR Station on the Babylon Branch. Approved the award of an A&D competitively negotiated procurement contract to James Gulliver Hancock to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at LIRR Merrick Station.
3. International Business Machines ("IBM") – Data Center Services – No. 03A8602-1/PO # C0000A1852, AWO #133. Approved the amendment to the Board-approved competitively awarded contract with IBM to add funding and extend the contract for one year.
4. Ozone Park Lumber ("Ozone") and Turtle & Hughes, Inc. – Furnish and Deliver Building Materials, Plumbing and Electrical Supplies – No. 03A8602-1/PO # C0000A1852, AWO #133. Approved an amendment to a previously Board-approved competitively awarded contract with Ozone and Turtle & Hughes, Inc. to (i) add funding for Ozone to furnish and deliver building materials and plumbing supplies and for Turtle & Hughes, Inc., a NYS certified Women-Owned Business, to furnish and deliver electrical supplies, and (ii) extend the contract period of performance for both contracts by seven months.
5. Choice Distribution, Inc. ("Choice") – Hardware and Fastener Program – No. Various, AWO#4. Approved an amendment to a miscellaneous procurement

contract with Choice for supply of hardware and fasteners and to extend the contract period of performance for ten months, and add funding to the contract.

6. 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 eleven (11) actions for NYCT (8 of the 11 actions are competitive contracts), awarded pursuant to E.O. 168 and its extensions.

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

**Metropolitan Transportation Authority**

1. Lease agreement with Pret 2 Broadway Inc., affiliate of Pret A Manger, for a quick service restaurant and café in the ground floor retail space at 2 Broadway, N.Y.

**Long Island Railroad**

2. Lease agreement with Ashcat LLC for a café/restaurant at LIRR Speonk Station, Speonk, N.Y.
3. License agreement with The United States Golf Association for a revocable license to permit construction and use of a temporary station platform and two (2) temporary pedestrian bridges at the Shinnecock Hills Golf Club, Southampton, N.Y. to accommodate passengers attending the 2018 U.S. Open Golf Tournament.

**Metro North Rail Road**

4. Approved, in connection with the Harrison Transit-Oriented Development, the adoption of the State Environmental Quality Review Act (“SEQRA”) Findings Statement; and the terms for the phased disposition of portions of the Site, excluding the Retained Parcel, the granting of the Parking Easement and the development of the Site as a mixed-use transit-oriented development pursuant to a land disposition and development agreement and other transaction documents, and to convey the Site to the Developer to permit construction of a mixed-use transit oriented development and construction of the Parking Structure on the Site.
5. Approved acquisition from The Roman Catholic Church of St. Joseph of property located at 12 Croton Falls Road in Somers for construction and operation of a commuter parking facility for Metro-North’s Croton Falls Station in North Salem, Westchester County, N.Y.
6. Approved the lease agreement with The Bakerhouse of Tarrytown LLC for the operation of a bakery and café/restaurant located in the Tarrytown Station, Hudson Line, Westchester County, N.Y.

7. Approved modification to the Grand Central Terminal Event Fee Schedule in connection with Vanderbilt Hall events, Grand Central Terminal, N.Y.
8. Approved the Entry Permit at Williams Bridge Station for the temporary use of Former Sidetrack Yard at Metro-North's Williams Bridge Station, Harlem Line, Block 3357, Lot 247 (in the vicinity south of Gun Hill Road Bridge – MP 10.52), Bronx, N.Y.
9. Approved the license agreement with Spices and Tease Inc., d/b/a Spices and Tease, for the retail sale of high-quality tenant-branded spices and teas located at Retail Space MKT 21, Grand Central Terminal, N.Y.

6. **MTA 2015-2019 CAPITAL PROGRAM AMENDMENT.**

Chairman Lhota invited Donald Spero, Deputy Chief Financial Officer, to present the 2015-2019 Capital Program Amendment.

Mr. Spero provided an overview of the proposed amendment to the MTA 2015-2019 Capital Program. Following the presentation, Chairman Lhota invited Board discussion concerning the proposed amendments to the Capital Program. 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.

Upon motion duly made and seconded, the Board approved the adoption of the Capital Plan Amendment, with eleven votes cast in favor of the Amendment and two votes cast in opposition (Commissioners Jones and Trottenberg voted in opposition.) Pursuant to MTA By-Law Section 10(b) of Article II, the single collective vote of the Hudson Valley Members was recognized as a vote in favor of the item, with Board Members Susan Metzger and Neal Zuckerman voting in favor and Board Member James Vitiello voting in opposition.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, May 23, 2018 at 10:00 a.m.

7. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:40 p.m.

Respectfully submitted,

Victoria Clement  
Assistant Secretary

Regular Board Meeting  
April 25, 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, April 25, 2018  
10:00 a.m.**

**The following members were present:**

**Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. David Jones  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman**

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

**Hon. Andrew Albert  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. Randolph Glucksman  
Hon. John Samuelsen  
Hon. Vincent Tessitore, Jr.**

**The following members were absent:**

**Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke**

**Veronique Hakim, Managing Director; Patrick Foye, MTA President; Helene Fromm, Chief of Staff; Janno Lieber, MTA Chief Development Officer; Robert Foran, Chief Financial Officer; Donald Spero, Deputy Chief Financial Officer; Thomas J. Quigley, General Counsel; Andy Byford, President, NYCT; Phillip Eng, President, Long Island Rail Road; Catherine Rinaldi, President, Metro-North Railroad; Cedrick Fulton, President TBTA; Darryl Irick, President, MTA Bus; 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 thirty-four (34) 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.

Robert Soto, SMART, Local #137  
Franklin Wilson, private citizen  
Omer Khwnja, JMA, NY  
Christopher Guerra, private citizen  
Sebastien Tertulien, Build Up New York  
Dominique Martin, private citizen  
Kenny Bruno, private citizen  
Devon Gilliam, private citizen  
Malika Conner, Align  
Renaey Reynolds, NYC Environmental Justice Alliance  
Tara Borth, private citizen  
Matt Shotkin, private citizen  
Mary Ann Jones, private citizen  
H.P. Schroer, private citizen  
Kazi Shuchi, private citizen  
Eric Shall, private citizen  
Tony Murphy, Peoples MTA  
Ellyn Shannon, PCAC  
Miriam Fisher, private citizen  
Linda Nguyen, Jobs for Move America  
Travis Eby, Riders Alliance  
Elizabeth Neaves, Riders Alliance  
Samuel Santaella, Riders Alliance  
Lijay Duggal, private citizen  
Juman Ganguli, Riders Alliance  
Mary Kaessinger, Peoples MTA  
Veronika Podoprigora, Straphangers Campaign  
Mitchell White, Riders Alliance  
Beth Childs, Riders Alliance  
Gustavo Febles, NYPIRG/Straphangers Campaign  
Nick Sifuentes, Tri State Transportation Campaign  
Jason Pinero, 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'S REMARKS**

Chairman Lhota welcomed everyone to the April MTA Board meeting.

Chairman Lhota asked for a moment of silence in honor of Stephen Livecchi, a 37-year veteran of MTA Bus Company, who died on the job in March 2018 at the College Point Bus Depot in Queens. The Chairman, on behalf of the MTA organization, extended his condolences to Mr. Livecchi's family, friends and coworkers.

The Chairman recognized and presented heroism awards to Kevin Bartsch, NYCT Subway Conductor and Christian Winn, an Emergency Medical Technician, who were credited with saving the life of a distressed passenger on an F train stopped at Jackson Heights-Roosevelt Avenue Station in Queens in March 2018.

The Chairman also recognized and presented a heroism award to Brian Geary, Metro-North Signal Maintainer, who rescued a woman from a burning car on the Taconic Parkway.

Chairman Lhota welcomed Phillip Eng, who joined the MTA as Chief Operating Officer in 2017, to his first Board meeting as President of MTA Long Island Rail Road. Mr. Eng succeeds Patrick A. Nowakowski, who served as LIRR President for nearly four years. The Chairman thanked Mr. Nowakowski for his service and leadership during his tenure as LIRR President.

### **4. BUS ACTION PLAN PRESENTATION**

Chairman Lhota introduced New York City Transit President Andy Byford, who summarized for the Board and the members of the public the Bus Action Plan that he first presented during the April 2018 Transit Committee meeting.

The details of Mr. Byford's presentation and the Board members' comments and discussion are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA's records.

### **5. MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the meeting held on March 21, 2018, of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

## **6. COMMITTEE ON FINANCE**

### **Procurements:**

Ratifications: Upon motion duly made and seconded, the Board approved eleven (11) NYCT-related 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.

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

### **Procurements:**

Noncompetitive Procurements: Upon motion duly made and seconded, the Board approved the noncompetitive procurement requiring a majority vote (Schedule G in the Agenda).

Details regarding the above item are set forth in the related staff summary, a copy of which is on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

Modifications to Purchase and Public Work Contracts: Upon motion duly made and seconded, the Board approved the modification action set forth in the Board materials (Schedule I in the Agenda).

Detail regarding the above item is set forth in the related staff summary, a copy of which is 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 procurement actions requiring a two-thirds vote (Schedule B in the Agenda) and a majority vote (Schedules F and L in the Agenda).

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

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

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

**8. MTA 2015-2019 CAPITAL PROGRAM AMENDMENT**

Chairman Lhota invited Donald Spero, MTA's Deputy Chief Financial Officer, to present the 2015-2019 Capital Program Amendment.

Mr. Spero provided an overview of the proposed amendment to the MTA 2015-2019 Capital Program. Following the presentation, Chairman Lhota invited Board discussion and comment. The details of the presentation and the Board's discussion are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board approved the adoption of the Capital Plan Amendment, with eleven (11) votes cast in favor of the Amendment and two (2) votes cast in opposition (Members Jones and Trottenberg voted in opposition.) Pursuant to MTA By-Law Section 10(b) of Article II, the single collective vote of the present Hudson Valley Members was recognized as a vote in favor of the item, with Board Members Susan Metzger and Neal Zuckerman voting in favor and Board Member James Vitiello voting in opposition.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, May 23, 2018 at 10:00 a.m.

**9. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:40 p.m.

Respectfully submitted,  
/s/James J. Gallagher  
James J. Gallagher  
Acting Assistant Secretary

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
2 Broadway – 20<sup>th</sup> Floor  
New York, NY 10004  
Wednesday, April 25, 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. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Donald Spero, Deputy Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Phillip Eng, 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 34 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:

Chairman Lhota welcomed everyone to the April MTA Board meeting.

Chairman Lhota asked for a moment of silence in honor of Stephen Livecchi, a 37-year veteran of MTA Bus Company, who died on the job last month at the college Point Bus Depot in Queens, New York. The Chairman, on behalf of the MTA organization, extended deepest condolences to Mr. Livecchi's family, friends, and coworkers.

Chairman Lhota recognized and presented heroism awards to Kevin Bartsch, a New York City Transit ("NYCT") Subway Conductor and Christian Winn, Emergency Medical Technician, who were credited for saving the life of a distressed passenger on the Manhattan-bound F train last month.

Chairman Lhota also recognized and presented a heroism award to Brian Geary, Metro-North Signal Maintainer, who rescued an unconscious woman who was trapped inside a burning vehicle on the Taconic State Parkway on April 19, 2018.

Chairman Lhota welcomed Phillip Eng, who joined the MTA family as Chief Operating Officer last year, to his first Board meeting as President of MTA Long Island Rail Road ("LIRR"). Mr. Eng succeeds Patrick A. Nowakowski, who served as LIRR President for nearly four years. The Chairman thanked Mr. Nowakowski for his service and leadership during his tenure as LIRR President.

Chairman Lhota introduced NYCT President Andrew Byford, who summarized for the Board the Bus Action Plan that he presented at Monday's Transit Committee meeting.

The details of Chairman Lhota's remarks and of President Byford's presentation and Board Members' comments and discussions 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.

3. APPROVAL OF MINUTES:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on March 21, 2018 were approved.

4. COMMITTEE ON FINANCE:

Action Item:

Upon motion duly made and seconded, the Board approved the following action items recommended to it by the Committee on Finance that relate to Metro-North. The specifics are

set forth in the staff summaries and documentation filed with the minutes of the MTA Board meeting held this day.

- Approval of the Board adopted MTA All-Agency Investment Guidelines and MTA's submission of the 2017 Annual Investment Report, pursuant to Public Authorities Law Section 2925.
- Approval of a resolution authorizing the First Mutual Transportation Assurance Company ("FMTAC") to undertake a capital markets-based reinsurance program by expanding FMTAC's current traditional capital markets-based reinsurance program to include catastrophe bond-based reinsurance transaction.

#### MTAHQ Procurements:

Upon motion duly made and seconded, the Board approved the following competitive procurement items recommended to it by the Committee on Finance that relate to Metro-North. The specifics are set forth in the staff summaries and documentation filed with the minutes of the MTA Board meeting held this day.

- Approval of an amendment to a previously Board-approved competitively awarded contract with International Business Machines to add funding in the not-to-exceed amount of \$ 14,854,574 and extend the contract for one year.
- Approval of an amendment to a multi-agency (Metro-North Railroad, New York City Transit, Long Island Rail Road, Staten Island Rapid Transit and MTA Bus) miscellaneous procurement contract with Choice Distribution, Inc. in the not-to-exceed amount of \$ 9,674,558 for supply of hardware and fasteners and to extend the contract period of performance for ten months.

#### Real Estate Items:

Upon motion duly made and seconded, the Board approved the following real estate items recommended to it by the Committee on Finance that relate to Metro-North. The specifics are set forth in the staff summaries and documentation filed with the minutes of the MTA Board meeting held this day.

- In connection with the Harrison Transit-Oriented Development, (1) Adoption of the State Environmental Quality Review Act ("SEQRA") Findings Statement as an Involved Agency and (2) approval of terms for the phased disposition of portions of the Site, excluding the Retained Parcel, the granting of the Parking Easement and the development of the Site as a mixed-use transit-oriented development pursuant to a land disposition and development agreement and other transaction documents, and to convey the Site to the Developer to permit construction of a mixed-use transit oriented development and construction of the Parking Structure on the Site.
- Authorization to acquire property located at 12 Croton Falls Road, Somers, Westchester County, New York from The Roman Catholic Church of St. Joseph for construction and operation of a commuter parking facility for Metro-North's Croton Falls Station in North Salem, Westchester County, New York.

- Approval to enter into a lease with The Bakehouse of Tarrytown, LLC for a bakery and café/restaurant at the Tarrytown Station building in Tarrytown, New York.
- Approval of a modification to the Grand Central Terminal Event Fee Schedule in connection with Vanderbilt Hall events, Grand Central Terminal, New York.
- Approval of an entry permit agreement with Bove Industries, Inc., for the temporary use of a former sidetrack yard at Metro-North's Williams Bridge Station, Harlem Line, Block 3357, Lot 247 (in the vicinity south of Gun Hill Road Bridge – MP 10.52), Bronx, New York.
- Approval of a lease agreement with Spices and Tease Inc. d/b/a Spices and Tease, for the retail sale of high-quality tenant-branded spices and teas in Retail Space MKT 21, Grand Central Terminal, New York.

5. COMMITTEE ON METRO-NORTH RAILROAD:

Procurements:

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

- Approval to award a contract modification in the not-to-exceed amount of \$8,149,272 to the firm Judlau-TC Electric Joint Venture ("Judlau") for the Design/Build Power/C&S Infrastructure Improvements from Mott Haven (CP-5) to Croton-Harmon (CP-35).

Board member Zuckerman stated that he believes that Positive Train Control (PTC) is the most important issue for Metro-North this year. He noted that Metro-North has Civil Speed Enforcement in place in some of its territory and will have it in the remainder of its territory by the end of 2018. Board member Zuckerman stated that testing of the new software needed for PTC is not going as hoped and the railroads are behind in schedule and the plan to have PTC fully in place by the end of 2018. He stated that he hopes the railroads will meet the Federal Guidelines. However, he is less concerned about meeting those guidelines than he is in having the system fully operational by the end of the year. Board member Zuckerman appreciates the transparency and vigilance of the management team in working towards having PTC fully in place by the end of 2018. He believes that the Board should demand that Bombardier and Siemens do what they need to do to correct the situation and is aware that Chairman Lhota has demanded this of them. Board member Zuckerman stated that it is necessary for the riding public that the multiple parts of PTC be in place by the end of 2018.

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, which recording includes Board member Zuckerman's comments and discussion regarding PTC.

6. OTHER MTA BUSINESS:

Action Item:

MTA 2015-2019 CAPITAL PROGRAM AMENDMENT.

Chairman Lhota invited Donald Spero, Deputy Chief Financial Officer, to present the 2015-2019 Capital Program Amendment.

Mr. Spero provided an overview of the proposed amendment to the MTA 2015-2019 Capital Program. Following the presentation, Chairman Lhota invited Board discussion concerning the proposed amendments to the Capital Program. 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.

Upon motion duly made and seconded, the Board approved the adoption of the Capital Plan Amendment, with eleven votes cast in favor of the Amendment and two votes cast in opposition (Commissioners Jones and Trottenberg voted in opposition.) Pursuant to MTA By-Law Section 10(b) of Article II, the single collective vote of the Hudson Valley Members was recognized as a vote in favor of the item, with Board Members Susan Metzger and Neal Zuckerman voting in favor and Board Member James Vitiello voting in opposition.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, May 23, 2018 at 10:00 a.m.

7. ADJOURNMENT:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:40 p.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, April 25, 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  
Hn. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Donald Spero, Deputy Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Phillip Eng, 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 thirty eight (38) speakers had signed up to speak. Mr. Morello asked all speakers to limit their comments to two (2) minutes, and noted that if necessary, a reminder would be given of the time limit.

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”), congratulated Phillip Eng on his appointment as President of the LIRR. She stated that since 2013, LIRR has received \$18 million in State appropriations to replace antiquated freight locomotives used by the New York & Atlantic Railway (“NYAR”). She further stated that LIRR sold four (4) locomotives to NYAR it had previously leased to them; three (3) were sold in May 2017, in violation of the LIRR’s pending Tier IV locomotive procurement and the Governor’s policy. Ms. Parisen asserted that these locomotives were highly polluting and too dangerous to use, but LIRR put them into NYAR’s hands. She added that LIRR sold these locomotives for \$4,000 each, although they had a market value of \$45,000 each. Finally, Ms. Parisen stated that LIRR did not have to sell these locomotives to NYAR as there as an “escape clause” in the lease. She added that these actions endangered the ability of LIRR to receive Volkswagen Settlement Trust Funds to be used for procuring newer, ultra-low emissions locomotives.

John Maier of CURES stated that NYAR was involved in seven (7) accidents after the unjustified renewal of its Transfer Agreement with LIRR. He further stated that NYAR employed poorly trained crews and that neighborhoods along the tracks were fearful as NYAR hauls tank cars filled with propane. He added that in these circumstances, it is not hard to envision a derailment causing a need to evacuate many residents from their homes. Mr. Maier stated that the members of CURES are volunteers, dedicated to protecting their community, railroad workers, and the riding public.

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 asked for a moment of silence in memory of Stephen Livecchi, a 37-year veteran of MTA Bus who died in the line of duty last month at our bus depot in College Point, Queens. Mr. Lhota extended the MTA’s deepest condolences to his wife, family, friends, and co-workers.

Chairman Lhota acknowledged the presence of three (3) MTA employees who are heroes, because each helped save a life.

New York City subway conductor Kevin Barch was working on an F train last month, when 2 customers came up to him and stated that there was an unconscious man on the train. Mr. Barch went to investigate and found a man slumped over in his seat and his lips were blue. Trained as an Emergency Medical Technician (“EMT”), Mr. Barch checked the man’s pulse and found none. He was able to get the man on to the floor, began chest compression, and called 911 for help. Luckily, because of the Subway Action Plan, EMT Christian Wynn was positioned nearby and arrived within minutes. Messrs. Barch and Wynn managed to revive the man and get him up and walking. He was taken to Elmhurst Hospital. Chairman Lhota presented Mr. Barch and Mr. Wynn with awards recognizing their heroism.

Metro-North Railroad (“Metro-North”) Signal Maintainer Brian Geary was driving on the Taconic State Parkway on the way to a meeting, when he noticed a car that had flipped over and was in flames on the side of the road. He pulled up, called 911, and saw an unconscious woman wedged in the front seat. Because the doors were locked, Mr. Geary went back to his vehicle, grabbed a baseball bat he uses in his baseball league, and hit the windshield of the car until he could remove it. He pulled the woman out and with the other help of another passerby, carried her away from the burning car. The Fire Department arrived and extinguished the flames, and an ambulance took the woman to a hospital. Chairman Lhota presented Mr. Geary with an award for his heroism.

Chairman Lhota welcomed Phillip Eng to his first Board meeting as President of MTTA Long Island Rail Road. He noted that Mr. Eng has 35 years of experience in the transportation sector. He stated that he would miss Phil as part of the team working on the Subway Action Plan, but knows he will do a great job at LIRR. Chairman Lhota thanked Patrick A. Nowakowski, former President of LIRR, for all of his service during his four (4) years as LIRR President.

### 3. Bus Action Plan

Chairman Lhota introduced New York City Transit (“NYCT”) President Andrew Byford, who gave a presentation on the NYCT Bus Action Plan.

The details of such presentation, along with certain discussion between Board members with respect to the presentation, are contained in the minutes of the MTA Board meeting held this day, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

### 4. Approval of Minutes

Chairman Lhota asked for a motion to approve the minutes of the Regular Board Meeting of March 21, 2018. Upon motion duly made and seconded, the minutes of the Regular Board Meeting of March 21, 2018 were approved.

5. Committee on Finance

Action Items

The Board was presented with two (2) action items, both of which related to the Long Island Rail Road:

- **2017 Annual Investment Report and MTA All Agency Investment Guidelines** - Pursuant to the requirements of Public Authorities Law Section 2925, provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2017 to 12/31/2017, obtain Board approval of the 2017 MTA Board Investment Report, and obtain Board approval of the MTA All Agency Investment Guidelines (“Investment Guidelines” or “Guidelines”).
- **Capital Markets-Based Reinsurance** - To obtain Board approval to allow First Mutual Transportation Assurance Company (“FMTAC”) to undertake a capital markets-based reinsurance program by expanding FMTAC’s traditional capital markets-based reinsurance program to include a catastrophe (“cat”) bond-based reinsurance transaction.

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

Procurement Items

The Board was presented with sixteen (16) procurement items recommended to it by the Committee on Finance, three (3) of which related to Long Island Rail Road:

- **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 – James Gulliver Hancock – LIRR Merrick Station (\$135,000).
- **International Business Machines (IBM) – Data Center Services** - NTE \$14,854,574 – Board approval is requested for an amendment that will add funding to a previously Board-approved, competitively awarded contract with International Business Machines (IBM). This amendment will provide for continued mainframe and midrange server processing for the following agencies: New York City Transit, Business Services Center, Headquarters, Bridges and Tunnels, Long Island Rail Road, and Metro-North Railroad.

- **Choice Distribution, Inc. – Hardware and Fastener Program – NTE \$9,674,558** – Bard approval is requested for an amendment to a miscellaneous service contract with Choice Distribution, Inc. (Choice) for supply of hardware and fasteners contract. This is an extension and will (i) extend the contract period of performance for ten months ending March 31, 2019, and (ii) add funding. In April 2011, Metro-North Railroad solicited and the MTA Board approved the base contract with Choice, for the provision and on-going replenishment of common hardware and fasteners (nuts, bolts, washers, lock nuts, etc.) for Metro-North Railroad, New York City Transit, Long Island Rail Road, Staten Island Rapid Transit, and MTA Bus.

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 nine (9) real estate items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- **Lease Agreement for Speonk Station** – Lease with Ashcat LLC for a café/restaurant at Speonk Station. Lease term: 10 years, with one 5-year option. Compensation: \$8,400 first year, with 3% annual increases.
- **License Agreement with USGA** – Agency: Long Island Rail Road. Licensee: The United States Golf Association (“USGA”). Location: Shinnecock Hills Golf Club, Southampton, New York. Activity: Revocable license to permit construction and use of a temporary station platform and two (2) temporary pedestrian bridges. Term: May 1, 2018 through August 31, 2018. Compensation: Waived.

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

Board member Mitchell Pally thanked the board for its support of the LIRR – USGA agreement. He noted that this was very important to Suffolk County.

6. Joint LIRR – Metro-North Committee

Procurement Items

The Board was presented with four (4) procurement items recommended to it at the Joint Meeting of the LIRR and Metro-North Committees, three (3) of which related to Long Island Rail Road (one (1) by Long Island Rail Road and two (2) by MTA Capital Construction Company):

Procurement by Long Island Rail Road:

- **L.K. Comstock and Company Inc. – Contract Modification – NTE \$2,473,852** - LIRR requests Board approval to award a contract modification to L.K. Comstock in the not-to-exceed amount of \$2,473,852 to provide trench excavation and utility pole modifications between Central Islip and Farmingdale.

Procurements by MTA Capital Construction Company:

- **GCT Constructors Joint Venture – Contract No. CM014B – Modification No. 155 (\$933,000) and Modification No. 157 (\$922,000)** - In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTACC seeks Board approval to modify the contract to resolve a portion of the backlog of differing site conditions, and other related issues.

Board Member Andrew Saul stated that, with respect to the Long Island Rail Road procurement noted above, he had no problem with the extras being sought. However, the contract in question was the result of a Request for Proposals (“RFP”) with ten (10) bidders. There were three (3) finalists, but what wasn’t disclosed to the Board was that the same electrical contractor was proposed as a subcontractor by all three of the finalists, so approximately one-third (1/3) of the contract value was not awarded competitively. Mr. Saul stated that he did not want to see this repeated and wants something like this to be explicitly stated in the Staff Summary.

Chairman Lhota responded, stating that he agreed with Mr. Saul, and he asked Board Members Scott Rechler and Charles G. Moerdler to incorporate this into the reports of their respective working groups.

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.

Board Member Neal Zuckerman commented on the Positive Train Control (“PTC”) project for Long Island Rail Road and Metro-North Railroad, which he described as the #1 priority for both railroads in 2018. He stated that he had heard about the delays associated with

software defects uncovered during testing, and that the project was already behind schedule. He further stated that the plan to have PTC fully in place on both railroads by December 31, 2018, was unlikely to be realized. He added that the systems integrators, Bombardier and Siemens, should know that this Board is watching closely, and demands that they keep the commitments they made.

7. MTA Capital Program Amendment.

Deputy Chief Financial Officer Donald Spero gave the Board a presentation on the proposed MTA 2015-2019 Capital Program Amendment, utilizing a set of slides entitled MTA Capital Program Amendment – Renew – Enhance – Expand, Capital Program Briefing April 2018.

Mr. Spero noted that the proposed amendment was Capital Program Review Board-approvable, and that no new funds were being requested. He also noted that there had been more than thirty (30) Capital Program amendments since the first Capital Program in 1982.

Board Member David Jones stated that he would be voting no on the proposed amendment. He expressed concerns about the Enhanced Stations Initiative (“ESI”) and how stations were selected. He stated that he was told the stations were selected based on a condition survey but this was never provided to the Board. The public is upset about the lack of accessibility at stations.

Board Member Jones also expressed concern about a report in the Wall Street Journal that the costs of the ESI had increased by 50% per station, and that the East Side Access project was experiencing overruns in the billions. This was never conveyed to the Board and the Board is not getting the transparency it wants. There has been an improvement over the past six (6) months, but this is a throwback to what had been the case before that time period.

Chairman Lhota responded, noting that he had expressed displeasure to the Wall Street Journal about the way he was quoted in the article. Chairman Lhota stated that when he came back to the MTA, it was clear to him that the costs of the ESI exceeded the budget. As we peeled back the walls of the stations, we saw more and more problems. Mr. Lhota stated that, as such, when he was asked if he would increase the program, he said no, and that he would use the remaining money to address accessibility at Westchester Square.

Board Member Veronica Vanterpool said she would vote yes on the proposed amendment, and that this shows the independence of each City appointee to the MTA Board. Ms. Vanterpool stated that she supports the Capital Plan Amendment because no new funds are being requested, it includes the five (5) station projects recommended by the City of New York, including new elevators, and it includes changes to East Side Access, with funds being shifted to ensure that the project continues. She stated that she was not as happy about other items, such as \$955 million pushed to the next Capital Plan on East Side Access. Ms. Vanterpool added that she wanted to see a reining in of costs, and the recommendations of the working groups enacted and applied to the next Capital Program. Perhaps this would reduce the need for the additional \$955 million.

Board Member Vanterpool also noted that funds were being moved within programs. She stated that she was told this could not be done, when she suggested this as a way to address New York City's share of the Subway Action Plan. She added that these decisions are infused with politics, and when we want to move funds, they move.

Board Member Vanterpool stated that it was indefensible that the press knew about certain matters before the Board was informed, such as the increased costs of ESI and East Side Access. She added that now that the City of New York has contributed its share of funding for the Subway Action Plan, there needed to be more oversight, including by the City.

Board Member Vanterpool asked whether there was still a state of emergency and if not, why Executive Order No. 168 was being renewed.

Board Member James Vitiello stated that while the projects in the Capital Program Amendment, as a whole, were worthy, we parce words in a way detrimental to us. When you double the cost per station, you are increasing the budget for that initiative. Mr. Vitiello added that when the Board was asked to approve the LIRR Third Track Project, we knew we were overrunning on East Side Access. We should have deferred voting on Third Track until we had a complete picture. For these reasons, Mr. Vitiello stated that he would vote no on the proposed Capital Program Amendment.

Board Member Polly Trottenberg stated that, like Board Member Vanterpool, she was grateful to the press for keeping the Board informed about the Subway Action Plan, and the appointment of NYCT President Byford. She added that much of the proposed Amendment is commendable, and that the City supports four (4) additional Americans with Disabilities Act ("ADA")-compliant stations. She is also happy that the City is contributing towards the Subway Action Plan. She noted that she has a letter from the Mayor and the City Council Speaker addressed to the Chairman, requesting greater accountability by the MTA on its Capital Program.

Board Member Trottenberg stated that she supports East Side Access ("ESA"). The first realistic estimate for ESA was \$6.8 billion. Today, we're at \$11 billion. The last time the Board had been fully briefed on ESA was in June 2016. It would have been useful to know the details on ESA when the Board was asked to vote on Third Track. She thanked MTA Chief Development Officer Janno Lieber for doing a yeoman's job in trying to get his hands around this.

Board Member Trottenberg added that the next capital plan is oversubscribed and we should not just acquiesce. Therefore, she stated she would vote no on the proposed amendment.

Board Member Lawrence Schwartz stated that the City of New York is now a partner in the Subway Action Plan. The City was never a willing partner, but it is now on board. Mr. Schwartz added that we are taking a vote on the sins of the past, but we're in the present and looking towards the future. He expressed confidence that the plan MTA Chief Development Officer Janno Lieber and his team put together will be finished on time and within budget. ESA is critical not just for Long Island, but for the entire region.

Board Member Schwartz stated that, with respect to transparency, MTA could improve, but he added that Chairman Lhota had done more to keep the Board up-to-date and informed than anyone, a positive accomplishment.

Board Member Scott Rechler stated that he echoed Board Member Schwartz's comments. Transparency is improving. With respect to Board Member Vanterpool's remarks, he added that all Board members are fiduciaries, regardless of who appointed us, and we all vote for what we think is right. ESA is a massive project; if it's not set up to be managed efficiently, once the train leaves the station, it's hard to correct. Mr. Rechler stated he wouldn't be surprised if there were further cost overruns, even though he doesn't like more overruns.

Board Member Rechler stated that, with respect to the state of emergency, the challenges we have are systemic and structural. With respect to Third Track, we have legacy commitments but we also need to invest in the future. We need to push the Legislature and others to get us the funds we need. Mr. Rechler added that he supports the motion to approve the Capital Program Amendment.

Board Member Neal Zuckerman stated that he would vote yes on the proposed Capital Program Amendment. Board Member Susan Metzger will therefore be the tie-breaking vote for the upstate Board members. Mr. Zuckerman added that he had asked to stop ESA several times, but that he was told the cost to stop would be greater than continuing. He stated that he believed ESA needs to be finished, and that even if it is likely that there will additional contingencies, it needs to be finished. The ESA project does provide benefits for the region and for Long Island.

Board Member Zuckerman noted that over the past few capital plans, there was not much devoted to Metro-North. There are many Metro-North needs, including fixing dilapidated stations and extending electrification to Poughkeepsie. He urged a greater sharing of the wealth in the next capital plan.

Board Member Susan Metzger stated that when she came on the Board, she opposed ESA. She now sees the regional significance of the project, just as she sees the importance of the Hudson Line coming into the West Side of Manhattan. She added that we tried hard to get new money into the plan. Ms. Metzger indicated she would vote yes on the proposed Capital Plan Amendment as it contains many things that are important such as progress towards ADA compliance, and better stations, which is better for the region.

Board Member Charles Moerdler stated that what's past is prologue. He added that he was struck by the "let's get it done" tone expressed today. Mr. Moerdler also added that to defer Third Track would be detrimental to Long Island.

Board Member Moerdler further stated that past is prologue is typified by the Chairman, who is the first Chairman to name task forces to address problems. He added that we can make a change, if we adhere to the tone of this meeting.

Board Member Mitchell Pally stated that he appreciates, and all of Long Island appreciates, the ESA project, and he apologizes that it has taken this long and costs so much. MTA had no control over some of the issues impacting ESA. We can blame whoever we want, but the goal at the moment is to finish it on schedule and on budget, and make it available for all of the people in the region, because it is a project of regional importance. Mr. Pally further stated that it is time to move forward on ESA, and he will vote yes on the proposed Capital Program Amendment. He noted that ESA had been reviewed periodically at the Capital Program Oversight Committee (“CPOC”), but he urged the Chairman to schedule more discussion on ESA at CPOC and the full Board. He also noted the Amendment added funds for PTC for Long Island Rail Road, which is critical, along with additional funds for the Subway Action Plan. Mr. Pally expressed disappointment in the delay in attaining accessibility at the Mets-Willets Point station, but on the whole, the Amendment is essential and he will vote yes.

Chairman Lhota stated that there were quarterly reviews of ESA at CPOC, and at the last review in October, the Committee asked Janno Lieber to do a “deep dive” on ESA and determine where the project was going, both in terms of cost and schedule, and that was reported out. He also stated that there were two (2) briefings for the Board on ESA before the article came out, and a third that occurred after the article came out. He added that there isn’t a day that goes by that he does not think about transparency and providing the Board with the information the Board needs to discharge its fiduciary responsibilities.

Board Member Randolph Glucksman stated that he does not have a vote but two (2) projects very important to Long Island are in the Amendment, and he hopes that the next capital plan will address more needs for Metro-North.

Board Member Norman Brown stated that he admired the British parliamentary system and that perhaps we should have a “shadow capital budget.” He added that he did not feel that the current budget was necessarily the best the Board could do given our limited resources, and that it keeps us going along, a little bit better than before, but it is not transformational. He suggested that the Board think about what we would do if we had twice the money, or 50% more money, to nail down our priorities over a horizon that extends beyond five (5) years. He added that ESA is doing damage to the Brooklyn commute, and to the potential future reverse commute from Brooklyn, and that LIRR needs to be going to Brooklyn. If you are looking for transparency at LIRR, you should be talking to Brooklyn commuters and convincing them that the plans for the Brooklyn commute are in their interest.

Board Member Brown stated that the Third Track Project should be looked at for its own value: it makes ESA achievable, and also provides other valuable benefits for Long Island. Third Track is absolutely necessary in its own right, without regard to ESA.

Board Member Ira Greenberg stated that he echoes Board Member Brown’s concerns about ESA’s impact on Brooklyn. ESA goes way back into the 1970’s, when the East River Tunnel was built. It is necessary to bring LIRR up to the proper level of service, and helps make Penn Station a more civil place with access for Metro-North. ESA is important to the region.

Board Member Greenberg stated that he was disappointed the proposed Sunnyside Station was deleted, and hopes it will be restored in the next Capital Program. He agrees with Chairman Lhota that we should go to Amtrak and seek a financial contribution if they caused some of the increased costs of ESA. He added that time and time again, we run up against unforeseen conditions that we didn't know about. We need to take a look at this, and we may need larger contingencies.

Board Member Greenberg stated that we need to move ahead and he would vote yes for the proposed Capital Program Amendment.

Board Member James Vitiello stated that the Board members voting no are not against ESA or Third Track. Their vote is against the agency taking on projects no matter the cost, and not keeping projects within budget. He added that there is more money being allocated to Second Track and this was never explained to the Board.

Board Member Andrew Saul stated that one of the most important things we are doing is what Janno Lieber and Scott Rechler are working on. Everyone knows we do not get value for our dollar on these capital projects. If we can find a way to drop some of our requirements and expand our bidding pool, that would be ideal. It is critical that we implement the recommendations made by Janno Lieber and Scott Rechler and that we find a way to attract new bidders.

Chairman Lhota stated that he agreed with Board Member Saul.

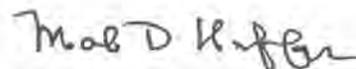
Upon motion duly made and seconded, with Board Members Jones, Trottenberg and Vitiello voting in the negative, the Board approved the proposed Capital Program Amendment, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summary filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

9. Adjournment

Chairman Lhota noted that the next full Board meeting would be held on May 23, 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 12:40 P.M.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**April 25, 2018**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
April 25, 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. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Donald Spero, Deputy Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, New York City Transit Authority, Phillip Eng, 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 thirty-four (34) public speakers. Mary Kaessinger, People’s MTA, stated that when an individual drives across a bridge or through a tunnel without paying he or she is summonsed for a much lower amount than the \$150 summons that is issued to those who evade the subway fare.

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 asking for a moment of silence for Stephen Livecchi, a 37-year New York City Transit employee, who was killed in the line of duty in March at the College Point Bus Depot in Queens. Chairman Lhota also recognized Kevin Bartsch, Subway Conductor, and Christian Winn, MTA Emergency Medical Technician, for saving the life of a subway rider after performing CPR. He also recognized Brian Geary, Metro-North Signal Maintainer, who rescued an unconscious motorist from a burning vehicle. Chairman Lhota welcomed Phillip Eng as President of Long Island Railroad and thanked outgoing President Patrick Nowakowski for his service.

The details of Chairman Lhota’s remarks and the presentations 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 March 21, 2018**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on March 21, 2018 were approved.

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

**Procurements**

Commissioner Moerdler stated that there are two (2) procurements totaling \$31.5 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Moerdler stated that there are two (2) competitive procurements totaling \$31.5 million.

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

Kiewit Infrastructure Co.	Contract No. RK-07	\$29,440,000.00
	TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to award a competitively solicited public work contract for Design-Build	

Services for electrical and mechanical rehabilitations to the Harlem River Lift Span at the Robert F. Kennedy Bridge to Kiewit Infrastructure Co. The work is necessary to maintain the existing lift span electrical and mechanical systems in a state of good repair.

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

LiRo Engineers, Inc.	Contract No. PSC-15-2965	\$2,031,154.00
	TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to amend personal service contract PSC-15-2965 in order to provide ongoing construction inspection and administration services for the electrical and mechanical rehabilitation, friction mitigation, miscellaneous steel repairs, painting and fire standpipe installation at the Marine Parkway-Gil Hodges Memorial Bridge.	

**Ratifications**

Commissioner Moerdler stated that there are no ratification.

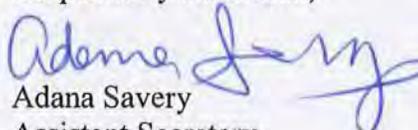
**5. Capital Program Amendment Presentation**

MTA Deputy Chief Financial Officer Donald Spero presented and discussed the MTA 2015-2019 Capital Program Amendment. At the conclusion of the presentation, the Board approved the adoption of the Capital Plan Amendment, eleven votes cast in favor of the Amendment and two votes cast in opposition. (Commissioners Jones and Trottenberg voted in opposition.) Pursuant to MTA By-Law Section 10(b) of Article II, the single collective vote of the Hudson Valley Members was recognized as a vote in favor of the item, with Board Members Susan Metzger and Neal Zuckerman voting in favor and Board Member James Vitiello voting in opposition.

**6. Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 12:40 p.m.

Respectfully submitted,

  
Adana Savery  
Assistant Secretary

**Regular Board Meeting  
MTA Capital Construction Company  
2 Broadway  
New York, NY 10004  
Wednesday, April 25, 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. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke

Patrick Foye, President, MTA, Veronique Hakim, Managing Director, MTA, Helene Fromm, Chief of Staff, MTA, Janno Lieber, Chief Development Officer, MTA, Robert Foran, Chief Financial Officer, MTA, Donald Spero, Deputy Chief Financial Officer, MTA, Thomas J. Quigley, General Counsel, MTA, Andrew Byford, President, NYCT, Phillip Eng, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President, TBTA, Darryl Irick, President, MTA Bus Operations, Evan Eisland, Sr. Vice President, General Counsel and Secretary, MTACC, David Cannon, Chief Procurement Officer and Assistant Secretary and, Stephen Morello, Counselor to the Chairman, also attended the meeting.

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

Unless otherwise indicated, these minutes reflect items concerning the business of the MTA Capital Construction Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

Chairman Lhota called the meeting to order.

### **Public Comment Periods**

There were thirty-four (34) public speakers, none of whom spoke on MTA Capital Construction Company matters. 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 March 21, 2018.

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

#### Procurement Items

Board Member Andrew Saul stated that he had no problem with the modifications to the GCT Concourse Facilities and Fit Out Contract being brought before the Board today. He further stated that the contract in question was the result of a Request for Proposals with ten bidders but that the three finalists proposed using the same electrical subcontractor making approximately one-third of the contract value not awarded competitively. Board Member Saul stated that he wants something like this to be explicitly stated in the Staff Summary going forward. Chairman Lhota requested that Board Member Charles Moerdler address this issue in the procurement working group that he Chairs.

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

1. A Modification to the GCT Concourse and Facilities Fit Out Contract (CM014B) for the East Side Access Project to resolve 31 differing site condition and related issues in the amount of \$933,000.
2. A Modification to the GCT Concourse and Facilities Fit Out Contract (CM014B) for the East Side Access Project to resolve 18 differing site condition and related issues in the amount of \$922,000.

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

### **Other MTA Business**

#### MTA Capital Program Plan Amendment

Donald Spero, MTA's Deputy Chief Financial Officer provided a presentation on the Capital Program Plan Amendment. A discussion among Board members ensued.

Mr. Spero's and the Board member's remarks are more fully noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

#### Action Item

Upon motion duly made and seconded, with Board Members Jones and Trottenberg voting in the negative, the Board approved the following action item:

An amendment to the MTA 2015-2019 Capital Program to increase it to \$33.270B and to authorize the MTA to submit the \$30.334B Capital Program Review Board (CPRBP) portion of it to the CPRB for its review and approval in accordance with Public Authorities Law § 1269-b.

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.

**Adjournment**

Chairman Lhota noted that the next full Board meeting would be held on May 23, 2018. Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 12:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "David K Cannon".

David K. Cannon  
Assistant Secretary

# Staff Summary

<b>Subject</b> Atlantic Ticket Field Study
<b>Department</b> Chief Financial Officer
<b>Department Head Name</b> Bob Foran <i>Bob Foran</i>
<b>Department Head Signature</b> <i>[Signature]</i>
<b>Division Head Name</b> Fredericka Cuenca

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

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	5/21/18	x		
2	Board	5/23/18	x		

Internal Approvals			
Order	Approval	Order	Approval
1	CFO <i>[Signature]</i>		
2	Legal <i>[Signature]</i>		
3	Chief of Staff <i>[Signature]</i>		
4	Managing Director <i>[Signature]</i>		

**Narrative**

**I. PURPOSE:**

To obtain Board approval to conduct the Atlantic Ticket Field Study. During the study the MTA will lower the cost of travel on LIRR to Atlantic Terminal from select New York City stations. The Field Study is designed to study the impacts of these lower railroad fares on customer travel choices, utilization of available capacity and impacts on operations. Due to the lowered railroad fares, and potential time savings and convenience, some NYCT customers may switch modes from subway and bus to LIRR. Additionally, due to the introduction of a price differential between Penn Station and Atlantic Terminal, some existing LIRR customers may switch destinations. The field study will provide insight into travel dynamics and inform future planning and operations.

**II. DISCUSSION:**

The Field Study will consist of two tickets options, a one-way ticket and a weekly ticket. The fare for a one-way Atlantic Ticket will be \$5.00, compared to the current LIRR peak one-way fare of \$10.25, and valid for one one-way, direct-travel trip. A round-trip ticket consisting of two one-way tickets will also be offered. The fare for a weekly Atlantic Ticket will be \$60.00, compared to the current LIRR weekly and NYCT 7-Day pass combined fare of \$104.25. The weekly ticket will have a LIRR weekly ticket on one side, and an NYCT seven day pass on the other side. It will be valid on the LIRR for a seven-day period starting on a Saturday and valid on buses and subways for a seven day period starting on the day of the first bus or subway swipe. One-way and weekly Atlantic Tickets will be valid for travel between a select number of Zone 3 and Zone 1 stations, or from these select stations to Atlantic Terminal. These stations are: Queens Village, Hollis, St. Albans, Rosedale, Laurelton, Locust Manor, Jamaica, East New York, and Nostrand Avenue. The Atlantic Ticket will not be valid for trips to and from Far Rockaway Station, because these trips include travel through Nassau County and many station stops that are not in the study. All existing fares and tickets will continue to be offered.

Given the Atlantic Ticket's deep discounts and use on short distance trips, terms and conditions related to the duration of validity and combining tickets will be similar to the CityTicket. Atlantic Tickets may not be combined with any other LIRR ticket for travel between NYC stations and points outside NYC. For example, an Atlantic Ticket used for travel between Atlantic Terminal and Rosedale cannot be combined with an intermediate ticket from Rosedale to Long Beach. Additionally, Atlantic Tickets can only be used for direct travel, and therefore cannot be used for off-peak LIRR Via fares, as defined by the tariff. One-way and round-trip Atlantic Tickets will be valid only on the date of purchase.

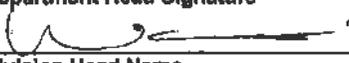
One-way, round-trip and weekly Atlantic Tickets may be purchased from ticket windows and ticket vending machines (where available) at the applicable New York City stations. No on-board sales will be offered nor is Atlantic Ticket available through eTix. Customers boarding without pre-purchasing an Atlantic Ticket will be charged the regular on-board fare. If machines are out of order and a ticket office is not available for sales, customers will pay the regular on-board fare and then may apply for a refund. No refund service fee will be applied in this circumstance.

The duration of the Field Study will be 6-12 months, and could begin as early as June 2018. The Field Study will assess usage as well as impacts on customer service and operations. Program evaluation will include analysis of ticket sales and train counts. Market research will also be conducted by surveying Atlantic Ticket and suburban customers. Riders will be surveyed to determine usage patterns, prior mode of travel for these trips, typical fare media purchased, and attitudes regarding the service. Information gathered on the Atlantic Ticket will be used to evaluate the market for LIRR services in NYC and the degree to which pricing may incentivize LIRR customers to switch from Penn to Atlantic Terminal.

**III. IMPACT ON FUNDING:**

There will be an expense of up to \$250,000 for implementation, advertising and market research costs. There will be a change in revenue, depending on the extent to which lower revenue from existing LIRR riders is offset by increased revenue from NYCT riders switching to the more expensive ticket. In addition, the changes to ridership and resulting revenue is expected to vary throughout the course of the Field Study as customers adjust to ticket options and new travel patterns. While the primary purpose of the study is to evaluate customer travel choices, utilization of available capacity, impacts on operations, and changes in customer behavior and operations, the study analysis will also evaluate revenue changes.

# Staff Summary

<b>Subject</b> Request for Authorization to Award Various Procurements
<b>Department</b> MTA Business Service Center
<b>Department Head Name</b> Wael Hibri
<b>Department Head Signature</b> 
<b>Division Head Name</b> David N. Ross

<b>Date</b> May 10, 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	5/21/2018	X		
2	Board	5/23/2018	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:

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts	1	\$ 934,000
Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	1	\$ 7,319,647
<b>SUBTOTAL</b>	<b>2</b>	<b>\$ 8,253,647</b>

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts	15	\$ 5,350,000
Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	1	\$ 3,865,000
<b>SUBTOTAL</b>	<b>16</b>	<b>\$9,215,000</b>

MTAHQ presents the following procurement actions for Ratification:

Schedules Requiring Majority Vote

Schedule K: Ratification of Completed Procurement Actions	8	\$ 3,114,868.82
<b>TOTAL</b>	<b>26</b>	<b>\$20,583,515.82</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, MAY 2018**  
**NON-COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**E. Miscellaneous Procurement Contracts**

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

1. **Infinite Peripherals, Inc.** **\$ 934,300** **Staff Summary Attached**  
**Repair of On-Board Ticket Issuing Machine** (not-to-exceed)  
**Sleds for LIRR and MNR**  
**Contract No. 90000000002617**  
Non-competitive – 42 months  
Board approval is sought for a non-competitive contact award for as-needed repair of point-of-sale Linea-Pro sleds used for on-board ticket issuing machines (OBTMs). Linea-Pro sleds are used by MNR and LIRR conductors to accept credit cards and validate e-tickets aboard the train. These sleds have built-in scanner and credit card magnetic stripe readers that are compatible with the iPhones used by conductors. This service agreement provides as needed repair for 2,500 sleds for both MNR and LIRR.

**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.)

2. **TEOCO Corporation** **\$ 7,319,647** **Staff Summary Attached**  
**Maintenance and Support Services of the SONET** (not-to-exceed)  
**/ ATM Network Management System**  
**Contract No. 06%3309 Mod. #5**  
Base plus previous change orders = \$10,716,675  
Board approval is sought to extend the above referenced contract for three years for maintenance and support services for the SONET/ATM (Synchronous Optical Networking/Asynchronous Transfer Mode) Network Management System (NMS). TEOCO's price includes \$5,371,647 for five years of maintenance that includes software and hardware support, software remediation and software patches and maintenance software releases. An additional \$1,948,000 would provide for a software upgrade and additional services such as complex reporting and an on-site subject matter expert throughout the three year extension period. TEOCO's maintenance and support pricing will remain the same as the original agreement and is fixed for the three year extension term and the two one-year options. Procurement finds this price to be fair and reasonable.

# Staff Summary

## Schedule E: Miscellaneous Procurement Contracts

Item Number:

<b>Vendor Name (&amp; Location):</b> Infinite Peripherals, Inc.
<b>Description:</b> Repair of On-Board Ticket Issuing Machine Sleds for LIRR and MNR
<b>Contract Term (including Options, if any):</b> July 1, 2018 through December 31, 2021
<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> 90000000002617	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount: Not-to-exceed \$934,300</b>	
<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> MTA IT & Sidney Gellineau	
<b>Contract Manager:</b> Angel Atanasov	

### DISCUSSION:

Board approval is sought for a non-competitive contact award for as-needed repair of point-of-sale Linea-Pro sleds used for on-board ticket issuing machines (OBTMs). This agreement will provide for repair and return services from July 1, 2018 through December 31, 2021.

Linea-Pro sleds are used by MNR and LIRR conductors to accept credit cards and validate e-tickets aboard the train. These sleds have built-in scanner and credit card magnetic stripe readers that are compatible with the iPhones used by conductors.

The sleds that will be repaired through this agreement were first purchased in 2014 for MNR and in 2016 for LIRR. Maintenance and repair agreements for both Railroads co-terminate in June 2018. It is now anticipated that all such devices will have been replaced by the end of 2021 due to changes in the technology used for payments, but a three-year repair program is needed for existing sleds during the interim. These Linea-Pro sleds are proprietary to Infinite Peripherals, Inc. (Infinite) and they are the only firm who can perform the necessary repair work. MTA IT is not authorized to perform any repair work on the sleds. In addition, in-house staff does not possess the skills, knowledge and ability to repair defective sleds.

Infinite's standard repair rate is \$199 for each sled. Negotiations resulted in \$139.00 per repair which reflects a 30% savings. In addition, the repair price is \$10 less than the price established on prior agreements and the vendor has confirmed that no other clients receive lower pricing. This service agreement provides as needed repair for 2,500 sleds for both MNR and LIRR. Based on the foregoing, all pricing has been deemed fair and reasonable. Replacement sleds would cost about seven times the cost of these repairs, so it is cost beneficial to repair rather than to replace these devices.

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

The MTA Department of Diversity & Civil Rights (DDCR) has assigned 0% MWBE/SDVOB participation goals.

# Staff Summary

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

Item Number:

<b>Vendor Name (&amp; Location):</b> TEOCO Corporation (TEOCO)	<b>Contract Number:</b> 06%3309	<b>AWO/Modification #</b> 5
<b>Description:</b> Maintenance and Support Services of the SONET / ATM Network Management System	<b>Original Amount:</b>	\$ 8,975,000
<b>Contract Term (including Options, if any):</b> May 21, 2018- May 20, 2021	<b>Prior Modifications:</b>	\$ 1,741,675
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$
<b>Procurement Type:</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$10,716,675
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request:</b>	\$7,319,647 (Est.)
<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>	68.3%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Electronics Maintenance Division / Lenny Ciaccio	<b>% of Modifications (including This Request) to Original Amount:</b>	78.4%

**PURPOSE:**

Board approval is sought to extend a contract with TEOCO Corporation (TEOCO) for maintenance and support services for the SONET/ATM (Synchronous Optical Networking/Asynchronous Transfer Mode) Network Management System (NMS) for three years. The contract would otherwise expire on May 20, 2018.

**DISCUSSION:**

In August 2000, a joint venture involving Siemens Transportation Systems, Inc. and Transit Technologies (JV) was awarded a contract for Phase 1 of the SONET/ATM Communications Network System (SACNS). Said contract required the JV to design, furnish and install a SONET network that would transmit all ATM switch traffic from Subway "A" sub-division passenger stations. Phase 2 was also awarded to the same JV, providing for ATM switch and ancillary equipment required to complete the SACNS network for "B" subdivision passenger stations.

SACNS now transports NYC Transit internal applications such as Emergency Booth Communications System (EBCS), Public Address Customer Information Screens (PA/CIS), Supervisory Control and Data Acquisition system (SCADA) and the Local and Wide Area Networks. The NMS used for this system was originally provided by TTI Telecom as a subcontractor to the JV, but that software was later acquired by TEOCO. TEOCO now owns the rights to the custom code.

While the work of the JV has been completed, the aforementioned systems and applications still rely on TEOCO's software interfaces to monitor network elements provided in each of the SACNS contracts. This software is the key network surveillance and management tool for the entire network, providing the initial identification and notification of network problems to the Rail Control Center (RCC) in real time.

In July 2012, the Board approved the award of a non-competitive miscellaneous service contract to TEOCO for five years to provide maintenance support (\$1,420,000 annually) plus enhancements for the SONET/ATM NMS. The total contract amount with enhancements was estimated to be \$8,975,000. Actual spending has been consistent with the estimate.

The \$7,319,647 cost for this extension is comprised of \$5,371,647 for three years of maintenance that includes software and hardware support, software remediation and software patches and maintenance software releases plus \$1,948,000 for a software upgrades and additional services such as complex reporting and an on-site subject matter expert (due to the complexity of the system). Annual prices under this extension will be \$1,790,549. The incremental increase in the annual rate is attributable to the acquisition of additional software licenses and hardware support. Moreover, the previous support package offered support only during weekday business hours. Due to the increasing scope and complexity of the system, 24x7 support was deemed necessary under the extension. The labor rates included in the pricing for maintenance and support are in line with the originally negotiated rates. Based on the foregoing, prices are considered fair and reasonable.

Electronic Maintenance Division (EMD) is currently exploring alternatives that might encompass all three transmission systems (ATM, SONET and Connection Over Ethernet) in a smaller and less complex NMS. EMD is evaluating these alternatives based on cost effectiveness for NYC Transit and the evolving technology of the data network itself. The requirement for an additional 3 years is to give EMD time to develop a scope of work to solicit a software engineering firm to develop technical specification and then competitively solicit various manufacturers and developers to implement the new system. Once the solution is in place, the new system will likely need to run concurrently with the existing system for about a year to ensure reliability.

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, MAY 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

3. **A&D project at a NYCT Subway Station on the Lenox Ave Line** – A&D will provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated – 136 proposals - 16 months.

Derek Fordjour- 145<sup>th</sup> St Station NYCT (Contract 9% 2666 - \$350,000)

**4-17. Various**

**\$ 5,000,000**

**Staff Summary Attached**

**Real Estate Appraisal Services**

(not-to-exceed)

- |                                       |  |
|---------------------------------------|--|
| 1. Avison Young – New York, LLC       | 8. Patjo Appraisal Services Inc. (MBE) |
| 2. Cornerstone Group (fixtures) (MBE) | 9. Sterling Appraisals, Inc.           |
| 3. Cushman & Wakefield, Inc.          | 10. Charles Land (fixtures)            |
| 4. Jerome Haims Realty, Inc.          | 11. Newmark Knight Frank               |
| 5. Michael Haberman Associates, Inc.  | 12. Goodman-Marks Associates, Inc.     |
| 6. The Weitzman Group Inc. (WBE)      | 13. Beckman Appraisals, Inc.           |
| 7. Aaron Valuation Inc. (MBE)         | 14. R.P. Hubbell and Company, Inc.     |

Competitively negotiated 16 proposals 60 months

Board approval is sought to award fourteen competitively negotiated, personal services contracts for real estate and fixture appraisal services and court testimony on an as-needed basis for a period of five years. Appraisals are performed by outside firms for properties the MTA or an MTA agency seeks to acquire. Such appraisals are required in order to provide the Real Estate Department with the basis for offers to purchase/lease property, as well as for condemnation proceedings should circumstances warrant. The hourly rates negotiated are in the same range established under the current contract for these services awarded 5 years ago and are deemed fair and reasonable

**LIST OF PROCUREMENTS FOR BOARD APPROVAL**  
**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.)

18. **CorVel** **\$ 3,865,000** **Staff Summary Attached**  
**All-Agency Medical Bill Review Services** (not-to-exceed)  
**Contract No. TBD**

Base plus previous change orders = \$ 14,901,567.38

Board approval is sought to modify a previously Board-approved, all agency, competitively negotiated, personal services contract with CorVel Healthcare Corporation (Corvel) to extend the contract an additional twelve months, effective January 1, 2018. In November 2017, the Board approved a competitively negotiated replacement contract with Corvel to continue its medical bill review and payment services. That procurement is on hold pending resolution of matters relating to a solicitation for a Workers Compensation PPO Network. This modification will permit Corvel to continue to provide medical bill review and payment services to support the MTA and its agencies' compliance with New York State Workers Compensation and No Fault laws, while the MTA solicits and implements a Workers Compensation PPO Network and coordinates the network provider scope with the scope of Corvel's replacement contract for bill review services to ensure statutory scope requirements are met.

# Staff Summary

## Schedule F: Personal Service Contracts

<b>Item Number:</b> <b>Dept &amp; Dept Head Name:</b> Finance/R. Foren						<b>SUMMARY INFORMATION</b>																							
<b>Division &amp; Division Head Name:</b> Real Estate/D. Florio						<b>Vendor Name:</b> Multiple – see below			<b>Contract Number:</b> Various																				
<b>Board Reviews</b>						<b>Description:</b> Real Estate Appraisal Services																							
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Order</th> <th>To</th> <th>Date</th> <th>Approval</th> <th>Info</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Finance</td> <td>5/21/18</td> <td>X</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>Board</td> <td>5/23/18</td> <td>X</td> <td></td> <td></td> </tr> </tbody> </table>						Order	To	Date	Approval	Info	Other	1	Finance	5/21/18	X			2	Board	5/23/18	X			<b>Total Amount:</b> \$5,000,000.00					
Order	To	Date	Approval	Info	Other																								
1	Finance	5/21/18	X																										
2	Board	5/23/18	X																										
<b>Internal Approvals</b>						<b>Contract Term (Including Options, If any):</b> June 1, 2018 to May 31, 2023																							
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Order</th> <th>Approval</th> <th>Order</th> <th>Approval</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Procurement</td> <td>4</td> <td>Legal</td> </tr> <tr> <td>2</td> <td>Real Estate</td> <td>5</td> <td>CFO</td> </tr> <tr> <td>3</td> <td>DDCR</td> <td></td> <td></td> </tr> </tbody> </table>						Order	Approval	Order	Approval	1	Procurement	4	Legal	2	Real Estate	5	CFO	3	DDCR			<b>Option(s) Included In Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
Order	Approval	Order	Approval																										
1	Procurement	4	Legal																										
2	Real Estate	5	CFO																										
3	DDCR																												
						<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																							
						<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive																							
						<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Sole Source																							
						<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:																							

### I. PURPOSE/RECOMMENDATION

Board approval is sought to award fourteen competitively negotiated, personal services contracts for real estate and fixture appraisal services and court testimony on an as-needed basis for five years to the below listed firms in the combined total not-to-exceed amount of \$5,000,000.

	NYC All Boroughs	Westchester, Putnam, Dutchess, Rockland and Orange Counties	Nassau and Suffolk Counties
Avison Young – New York, LLC	X	X	X
Patjo Appraisal Services Inc. (MBE)			X
Cornerstone Group (MBE)	X	X	X
Sterling Appraisals, Inc.		X	
Cushman & Wakefield, Inc.	X	X	X
Charles Land	X	X	X
Jerome Haims Realty, Inc.	X	X	X
Newmark Knight Frank	X	X	X
Michael Haberman Associates, Inc.			X
Goodman-Marks Associates, Inc.	X	X	X
The Weitzman Group Inc. (WBE)	X		
Beckman Appraisals, Inc.		X	
Aaron Valuation Inc. (MBE)	X		X
R.P. Hubbell and Company, Inc.		X	

### II. DISCUSSION

The Real Estate Department provides leasing and acquisition services for all MTA agencies and property appraisals are critical for performing those services. Appraisals are performed by outside firms for properties the MTA and MTA agencies seeks to acquire. Such appraisals are required in order to provide the Real Estate Department with the basis for offers to purchase/lease property, as well as for condemnation proceedings should circumstances warrant.

Current all-agency real estate appraisal service retainer contracts will expire on May 31, 2018, so a competitive Request for Proposals (RFP) was issued. The RFP was publicly advertised and letters advising potential proposers of the RFP's availability were sent to thirty firms including nine M/WBE Firms. Sixteen proposals were received and evaluated based on relevant experience in appraising similar type properties, assigned personnel and costs. The selection committee, which included representatives from MTA Real Estate with experience in appraisals and attorneys from MTA Legal with experience in condemnation proceedings, evaluated proposals and determined that a total of 14 firms were qualified to provide services in the regions indicated on the table above. MTA has conducted a responsibility review on these firms and has deemed them to be responsible for award.

Pricing for sample appraisals were used to evaluate vendor pricing for qualification purposes but, under this Agreement, firms will compete for each appraisal within their geographic region with the low bidder receiving awards in each case on a fixed lump sum bid. In less common cases, where court preparation and/or trial testimony is required, vendors will be paid additional fees using pre-established negotiated hourly rates. These hourly rates range from \$100 for Staff Appraisers to \$425 for Principals and are within the same range of prices established under the expiring contracts for these services. Based on the foregoing, prices are considered fair and reasonable.

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

The MTA Department of Diversity and Civil Rights (DDCR) did not assign MWBE goals to this contract. Real Estate Appraisal is effectively a single trade. However, there are M/WBE firms in the marketplace able to potentially provide Real Estate Appraisal services. Four of the prime contractors being retained are M/WBE Firms namely: The Weitzman Group Inc.(WBE), the Cornerstone Group (MBE), Aaron Valuation Inc. (WBE), and Patjo Appraisal Services Inc. (MBE).

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

The appraisals to be performed under these contracts are estimated not to exceed \$5,000,000 over the five-year period and will be funded almost exclusively by the respective MTA Agency's Capital Program. Appraisals being conducted for MTA Headquarters will be funded by the Real Estate Department's Operating budget.

### **V. ALTERNATIVES**

Do not Approve Award of the Contract. This is not a feasible alternative. Real property transactions, including condemnation, require an independent appraisal report and/or appraisal review.

Perform the Services In-House. This is not a feasible alternative. The MTA does not have the resources or the trained personnel to adequately perform the required work.

# Staff Summary

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

Item Number:

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> CorVel Healthcare Corporation	<b>Contract Number:</b> 08341-0100	<b>AWO/Modification #</b> 8
<b>Description:</b> All-Agency Medical Bill Review and Payment Services	<b>Original Amount: (including optional years)</b>	\$ 6,419,982
<b>Contract Term (including Options, if any):</b> August 1, 2009 – December 31, 2018	<b>Prior Modifications:</b>	\$ 8,481,585
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$ 0
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$ 14,901,567
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$3,865,000
<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>	25.9%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Finance /Robert Foran & RIM / Phyllis Rachmuth	<b>% of Modifications (including This Request) to Original Amount:</b>	192%

**DISCUSSION:**

Board approval is sought to retroactively extend an all agency, competitively negotiated, personal services contract with CorVel Healthcare Corporation (Corvel) for an additional twelve months ending December 31, 2018. The increase in the contract value is an amount not-to-exceed \$3,865,000.

MTA and its agencies pay medical expenses for employees injured on duty and no fault medical expenses for customers and third parties injured in motor vehicle accidents involving MTA vehicles. A competitively negotiated contract to review the billing and pay these medical expenses was awarded in to Corvel in 2009 at a total cost not to exceed \$6,419,982. Healthcare provider fees are monitored and negotiated by CorVel to ensure that the MTA pays at or below the statutory rates. Seven modifications totaling \$8,481,585.38 were awarded to extend the contract duration, implement pharmacy management solutions and provide diagnostic medical imaging, durable medical equipment, home healthcare and medical transportation services for claimants.

In November 2017, the Board approved a competitively negotiated replacement contract with Corvel that would continue its medical bill review and payment services but that procurement is on hold pending the resolution of matters relating to a solicitation for a Workers Compensation PPO Network. More specifically, and following conclusion of collective bargaining, the MTA and various unions agreed to implement a mandatory Workers Compensation PPO Network with the goal of achieving (i) improved services for the diagnosis, treatment, and rehabilitation for employees who file claims for injuries on duty; and (ii) associated savings and efficiencies resulting from provision of such services through the network. Once awarded, represented employees will utilize in-network doctors for the initial diagnosis and treatment for work-related injuries or illnesses, and for diagnoses, treatment and rehabilitation services in the thirty (30) day period following such initial diagnosis and treatment.

This contract extension will permit Corvel to continue to provide medical bill review and payment services to support the MTA and its agencies' compliance with New York State Workers Compensation and No Fault laws, while the MTA procures and implements a Workers Compensation PPO Network and coordinates the network provider scope with the scope of Corvel's replacement contract for bill review services.

MTA Risk and Insurance Management (RIM) estimated this modification to be valued at \$4,000,000 based on Corvel's unit pricing of \$3.25 per bill for review and evaluation of medical claims and all ancillary services. Corvel projects its work under this extension to be valued at \$3,865,000. Scope discussions verified that Corvel's pricing reflects the average caseload for 2017 and includes new services (i.e., nurse triage and return-to-work coordination). Corvel's pricing utilizes rates resulting from negotiations for the replacement contract previously approved by the Board and are Corvel's most favorable customer pricing. Thus, pricing is deemed 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>	\$3,114,868.82
<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> Senior Director, Wael Hibri	
<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 8 actions is \$3,114,868.82. All 8 actions are for NYC Transit; all 8 actions were found to be fair and reasonable.

1.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	04/12/2018	Vortok International (Conyers, GA)	Magnetic Safety Barrier System	6%20592	\$161,500	Informal Competition

**Discussion:**

This contract for the purchase of 2,000 ft. of a Magnetic Safety Barrier System (“system”) that will consist of magnetic clips, vertical upright supports and horizontal reflective, non-conductive fiberglass poles was conducted utilizing E.O. 168.

Due to the increased volume of track work necessitated by the Subway Action Plan, innovative ways to improve both worker safety and system efficiency were explored. Use of a barrier system, which was under consideration by the Safety Technology Workforce, received favorable reviews following field demonstrations.

# Staff Summary

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

This system will be installed on various track construction projects in the subway environment and is designed to prevent personnel from inadvertently entering onto a live adjacent track, yet allow immediate egress if a worker needs to clear the work site quickly. The system is designed to easily disengage by pushing or pulling the horizontal poles away from the magnetic clips.

Multiple vendors were solicited and two vendors, Vortok International (“Vortok”) and Fastcom Supply Corp. responded to the solicitation. The system is based on an approach currently in use in Europe. The lowest bid, submitted by Vortok in the amount of \$161,500, was 16.8% less than that of the second low bidder which was \$194,000. Vortok was awarded the contract based on best price. Based on competition, Procurement determined that the price submitted by Vortok was fair and reasonable.

2.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	04/06/2018	Modern Track Machinery (Beaufort, SC)	Maintenance, Repair and Calibration of Digital Track Gauges	6%20546	\$323,405	Informal Competition

### Discussion:

Modern Track Machinery (“Modern”) was awarded this Estimated Quantity (“EQ”) contract for the repair, calibration and diagnostic service of Fiberglass Digital Track Gauges (“track gauges”) manufactured by Geismar, through April 5, 2021. These gauges were first purchased in 2016, as an upgrade to previously used non-digital gauges. The gauges consist of a telescoping fiberglass tube with a digital measuring device. They are used to measure the track gauge (the distance between the running rails) during monthly track inspections, installation of new rail, and rail maintenance. Modern shall provide all labor, materials and equipment necessary to repair and calibrate the track gauges. This solicitation was conducted under E.O. 168 and falls under the Subway Action Plan for accelerating track repair.

Multiple vendors were solicited, including the vendors that had previously submitted quotes for the original purchase of the track gauges. Modern, a subsidiary of Geismar, the manufacturer of the track gauge, was the only company to submit a bid.

Procurement was able to obtain a reduction in the pricing of replacement parts, and a confirmation from Modern that NYC Transit is receiving its most favored customer pricing. Upon request from NYC Transit, Modern provided invoices from customers confirming the rate charged per calibration is the rate charged to its other customers. Modern’s pricing for this contract was determined to be fair and reasonable.

3.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	04/16/2018	Holland, LP (Crete, IL)	Lease of Flash Butt Welding Equipment with Operations Training	6%20484	\$467,800	Informal Competition

### Discussion:

Holland, LP (“Holland”) was awarded this Estimated Quantity (EQ) contract on April 16, 2018 for the Lease of Flash Butt Welding Equipment (“Equipment”) with training for in-house forces through April 15, 2019. This solicitation was conducted under E.O. 168 and falls under the Subway Action Plan for tripling the rate of Continuous Welded Rail (“CWR”) installation. The benefits of CWR include the elimination of joints, thereby reducing track defects and improving reliability for the subway ridership.

# Staff Summary

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

CWR was traditionally produced at NYC Transit’s primary welding plant at Linden Yard in Brooklyn. In order to supplement the need for CWR to support the ongoing capital program, a mobile welding unit was leased from Delta Railroad Construction, Inc. for use at Linden Yard. However, further welding capacity became necessary as NYC Transit’s primary welding equipment at the Linden plant ceased functioning and was deemed beyond repair. The need for an additional welding unit became urgent in light of the demands for CWR needed for the Subway Action Plan. Therefore, it became necessary to immediately engage another contractor for the provision of an additional mobile welding unit.

Multiple vendors were solicited and two quotes were received. The lowest quote, submitted by Holland in the amount of \$467,800, is 27.7% lower than the second-lowest bidder, which was \$647,600. Based on competition, Procurement determined that the price submitted by Holland was fair and reasonable.

### 4 and 5.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	04/13/2018	Matrix Railway Corp* (West Babylon, NY)	LED Lights	6%20617	\$443,890.40	Informal Competition
			Controllers for LED Light	6%20618	\$247,799.82	
*Matrix Railway Corp. is a NYS Certified Minority Business Enterprise				Total	\$691,690.22	

### Discussion

These 15-Month Estimated Quantity Contracts are for the purchase of 5,080 48” Light Emitting Diode (“LED”) interior lights and 2,927 controllers to be installed on the R142 and 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 (“SMS”). LED benefits include improved visibility for passengers, greater energy efficiency and longer life. 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, significantly reducing associated replacement labor costs.

The LED controller regulates the current to the lights which is similar to the function of a fluorescent ballast.

In order to support DCE’s SMS production schedule for 2018, NYC Transit requires two different suppliers to ensure a timely and sufficient supply of LED lights and controllers. The solicitations contemplated 70% / 30% split awards to have dual sources of supply. Multiple vendors were solicited and two vendors, Matrix Railway (“Matrix”) and Transit Design Group (“TDG”) responded to each solicitation.

TDG was awarded 70% of DCE’s requirements and those awards were ratified by the March 2018 Board. This ratification represents the 30% awards to Matrix.

### Contract #1 - LED Lights

Matrix quoted a unit price of \$89.38. Procurement requested and received a price concession from Matrix to a unit price of \$87.38, a savings of \$10,160 or 2.2% on Matrix’s initial quoted price, for an award amount of \$443,890.40 for 5,080 LED lights. Matrix was awarded this contract based on production capacity and the price was determined to be fair and reasonable.

Matrix will commence delivery in May 2018 and these 5,080 LED lights will be released as needed to support DCE’s production schedule.

# Staff Summary

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

### Contract #2 - LED Controllers

Matrix quoted a unit price of \$87.66. Procurement requested and received a price concession from Matrix to a unit price of \$84.66, a savings of \$8,781 or 3.4% on Matrix's initial quoted price, for an award amount of \$247,799.82 for 2,927 LED controllers. Matrix was awarded this contract based on production capacity and the price was determined to be fair and reasonable.

Matrix will commence delivery in May 2018 and these 2,927 LED controllers will be released as needed to support DCE's production schedule.

6.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	04/18/2018	William G. Moore & Son* (Freehold, NJ)	Resilient Fastener Plate Assemblies, used on 100 lb. Rail	6%20656	\$860,150	Informal Competition
*William G. Moore and Son is a NYS Certified Women Owned Business Enterprise						

### Discussion:

This contract is for the purchase of 5,000 Resilient Fastener Plate assemblies used on 100 lb. rail. It was conducted utilizing E.O. 168 and falls under the Subway Action Plan for the repair of track, which includes accelerating the replacement of Resilient Fastener Plate Assemblies.

The Resilient Fastener Plate Assemblies that are the subject of this procurement are only used in areas of the system where the track bed is concrete. The rail is attached to the Resilient Fastener Plate Assembly which in turn gets directly affixed to the concrete track bed without the use of railroad ties. In all other applications, alternative rail fastener assemblies are used to secure rail to wood or concrete ties. The subject Resilient Fastener Plate Assemblies provide a more flexible foundation which results in less rail stress (particularly on curved track) thereby extending the life of the rail and significantly reducing noise and vibration levels. These Resilient Fastener Plate Assemblies consist of a steel plate, pad, springs and various fasteners.

Multiple vendors were solicited and two vendors, William G. Moore and Construction Polymers responded to the solicitation. The lowest bid, submitted by William G. Moore in the amount of \$860,150 was 1.4% less than that of the second low bidder which was \$872,500. William G. Moore, was awarded the contract based on best price. Procurement determined that the price submitted by William G. Moore was fair and reasonable based on competition.

7.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	04/19/2018	Edsal Machine Products, Inc. (Brooklyn, NY)	Stanchion, Double Loop, High Ceiling for R160 cars	6%20691	\$200,823.60	Informal Competition

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

### Discussion:

This 15-Month Estimated Quantity (“EQ”) Contract is for the purchase of 1,356 double loop high ceiling stanchions to be installed on 552 R160 subway cars<sup>1</sup>. These stanchions are installed in the middle of the subway car where the ceiling is higher. These stanchions are designed to be grasped by the hand to provide stability when passengers are standing while the train is in motion. These stanchions are made of stainless steel and are yellow powder coated. It should be noted that a mock-up of the R211 cars featuring the double loop stanchions received very positive feedback from the public during the R211 Subway Car Design Open House. This material has been identified under the Subway Action Plan to support the number of cars undergoing the Division of Car Equipment’s (“DCE”) Schedule Maintenance System (“SMS”).

In order to support DCE’s SMS production schedule for 2018, NYC Transit requires two different suppliers to ensure a timely and sufficient supply of stanchions. The solicitation was contemplated as a split award to have dual sources of supply. Multiple vendors were solicited and four quotes were received. At the time of solicitation, only Bentech was approved for NYC Transit’s use. The low bidder, Edsal Machine Products, Inc. (“Edsal”), quoted an alternate product not previously approved for NYC Transit’s use. Edsal submitted a sample for evaluation which was approved on April 17, 2018.

Bentech was awarded an EQ Contract for 1,000 stanchions and that award was ratified by the April 2018 Board.

Edsal quoted a unit price of \$148.10 for an award amount of \$200,823.60. Based on competition, Procurement determined that the price submitted by Edsal was fair and reasonable.

Edsal will commence delivery in June 2018 and these 1,356 stanchions will be delivered on a monthly basis through November 2018 to support DCE’s production schedule.

### 8.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	05/02/2018	Contemporary Machinery & Engineering Services Inc. (Flagler Beach, FL)	Furnish and Deliver One New Axle Washer	R34193-4	\$409,500	Informal Competition

### Discussion:

Contemporary Machinery & Engineering Services Inc. (“Contemporary Machinery”) was awarded this contract to furnish and deliver one (1) new axle washer at the NYC Transit Coney Island Overhaul Shop. This solicitation was conducted under E.O. 168 and falls under the Subway Action Plan relating to increasing the capacity of DCE’s overhaul shops to handle a greater number of subway cars.

The axle washer is a critical piece of equipment which is used to degrease and wash subway car axles with or without gearboxes attached. It uses a high pressure spray mixture of cleaning solvents and water to remove grease from the axles and gearboxes. An axle and gearbox are part of a subway car truck assembly and convey power from a traction motor to the wheels. This new axle washer will replace the existing equipment which has exceeded its useful service life and is subject to frequent breakdowns.

Multiple vendors were solicited and two quotes were received. Contemporary Machinery submitted a quote in the amount of \$409,500 which is significantly lower than the second quote. Based on competition, Procurement determined that the price submitted by Contemporary Machinery was fair and reasonable.

<sup>1</sup> The total 2018 SMS requirement for this stanchion is 2,356 to be installed on 962 R160 subway cars.

# Staff Summary

<b>Subject</b> <b>2017 – 2018 Station Maintenance Billing</b>	<b>Date</b> <b>May 3, 2018</b>
<b>Department</b> <b>Chief Financial Officer</b>	<b>Vendor Name</b>
<b>Department Head Name</b> <b>Robert E. Foran</b>	<b>Contract Number</b>
<b>Department Head Signature</b> 	<b>Contract Manager Name</b>
<b>Project Manager Name</b> <b>Patrick Kane</b>	<b>Table of Contents Ref #</b>

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance	5/21		x		2	Chief of Staff	1	Legal
2	Board	5/23		x					

**Narrative**

**Purpose:**  
To advise the Board of submission of the station maintenance billings to New York City and the counties for the period April 1, 2017 to March 31, 2018.

**Discussion:**  
The attached schedule provides the summary of the station maintenance use and operations billing to the counties and New York City for the period April 1, 2017 through March 31, 2018.

Current legislation provides that on or before June first of each year the MTA shall determine and certify to New York City and the counties the cost for station maintenance use and operations for the twelve month period ending the preceding March thirty-first for the stations within the municipality. The MTA bills New York City and the counties each fiscal year based on a statutorily established formula adjusted annually by the CPI-W for the New York, Northwestern New Jersey and Long Island Region. The net increase in the CPI factor for the twelve month period ending March 31, 2018 was 1.874% which results in a \$3,112,694 increase over the prior year's billed amount.

Metropolitan Transportation Authority Station Maintenance, Use and Operations March 31, 2018
--

COUNTY BILLED	AMOUNT BILLED 2016 - 2017	% CHANGE IN CPI	\$ INCREASE	AMOUNT BILLED 2017 - 2018
DUTCHESS	\$ 2,426,570	1.874%	\$ 45,465	\$ 2,472,035
NASSAU	29,452,383	1.874%	551,828	30,004,211
NEW YORK CITY	94,240,460	1.874%	1,765,717	96,006,177
ORANGE	501,990	1.874%	9,405	511,395
PUTNAM	948,947	1.874%	17,780	966,727
ROCKLAND	53,370	1.874%	1,000	54,370
SUFFOLK	18,153,237	1.874%	340,124	18,493,361
WESTCHESTER	20,354,833	1.874%	381,374	20,736,207
	<u>\$ 166,131,790</u>		<u>\$ 3,112,694</u>	<u>\$ 169,244,483</u>

### CPI-Urban Wage Earners and Clerical Workers (Current Ser Original Data Value

**Series Id:** CWURS12ASA0,CWUSS12ASA0  
**Not Seasonally Adjusted**  
**Series Title:** All items in New York-Newark-Jersey City, NY-NJ-  
**Area:** New York-Newark-Jersey City, NY-NJ-PA  
**Item:** All items  
**Base Period:** 1982-84=100  
**Years:** 2008 to 2018

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
<b>2008</b>	224.557	225.281	226.951	228.215	230.923	233.776	235.446	235.510	234.703	232.778	228.727	227.223	230.341	228.284	232.398
<b>2009</b>	227.503	228.653	229.064	229.639	230.307	231.916	232.177	232.841	233.502	233.084	233.893	233.448	231.336	229.514	233.158
<b>2010</b>	234.067	234.153	235.240	235.750	236.144	235.916	236.330	236.820	236.725	237.483	237.606	237.575	236.151	235.212	237.090
<b>2011</b>	238.396	239.750	241.667	242.697	244.316	244.601	245.265	246.025	246.877	246.297	245.546	244.586	243.835	241.905	245.766
<b>2012</b>	245.541	246.539	248.152	248.706	248.955	248.488	248.162	249.734	250.980	250.539	250.586	249.535	248.826	247.730	249.923
<b>2013</b>	250.849	252.317	252.739	252.024	252.259	252.862	253.277	253.633	254.434	252.917	253.013	253.088	252.784	252.175	253.394
<b>2014</b>	255.477	254.782	255.933	255.937	257.145	257.147	257.309	256.691	256.945	256.022	254.638	253.224	255.938	256.070	255.805
<b>2015</b>	253.159	254.044	254.358	254.699	255.946	256.383	256.054	256.038	256.386	255.932	255.385	254.441	255.235	254.765	255.706
<b>2016</b>	254.968	255.246	256.012	257.289	257.721	258.269	258.065	258.374	259.059	258.995	259.348	259.789	257.761	256.584	258.938
<b>2017</b>	261.409	262.086	262.165	262.486	262.825	263.205	262.577	263.489	265.291	264.578	264.185	264.436	263.228	262.363	264.093
<b>2018</b>	265.660	267.153	267.077												

**STATION MAINTENANCE  
FOR THE YEAR 4/1/17 - 3/31/18**

	<b>BILLED AMOUNT 2016-2017</b>	<b>CHANGE IN CPI</b>	<b>INCREASED AMOUNT</b>	<b>BILL AMOUNT 2017-2018</b>
DUTCHESS	2,426,570	0.01874	45,465	2,472,035
NASSAU	29,452,383	0.01874	551,828	30,004,211
NEW YORK CITY	94,240,460	0.01874	1,765,717	96,006,177
ORANGE	501,990	0.01874	9,405	511,395
PUTNAM	948,947	0.01874	17,780	966,727
ROCKLAND	53,370	0.01874	1,000	54,370
SUFFOLK	18,153,237	0.01874	340,124	18,493,361
WESTCHESTER	20,354,833	0.01874	381,374	20,736,207
<b>GRAND TOTAL</b>	<u><u>\$ 166,131,790</u></u>		<u><u>3,112,694</u></u>	<u><u>\$ 169,244,483</u></u>
MARCH 2017 CPI	262.165			
MARCH 2018 CPI	267.077			
CHANGE	4.912			
	4.912/262.165			
% INCREASE	0.018736292			

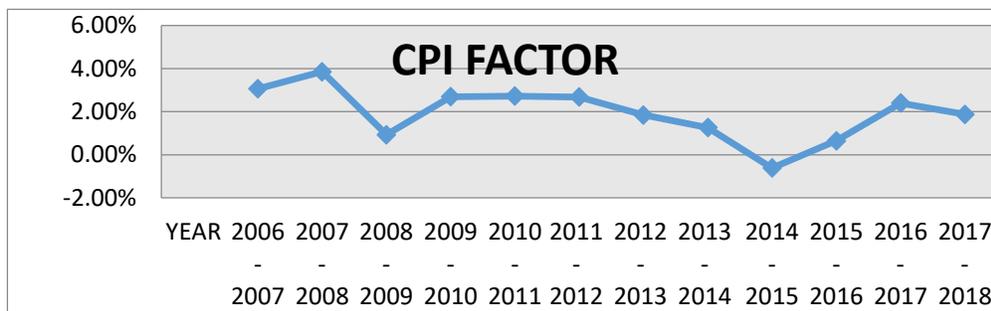
## 2017 – 2018 STATION MAINTENANCE

- CPI factor used is the Consumer Price Index for Wage Earners and Clerical Workers for the New York, Northeastern New Jersey for twelve month period  
All monies due the MTA for 2016-2017 was received

- **CPI FACTOR**

YEAR	CPI FACTOR		YEAR	CPI FACTOR		YEAR	CPI FACTOR
2017 - 2018	1.87%	*	2013 - 2014	1.26%		2009 - 2010	2.70%
2016 - 2017	2.40%		2012 - 2013	1.85%		2008 - 2009	0.93%
2015 - 2016	0.65%		2011 - 2012	2.68%		2007 - 2008	3.86%
2014 - 2015	-0.62%		2010 - 2011	2.73%		2006 - 2007	3.07%

\* Current Year



- **BILLING**

YEAR	TOTAL AMOUNT	ANNUAL INCREASE (DECREASE)		YEAR	TOTAL AMOUNT	ANNUAL INCREASE (DECREASE)
2017 - 2018	169,244,483	3,112,694	*	2011 - 2012	157,255,958	4,104,460
2016 - 2017	166,131,790	3,898,467		2010 - 2011	153,151,498	4,069,927
2015 - 2016	162,233,323	1,048,123		2009 - 2010	149,081,571	3,919,379
2014 - 2015	161,185,200	-998,076		2008 - 2009	145,162,191	1,337,569
2013 - 2014	162,183,274	2,081,081		2007 - 2008	143,824,622	5,345,302
2012 - 2013	160,165,193	2,909,352		2006 - 2007	138,479,319	4,124,687

\* Current Year

- 1998 was the last year New York City was billed on actual cost for both the LIRR and Metro North
- Legislation was enacted in 1995, and renewed in 1999 and 2004, for station maintenance billing using the CPI factor and bringing NYC onboard with this method for the second time
- Station Maintenance is billed in June and payment is due by September 1st.

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

**MTA NEW YORK CITY TRANSIT**

License agreement with Shema Kolainu – Hear Our Voices for the operation of a parking lot at 4318 New Utrecht Avenue, Brooklyn

License for bus parking to support Canarsie tunnel reconstruction

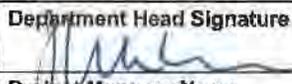
Authorization to proceed with acquisition of space for temporary bus parking by negotiated agreement or condemnation in 46-81 Metropolitan Avenue, Maspeth, NY (Queens Block 2611 Lot 71) on behalf of MTA New York City Transit

**MTA LONG ISLAND RAIL ROAD**

License agreement with Shiekh & Sons Inc. for a Newsstand at LIRR's Central Islip Station

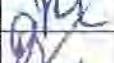
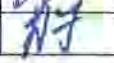
License agreement with Island News of Freeport Inc. for a Newsstand and Storage at LIRR's Freeport Station

# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT AT 4318 NEW UTRECHT</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ARTURO ESPINOZA</b>

<b>Date</b> <b>MAY 21, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	5/21/18	X		
2	Board	5/23/18	X		

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

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

LICENSEE: Shema Kolainu – Hear Our Voices ("Shema Kolainu")

LOCATION: 4318 New Utrecht Avenue, Brooklyn, New York

ACTIVITY: License of unimproved land for use by Licensee as a parking lot for its nearby school facility

ACTION REQUESTED: Authorization to enter into license agreement.

TERM: 5 years, terminable at will by NYCT with 60 days' notice, at no cost

PROPERTY: Approximately 5,092 square feet

COMPENSATION:

License Year	Annual Compensation	PSF	Escalation
1	\$43,200.00	\$8.48	—
2	\$44,496.00	\$8.74	3%
3	\$45,830.00	\$9.00	3%
4	\$47,205.00	\$9.27	3%
5	\$48,621.00	\$9.55	3%

**COMMENTS:**

The Property is vacant, unimproved land approximately 5,092 square feet in size located on NYCT's right-of-way fronting on New Utrecht Avenue in Brooklyn. The Property was publicly offered for license in January 2018 pursuant to an RFP.

Two proposals were received, both from not-for-profit entities which operate private religious schools, in each case for a proposed use as – a parking lot to service the proposer's nearby school facilities. Bais Esther School offered the highest compensation at \$42,000 in Year 1, followed by Shema Kolainu's proposals at \$41,000 in Year 1. Subsequently, MTA Real Estate asked for best and final offers from each of the proposers. Their best and final offers are summarized in the chart below:

Proposer Name	Present Value at 7%
Shema Kolainu	\$187,328
Bais Esther School	\$186,463

# Staff Summary

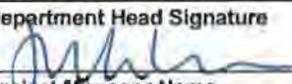
## FINANCE COMMITTEE MEETING License Agreement at 4318 New Utrecht Ave

Based upon the best and final offers, Shema Kolainu submitted the highest offer. The compensation amount is within range of the independent valuation of the Property which was determined to be between \$8.00 PSF to \$9.00 PSF. Shema Kolainu operates its school at 4302 New Utrecht Avenue, less than one block away and the parking lot on the Property will be used for vehicular parking for its school.

The license agreement will include a 60-day, at will, termination provision and will be prepared in a form approved by MTA Legal.

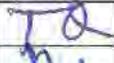
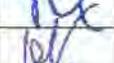
Based on the foregoing, MTA Real Estate requests authorization for NYCT to enter into a license agreement with Shema Kolainu – Hear Our Voices on the above-described terms and conditions.

# Staff Summary

<b>Subject</b> <b>LICENSE FOR BUS PARKING TO SUPPORT CANARSIE TUNNEL RECONSTRUCTION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>MICHAEL B. DANIELS</b>

<b>Date</b> <b>MAY 21, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	5/21/18	X		
2	Board	5/23/18	X		

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

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

**PROPERTY:** 46-81 Metropolitan Avenue, Maspeth, NY (Queens Block 2611 partial Lot 71) ("Property")

**LICENSOR:** A tenancy-in-common comprised of the following entities: (i) 255 Metro, LLC, (ii) 269 Triple J Metro, LLC, (iii) 269 Rudolph Metro, LLC, (iv) Triple J Metro J, LLC, (v) Triple J Metro Q, LLC, (vi) Rudolph Metro B, LLC, (vii) Triple J Metro B, LLC, (viii) Rudolph Metro J, LLC, and (ix) Rudolph Metro Q, LLC; the managing members of the entities are James Juliano, Alan Dern and Raymond Rudolph

**ACTIVITY:** License for the parking of approximately 137 buses in support of the Canarsie Tunnel Reconstruction

**ACTION REQUESTED:** Authorization to enter into a temporary license for the Property

**INITIAL TERM:** Not to exceed 24 months

**OPTIONS:** NYCT, on 90 days prior written notice, shall have the option to extend the license for up to 12 months

**SPACE:** 137,457 square feet, including part of a maintenance building which will be used for bus repairs

**BASE COMPENSATION:** \$2,669,412.00 per annum / \$222,451.00 monthly (\$19.42 RSF) for first 24-months

**OPTION COMPENSATION:** 4% increase over Base Compensation in the 3<sup>rd</sup> year  
\$2,776,188.40 per annum / \$ 231,349.04 monthly (\$20.20rsf)

**OPERATING EXPENSES AND REAL ESTATE TAXES:** None

**SNOW AND ICE REMOVAL:** Licensor's responsibility

**REPAIRS AND MAINTENANCE:** Licensor shall be responsible for all roadways and driveways at its cost and expense  
Licensor shall be responsible for all building structural repairs and maintenance, including roof, sprinkler system, plumbing, lighting, HVAC, and windows.

# Staff Summary

## FINANCE COMMITTEE MEETING LICENSE FOR BUS PARKING TO SUPPORT CANARSIE TUNNEL RECONSTRUCTION (Cont'd)

Page 2 of 2

UTILITIES: Licensor will bill NYCT its proportion share (approximately 50%) of monthly electric and heat usage for the building.

### COMMENTS:

During the Canarsie Tunnel Reconstruction and temporary closure of Manhattan L train stations, NYCT will provide alternative bus service as part of the joint MTA-NYC DOT travel alternatives strategy. To satisfy the projected bus service level requirements, the Property will be used for additional bus storage related to the temporary bus fleet expansion. Furthermore, NYCT intends to use the Property as a receiving site for new bus fleet deliveries which are scheduled for the end of 2018.

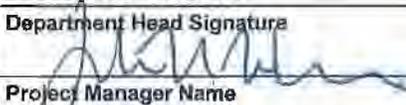
The Property, which is privately owned, is located in an industrial park currently being used for short term parking of coach and school buses, freight trucks, vans, and cars. The Property can accommodate NYCT's standard bus fleet and is in close proximity to both NYCT's Grand Avenue Depot and the inter-borough routes (L1, L2, and L3).

The Canarsie Tunnel Reconstruction will be using Federal funds and, as such, the MTA will be adhering to all applicable Federal statutes, regulations and requirements, including the National Environmental Policy Act (NEPA) environmental review process and the FTA's process for acquiring real property.

MTA Real Estate's appraisal by an independent appraiser estimated the market rent to be approximately \$12.00 rsf. The Licensor is charging the MTA an additional \$7.42 rsf for relocating the current tenants to another property in its portfolio; MTA Real Estate obtained an estimate for the cost of relocation services which was consistent with the Licensor's cost.

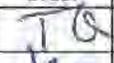
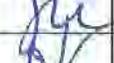
Based on the foregoing, MTA Real Estate requests authorization for NYCT to negotiate the final terms of a temporary license of the Property on the terms and conditions set forth above; and execute same after completion of the NEPA process.

# Staff Summary

<b>Subject</b> <b>ACQUISITION OF SPACE FOR TEMPORARY BUS PARKING</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ANGELA SZU</b>

<b>Date</b> <b>MAY 21, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	5/21/18	X		
2	Board	5/23/18	X		

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

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

**PROPERTY:** 46-81 Metropolitan Avenue, Maspeth, NY (Queens Block 2611 Lot 71) ("Property")

**OWNERS:** A tenancy-in-common comprised of the following entities: (i) 255 Metro, LLC, (ii) 269 Triple J Metro, LLC, (iii) 269 Rudolph Metro, LLC, (iv) Triple J Metro J, LLC, (v) Triple J Metro Q, LLC, (vi) Rudolph Metro B, LLC, (vii) Triple J Metro B, LLC, (viii) Rudolph Metro J, LLC, and (ix) Rudolph Metro Q, LLC; the managing members of the entities are James Juliano, Alan Dern and Raymond Rudolph

**ACTIVITY:** Acquisition of space for the parking of approximately 137 buses in support of the Canarsie Tunnel Reconstruction

**ACTION REQUESTED:** Authorization to commence steps for acquisition through EDPL

**COMMENTS:**

During the Canarsie Tunnel Reconstruction and temporary closure of L train stations, NYCT will provide alternative bus service as part of the joint MTA-NYC DOT travel alternatives strategy. To satisfy the projected bus service level requirements, the Property will be used for additional bus storage related to the temporary bus fleet expansion. Furthermore, NYCT intends to use the Property as a receiving site for new bus fleet deliveries which are scheduled for the end of 2018.

The Property, which is privately owned, is located in an industrial park currently being used for short term parking of coach and school buses, freight trucks, vans, and cars. The Property can accommodate NYCT's standard bus fleet and is in close proximity to both NYCT's Grand Avenue Depot and the inter-borough routes (L1, L2, and L3).

The Canarsie Tunnel Reconstruction will be using Federal funds and, as such, the MTA will be adhering to all applicable Federal statutes, regulations and requirements, including the National Environmental Policy Act (NEPA) environmental review process and the FTA's process for acquiring real property.

MTA Real Estate will endeavor to secure the Property temporarily through negotiations with the Property owners. If a negotiated agreement is not reached, it may be advisable to initiate an eminent domain proceeding to secure the right to temporarily use and occupy the Property for NYCT's Project-related needs as described above. Such a proceeding would not be commenced prior to the satisfactory completion of any necessary environmental reviews.

# Staff Summary

**FINANCE COMMITTEE MEETING**



**Metropolitan Transportation Authority**

**ACQUISITION OF SPACE FOR TEMPORARY BUS PARKING (Cont'd.)**

Page 2 of 2

Based on the foregoing, MTA requests authorization to commence negotiations to acquire temporary use and occupancy rights in the Property as described above and, if necessary, to take preliminary steps to commence the eminent domain process, including but not limited to, the holding of any public hearing required under the Eminent Domain Procedure Law. Attached is a resolution for Board approval that will authorize MTA to commence the proposed acquisition process.

## **BOARD RESOLUTION**

**WHEREAS**, MTA New York City Transit (“NYCT”) will require temporary use of 46-81 Metropolitan Avenue, Maspeth, New York (Queens Block 2611 Lot 71) (the “Property”) for additional bus storage and as a receiving site for new bus fleet deliveries necessitated by a temporary bus fleet expansion to support alternative bus service during the Canarsie Tunnel Reconstruction Project (the “Project”);

**WHEREAS**, MTA Real Estate will endeavor to secure use of the Property through a negotiated agreement; and

**WHEREAS**, if a negotiated agreement to temporarily use and occupy the Property cannot be concluded in a timely manner, acquisition of such temporary use and occupancy rights by eminent domain will be required.

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

**RESOLVED**, that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, and subject to the completion of any environmental reviews for the Project, the Chairman or designated staff member of the Authority is authorized to proceed with the acquisition of temporary use and occupancy rights in the Property described above by negotiated agreement or eminent domain and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with this acquisition.

This Resolution shall take effect immediately upon its adoption.

# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT AT CENTRAL ISLIP STATION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ROBERT GOLDBERG</b>

<b>Date</b> <b>MAY 21, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	5/21/18	X		
2	Board	5/25/18	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")  
**LICENSEE:** Shiekh & Sons, Inc., whose sole or principal shareholder is Muhammad M. Afzal.  
**LOCATION:** Central Islip Station, Central Islip, New York  
**ACTIVITY:** License of space at LIRR's Central Islip Station for a retail newsstand  
**ACTION REQUESTED:** Authorization to enter into license agreement  
**TERM:** 5 years, terminable at will by LIRR with 60 days' notice, at no cost  
**SPACE:** Approximately 132 SF  
**COMPENSATION:** \$54,000 first year, with 3% annual increases

**COMMENTS:**

The following proposals were received for the LIRR's Central Islip Station retail locations pursuant to an RFP issued in August 2017:

Proposer Name	Year 1	Year 2	Year 3	Year 4	Year 5	Net Present Value
Muhammad M. Afzal	\$54,000.00	\$55,620.00	\$57,288.00	\$59,007.00	\$60,777.00	\$240,700.29
Iqbal Mozawalla	\$31,000.00	\$36,000.00	\$37,060.00	\$39,339.00	\$40,518.00	\$160,471.01

The Licensee will be responsible for renovating, operating and maintaining the space, as well as providing liability and insurance coverage, at its sole cost and expense. Renovations will include new custom made interior counters, fixtures and display racks. The principal, Mr. Afzal, will be personally guaranteeing all of the Licensee's obligations under the license agreement for the entire Term.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to enter into a license agreement with Shiekh & Sons, Inc. on the above-described terms and conditions.

# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT AT FREEPORT STATION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ROBERT GOLDBERG</b>

<b>Date</b> <b>MAY 21, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	5/21/18	X		
2	Board	6/23/18	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")

LICENSEE: Island News of Freeport Inc., whose sole or principal shareholder is Nisha Kapoor

LOCATION: Freeport Station, Freeport, New York

ACTIVITY: License of retail and storage space

ACTION REQUESTED: Authorization to enter into license agreement

TERM: 5 years, terminable at will by LIRR with 60 days' notice, at no cost

SPACE: Retail is approximately 81 SF (Unit 2), Storage is approximately 140 SF (Unit 6)

COMPENSATION: \$32,300 first year (combined Unit 2 and 6), with 3% annual increases thereafter

**COMMENTS:**

The following proposals were received for the LIRR's Freeport Station retail locations (units 2 and 6) pursuant to an RFP issued in August 2017:

**Unit 2 – Retail Space**

Proposer Name	Year 1	Year 2	Year 3	Year 4	Year 5	Net Present Value
Nisha Kapoor	\$28,800.00	\$29,664.00	\$30,555.00	\$31,473.00	\$32,418.00	\$128,379.41
Usman Zafar	\$18,600.00	\$19,055.00	\$19,627.00	\$20,216.00	\$20,822.00	\$82,557.63
Muhammad M. Afzal	\$7,000.00	\$7,210.00	\$7,426.00	\$7,649.00	\$7,878.00	\$31,201.29

**Unit 6 – Storage Space**

Proposer Name	Year 1	Year 2	Year 3	Year 4	Year 5	Net Present Value
Usman Zafar	\$4,100.00	\$4,223.00	\$4,350.00	\$4,480.00	\$4,614.00	\$18,275.15
Nisha Kapoor	\$3,500.00	\$3,605.00	\$3,717.00	\$3,834.00	\$3,951.00	\$15,620.49

Mr. Zafar was notified in writing by MTA Real Estate that he was not the successful proposer for Unit 2, at which time he withdrew his proposal for Unit 6. This made Ms. Kapoor the top bidder for both units.

# Staff Summary

## **FINANCE COMMITTEE MEETING LICENSE AGREEMENT AT FREEPORT STATION**

The Licensee will be responsible for renovating the retail and storage space(s), operating and maintaining the locations, as well as providing liability and insurance coverage, at its sole cost and expense. Renovations will include new custom made interior counters, fixtures and display racks. The principal, Ms. Kapoor, will be personally guaranteeing all of the Licensee's obligations under the license agreement for the entire Term.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to enter into a license agreement with Island News of Freeport, Inc. for both Unit 2 and Unit 6, on the above-described terms and conditions.

## Procurement

Steve Plochochi, Senior Vice President

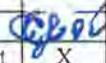


This low-floor 60-foot articulated bus, manufactured by New Flyer, is similar to those being purchased by NYCT on behalf of MTA Bus Company utilizing FTA funds. (See Contract B-40669, the third item in NYC Transit's May procurement package.)

## PROCUREMENTS

The Procurement Agenda this month includes 4 actions for a proposed expenditure of \$53.8M.

<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	5/21/18			
2	Board	5/23/18			

May 14, 2018			
<b>Department</b>			
<b>Department Head Name</b>			
<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	X	Diversity/Civil Rights

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

**PURPOSE:**

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

**DISCUSSION:**

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

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Noncompetitive Purchases and Public Work Contracts	1	\$ 3.0 M
• <b>Bombardier Mass Transit Corporation</b>		<b>\$ 3.0 M</b>
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 3.0 M</b>

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

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

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

Schedules Requiring Majority Vote:

Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$	4.4 M
	<u>1</u>	<u>\$</u>	<u>4.4 M</u>
	SUBTOTAL		

**MTA Bus Company proposes to award Competitive procurements in the following categories:**

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$	45.5 M
	<u>1</u>	<u>\$</u>	<u>45.5 M</u>
	SUBTOTAL		

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

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

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

**NYC Transit proposes to award Ratifications in the following categories:**

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	1	\$	0.9 M
	<u>1</u>	<u>\$</u>	<u>0.9 M</u>
	SUBTOTAL		
	TOTAL		

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

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

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

## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

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LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

**A. Noncompetitive Purchases and Public Work Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$750K Other Noncompetitive.)

**1. Bombardier Mass Transit Corporation    \$3,000,000 (Est.)**  
**Sole Source - Three-year omnibus**

Staff Summary Attached

Purchase of inventory and non-inventory replacement truck, car body, HVAC, and other sole-source parts for subway cars.

**Schedule A: Noncompetitive Purchases and Public Work Contracts**



**Item Number:** 1

<b>Vendor Name (Location)</b> Bombardier Mass Transit Corporation (Mississauga, Ontario, Canada)
<b>Description</b> Purchase of non-inventory and inventory replacement truck, car body, HVAC, and other sole-source parts for subway cars
<b>Contract Term (including Options, if any)</b> July 2, 2018–July 1, 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 type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole-Source Approval

<b>Contract Number</b> NONE	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$3,000,000 (Est.)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Operations Support, Stephen M. Plochochi	

**Discussion**

This is an omnibus approval request for items identified as obtainable only from Bombardier Mass Transit Corporation (“Bombardier Canada”) and will eliminate the need to advertise and prepare individual procurement staff summaries for Board approval for each procurement over the small purchase threshold. NYC Transit is not obligated to generate any purchase orders pursuant to an omnibus approval. Any purchases made under this approval will be made pursuant to paragraph 9(b) of Public Authorities Law 1209, which allows for purchases of items that are available from only a single responsible source to be conducted without competitive bidding.

There are approximately 3,112 items covered by this approval for the purchase of replacement truck components; car body parts; heating, ventilation, and air conditioning (“HVAC”) parts; and other sole-source parts, such as circuit boards, supplied by Bombardier Canada. These items are identified as obtainable only from Bombardier Canada for the following reasons: sole pre-qualified item on the Qualified Products List and not available from any distributors or other sources; publicly advertised within a 12-month period without an acceptable alternate supplier, or proprietary to Bombardier Canada. These items are advertised a minimum of once every 12 months to seek competition. A list of Bombardier Canada’s sole-source items, as well as NYC Transit’s intention to purchase items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole-source replacement parts will be used by the Division of Car Equipment (“DCE”) for Scheduled Maintenance System (“SMS”) and normal maintenance for 1,854 subway cars (824 R62A and 1,030 R142) in the NYC Transit fleet, as well as the 316 R179 subway cars being delivered through February 2019.

The existing Bombardier Canada omnibus approval for \$5,000,000 was approved by the Board in May 2015, and expires on July 1, 2018. There is a remaining balance of \$2,353,152 in unexpended funds on the existing omnibus approval.

Procurement performed an analysis on the 14 contracts issued during the term of the existing omnibus approval that exceeded the small purchase threshold, which represents a total contract value of \$1,608,827. Of the 14 contracts, eight items have comparative price history and represent 93.6 percent, or \$1,505,593, of the total dollar value of the contracts. A comparative price analysis of the eight items revealed an annual weighted average price increase of 0.07 percent, which compares favorably with the Producer Price Index over the same time period, which shows an annual average price increase of 0.80 percent.

Based on the current forecasts as well as projections for 2018 through 2021, it is anticipated that DCE will require approximately \$3,000,000 for the purchase from Bombardier Canada of sole-source items exceeding the small purchase threshold. The truck and HVAC systems are overhauled every six and 12 years, and the car body is overhauled every 12 years. During the term of the new omnibus approval, the R62A and R142 subway cars will undergo a six-year overhaul and the R142 subways cars will undergo a 12-year overhaul.

Procurement, with the concurrence of DCE, believes that the amount requested will be sufficient to procure all sole-source materials that exceed the small purchase threshold from Bombardier Canada for the next three-year period. Procurement and DCE will continue to research alternate sources of supply wherever possible. Under this new omnibus approval, pricing for any procurement is established by requesting a quote for each item from Bombardier Canada on an as-required basis. Each item to be purchased under the new omnibus approval will be subject to a cost and/or price analysis and determination that the price is found to be fair and reasonable.

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**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.)

1. **Siemens Industry, Inc./CORYS**                      **\$4,354,675**                      Staff Summary Attached  
**Contract# S-48004-1.12**

Modification to the contract for signal system modernization for Communication-Based Train Control – Queens Boulevard Line, West Phase I, in order to provide (1) a Communication-Based train operator simulators system with Siemens Industry, Inc., and (2) a five-year maintenance service agreement with an option to extend for an additional five years with CORYS.

Item Number: 1

<b>Vendor Names (Locations)</b> Siemens Industry, Inc. (New York, New York) CORYS (Jacksonville, Florida)	
<b>Description</b> CBTC Signal systems Modernization – 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 checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O’Grady	

<b>Contract Number</b>	<b>AWO/Mod. #</b>
S-48004-1	12
<b>Original Amount:</b>	\$ 156,172,932
<b>Prior Modifications:</b>	\$ 9,450,000
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 165,622,932
<b>This Request:</b>	
Siemens \$2,754,675	\$ 4,354,675
CORYS \$1,600,000	
<b>% of This Request to Current Amount:</b>	2.6%
<b>% of Modifications (including This Request) to Original Amount:</b>	8.8%

**Discussion**

This modification provides for a Communications-Based Train Control (“CBTC”) Train Operator Simulator System (“CTOSS”) for the Queens Boulevard Line (“QBL”) project to be acquired pursuant to a competitive selection process in the amount of \$2,754,675 with a term of 14 months, plus 19 months for warranty/maintenance and support services to Siemens Industry, Inc. (“Siemens”). This request also includes a five-year maintenance service agreement with an option to extend for an additional five years with CORYS (the simulator manufacturer and subcontractor to Siemens) in the combined (base and option) amount not-to-exceed \$1,600,000, which will be awarded to CORYS and effective at the completion of the QBL contract in March 2021.

The Siemens contract is one of three interrelated contracts that together will provide a CBTC/Automatic Train Supervision (“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 in the amount of \$156,172,932, and Contract S-48004-2 was awarded to Thales Transport and Security, Inc. (“Thales”) in the amount of \$49,607,520. Subsequently, under separate 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. NYC Transit in-house labor installs the equipment on R160 subway cars. Siemens and Thales also furnish the 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. Siemens is also responsible for designing and furnishing 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 but shares tracks with the N and R trains in Manhattan. The balance of the ATS for the B Division was added to this contract in Modification 11, and approved by the Board in March 2018.

NYC Transit is moving toward a state-of-the-art train control system with the installation of CBTC along the QBL, which will enable an increase in the number of trains per hour as well as improved and more reliable service. As work for QBL West Phase 1 is scheduled for completion in March 2021, the next step is the training of 900 Train Operators (“TOs”). Currently, training of TOs on CBTC-equipped trains is conducted on the right-of-way in CBTC territory under General Orders (“GO”), which create significant customer and resource impacts. The CBTC simulator, which includes 18 student and six instructor workstations, will allow TOs to be trained efficiently utilizing three training locations and classes occurring over three tours each day. Operations Training in the Department of Subways (“DOS”) will be able to train approximately 100 TOs each week as compared to six TOs per week under

Continued:

GOs, which will result in completion of training in approximately two months. It is expected that approximately 900 TOs will be qualified within this time period. Simulator training is recognized to be effective and safe in the transportation industry.

Training on simulators will also enable more hands-on training time. Each trainee will be stationed at an individual training desktop that will support full-day hands-on training sessions. These sessions can be conducted during all three shifts, as compared to the current time allocated under GO training. Overall, the training duration can be reduced from five to three days. It is projected that the use of simulator operator training will result in a savings of approximately \$8.2 million by being able to train more TOs in less time and mitigating GO impacts on customers. Specifically, it would have required 600 GOs for three years to train 900 TOs at six TOs per week.

In addition to the common conditions encountered on the right-of-way, the simulator can train the operator on how to react in various emergency situations, enhancing what is available under the current training model performed by DOS. Additional benefits of simulator-based training include the ability to replicate weather changes and track conditions. The CBTC simulator will also be scalable to incorporate future CBTC lines into the training system.

Rather than issue a formal RFP, NYC Transit developed a streamlined acquisition strategy of competing the requirement between the only two qualified CBTC suppliers. Siemens and Thales are the only two firms whose CBTC systems have been pre-qualified to participate on the QBL project, and therefore, considered the only two potential CTOSS suppliers for CBTC train operator simulators.

A condensed RFP for the CTOSS and maintenance was sent to both Siemens and Thales, requiring each to submit technical and price proposals as well as prices for long-term maintenance to ensure maintenance coverage through the useful life of the CTOSS. Siemens and Thales submitted proposals as follows: Siemens proposed a CTOSS base price of \$2,978,984 and Thales proposed a base price of \$5,529,992. The internal estimate for the CTOSS was \$3,929,486. For full support maintenance for five years plus an option for an additional five years, Siemens/CORYS, proposed \$1,575,610. Thales proposed \$3,003,000. The internal estimate for this same coverage was \$1,699,500.

The Selection Committee (“SC”) reviewed and evaluated each written technical proposal in accordance with the established evaluation criteria, which included proposer’s prior experience, work organization, capacity to adapt to the Interoperable Interface Specifications, flexibility in configuration, long-term maintenance and support, and quality of deliverables. The SC also participated in oral presentations with both suppliers. Based on the evaluation of the technical and price proposals, and oral presentations, the SC voted unanimously to only recommend Siemens for negotiations. Given the superiority of the Siemens proposal, quality of its technical submissions, and lower price, Siemens was recommended for negotiations and subsequently award of the modification.

Negotiations conducted with Siemens resulted in a final amount of \$2,754,675. The internal estimate was revised to \$2,962,907. The warranty/maintenance period will be coterminous with the end date of the QBL contract: March 23, 2021. Further, the long-term maintenance will not be performed under this contract. In order to take advantage of the competitive process, and avoid a future noncompetitive maintenance contract, NYC Transit also negotiated a maintenance agreement directly with CORYS, the simulator provider. It is a separate agreement that will start after the work under the QBL contract is completed in March 2021. Provisions for refurbishing equipment and replacing major components during the second maintenance option period were also added. This agreement will be for five years with an option for five additional years for a ten-year total not-to-exceed \$1,600,000. The final 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. A Contractor Compliance Program was put in place for Siemens in April 2018.

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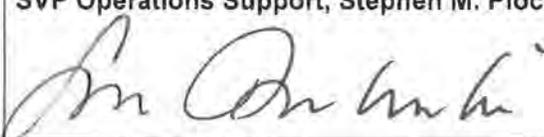
LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

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

- |  |                     |                                      |
|--|---------------------|--------------------------------------|
| <b>1. New Flyer of America, Inc.</b>                               | <b>\$45,453,955</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Two Proposals – 80-month contract</b>                           |                     |                                      |
| <b>Contract# B-40669</b>   |                     |                                      |
| Furnish and deliver 53 low-floor 60-foot articulated diesel buses. |                     |                                      |

# Staff Summary

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

SUMMARY INFORMATION	
Vendor Name	Contract No.
New Flyer of America, Inc.	B-40669
Description	
Furnish and Deliver 53 Low-Floor 60-Foot Articulated Diesel Buses	
Total Amount	
\$45,453,955	
Contract Term (including Options, if any)	
80 months from Notice of Award (20 months for delivery of the last bus and 60 months for warranty support)	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Purpose**

To request that the Board approve the purchase, pursuant to Public Authorities Law, Section 1265-a, subdivision 4(g), of 53 low-floor 60-foot articulated diesel buses and related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training from New Flyer of America, Inc. ("New Flyer") in the total estimated amount of \$45,453,955 for MTA Bus Company ("MTABC").

**Discussion**

On April 3, 2017, the Board adopted a resolution authorizing the use of a competitive Request for Proposal ("RFP") in lieu of competitive bidding to award a contract for the purchase of 53 low-floor 60-foot articulated diesel buses. The majority of these buses (40 out of 53) will be purchased to replace existing low-floor 60-foot diesel buses which MTABC is currently leasing from NYC Transit. The remaining 13 buses will be purchased for growth. These 53 buses will be operated out of depots in Queens, 43 of which will be used for the Q52 and Q53 Select Bus Service ("SBS") routes.

The solicitation was advertised in September 2017, and eight bus manufacturers were directly contacted. Pursuant to the statutory framework, the selection criteria, listed in descending order, were as follows: Overall Project Cost, Delivery, Overall Quality of Proposer and Product, and Other Relevant Matters. Selection Committee ("SC") members were drawn from NYC Transit Department of Buses ("DOB"), Procurement, Office of Management & Budget, and Operations Planning.

Two low-floor 60-foot articulated diesel bus manufacturers, New Flyer and Nova Bus, a Division of Prevost Car (US), Inc. ("Nova Bus"), attended the pre-proposal conference held on September 28, 2017. Initial proposals were received on November 17, 2017, from both New Flyer and Nova Bus.

After the SC reviewed the initial proposals, both New Flyer and Nova Bus were invited for oral presentations. Oral presentations and negotiations were conducted on a series of dates spanning from December 2017 through February 2018. Negotiations centered on (1) the current performance of each bus manufacturer's low-floor 60-foot articulated diesel bus fleets currently operating in New

## Staff Summary

York City; (2) pricing, delivery, and alternate proposals; and (3) exceptions/deviations/clarifications to the technical specifications, and the terms and conditions.

Best and Final Offers (“BAFOs”) were received from both New Flyer and Nova Bus on March 26, 2018. The SC reviewed the two BAFOs in accordance with the evaluation criteria and unanimously recommended award of this contract for 53 low-floor 60-foot articulated diesel buses to New Flyer. The SC determined that New Flyer’s substantially higher technical evaluation and significantly better delivery schedule far outweighed Nova Bus’s slightly lower (less than 1 percent) price.

The award to New Flyer will consist of \$44,230,260 (\$834,533 per bus) for the 53 buses; \$471,879 for qualification testing, diagnostic tools, special equipment, and manuals; \$514,596 for an estimated quantity of training; and \$237,220 for capital spares. The total award amount is \$45,453,955, which is \$246,801 or 0.5 percent below New Flyer’s initial proposal of \$45,700,757, and is \$379,088 or 0.8 percent above the BAFO pricing (\$45,074,867) provided by Nova Bus.

New Flyer will build four pilot buses in order to expedite delivery of the production buses. Pilot bus #1 is scheduled to be delivered by New Flyer in April 2019 and will be used for configuration audit while the other three pilot buses will be used for qualification testing. The delivery of the production buses is scheduled to begin in November 2019 and be completed in February 2020. It should be noted that New Flyer will complete delivery of all 53 buses before Nova Bus would have delivered its first production bus.

These buses will be outfitted with new features including improved driver visibility, pedestrian turn warning, Wi-Fi, USB charging ports, digital information screens, automatic passenger counters, and new branding.

Procurement, DOB, and NYC Transit’s Cost Price Analysis Unit have determined the final prices to be fair and reasonable. Based on a review of New Flyer’s financials, there is reasonable assurance that New Flyer is financially qualified to perform this contract. New Flyer has submitted a Letter of Guarantee from its parent, New Flyer Industries, guaranteeing New Flyer’s performance under this contract.

### M/W/DBE Information

Transit Vehicle Manufacturers (“TVM”) is a program whereby the FTA pre-approves vehicle manufacturers to bid or propose on federally funded vehicle procurements based on established guidelines to ensure Disadvantaged Business Enterprises (“DBE”) participation. As this contract will be federally funded, the TVM program applies. New Flyer has furnished its TVM Certification of compliance with DBE Regulations in accordance with FTA guidelines.

### Impact on Funding

This contract will be funded with 80 percent FTA funds and 20 percent NYC funds. Funds for this procurement have been approved in the MTA 2015–2019 Capital Program. A WAR certificate will be secured prior to award.

### Inventory

There will be an increase in inventory of unique parts associated with these buses that are not common to the existing fleets. Additionally, the contract will include approximately \$237,220 in spare parts.

### Alternatives

There are no alternatives. MTABC needs these buses in order to continue to provide SBS service after it returns the NYC Transit buses it is currently leasing from the provision of this service. There is no reason to believe that conducting another solicitation will result in a better outcome.

### Recommendation

It is recommended that the Board approve the purchase, pursuant to Public Authorities Law, Section 1265-a, subdivision 4(g), of the of 53 low-floor 60-foot articulated diesel buses and related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation and training from New Flyer in the total estimated amount of \$45,453,955.

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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. Jacobs Civil Consultants, Inc.</b> | <b>\$926,695</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# CM-1301.1</b>               |                  |                                      |
- Modification to the contract for Engineering Design Consultant for radio replacement projects and Design Support During Construction for the Staten Island Railway and NYC Transit's Department of Subways; in order to extend the contract term and provide additional design services.

Item Number: 1

<b>Vendor Name (Location)</b> Jacobs Civil Consultants Inc. (New York, New York)
<b>Description:</b> Engineering Design Consultant for Radio Replacement Projects for the Staten Island Railway and New York City Transit
<b>Contract Term (including Options, if any)</b> October 19, 2016–November 18, 2017
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O’Grady

<b>Contract Number</b> CM-1301	<b>AWO/Mod. #:</b> 1
<b>Original Amount:</b>	\$ 1,784,815
<b>Option Amount:</b>	\$ 654,369
<b>Total Amount:</b>	\$ 2,439,184
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 2,439,184
<b>This Request:</b>	\$ 926,695
<b>% of This Request to Current Amount:</b>	38.0%
<b>% of Modifications (including This Request) to Total Amount:</b>	38.0%

**Discussion**

This retroactive modification is for additional design services for the installation of Radio and Network Connectivity equipment at various locations for Staten Island Railway (“SIR”) and NYC Transit Department of Subways (“DOS”), and will extend the contract term by 16 months, from November 18, 2017 to March 16, 2019.

The base contract was competitively awarded to Jacobs Civil Consultants (“Jacobs”) in October 2016 to provide design services and an option for Design Support During Construction (“DSDC”) for the installation of new radio systems for SIR and DOS. In order to comply with FCC changes, SIR and DOS will transition from UHF radio channels to replacement radio systems that will operate on 800 megahertz channels. Jacobs will produce two separate designs for new radio systems for use by operating and maintenance personnel on the SIR and maintenance groups only in the DOS. During the preliminary design phase, and based on design modeling performed by Jacobs to determine optimal radio coverage, it was determined that installing SIR and DOS’s radio antennae and equipment in existing stations was not adequate to support the necessary radio coverage. The SIR radio system is intended to provide radio coverage along the right-of-way and adjacent areas for the SIR operating and maintenance personnel. New locations were subsequently identified that required building new monopole (a class of radio antenna consisting of a 150-foot pole) and equipment room structures for both projects. Contractual requirements for the design and installation of all SIR antennae and equipment along the right-of-way to offer coverage to essential SIR personnel, such as conductors and train operators, remain in effect. SIR maintenance personnel will also have the ability to communicate with each other utilizing this enhanced radio system. SIR will have eight monopole locations.

DOS will have four monopole locations in addition to two high-altitude locations at the AT&T Building (520 feet, Manhattan) and the Verrazano Bridge (690 feet, Brooklyn-side tower). Right-of-way antenna locations are not required for the DOS project, as DOS maintainers utilizing the radio network will be located and traveling throughout the city, not just at locations along the right-of-way. The new antenna locations for both SIR and DOS were chosen based on the geographical and topographical terrain modeling data, and will require additional design services and civil/structural testing.

Under this modification, Jacobs will provide the aforementioned additional design services that include civil/structural testing, soil borings, analysis, surveys, and added communications design work required for installation of the radio antennae and ancillary equipment. This modification will also extend the contract term by 16 months. This additional time is required to complete the additional design effort (nine months) and to provide design support during the procurement phase of these projects (seven months). The SVP, Capital Program Management granted retroactive approval to continue performance of these services.

Continued:

Jacobs's initial proposal was in the amount of \$1,123,265. NYC Transit's revised estimate was \$912,384. Negotiations with Jacobs resulted in a Best and Final Offer ("BAFO") of \$926,695, or 17.5 percent lower than its initial proposal. Jacobs's BAFO was deemed fair and reasonable.

In connection with a previous contract awarded to Jacobs, Jacobs was found to be responsible notwithstanding Significant Adverse Information ("SAI") pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Interim Executive Director in consultation with the MTA General Counsel in April 2013. No new SAI has been found relating to Jacobs and Jacobs has been found to be responsible.

In connection with a previous contract awarded to CH2M Hill New York, Inc. (CH2M)<sup>1</sup>, CH2M was found to be responsible, notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MTA Chairman and CEO in consultation with the MTA General Counsel in December 2013. No new SAI has been found relating to CH2M and CH2M has been found to be responsible.

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<sup>1</sup> Jacobs acquired CH2M in December 2017.



**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>	<i>[Signature]</i>
<b>Project Manager Name</b>	

<b>Date</b>	May 11, 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.	5-21-18	X		
2	MTA Board Mtg.	5-23-18	X		

Internal Approvals			
	Approval		Approval
X	President		
X	Executive V.P.	X	V.P. Capital Programs
X	V.P. Operation	X	V.P. & General Counsel
X	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	\$3,600,000
• Siemens Industry, Inc.      \$3,600,000		
<u>Schedules Requiring Majority Vote</u>		
Schedule J: Modifications to Miscellaneous Procurement Contracts	1	\$15,750,000
• Bombardier Transportation, NA      \$15,750,000		
<b>SUB TOTAL:</b>	<b>2</b>	<b>\$19,350,000</b>

MNR proposes to award competitive procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u>NONE</u>	
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$901,449
• MedTrac Incorporated		\$901,449
SUB TOTAL:	1	\$901,449

MNR presents the following procurement actions for Ratification:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>		
Schedule D: Ratification of Completed Procurement Actions	1	\$139,000
• Progress Rail Services Corporation		\$139,000
<u>Schedules Requiring Majority Vote</u>		
Schedule K: Ratification of Completed Procurement Actions	2	\$1,766,650
• ORX Railway Corporation		\$516,650
• ClearWay Industries, LLC		\$1,250,000
SUB TOTAL:	3	\$1,905,650
TOTAL:	6	\$22,157,099

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.

MAY 2018

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

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

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

**1. Siemens Industry, Inc.                      \$3,600,000 (not-to-exceed)                      Staff Summary Attached**  
**Positive Train Control Integrators**

Approval is requested for a non-competitive, two-year purchase agreement in the not-to-exceed amount of \$3,600,000 with Siemens Industry, Inc. (Siemens) for various original equipment manufacturer (OEM) replacement parts for MNR's On-Board PTC equipment. Siemens is the OEM and the sole supplier of specific MNR required material for the On-Board PTC systems.

As the PTC systems are being delivered to MNR, tested and placed into service, the Procurement and Maintenance of Equipment Departments have begun the process of establishing the PTC consumable and operational spare parts inventory to support the new systems. Siemens shall also provide repair and return services for specialty components that can be repaired or refurbished for MNR. Siemens is required to maintain all designs and drawings and be responsible for supplying parts that are not generally available on the open market for the Railroad to purchase at any time during the period commencing with the expiration of the Warranty Period with respect to any such part and ending 20 years thereafter. Siemens is contractually required to provide "most favored customer" pricing to MNR. With respect to parts that become unavailable from the OEM, Siemens is obligated to provide alternate sources and/or design and drawings for those parts or components at no cost upon request by the Railroads.

This is the first purchase agreement instituted specifically for the On-Board PTC system, and will allow MNR to purchase material from Siemens to perform repairs as necessary and to establish a sufficient parts inventory. These parts are for routine 'wear and tear' maintenance and are not covered by Siemens warranty. This is a requirements contract and MNR is under no obligation to generate any minimum amount of purchase orders. This agreement will apply to inventory and non-inventory items identified as obtainable only from Siemens for the following reasons: a) sole pre-qualified item on the MNR Qualified Products List, and not available from any distributor or other sources; b) is proprietary to Siemens.

The purchase agreement with Siemens will reduce administrative costs and procurement lead times for separate purchase orders and will expedite material delivery. In requesting this Board authorization, MNR has complied with PAL 1265-a (3) (advertisement for alternate suppliers) and with MTA All-Agency Procurement Guidelines for the purchase of sole source items.

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. A Contractor Compliance program was put in place for Siemens in April 2018.

The total cost for this 24-month contract is not-to-exceed \$3,600,000 and is to be funded by the MNR Operating Budget.

**J. Modification to Miscellaneous Procurement Contracts**

**(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)**

**2. Bombardier Transportation, NA \$15,750,000 (not-to-exceed) *Staff Summary Attached*  
**Additional Funding for OEM Parts****

Approval is requested for a contract modification for additional funding in the total not-to-exceed amount of \$15,750,000 to an existing non-competitive miscellaneous purchase agreement with Bombardier Transportation North America (Bombardier). This agreement is for Original Equipment Manufacturer (OEM) replacement parts for MNR's various railcar fleets wherein Bombardier was identified as the OEM supplier of safety-critical parts. In addition, Bombardier provides repair and return services for specialty components that can be repaired or refurbished for MNR. The parts and services included in this agreement have been fully vetted to reflect only those materials that cannot be acquired from other sources. The current agreement will expire in February 2020.

In 2015, under a joint procurement with Long Island Rail Road (LIRR), MNR awarded a non-competitively negotiated miscellaneous purchase contract for a five-year period in the amount of \$22,000,000. Since that award, MNR's project engineering group in conjunction with the Railroad's Reliability Centered Maintenance (RCM) program has significantly increased the usage of the previously identified and budgeted materials. In addition, there has been an increase in parts usage that were not previously identified such as the Traction Motor Suspension Assemblies and M-3 Air Springs. These parts were not accounted for in MNR's estimate and original MTA Board authorization. These changes, along with general under estimating of the actual material demands over this period to support MNR's inventory has created a budget shortfall. All pricing and terms per the approved agreement will remain fixed for the entire contract term.

The total additional funds required by MNR is not-to-exceed \$15,750,000 and is to be funded by the MNR Operating Budget.

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

Item Number:   A  

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> Siemens Industry, Inc. DBA Building Technologies 664 Linden Ave E. Pittsburgh, PA 15112-1204
<b>Description</b> Positive Train Control Integrators
<b>Contract Term (including Options, if any)</b> 24 months
<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> TBD	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$3,600,000 (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>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr Director <i>AM</i>	
<b>Contract Manager:</b> Michael Coppola, Director, Operating Procurement	

**Discussion:**

Approval is requested for a non-competitive, two-year purchase agreement in the not-to-exceed amount of \$3,600,000 with Siemens Industry, Inc. (Siemens) for various original equipment manufacturer (OEM) replacement parts for MNR's On-Board PTC equipment. Siemens is the OEM and the sole supplier of specific MNR required material for the On-Board PTC systems.

As the PTC systems are being delivered to MNR, tested and placed into service, the Procurement and Maintenance of Equipment Departments have begun the process of establishing the PTC consumable and operational spare parts inventory to support the new systems. Siemens shall also provide repair and return services for specialty components that can be repaired or refurbished for MNR. Siemens is required to maintain all designs and drawings and be responsible for supplying parts that are not generally available on the open market for the Railroad to purchase at any time during the period commencing with the expiration of the Warranty Period with respect to any such part and ending 20 years thereafter. Siemens is contractually required to provide "most favored customer" pricing to MNR. With respect to parts that become unavailable from the OEM, Siemens is obligated to provide alternate sources and/or design and drawings for those parts or components at no cost upon request by the Railroads.

This is the first purchase agreement instituted specifically for the On-Board PTC system, and will allow MNR to purchase material from Siemens to perform repairs as necessary and to establish a sufficient parts inventory. These parts are for routine 'wear and tear' maintenance and are not covered by Siemens warranty. This is a requirements contract and MNR is under no obligation to generate any minimum amount of purchase orders. This agreement will apply to inventory and non-inventory items identified as obtainable only from Siemens for the following reasons: a) sole pre-qualified item on the MNR Qualified Products List, and not available from any distributor or other sources; b) is proprietary to Siemens.

The purchase agreement with Siemens will reduce administrative costs and procurement lead times for separate purchase orders and will expedite material delivery. In requesting this Board authorization, MNR has complied with PAL 1265-a (3) (advertisement for alternate suppliers) and with MTA All-Agency Procurement Guidelines for the purchase of sole source items.

The cost for the On-Board PTC system replacement parts will be negotiated on an individual parts basis prior to their purchase, subject to the "most favored customer" requirements. Price concessions will be sought from Siemens to maximize MNR's benefit from the fact that On-Board PTC system production is ongoing. In addition, certified price data sheets shall be provided with each part requested by the Railroad. All cost data shall be supported by auditable documentation and financial statements.

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. A Contractor Compliance program was put in place for Siemens in April 2018.

The total cost for this 24-month contract is not-to-exceed \$3,600,000 and is to be funded by the MNR Operating Budget.

**Schedule J: Modifications to Miscellaneous Procurement Contracts**



Item Number: J

<b>Vendor Name (&amp; Location)</b> Bombardier Transportation, NA Transportation North America Material Solutions 6291 Ordan Drive Mississauga ON L5T 1G9 Canada	<table border="1"> <tr> <th>Contract Number</th> <th>AWO/Modification #</th> </tr> <tr> <td>01-634</td> <td>001</td> </tr> <tr> <td colspan="2"><b>Original Amount:</b> \$22,000,000</td> </tr> <tr> <td colspan="2"><b>Prior Modifications:</b> \$0</td> </tr> <tr> <td colspan="2"><b>Prior Budgetary Increases:</b> \$0</td> </tr> <tr> <td colspan="2"><b>Current Amount:</b> \$22,000,000</td> </tr> <tr> <td><b>This Request:</b></td> <td>\$15,750,000 (not-to-exceed)</td> </tr> <tr> <td><b>% of This Request to Current Amount:</b></td> <td>72%</td> </tr> <tr> <td><b>% of Modifications (including This Request) to Original Amount:</b></td> <td>72%</td> </tr> </table>	Contract Number	AWO/Modification #	01-634	001	<b>Original Amount:</b> \$22,000,000		<b>Prior Modifications:</b> \$0		<b>Prior Budgetary Increases:</b> \$0		<b>Current Amount:</b> \$22,000,000		<b>This Request:</b>	\$15,750,000 (not-to-exceed)	<b>% of This Request to Current Amount:</b>	72%	<b>% of Modifications (including This Request) to Original Amount:</b>	72%
Contract Number	AWO/Modification #																		
01-634	001																		
<b>Original Amount:</b> \$22,000,000																			
<b>Prior Modifications:</b> \$0																			
<b>Prior Budgetary Increases:</b> \$0																			
<b>Current Amount:</b> \$22,000,000																			
<b>This Request:</b>	\$15,750,000 (not-to-exceed)																		
<b>% of This Request to Current Amount:</b>	72%																		
<b>% of Modifications (including This Request) to Original Amount:</b>	72%																		
<b>Description</b> Additional Funding for OEM Parts																			
<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</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>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																			

**Discussion:**

Approval is requested for a contract modification for additional funding in the total not-to-exceed amount of \$15,750,000 to an existing non-competitive miscellaneous purchase agreement with Bombardier Transportation North America (Bombardier). This agreement is for Original Equipment Manufacturer (OEM) replacement parts for MNR's various railcar fleets wherein Bombardier was identified as the OEM supplier of safety-critical parts. In addition, Bombardier provides repair and return services for specialty components that can be repaired or refurbished for MNR. The parts and services included in this agreement have been fully vetted to reflect only those materials that cannot be acquired from other sources. The current agreement will expire in February 2020.

In 2015, under a joint procurement with Long Island Rail Road (LIRR), MNR awarded a non-competitively negotiated miscellaneous purchase contract for a five-year period in the amount of \$22,000,000. Since that award, MNR's project engineering group in conjunction with the Railroad's Reliability Centered Maintenance (RCM) program has significantly increased the usage of the previously identified and budgeted materials. In addition, there has been an increase in parts usage that were not previously identified such as the Traction Motor Suspension Assemblies and M-3 Air Springs. These parts were not accounted for in MNR's estimate and original MTA Board authorization. These changes, along with general under estimating of the actual material demands over this period to support MNR's inventory has created a budget shortfall. All pricing and terms per the approved agreement will remain fixed for the entire contract term.

The total additional funds required by MNR is not-to-exceed \$15,750,000 and is to be funded by the MNR Operating Budget.

MAY 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. **Med-Trac Incorporated**                      **\$901,449 (not-to-exceed)**                      **Staff Summary Attached**  
**Compliance Auditor for Contractor Drug & Alcohol Program**

Approval is requested for a Metro-North Railroad (MNR) and Long Island Rail Road (LIRR) (collectively, "the Agencies") joint procurement, seeking to award a competitively solicited general services contract (RFP process; 5 proposals received) in the not-to-exceed amount of \$901,449 (MNR = \$450,725, LIRR = \$450,724) to Med-Trac Inc. (Med-Trac). Med-Trac will perform compliance audits for the drug and alcohol testing programs of Agency Contractors who fall under Federal Railroad Administration (FRA) Roadway Worker requirements. The initial term of this contract will be for a period of one year with the option to extend the agreement on an annual basis to a maximum of five years.

MNR and LIRR each have approximately 50+ Contractors working within the service area that are required to perform drug and alcohol testing on their employees. The FRA will audit both Railroads and Contractors to ensure compliance. The Railroads are responsible for ensuring that their Contractors meet compliance and will have regulatory exposure for Contractors that are not in compliance. The compliance audits of Contractors will minimize the Agencies' exposure to adverse regulatory inspection reports or monetary violations for non-compliance.

In accordance with MTA Procurement Guidelines, on February 16, 2018, Request for Proposal ("RFP") No. 95533 was advertised in the New York Post, the Daily Challenge, El Diario, the DATIA magazine, and posted on the MNR website.

On March 15, 2018, MNR received five proposals containing technical qualifications and cost proposals from: BBG Consulting, The Bonadio Group, Ernst & Young, Med-Trac Inc., and Pierlott & Associates, LLC.

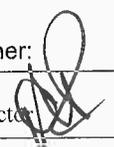
All cost proposals, with the exception to Med-Trac's, exceeded the internal estimate of a combined MNR and LIRR annual cost of \$307,160. In addition to offering the lowest proposal price, Med-Trac provided a clear understanding of the scope of work and was the only firm that understood the level of effort the Agencies expected for the audits and estimated the cost accordingly. The Selection Committee found that Med-Trac's demonstrated understanding of the work and much lower cost proposal justified their unanimous selection.

The MTA Department of Diversity and Civil Rights (DDCR) established 0% goals for this project. This procurement is to be funded by each Agency's Operating Budget.

**Schedule G: Miscellaneous Service Contracts**

Item Number: **G**

<b>Vendor Name (&amp; Location)</b> Med-Trac Incorporated (1633 State Street, New Haven, CT 06511)
<b>Description</b> Compliance Auditor for Contractor Drug and Alcohol Program
<b>Contract Term (including Options, if any)</b> 5 years
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contract Number</b> 1000095533	<b>AWO/Modification #</b>
<b>Renewal?</b>	Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$901,449 (not-to-exceed) (MNR=\$450,725, LIRR=\$450,724)
<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 	

**I. PURPOSE/RECOMMENDATION:**

Approval is requested for a Metro-North Railroad (MNR) and Long Island Rail Road (LIRR) (collectively, “the Agencies”) joint procurement, seeking to award a competitively solicited general services contract (RFP process; 5 proposals received) in the not-to-exceed amount of \$901,449 (MNR = \$450,725, LIRR = \$450,724) to Med-Trac Inc. (Med-Trac). Med-Trac will perform compliance audits for the drug and alcohol testing programs of Agency Contractors who fall under Federal Railroad Administration (FRA) Roadway Worker requirements. The initial term of this contract will be for a period of one year with the option to extend the agreement on an annual basis to a maximum of five years.

**II. DISCUSSION:**

Since 1986, the FRA has required drug and alcohol testing for railroad industry employees in order to prevent accidents that result from impairment of employees. As of June 12, 2017, the drug and alcohol testing expanded to include Maintenance of Way (MofW) Roadway Worker employees. As defined in 49 CFR §214, “Roadway worker means any employee of a railroad, or of a Contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in this section.”

MNR and LIRR each have approximately 50+ Contractors working within the service area that are required to perform drug and alcohol testing on their employees. The FRA will audit both Railroads and Contractors to ensure compliance. The Railroads are responsible for ensuring that their Contractors meet compliance and will have regulatory exposure for Contractors that are not in compliance. The compliance audits of Contractors will minimize the Agencies’ exposure to adverse regulatory inspection reports or monetary violations for non-compliance.

Major tasks to be performed by the selected vendor include:

- Perform bi-annual audits of all identified Contractors that fall within the scope of 49 CFR §219;
- Ensure the Contractor is meeting the FRA testing requirements of 50% for controlled substance and 25% for alcohol;
- Ensure the Contractor has validated all eligible employees for drug & alcohol testing and verifying employees are active;
- Provide written reports identifying any non-compliance issues with these written reports provided to the railroad with ten days from the completion of the audit

In accordance with MTA Procurement Guidelines, on February 16, 2018, Request for Proposal (“RFP”) No. 95533 was advertised in the New York Post, the Daily Challenge, El Diario, the DATIA magazine (a drug testing industry periodical), and posted on the MNR website.

On March 15, 2018, MNR received five proposals containing technical qualifications and cost proposals from: BBG Consulting, The Bonadio Group, Ernst & Young, Med-Trac Inc., and Pierlott & Associates, LLC.

The Selection Committee was comprised of members representing MNR’s Regulatory Oversight, Procurement and Material Management departments, and LIRR’s Human Resources department. The Selection Committee met on March 27, 2018 to review the proposals in accordance with the following criteria:

- Demonstrated understanding of the work scope requirements, including but not limited to the regulations under 49 CFR §219 and 49 CFR §40.
- Cost.
- Project plan (detailed description of how the Services will be performed).
- Confidence level, commitment of relevant resources to the project including the qualifications of key personnel and reliability to audit all MNR and LIRR contractors throughout the duration of the contract.
- Past experience on similar projects.

All cost proposals, with the exception to Med-Trac’s, exceeded the internal estimate of a combined MNR and LIRR annual cost of \$307,160. In addition to offering the lowest proposal price, Med-Trac provided a clear understanding of the scope of work and was the only firm that understood the level of effort the Agencies expected for the audits and estimated the cost accordingly. The Selection Committee found that Med-Trac’s demonstrated understanding of the work and much lower cost proposal justified their unanimous selection.

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

The MTA Department of Diversity and Civil Rights (DDCR) established 0% goals for this project.

**IV. IMPACT ON FUNDING:**

Board approval is requested in the not-to-exceed amount of \$901,449 (MNR = \$450,725, LIRR = \$450,724) for the cost of the full five-year period of performance. The initial award is recommended in the not-to-exceed amount of \$169,792, (MNR = \$84,896, LIRR = 84,896) which includes the full work scope for the first year. The Agencies reserve the right to extend the contract annually for up to five years, in which case Med-Trac’s proposal is allowed an annual 3% cost escalation. The \$169,792 base contract value when escalated at 3% for 4 additional years results in a total sum of \$901,449. MNR is requesting that the Board approve the full five-year cost to allow the Agencies to elect the annual extension options without having to return each year for re-approval.

The project will be funded with an even 50-50 split between MNR and LIRR. This procurement is to be funded by each Agency’s Operating Budget.

**V. ALTERNATIVES:**

The Agencies do not have neither the expertise nor the capability to perform the required audit services as mandated.

MAY 2018

METRO-NORTH RAILROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

**D. Ratification of Completed Procurement Actions**

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

**1. Progress Rail Services Corporation      \$139,000 (not-to-exceed)      Staff Summary Attached  
**Purchase of EM 2000 Software & Hardware for F-40 Locomotives****

Non-competitive procurement for the purchase of updated EM 2000 Software and Hardware for eight F-40 Locomotives for our West of Hudson Fleet operated by New Jersey Transit. The current version of software on the F40PH-3 locomotives was last installed in 2011. Since that time, the OEM, Progress Rail has made many improvements to the EM2000 software which will correct issues currently contributing to train delays in our West of Hudson Service. The locomotives control software and hardware provided is propriety to the OEM and there is a critical need for compatibility with the product currently in use and there is no viable alternative.

The upgrade shall include the following enhancements to the existing operating software:

- Faster recalibration of the radar signal after wheel change or wheel truing, which will significantly reduce "light load" reports after a wheel size change
- Starting logic change to start the engine at normal idle speed, rather than low idle, which will address tripping governor low oil button when unit is started (including with auto start).
- Additional monitoring and diagnostics of the axle alternator speed signal which can flag the need to repair the axle alternator system before it is needed in the event of a radar signal failure. During observation of other EM2000 F40PH locomotives in snow operation, when the radar is covered with snow, the EM2000 transfers into back up wheel slip mode very quickly and continues to perform well. If there is a faulty axle alternator speed signal (which the backup wheel slip system utilizes), the wheel slip system will not operate as well.

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

The price for the upgraded software and hardware is considered fair and reasonable. This procurement is to be funded by the MNR Operating Budget.

**Schedules Requiring Majority Vote:**

**K. Ratification of Completed Procurement Actions**

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

**2. ORX Railway Corporation      \$516,650 (not-to-exceed)      Staff Summary Attached  
Purchase of Axles for the M-3 and Coach Railcars**

Non-competitive procurement deemed as an "Immediate Operating Need" for the purchase of 225 axles for the Metro-North Railroad (MNR) Coach Car and M-3 Fleets. This purchase will require immediate delivery to MNR property commencing in July 2018.

Presently, the inventory of the Coach and M-3 axles is being depleted and there is a critical need for delivery within the next few months to keep these fleets in service. The disqualification of a vendor in the most recent axle solicitation created a delay in the shipment of axles to MNR. As they failed to meet the necessary quality requirements, that vendor was subsequently disqualified. A solicitation and award for a new axle supplier is currently in process, however the first article quality testing will not be finalized in time to meet immediate service needs. ORX is a previously qualified supplier of the Coach Car and M-3 axles and can supply the initial delivery of these axles with their current inventory. ORX current unit pricing was held firm and is deemed to be fair and reasonable.

The total cost for this procurement in the not-to-exceed amount of \$516,650 and is to be funded by the MNR Operating Budget.

**3. ClearWay Industries, LLC      \$1,250,000 (not-to-exceed)      Staff Summary Attached  
Additional funding for brush and tree cutting and removal of debris services**

Board ratification is requested for a modification made on March 21, 2018 to ClearWay Industries, LLC (formerly Cutting-Edge Lawn Service & Landscaping, LLC) miscellaneous service Contract No. 100000000080241 to provide for additional funding for cutting and removal of trees that were dangerous, downed, or damaged along Metro-North's (hereinafter "MNR") system-wide right-of-way. Authorization of funding in the not-to-exceed amount of \$1,250,000 was deemed an "Immediate Operating Need" and granted by the Agency President since it was imperative that MNR territories be restored in order to return to efficient operations.

The original 24-month contract was competitively solicited and awarded on June 1, 2016 in the not-to-exceed amount of \$2,286,000 to provide as-needed brush and tree cutting and debris removal services on all MNR Lines, including Branch Lines and West of Hudson. The scope of work consisted of: 1) scheduled and as-needed tree trimming, cutting, clearing and removal of tree debris; and 2) as-needed services along MNR's right-of-way.

Over the recent winter months, the northeast region was affected with adverse weather conditions which delivered significant and combination of heavy rains, snow accumulations, and strong winds. As a result, a high volume of downed trees, hanging limbs and debris fell along the right-of-way, requiring immediate corrective actions. These critical services were

required to be performed on twelve-hour shifts over weekends so as to not adversely affect normal railroad operations. The current contract expires on June 30, 2018 and remaining funds were inadequate to cover the increase of the needed services. A solicitation and award for a new contract is currently in process. ClearWay was given authorization to spend 75% of the additional funding for the clean-up effort with remaining funds, if needed, requiring MNR prior approval. To date, approximately 50% of the additional funding has been depleted. Upon issuance of a new award in July 2018, any further services related to the completion of the clean-up effort will be performed under the new contract.

This ratification of additional funding in the not-to-exceed amount of \$1,250,000 increases the contract amount from \$2,286,000 to \$3,536,000, per the same terms and conditions, to continue with the clean-up effort of cutting and removing downed trees, hanging limbs and debris along the right-of-way. This procurement is to be funded by the MNR Operating Budget.

**Schedule K: Ratification**



Item **D**

<b>Vendor Name (&amp; Location)</b> Progress Rail Services Corporation 9301 West 55 <sup>th</sup> Street LaGrange, IL 60525
<b>Description</b> Purchase of EM 2000 Software and Hardware for P-40 Locomotives
<b>Contract Term (including Options, if any)</b> N/A
<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>	<b>AWO/Modification #</b> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$139,000 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>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director	

**Discussion:**

Non-competitive procurement for the purchase of updated EM 2000 Software and Hardware for eight F-40 Locomotives for our West of Hudson Fleet operated by New Jersey Transit. The current version of software on the F40PH-3 locomotives was last installed in 2011. Since that time, the OEM, Progress Rail has made many improvements to the EM2000 software which will correct issues currently contributing to train delays in our West of Hudson Service. The locomotives control software and hardware provided is propriety to the OEM and there is a critical need for compatibility with the product currently in use and there is no viable alternative.

The upgrade shall include the following enhancements to the existing operating software:

- Faster recalibration of the radar signal after wheel change or wheel truing, which will significantly reduce "light load" reports after a wheel size change
- Starting logic change to start the engine at normal idle speed, rather than low idle, which will address tripping governor low oil button when unit is started (including with auto start).
- Additional monitoring and diagnostics of the axle alternator speed signal which can flag the need to repair the axle alternator system before it is needed in the event of a radar signal failure. During observation of other EM2000 F4OPH locomotives in snow operation, when the radar is covered with snow, the EM2000 transfers into back up wheel slip mode very quickly and continues to perform well. If there is a faulty axle alternator speed signal (which the backup wheel slip system utilizes), the wheel slip system will not operate as well.

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

The price for the upgraded software and hardware is considered fair and reasonable. This procurement is to be funded by the MNR Operating Budget.

**Schedule K: Ratification**



Item Number: K

<b>Vendor Name (&amp; Location)</b> ORX Railway Corporation One Park Avenue Tipton, PA 16684
<b>Description</b> Purchase of Axles for the M-3 and Coach Car Railcars
<b>Contract Term (including Options, if any)</b> N/A
<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>	<b>AWO/Modification #</b> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$516,650 (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	

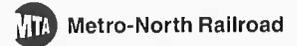
**Discussion:**

Non-competitive procurement deemed as an "Immediate Operating Need" for the purchase of 225 axles for the Metro-North Railroad (MNR) Coach Car and M-3 Fleets. This purchase will require immediate delivery to MNR property commencing in July 2018.

Presently, the inventory of the Coach and M-3 axles is being depleted and there is a critical need for delivery within the next few months to keep these fleets in service. The disqualification of a vendor in the most recent axle solicitation created a delay in the shipment of axles to MNR. As they failed to meet the necessary quality requirements, that vendor was subsequently disqualified. A solicitation and award for a new axle supplier is currently in process, however the first article quality testing will not be finalized in time to meet immediate service needs. ORX is a previously qualified supplier of the Coach Car and M-3 axles and can supply the initial delivery of these axles with their current inventory. ORX current unit pricing was held firm and is deemed to be fair and reasonable.

The total cost for this procurement in the not-to-exceed amount of \$516,650 and is to be funded by the MNR Operating Budget.

**Schedule K: Ratification**



Item Number: K

<b>Vendor Name (&amp; Location)</b> ClearWay Industries, LLC 2 Stage Road, Pine Island, NY 10969
<b>Description</b> Additional funding for brush and tree cutting and removal of debris services
<b>Contract Term (including Options, if any)</b> 24 months
<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>Contract Number</b> 100000000080241	<b>AWO/Modification #</b> 1
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$1,250,000 (not-to-exceed)
<b>Funding Source</b>	<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal    Other:
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director	

**Discussion:**

Board ratification is requested for a modification made on March 21, 2018 to ClearWay Industries, LLC (formerly Cutting-Edge Lawn Service & Landscaping, LLC) miscellaneous service Contract No. 100000000080241 to provide for additional funding for cutting and removal of trees that were dangerous, downed, or damaged along Metro-North's (hereinafter "MNR") system-wide right-of-way. Authorization of funding in the not-to-exceed amount of \$1,250,000 was deemed an "Immediate Operating Need" and granted by the Agency President since it was imperative that MNR territories be restored in order to return to efficient operations.

The original 24-month contract was competitively solicited and awarded on June 1, 2016 in the not-to-exceed amount of \$2,286,000 to provide as-needed brush and tree cutting and debris removal services on all MNR Lines, including Branch Lines and West of Hudson. The scope of work consisted of: 1) scheduled and as-needed tree trimming, cutting, clearing and removal of tree debris; and 2) as-needed services along MNR's right-of-way.

Over the recent winter months, the northeast region was affected with adverse weather conditions which delivered significant and combination of heavy rains, snow accumulations, and strong winds. As a result, a high volume of downed trees, hanging limbs and debris fell along the right-of-way, requiring immediate corrective actions. These critical services were required to be performed on twelve-hour shifts over weekends so as to not adversely affect normal railroad operations. The current contract expires on June 30, 2018 and remaining funds were inadequate to cover the increase of the needed services. A solicitation and award for a new contract is currently in process. ClearWay was given authorization to spend 75% of the additional funding for the clean-up effort with remaining funds, if needed, requiring MNR prior approval. To date, approximately 50% of the additional funding has been depleted. Upon issuance of a new award in July 2018, any further services related to the completion of the clean-up effort will be performed under the new contract.

This ratification of additional funding in the not-to-exceed amount of \$1,250,000 increases the contract amount from \$2,286,000 to \$3,536,000, per the same terms and conditions, to continue with the clean-up effort of cutting and removing downed trees, hanging limbs and debris along the right-of-way. This procurement is to be funded by the MNR Operating Budget.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**May 23, 2018**

# Staff Summary



Subject : Request for Authorization to Award Various Procurements						Date May 23, 2018			
Department Procurement and Logistics									
Department Head Name Dennis L. Mahon, Chief Procurement and Logistics Officer									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	5.21.18				2	President <i>D L Mahon</i>		
2	MTA Board	5.23.18				1	Executive VP <i>DePina</i>		

**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

Schedules Requiring Two-Thirds Vote

Schedule A:    Non-Competitive Purchases and Public Works	2	\$865,200
SUBTOTAL:	2	\$865,200

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

Schedules Requiring Majority Vote

Schedule I:    Modifications to Purchase and Public Work Contracts	1	\$3,271,600
SUBTOTAL:	1	\$3,271,600

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

None		
SUBTOTAL:		
<b>TOTAL:</b>	<b>3</b>	<b>\$4,136,800</b>

**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.

MAY 2018

MTA LONG ISLAND RAIL ROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

**Schedule A: Non-Competitive Purchase and Public Works Contracts**

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

1. **LB Foster Rail Technologies, Inc. \$377,200 – LIRR** *Staff Summary Attached*  
**Sole Source** **\$ 73,000 – MNR**  
**Contract No. TBD** **\$450,200 – Not-to-Exceed**

Long Island Rail Road (LIRR), on behalf of itself, and Metro-North Railroad (MNR) requests approval to award separate Sole Source estimated quantity contracts, to LB Foster Rail Technologies, Inc. (LB Foster), each for a three-year period in the following amounts: LIRR - not-to-exceed \$377,200, and MNR - not-to-exceed \$73,000. Under the Contracts, LIRR and MNR, (collectively the Agencies) will issue their own individual purchase orders to LB Foster on an as-needed basis to supply complete rail lubrication and traction applicators, as well as replacement parts required to allow each Agency to repair and maintain its existing respective rail lubrication and friction management systems manufactured by Portec Rail Products, Inc. (Portec). LIRR continues to seek competition for all its procurements. To that end, LIRR advertised its intent to award a Joint Sole Source Procurement to LB Foster Rail Technologies, Inc. in the NYS Contract Reporter and the New York Post to seek additional potential vendors capable of providing lubricating and traction applicator spare parts. No other vendor expressed interest in competing for this procurement.

2. **North American Equipment Sales \$415,000** *Staff Summary Attached*  
**Sole Source** **Not-to-Exceed**  
**Contract No. IFB 194969-E99**

Long Island Rail Road (LIRR) requests MTA Board approval to award a sole source contract for a 36-month period to North American Equipment Sales (North American) in a total amount not-to-exceed \$415,000 for replacement parts required by the Long Island Railroad to operate and maintain various pieces of Little Giant/Badger cranes, Teleweld rail heaters and Airtec impact tools. LIRR continues to seek competition for all its procurements. To that end, LIRR advertised its intent to award a sole source contract to North American Equipment Sales in the NYS Contract Reporter on December 19, 2017 and in the New York Post on December 21, 2017 to seek additional potential vendors capable of providing these critical spare parts. No other manufacturer expressed an interest in competing for this contract. North American is the exclusive distributor of these highly specialized pieces of equipment, which must be maintained in good operating condition to support on-going infrastructure maintenance programs.



## Staff Summary

Item Number: 1

<b>Vendor Name</b> LB Foster Rail Technologies, Inc. Pittsburgh, PA
<b>Description</b> Spare Parts Required to Perform Maintenance and Repairs of LB Foster Lubricators and Traction Gel Applicators
<b>Contract Term (including Options, if any)</b> 3 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>Contact Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	LIRR \$377,200 MNR \$73,000 Not-to-Exceed \$450,200
<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> Maintenance of Way – Glenn Greenberg Deputy Chief Engineer	
<b>Contract Manager:</b> John Latterner	

### Discussion:

Long Island Rail Road (LIRR), on behalf of itself, and Metro-North Railroad (MNR) requests approval to award separate Sole Source estimated quantity contracts, to LB Foster Rail Technologies, Inc. (LB Foster), each for a three-year period in the following amounts: LIRR - not-to-exceed \$377,200, and MNR - not-to-exceed \$73,000. Under the Contracts, LIRR and MNR, (collectively the Agencies) will issue their own individual purchase orders to LB Foster on an as-needed basis to supply complete rail lubrication and traction applicators, as well as replacement parts required to allow each Agency to repair and maintain its existing respective rail lubrication and friction management systems manufactured by Portec Rail Products, Inc. (Portec). At the end of December 2010, LB Foster acquired Portec and its catalog of track lubricating and friction management equipment.

LIRR continues to seek competition for all its procurements. To that end, LIRR advertised its intent to award a Joint Sole Source Procurement to LB Foster Rail Technologies, Inc. in the NYS Contract Reporter and the New York Post to seek additional potential vendors capable of providing lubricating and traction applicator spare parts. No other vendor expressed interest in competing for this procurement. LIRR's not-to-exceed estimate is significantly greater than MNR's due to the fact that LIRR operates a greater number of rail lubricators and applicators. Further, due to the congestion of train activity on LIRR's system, the applicators and lubricators operate more frequently, therefore requiring more maintenance to keep them in a state of good repair.

LB Foster is the Original Equipment Manufacturer (OEM) of Rail Lubricators and Traction Applicators installed on LIRR equipment. They do not use 3<sup>rd</sup> party distributors for any of their equipment or parts. LB Foster maintains all proprietary rights to drawings and specifications for these pieces of equipment.

The prices submitted by LB Foster were reviewed and compared to the Producer Price Index (PPI) for pumping parts and attachments - Series Id: PCU33391433391415. Since 2016, LB Foster's overall prices have increased by 5%, which is in line with the PPI index which showed an increase of 5% over the same time period. The LB Foster price list will be firm fixed for the three year term of the contract. LB Foster has certified that all prices offered to the Agencies are equal to or not greater than prices charged to their most favored transit customer or any other commuter railroad or transit agency. As a result of the above, prices have been determined to be fair and reasonable.



## Staff Summary

A vendor responsibility check was done in April 2018 and returned no adverse information against LB Foster. Google searches on the vendor returned no derogatory information on key search terms and phrases. Additionally, a LexisNexis search did not find any information that could be deemed Adverse Information (AI) or Significant Adverse Information (SAI). Based upon the foregoing, LB Foster is considered a responsive and responsible supplier.

Staff Summary



Item Number: 2

<b>Vendor Name (&amp; Location)</b> North American Equipment Sales
<b>Description</b> Replacement Parts for Various Maintenance Of Way Equipment
<b>Contract Term (including Options, if any)</b> 3 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>Contact Number</b> IFB#194969-E99	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	LIRR: \$ 415,000
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Maintenance of Way Repair Shop – Joseph Savoretti, Assistant Manager	
<b>Contract Manager :</b> Arlen Turnier	

**Discussion:**

Long Island Rail Road (LIRR) requests MTA Board approval to award a sole source contract for a 36-month period to North American Equipment Sales (North American) in a total amount not-to-exceed \$415,000 for replacement parts required by the Long Island Rail Road to operate and maintain various pieces of Little Giant/Badger cranes, Teleweld rail heaters and Airtec impact tools.

LIRR continues to seek competition for all its procurements. To that end, LIRR advertised its intent to award a sole source contract to North American Equipment Sales in the NYS Contract Reporter on December 19, 2017 and in the New York Post on December 21, 2017 to seek additional potential vendors capable of providing these critical spare parts. No other manufacturer expressed an interest in competing for this contract. North American is the exclusive distributor of these highly specialized pieces of equipment, which must be maintained in good operating condition to support on-going infrastructure maintenance programs.

North American offered list price plus delivery cost for the Teleweld and Airtec replacement parts, and a 5% discount off the list price on Little Giant/Badger replacement parts along with delivery cost for the contract term. North American is to provide a new price book 15 days prior to any price increase. A comparison of the price list being offered for Airtec replacement parts in this solicitation to the last price list of the prior contract 04\_0904 for the same material reflects an average price increase of 5%, whereas the PPI for the power-driven hand tool manufacturing industry showed an increase of 14.5% during the course of contract 04\_0904. Also, looking at the last list pricing of Little Giant/Badger replacement parts to the price list that North America is offering, there is minimal change in pricing. Lastly, North American, Teleweld pricing for this contract remains the same as it was in the prior contract.

A vendor responsibility check was done in February 2018 and returned no adverse information against North American Equipment Sales. Google searches on the vendor returned no derogatory information on key search terms and phrases. Additionally, a LexisNexis search did not find any information that could be deemed Adverse Information or Significant Adverse Information. Based upon the foregoing, North American Equipment Sales is considered a responsive and responsible supplier.

MAY 2018

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

*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)

- |           |   |                                      |                                      |
|-----------|---|--------------------------------------|--------------------------------------|
| <b>3.</b> | <b>Harsco Rail<br/>Competitive Bid<br/>Contract No. 400000000001223</b> | <b>\$3,271,600<br/>Not-to-Exceed</b> | <i><u>Staff Summary Attached</u></i> |
|-----------|---|--------------------------------------|--------------------------------------|

Long Island Rail Road (LIRR) requests MTA Board approval to issue a contract modification in the amount of \$3,271,600 to Harsco Rail (Harsco) for additional use of the Track Laying Machine (TLM) and Tie Rack Car Rental Service in support of the annual State of Good Repair Track Program and Port Jefferson Branch concrete tie replacement program, thus extending the contract through 12/31/18.

LIRR's Maintenance of Way unit utilizes Harsco TLM & Tie Rack Car Rental Services for New Track Installments and Tie Replacement applications, under a current contract competitively procured and awarded in March 2016.

This modification request is to add funding to allow for the additional use of the TLM on the State of Good Repair Track Program (\$2,075,800) and for concrete tie replacement on the Port Jefferson branch (\$1,195,800).

Staff Summary



Item Number: 3

<b>Vendor Name (&amp; Location)</b> Harsco Rail – W. Columbia, SC
<b>Description</b> Track Laying Machine (TLM) & Tie Rack Car Rental Services
<b>Contract Term (including Options, if any)</b> March 7,2016 – July 1, 2018
<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>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering/Glenn Greenberg-Chief Engineer

<b>Contact Number</b> 40000000001223	<b>AWO/Modificaion #</b> 1
<b>Original Amount:</b>	\$7,750,134
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 0
<b>This Request:</b>	\$3,271,600
<b>% of This Request to Current Amount:</b>	42%
<b>% of Modifications (including This Request) to Original Amount:</b>	42%

**Narrative:**

**I. PURPOSE/RECOMMENDATION:**

Long Island Rail Road (LIRR) requests MTA Board approval to issue a contract modification in the amount of \$3,271,600 to Harsco Rail (Harsco) for additional use of the Track Laying Machine (TLM) and Tie Rack Car Rental Service in support of the annual State of Good Repair Track Program and Port Jefferson Branch concrete tie replacement program, thus extending the contract through 12/31/18.

**II. DISCUSSION:**

LIRR’s Maintenance of Way unit utilizes Harsco Track Laying Machine (TLM) & Tie Rack Car Rental Services for New Track Installments and Tie Replacement applications, under a current contract competitively procured and awarded in March 2016.

This modification request is to add funding to allow for the additional use of the TLM on the State of Good Repair Track Program (\$2,075,800) and for concrete tie replacement on the Port Jefferson branch (\$1,195,800).

Although a follow-on procurement is planned, and funding is in place for additional TLM work, it is anticipated that the new contract will not be in place until August 2018, while the State of Good Repair work associated with both the track and concrete tie projects is planned for June 2018, during scheduled outages. Under this modification, Harsco has agreed to maintain the current contract price structure, terms and conditions as provided in the current contract which commenced in March of 2016. By utilizing this contract, LIRR will also avoid mobilization charges.

A vendor responsibility check was done in April 2018 and returned no adverse information against Harsco. Google searches on the vendor returned no derogatory information on key search terms and phrases. Additionally, a LexisNexis search did not find any information that could be deemed Adverse Information (AI) or Significant Adverse Information (SAI). Based upon the foregoing, Harsco is considered a responsive and responsible supplier.

**LONG ISLAND RAIL ROAD  
COMMITTEE**

**MTA BOARD**

**PROCUREMENT PACKAGE  
May 2018**

**Staff Summary**



<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Law and Procurement					
<b>Department Head Name</b> Evan M. Eisland					
<b>Department Head Signature</b> 					
Board Action					
Order	To	Date	Approval	Info	Other
1	LIRR Committee	5/21/18	X		
2	Board	5/23/18	X		

<b>Date:</b> May 15, 2018			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
Internal Approvals			
	Approval		Approval
3 <i>Lpd</i>	Vice President, Program Controls	5	President <i>M</i>
2 <i>AC for AK</i>	Vice President & Chief Financial Officer	4	Executive Vice President <i>AD</i>
1 <i>gme</i>	Vice President & Chief Procurement Officer		

**PURPOSE**

To obtain the approval of the Board to award contract modifications and, to inform the Long Island Rail Road Committee of these procurement actions.

**DISCUSSION**

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

Schedules Requiring Majority Vote:	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K – Ratifications of Completed Procurement Actions	2	\$ 1,900,000
<b>TOTAL</b>	<b>2</b>	<b>\$ 1,900,000</b>

**Budget Impact:**

The approval of the contract modifications will obligate MTA Capital Construction capital funds in the amounts listed. Funds are available in the capital budget for this purpose.

**Recommendation:**

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

**MTA Capital Construction Company**

**BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

May 2018

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

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

- |                               |                    |                                      |
|-------------------------------|--------------------|--------------------------------------|
| <b>1. Michels Corporation</b> | <b>\$1,030,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. CH061A</b>    |                    |                                      |
| <b>Modification No. 11</b>    |                    |                                      |

In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a modification for the additional costs due to a Differing Site Condition encountered during the excavation for the Track A Approach Structure.

- |                                    |                   |                                      |
|------------------------------------|-------------------|--------------------------------------|
| <b>2. Tutor Perini Corporation</b> | <b>\$ 870,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. CQ033</b>          |                   |                                      |
| <b>Modification No. 11</b>         |                   |                                      |

In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a modification to furnish and install two new catenary structures and modify fourteen existing catenary structures.

Item Number 1

<b>Vendor Name (&amp; Location)</b> Michels Corporation (Brownsville, Wisconsin)	
<b>Description</b> Track A Cut and Cover Structure for the ESA Project	
<b>Contract Term (including Options, if any)</b> 16 Months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> East Side Access, W. Goodrich, P.E.	

<b>Contract Number</b> CH061A	<b>AWO/Modification #</b> 11
<b>Original Amount:</b>	\$ 34,074,520
<b>Prior Modifications:</b>	\$ 372,924
<b>Prior Budgetary Increases:</b>	\$ -0-
<b>Current Amount:</b>	\$ 34,447,444
<b>This Request</b>	\$ 1,030,000
<b>% of This Request to Current Amount:</b>	3 %
<b>% of Modifications (including This Request) to Original Amount:</b>	4 %

**Discussion:**

This Contract is for the construction of the Track A Approach Structure in the Harold Interlocking, the installation of catenary structures and the relocation of electrical, sewer and communication systems. In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a modification for the additional costs due to a Differing Site Condition (“DSC”) encountered during the excavation for the Track A Approach Structure.

The excavation and construction of the Track A Approach Structure could not be completed, as originally planned, by prior contractors because of delays associated with the design and construction of the new 12Kv ductbank in the area of the Track A Approach Structure. Accordingly, after the prior contractors installed soldier piles for the support of excavation (SOE), which includes the placement of fill to stabilize the piles prior to completion of the SOE, the remainder of the work, including completion of the SOE, was transferred to the CH061A Contract. To complete the installation of SOE and provide lateral support during excavation, the CH061A contractor was required to remove fill material placed around the soldier piles by the prior contractors and install timber lagging between the soldier piles.

CH061A Contract Drawings indicated that the fill that needed to be excavated was temporary Controlled Low Strength Material, which, according to Contract specification and industry standards, should have a compressive strength of 100-300 psi. The CH061A Contractor performed sampling of the fill material and all the samples taken were shown to be substantially above the specified strength, averaging approximately 1,800 psi. Excavating the harder CLSM required additional labor, equipment and time on the Contract Schedule. To the extent that this additional work was required as a result of non-compliant work by the previous Contractors that installed the fill material, MTACC intends to seek compensation for any resulting damages.

The Contractor submitted a cost proposal of \$1,112,043 for this additional work. The MTACC’s project estimate was \$1,205,110. Negotiations were held and the parties agreed to direct costs of \$1,030,000. The time impacts as a result of this DSC will be addressed in a separate modification that will be negotiated to recover the Contract schedule due to both MTACC and Contractor-caused delays, and to maintain the substantial completion date.

Michels Corporation does not have any Significant Adverse Information (“SAI”) as defined in the All-Agency Responsibility Guidelines and they have been found to be responsible.

Item Number 2

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation	
<b>Description</b> Mid-Day Storage Yard for the East Side Access Project	
<b>Contract Term (including Options, if any)</b> 1,217 Days	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> East Side Access, W. Goodrich, P.E.	

<b>Contract Number</b> CQ033	<b>AWO/Modification #</b> 11
<b>Original Amount:</b>	\$ 291,503,430
<b>Prior Modifications:</b>	\$ 1,989,566
<b>Options:</b>	\$ 1,873,000
<b>Current Amount:</b>	\$ 34,599,694
<b>This Request</b>	\$ 870,000
<b>% of This Request to Current Amount:</b>	.3%
<b>% of Modifications (including This Request) to Original Amount:</b>	1 %

**Discussion:**

This Contract is for the demolition and removal of the existing catenary structures, railroad buildings, the Montauk Cutoff Bridge and ramp and the construction of the Mid-Day Storage Yard (“Yard”) in the Harold Interlocking. In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a modification to furnish and install two new catenary structures and modify fourteen existing catenary structures.

The catenary structure work that is the subject of this modification was originally planned as part of Contract CH057A which, as previously reported, was terminated in 2017. The work consists of moving catenary wires to allow for the realignment of track during the North-East Quadrant Outage. This work must be completed before the start of the outage, currently scheduled for late July 2018. The CQ033 Contractor is working in the area of these catenary structures and possesses the requisite experience, labor and equipment to perform the work.

The Contractor submitted a cost proposal of \$922,821 while the MTACC project estimate was \$918,660. Negotiations were held and the parties agreed to a cost of \$870,000, which is considered fair and reasonable. In order to not delay the installation of catenary structures, the President authorized a limited scope of work to proceed in the not-to-exceed amount of \$200,000 in April 2018. Authorization to proceed with the remainder of this Work will be issued upon Board ratification of this Modification.

In connection with previous contracts awarded, the Tutor Perini Corporation was found to be responsible, notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines, and such responsibility findings were approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in February 2016. No new significant adverse information has been found relating to Tutor Perini Corporation. Therefore, Tutor Perini Corporation has been determined to be responsible.



# Bridges and Tunnels

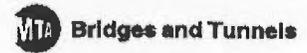
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## Procurements May 2018



# Staff Summary



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

<b>Date:</b> 05/14/2018
<b>Vendor Name:</b>
<b>Contract Number:</b>
<b>Contract Manager Name:</b>
<b>Table of Contents Ref #:</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	President	05/14/2018			
2	MTA B&T Committee	05/21/2018			
3	MTA Board	05/23/2018			

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

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

**PURPOSE:**

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

**DISCUSSION:**

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

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

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Service Contracts	2	\$6.493M
Schedule H: Modifications to Personal Service Contracts and Misc. Service Contracts Awarded as Contracts for Services	2	\$5.166M
Schedule I: Modifications to Purchase & Public Works Contracts	1	\$2.531M
<b>SUBTOTAL</b>	<b>5</b>	<b>\$14.190M</b>

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

<b>TOTAL</b>	<b>5</b>	<b>\$14.190M</b>
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**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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

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

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

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

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

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

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

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

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MAY 2018**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

**F: Personal Service Contracts**

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

- |    |   |                       |                                      |
|----|---|-----------------------|--------------------------------------|
| 1. | <b>Henningson, Durham &amp; Richardson<br/>Architecture and Engineering PC (HDR)<br/>Contract No. PSC-17-3007</b> | <b>\$3,355,076.18</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|-----------------------|--------------------------------------|

3yr., 4 months Contract- Competitive RFP

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract for Construction Inspection and Administration Services for Project VN-10, Rehabilitation of the Anchorages at the Verrazano-Narrows Bridge to Henningson, Durham & Richardson Architecture and Engineering, PC (HDR).

- |    |  |                       |                                      |
|----|--|-----------------------|--------------------------------------|
| 2. | <b>Hardesty &amp; Hanover, LLC<br/>Contract No. PSC-17-3005C</b> | <b>\$3,137,757.00</b> | <b><u>Staff Summary Attached</u></b> |
|----|--|-----------------------|--------------------------------------|

2yr., 9 months Contract- Competitive RFP

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract for the 2018 Biennial Bridge Inspections at the Verrazano-Narrows Bridge: Main Spans (Contract PSC-17-3005C) to Hardesty & Hanover, LLC (H&H).

**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)

- |    |  |                       |                                      |
|----|--|-----------------------|--------------------------------------|
| 1. | <b>Amman &amp; Whitney/WSP JV<br/>Contract No. PSC-16-2996</b> | <b>\$4,294,325.00</b> | <b><u>Staff Summary Attached</u></b> |
|----|--|-----------------------|--------------------------------------|

2yr., 3 months Contract- Competitive RFP

B&T is seeking Board Approval in accordance with the All Agency Service Contract Procurement Guidelines to amend personal service Contract PSC-16-2996 for additional funding to provide additional design services.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MAY 2018**

2. **WSP USA Corp.** **\$ 871,887.96** **Staff Summary Attached**  
**Contract No. PSC-15-2969**

3yr. Contract- Competitive RFP

B&T is seeking the Board's approval under the All Agency Service Contract Procurement Guidelines to amend this personal service contract with WSP USA Corp. (WSP) to provide construction support services (CSS) for Project VN-10 Rehabilitation of the Anchorages at the Verrazano-Narrows Bridge.

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

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

1. **Paul J. Scariano, Inc.** **\$2,531,329.00** **Staff Summary Attached**  
**Contract No. RK-75 Phase IIb**

2yr., 4 months Contract- Competitive Bid

B&T is seeking the Board's approval under the All Agency General Contract Procurement Guidelines to modify this contract with Paul J. Scariano, Inc. (PJS) for work associated with demolition of occupied spaces beneath the Manhattan Plaza at the RFK Bridge.

# Staff Summary

Item Number: 1 (Final)					
Dept & Dept Head Name: Engineering & Construction Department, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering & Construction Department, Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>					
Board Reviews					
Order	To	Date	Approved	Info	Other
1	President	5/7/17	<i>[Signature]</i>		
2	MTA B&T Committee	5/21/17			
3	MTA Board	5/23/17			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Executive Vice President		
2	General Counsel <i>[Signature]</i>	5	President		
3	Chief Procurement Officer <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name: Henningson, Durham & Richardson Architecture and Engineering PC	Contract Number: PSC-17-3007
Description: Construction Administration and Inspection Services for Project VN-10, Rehabilitation of the Anchorages at the Verrazano-Narrows Bridge	
Total Amount \$3,355,076.18	
Contract Term (including Options, if any) Three (3) Years, four (4) months	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Construction Inspection and Administration Services for Project VN-10, Rehabilitation of the Anchorages at the Verrazano-Narrows Bridge to Henningson, Durham & Richardson Architecture and Engineering, PC (HDR) located at 500 Seventh Avenue, New York, NY 10018 in the negotiated amount of \$3,355,076.18 for a duration of three (3) years, four (4) months.

### II. DISCUSSION

B&T requires the services of a consulting engineering firm to provide construction administration and inspection services necessary to assist B&T's Engineering and Construction Department in the oversight of the construction work required under Project VN-10, Rehabilitation of the Anchorages at the Verrazano-Narrows Bridge. The services to be provided include: (i) pre-construction; (ii) construction administration and inspection; and (iii) project closeout.

The service requirements were publicly advertised; nine (9) firms submitted qualification information. Five (5) firms, Louis Berger US, Inc., HAKS Engineers, Architects, & Land Surveyors PC (HAKS), Hardesty & Hanover Construction Services, LLC, (H&H), HDR; and STV, Inc. (STV), were selected to receive the RFP based on a review of their qualifications. All five (5) firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise, proposed personnel, oral presentations and cost. The Selection Committee recommended that B&T should enter into negotiations with HDR.

## Staff Summary

HDR demonstrated the best understanding of the work scope. They presented very sound solutions for coordinating the mechanical and electrical work inside the anchorages. HDR's proposal also detailed how the phases for equipment replacement will be managed without impacting the dehumidification system's operation inside their enclosures. In addition, HDR has extensive experience successfully working at B&T facilities and they proposed the lowest cost.

HDR submitted a cost proposal in the amount of \$3,458,575.36. The Engineer's estimate is \$3,029,012. Negotiations resulted in B&T and HDR agreeing to the negotiated amount totaling \$3,105,076.18, which is 2.5% higher than the Engineer's estimate and is fair and reasonable. HDR's proposal is deemed most advantageous to B&T. HDR is considered a responsible consultant. In anticipation of upcoming Major Maintenance initiatives the Engineer has requested that a \$250,000 allowance be included in the contract commitment. The total value of the Contract is \$3,355,076.18.

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

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE, 15% WBE and 6% SDVOB for this contract. HDR has achieved their M/WBE goals on previous MTA contracts.

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

Funding is available in the 2015-2019 Capital Program under Project VN-10 (\$3,105,076.18) and B&T's Major Maintenance Budget in the amount of \$250,000.

### **V. ALTERNATIVES**

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

# Staff Summary

Item Number: 2 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering and Construction, Philip Swanton, P.E. <i>Philip Swanton</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	5/07/18			
2	MTA B&T Committee	5/21/18			
3	MTA Board	5/23/18			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>AK</i>	4	VP & Chief of Staff <i>SA</i>		
2	General Counsel <i>AK for MMT</i>	5	President		
3	Chief Procurement Officer <i>BB</i>				

<b>SUMMARY INFORMATION</b>	
Vendor Name Hardesty & Hanover, LLC	Contract No. PSC-17-3005C
Description 2018 Biennial Bridge Inspection & Design of Miscellaneous Structural Repairs at the Verrazano Narrows Bridge: Main Span	
Total Amount \$3,137,757.00	
Contract Term (including Options, if any) Two years, nine months (through 12/31/20)	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award a personal service contract for the 2018 Biennial Bridge Inspections at the Verrazano-Narrows Bridge: Main Spans (Contract PSC-17-3005C) to Hardesty & Hanover, LLC (H&H). The negotiated contract amount is \$3,137,757.00. The contract will be for a duration of approximately two years, seven months through December 31, 2020.

### II DISCUSSION

B&T requires the services of a consultant firm to provide biennial bridge inspection and miscellaneous design services at the Verrazano-Narrows Bridge: Main Line. These inspections assist in our mission to keep B&T's assets in a state of good repair, and are required by the New York State Department of Transportation.

Requirements for these services at the Robert F. Kennedy and Verrazano-Narrows Bridges were publicly advertised. Eleven firms submitted qualification information for review and evaluation by the selection committee. Eight firms were chosen to receive the RFP based on a review of those qualifications and all eight submitted proposals: AI Engineers, Inc. (AI); HAKS Engineers, Architects and Land Surveyors, P.C. (HAKS); Hardesty & Hanover, LLC (H&H); HNTB New York Engineering & Architecture, P.C. (HNTB); Louis Berger U. S., Inc. (LB); Stantec Consulting Services, Inc. (SCS); Thornton Tomasetti (TT); and WSP USA, Inc. (WSP).

The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost. Based on the Committee's

## Staff Summary

review of all submittals the four highest rated firms were recommended to receive an award and the TBTA Board approved said recommendation in February, 2018. During the course of the award process, the firm approved for Contract PSC-17-3005C (VNB Main Span) withdrew their proposal. Contracts PSC-17-3005 A, B and D were awarded in April 2018. H&H is the second highest rated firm for the VNB Main Span inspection work.

H&H proposed \$2,318,713.00 for this work. The negotiated amount of \$2,187,757.00 (exclusive of the \$950,000.00 allowance) is 3.07% below the Engineer's estimate of \$2,257,129.00, and 8.2% above the prior (2016) Biennial Contract amount of \$2,021,889.00 and is fair and reasonable. H&H is considered to be a responsible consultant. The total amount for the contract will include the assigned allowance of \$950,000. Services under the allowance are to provide support based on the results of the inspection and include: (i) interim or special inspections; (ii) spalling concrete removal supervision; (iii) sign gantries and light pole inspections; (iv) auxiliary design services for the repair of defective structural conditions; (v) preliminary studies and scope development for future capital improvement projects; and (vi) auxiliary testing services for elements such as concrete cores, steel coupons, and cable wires. These services will be provided via work orders on an as-needed basis. The allowance is based on historical costs and will permit B&T to quickly respond to the needs of each facility.

### III. DBE/MBE/WBE/SDVOB INFORMATION

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE, 15% WBE and 6% SDVOB for the contract. H&H has achieved its MWDBE goals on previously completed MTA contracts. SDVOB goals have not been assigned on prior contracts with this firm. As such, H&H has no record of performance in this diversity category.

### IV. IMPACT ON FUNDING

Funding in the amount of \$3,137,757.00 is available in the Operating Budget under GFM-523C, General Ledger #711101.

### V. ALTERNATIVES

There are no recommended alternatives. B&T does not have the resources required to perform these New York State inspection requirements.

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

Item Number:

<b>Vendor Name (&amp; Location)</b> Amman & Whitney and WSP JV, New York, NY	<b>Contract Number</b> PSC-16-2996	<b>AWO/Modification #</b>
<b>Description:</b> Design and Construction Support Services for Project RK-19/RK-70 Wind Retrofits and Miscellaneous Structural Repairs at the Robert F. Kennedy Bridge	<b>Original Amount:</b>	\$3,427,162.00
<b>Contract Term (including Options, if any)</b> July 20, 2017 – October 19, 2019	<b>Prior Modifications:</b>	\$0.00
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$0.00
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$3,427,162.00
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$4,294,325.00
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	125.3%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.	<b>% of Modifications (including This Request) to Original Amount:</b>	125.3%

**Discussion:**

B&T is seeking Board Approval in accordance with the All Agency Service Contract Procurement Guidelines to amend personal service Contract PSC-16-2996 with Amman & Whitney and WSP, JV (A&W and WSP,JV) for additional funding to provide additional design services in the amount of \$4,294,325.00.

On July 20, 2017, the Contract was awarded to A&W and WSP, JV in the agreed amount of \$3,427,162.00 pursuant to Board approval for a duration of two (2) years, three (3) months to perform preliminary analyses and develop a Design Brief to assist B&T in a comprehensive program of structural repairs and upgrades for all spans.

At this time, B&T has determined the most prudent and cost effective approach due to the complexities and magnitude of the scope and to obtain the goals of the Project is for the Consultant to provide continued phased services to perform complete design services for Phase 1A - Queens Approach and Viaduct, Randall's Island Viaduct, Bronx Kills Truss Span, Bronx Approach, and the Harlem River Lift Span structures. The services include seismic analyses and retrofit designs as part of the structural upgrades for HS-25 live load and specified permit truck loads as well as, structural steel repairs and associated painting design for all structures. Upon completion of the Phase 1A design, B&T shall request a proposal for design support services during construction.

A&W and WSP submitted a proposal in the amount of \$4,294,325.00. The Engineer's estimate is \$4,833,979. Upon negotiation and review B&T accepted the proposal, which is 11.2% below the Engineer's estimate and is fair and reasonable. Funding is available in the 2015-2019 Capital Program in the amount of \$3,380,280 under Task D04278, in the amount of \$804,613 under Task D04280 and in the amount of \$109,432 under Task D03670. Verbal authorization to proceed with design services was given in a not-to-exceed amount of \$170,000 on May 9, 2018 to avoid any schedule delays.

A&W and WSP are considered responsible consultants notwithstanding the existence of significant adverse information (SAI). A&W most recently deemed responsible on July 18, 2017 by the Interim Executive Director in consultation with the MTA General Counsel due to A&W's acquisition by Louis Berger US, which had previous SAI. WSP by virtue of its acquisition of Parsons Brinckerhoff was previously deemed responsible on March 25, 2008 notwithstanding significant adverse action of Parsons Brinckerhoff. There is no new SAI known at this time.

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

Item Number: 4 (Final)

<b>Vendor Name (&amp; Location)</b> WSP USA Corp.	<b>Contract Number</b> PSC-15-2969	<b>AWO/Modification #</b>
<b>Description</b> Design and Construction Support Services for Project Nos. VN-10 and VN-89, Rehabilitation of the Anchorages and Tower Pedestals at the Verrazano-Narrows Bridge	<b>Original Amount:</b>	\$2,849,183.29
<b>Contract Term (including Options, if any)</b> December 24, 2015 – December 23, 2018	<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>	N/A
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$2,849,183.29
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$871,887.96
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: Sandy	<b>% of This Request to Current Amount:</b>	30.6%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction/Joe Keane, P.E.	<b>% of Modifications (including This Request) to Original Amount:</b>	30.6%

### Discussion:

B&T is seeking the Board's approval under the All Agency Service Contract Procurement Guidelines to amend this personal service contract with WSP USA Corp. (WSP) to provide construction support services (CSS) for Project VN-10 Rehabilitation of the Anchorages at the Verrazano-Narrows Bridge in the amount of \$871,887.96.

In December 2015 subsequent to Board approval the subject contract was awarded to WSP for design services in the negotiated amount of \$2,849,183.29. At that time, B&T informed the Board that a future request for CSS funding would be submitted once the scope of construction had been finalized. The scope of construction support services for Project VN-10 is now better defined so levels of effort can be estimated. The engineering services required during construction include reviews of shop drawings, requests for information, field visits, calculations, meetings and unanticipated designs. WSP requires a three (3) year extension of time to complete its services for the duration of the construction.

WSP submitted a proposal totaling \$1,385,914.00. The Engineer's estimate is \$867,657.00. Negotiations resulted in B&T and WSP agreeing to the negotiated amount totaling \$871,887.96 which is 0.5% above the estimate and is considered fair and reasonable. Funding for this amendment is available in the 2015-2019 Capital Program under Project VN-10 Task D03709

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

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

**Item Number: 5 (Final)**

<b>Vendor Name (&amp; Location)</b> Paul J. Scariano, Inc. – New Rochelle, NY	<b>Contract Number</b> RK-75 Phase IIb	<b>AWO/Modification #</b>
<b>Contract Title:</b> Demolition of Occupied Spaces Beneath the Manhattan Plaza at the RFK Bridge	<b>Original Amount:</b>	\$15,377,685.00
<b>Contract Term (including Options, if any)</b> April 25, 2016 – August 24, 2018	<b>Prior Modifications:</b>	\$1,473,950.66
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	N/A
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$16,851,635.66
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$2,531,329.00
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	15.02%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E., VP & Chief Engineer	<b>% of Modifications (including This Request) to Original Amount:</b>	26.05%

**Discussion:**

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify this contract with Paul J. Scariano, Inc. (PJS) for work associated with demolition of occupied spaces beneath the Manhattan Plaza at the RFK Bridge in an amount of \$2,531,329.00.

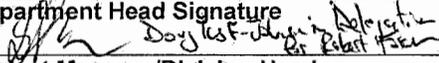
Pursuant to competitive bidding, the subject Contract was awarded to Paul J. Scariano, Inc. (PJS) in April 2016 in the amount of \$15,377,685.00 and for a duration of 24 months. The Work to be performed under this Contract may briefly be described as (i) complete interior demolition of the building located beneath the Manhattan Plaza of the RFK Bridge; (ii) installation of new fire alarm system and fire suppression room with new pre-action valve; and (iii) installation of domestic water lines and pumps. Five amendments totaling \$1,473,950.66 have been executed to adjust Contract Unit Price Item quantities, perform additional work and to extend the contract duration from 24 months to 28 months.

Under this proposed Amendment, new work items as determined by the Engineer would be added due to actual field conditions. Contract requirements did not include the asbestos-containing materials in roofing, ducts and walls in the Administrative Building, which must be abated prior to completing Contract demolition work. This requirement was unknown when contract specifications were developed due to the area being inaccessible prior to commencement of the work. In addition, the Department of Environmental Protection (DEP) has required the Contractor to relocate a new RPZ backflow preventer and install a new 4" drain in the Fleet Maintenance Garage, which must be completed without interrupting the Fleet Maintenance Garage's operations. The Engineer determined that, due to existing field conditions, an upgraded ATS control panel and new splice boxes and conduit are required to integrate with the new Generator to be installed under the Contract. Verbal authorization to proceed with the asbestos abatement and new drain line was given in a not-to-exceed amount of \$550,000 on May 3, 2018 to avoid schedule delay and to mitigate potential impact costs.

Funding for this amendment is available in the 2015-2019 Capital Program under Project RK-75 Ph IIb Task D02721 (\$2,531,329.00).

In connection with this contract being awarded, PJS was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel on February 23, 2016. No new SAI has been found related to the Contractor and PJS has been found to be responsible.

# Staff Summary

<b>Subject</b> FMTAC Annual Meeting
<b>Department</b> Finance
<b>Department Head Name</b> Robert E. Foran, Chief Financial Officer
<b>Department Head Signature</b> 
<b>Project Manager/Division Head</b> Phyllis Rachmuth, Director, Risk and Insurance Management

<b>Date</b> May 10, 2018
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	5/21/18		X	
2	Board	5/23/18		X	

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

**Purpose:**

To provide information concerning the First Mutual Transportation Assurance Company's (FMTAC's) 2017 activities and operations to board members in connection with the May 23, 2018 annual FMTAC Board meeting.

**Discussion and Background:**

The monthly MTA board meeting of May 23, 2018 will also be the annual board meeting of MTA's captive insurer, the First Mutual Transportation Assurance Company. For informational purposes, the FMTAC Board Book is being distributed to board members in advance of the meeting.

The FMTAC Board Book contains the Annual Meeting Newsletter (Section 1), which provides a summary update on the activities of FMTAC for the year ended December 31, 2017; historical comparative balance sheet and income statement summaries (Section 2); the FMTAC Audited Financial Statements for the years ended December 31, 2017 and 2016 (Section 3); and the Statement of Actuarial Opinion prepared by Oliver Wyman setting forth the independent actuary's determination that the reserves recorded by FMTAC for the year ended December 31, 2017 meet the requirements of the captive insurance laws of the State of New York and make reasonable provision for unpaid loss and loss adjustment expense obligations of FMTAC (Section 4).

Also included in the FMTAC Board Book is the regulatory compliance checklist for 2018 (Section 5), a Report on Investments (Section 6), and materials describing the captive manager advisers (Marsh Captive Solutions) and FMTAC's investment managers (BlackRock Financial Management) and actuaries (Oliver Wyman) (Section 7). An informational presentation concerning FMTAC's 2017 operations and activities will be on the agenda of the Finance Committee meeting of May 21, 2018.

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