



Metropolitan Transportation Authority

# September 2018

**MTA Board Action Items**



**MTA Board Meeting**  
**2 Broadway - 20th Floor Board Room**  
**New York, N.Y. 10004**  
**Wednesday, 9/26/2018**  
**9:00 AM - 12:00 PM ET**

**1. PUBLIC COMMENT PERIOD**

**2. APPROVAL OF MINUTES**

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

*MTA Minutes - July 25, 2018 - Page 5*

**NYCT/MaBSTOA/SIRTOA/MTA Bus Company Regular Board Minutes - July 25, 2018**

*NYCT/MaBSTOA/SIRTOA/MTA Bus Company Minutes - July 25, 2018 - Page 13*

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

*MTA Metro-North Minutes - July 25, 2018 - Page 19*

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

*MTA LIRR Minutes - July 25, 2018 - Page 26*

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

*MTA B&T Minutes - July 25, 2018 - Page 44*

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

*MTACC Minutes - July 25, 2018 - Page 49*

**3. COMMITTEE ON FINANCE**

**Action Items**

**i. New York Power Authority Long Term Agreement**

*New York Power Authority Long Term Agreement - Page 53*

**ii. Resolution to Authorize the Execution, Filing and Acceptance of Federal Grants**

*Resolution to Authorize the Execution, Filing and Acceptance of Federal Funds - Page 55*

**MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 63*

**i. Non-Competitive**

*MTAHQ Non-Competitive Procurements - Page 65*

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 67*

**iii. Ratifications**

*MTAHQ Ratifications - Page 73*

**Real Estate Items**

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

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

##### **NYCT Procurements**

*NYCT September Procurement Staff Summary and Resolution - Page 95*

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

*NYCT Non-Competitive Actions - Page 100*

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

*NYCT Competitive Actions - Page 104*

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

*NYCT, MTACC Ratifications - Page 119*

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

##### **Action Item**

##### **i. NYSDOT Grant for Connecting Services**

*NYSDOT Grant for Connecting Services - Page 134*

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

*MNR Procurements - Page 135*

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

*MNR Non-Competitive Procurements - Page 139*

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

*MNR Competitive Procurements - Page 148*

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

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

##### **LIRR Procurements**

*LIRR Procurements - Page 154*

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

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

*LIRR Competitive - Page 158*

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

##### **LIRR MTACC Procurements**

*MTA CC Procurements - Page 161*

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

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

*MTA CC Competitive - Page 164*

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

*MTA CC Ratifications - Page 175*

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

### **B&T Procurements**

*B&T Procurements - Page 180*

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

#### **ii. Competitive**

*B&T Competitive - Page 183*

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

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

## **9. EXECUTIVE SESSION**

Next meeting: Wednesday, October 24, 2018

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
Wednesday, July 25, 2018  
9:00 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. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

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

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

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, 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 Timothy Ellis, Acting Chief Government and Community Relations 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.**

Mr. Ellis called speakers' attention to the countdown clock and asked that each speaker limit their comments to two minutes.

The following sixteen (16) 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.

Janice Bartley, AHRC  
Christopher Greif, Transportation Riders Campaign  
Oscar Segal, YAI  
Michael Howard, YAI  
Eman Rimawi, private citizen  
Ellyn Shannon, PCAC  
Mary Parrison, CURES  
Dorothy Zuniga, private citizen  
Wendy Richardson Atwell, private citizen  
Joe Rappaport, BCID  
Gabriel Amari, private citizen  
Kate Slevin, Regional Plan Association  
Valerie Joseph, BCID  
Shane Anderson, private citizen  
Vijay Duggal, private citizen  
Milagros Franco, private citizen

**2. WORKING GROUPS' PRESENTATION.**

Chairman Lhota welcomed everyone to the July Board meeting.

Chairman Lhota announced that today's meeting will begin with brief presentations from Board Member Veronica Vanterpool, Chair of the Working Group on Paratransit and Board Member Ira Greenberg, Chair of the Working Group on Subway Accessibility.

Board Member Vanterpool stated that the working group members met monthly to discuss solutions and the progress made for improving paratransit services. Board Member Vanterpool discussed the MTA's Pilot Program for On-Demand Services (E-hail Service) for paratransit customers launched in October 2017. Board Member Vanterpool expressed her commitment to moving the program to the next phase, examining other model programs across the country, and working with local, state and federal agencies to help support the expansion of the program.

Board Member Vanterpool thanked the members of the working group, paratransit customers, and advocacy groups for their feedback and contributions in helping to improve MTA paratransit services.

Board Member Greenberg thank the members of the working group on subway accessibility for their work on the committee. Board Member Greenberg noted that NYCT President Andrew Byford's Fast Forward Plan, one of NYCT's top priorities, is helping to make sure that more stations are accessible, with a goal of customers never being more than two stations away from an accessible station. Board Member Greenberg provided an overview of other issues that the group discussed and the progress made in connection with subway station accessibility.

Chairman Lhota thanked Board Members Vanterpool and Greenberg for their presentations.

The details of the presentations, Board Members' comments and discussions are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records.

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

Chairman Lhota noted that on August 8, 2018 MTA staff members are planning to be at the New York Building Congress to discuss ways in which the MTA is committed to improving its construction practices. The Chairman stated that further updates will be provided to the Board with respect to this initiative.

Chairman Lhota announced that later in the meeting Robert Foran, Chief Financial Officer, will present the four-year Financial Plan and a Preliminary Budget, which will be updated in November as the basis for a final proposed budget, and presented to the Board for approval in December. Chairman Lhota noted that the update relates to the operating budget and does not address the Capital Plan or the agency's need for capital funding. The Chairman noted that while the operating budget is balanced this year and next year, there are operating budget gaps in the forecast for future years, and the gaps in future operating budgets reveal a clear and urgent need for new and consistent revenue sources. In addition, Chairman Lhota stated that MTA will require billions of dollars in annual revenue to fund future capital plans. In this respect, Chairman Lhota stated that he encourages the beginning of a more robust conversation and decision making about new revenue sources, including congestion pricing, as a solution to MTA's financing needs.

Chairman Lhota provided an update on the condition of the MTA employee who was shot on a subway train last week. Chairman Lhota stated that he and President Byford visited with the employee at the hospital shortly following the shooting and the Chairman reported that the employee is on his way to a speedy recovery.

Chairman Lhota acknowledged Douglas Johnson, MTA Director of Management and Budget, who after thirty-five years as a member of the MTA Budget Division and nine years as its Director, is retiring on Friday. Chairman Lhota, on behalf of the entire MTA family, thanked Mr. Johnson for his contributions and his dedicated service to the MTA.

4. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the Regular Board Meeting held on June 20, 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. Board Member Moerdler recused himself from the vote on Action item #2 below.

1. **Transportation Revenue Anticipation Notes.** Approved the resolution and documentation and all other actions and activities set forth to issue revenue anticipation notes under the Transportation Revenue Obligation Resolution (“RANs”) to provide for short-term liquidity.
2. **Willis of New York – Extension of Owner Controlled Insurance for East Side Access.** Approved the extension of the Excess Liability policies of the MTA’s Owner Controlled Insurance Program (OCIP) for the East Side Access Project through May 31, 2021.

- 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.

With respect to Procurement item #14 below, the Board approved the procurement ratifications, with eight votes cast in favor and four votes cast in opposition (Commissioners Jones, Saul, Trottenberg and Vanterpool 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 Metzger, Wortendyke and Zuckerman voting in favor and Board Member Vitiello voting in opposition. Board Member Weisbrod abstained from the vote on this item. Details of the Board Members’ discussion relating to this item are included in the video recording of the meeting produced by the MTA and maintained in the MTA records

1. **National Industries for the Blind (NYS Preferred Source Vendor) – Purchase and Delivery of 4-Ply Disposable Wipes – No. 125315-0100.** Approved the award of a non-competitive three-year contract for the purchase and delivery of 4-ply nylon disposable wipes on an as-needed basis for use by the LIRR.
2. **Computer Associates (CA) Technologies, Inc. – Maintenance & Support of CA Software Products – No. 9-2699.** Approved the award of a non-competitive miscellaneous contract for five (5) years for maintenance and support of CA software products.

3. PriceWaterhouseCoopers LLP – Design Consulting Services – No. 900000000002683. Approved the award of a non-competitive personal services contract to design an All-Agency MTA Enterprise Intranet Portal.
4. A&D Project – NYCT Subway Station – Times Square Shuttle at 42<sup>nd</sup> Street. Approved the award of an A&D competitively negotiated procurement contract to Nickey Cave to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the Times Square Shuttle Subway Station, 42<sup>nd</sup> Street.
5. A&D Project – NYCT Subway Station – 138<sup>th</sup> Street, Grand Concourse. Approved the award of an A&D competitively negotiated procurement contract to Amy Pryor to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the 138<sup>th</sup> Street Grand Concourse Subway Station, Bronx, N.Y.
6. IBM, Inc. – MTA Business Service Center PeopleSoft Pension Upgrade – No. 900000000002704. Approved the award of an all-agency, competitively negotiated, personal services contract to IBM, Inc. to provide professional and technical consulting services required to upgrade MTA's defined benefits pension system.
7. Vicom Computer Services – Radio Frequency Design and Heat-Mapping Consulting Services – No. 900000000002712. Approved the award of a competitively negotiated, personal services contract to Vicom Computer Services to provide Radio Frequency (RF) design and heat-mapping consulting services.
8. Asite LLC – Implementation of All-Agency Electronic Project Management System – No. 0000186403. Approved the award of a competitively negotiated, personal services contract to Asite LLC for implementation of an enterprise-wide, cloud-based Electronic Project Management (EPM) System.
9. Various Contractors – As-Needed Electric Power Supply Request – No. 0009000008. Approved the pre-qualified energy services companies ("ESCOs") (Agera Energy, LLC, Constellation Energy Resources, LLC, Direct Energy Business, LLC, East Cost Power and Gas, LLC and Engie Resources, LLC) eligible to supply electricity in New York State to provide electricity supply services to the MTA that include energy, capacity and related ancillary services ("Electricity Supply Services") to supplement the MTA's existing Electricity Supply Services provided currently to the MTA by various utilities within the New York Independent System Operation ("NYISO") service territory.
10. Sandy Alexander, Inc. – Printing of the MTA's Subway & Railroad Maps – No. 13025-0200, Modification No. 3. Approved the 23-month extension to a competitively solicited miscellaneous procurement contract initially awarded to Pictoral Offset Corp. for three years beginning in July 2013.

11. Danella Rental System, Inc. and TNT Equipment, Inc. – Heavy Equipment and Vehicle Rental Contract – No. IT04360-MW04, Modification No. 18/15. Approved the amendment of a miscellaneous services contract with Danella Rental Systems and TNT Equipment, Inc. for the rental of heavy equipment and vehicles to add funding and to extend the contract period of performance by twelve months ending July 31, 2019.
12. VF Imagewear, Inc. – Purchase of Uniform Garments – No. 08B9834A, Modification No. 7. Approved the contract extension with VF Imagewear Inc. for sixteen (16) months through November 18, 2019 to allow time for the award of a competitively negotiated multi-agency replacement contract.
13. Yardi Systems, Inc. – Software Cloud Implementation and Subscription – No. 6-01-96069-0-0, Modification 14. Approved the amendment of a miscellaneous procurement contract with Yardi Systems, Inc. to move the current perpetual licensing environment of Yardi software to a Cloud base SaaS platform for a period of five years and add additional funding to cover the Voyager and Voyager Commercial business application licenses, the Cloud based SaaS platform and implementation services of the software onto the cloud.
14. 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 actions for NYCT, LIRR and MTAHQ 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

#### **Metro-North Rail Road**

1. Amendment to a lease with SLG Graybar Mesne Lease LLC, an affiliate of SL Green Realty Corp., for additional office space for use as Metro-North’s Training Center at 420 Lexington Avenue, Suite 616-21, New York, N.Y.
2. Exercise Lease Option for expansion space located at 420 Lexington Avenue, New York, N.Y.
3. License agreement with Emtee Cleaners, Inc. for retail space for pick-up/drop-off dry cleaning services located at Metro-North’s Croton-Harmon Station, Hudson Line, Westchester County, N.Y.
4. Acquisition of fee simple title of property from CSX Transportation, Inc. of property adjacent to Metro-North’s Hudson Line and Yard, Poughkeepsie, N.Y.

### **Long Island Railroad**

5. License agreement with the Incorporated Village of East Rockaway to improve and operate a commuter parking lot located at 514 Ocean Avenue, East Rockaway, N.Y.
6. Extension of a license with Bombardier Transportation, Inc. to permit the continued installation of positive train control on-board equipment and other work on M-3 and M-7 cars owned by Metro-North Railroad located at the Arch Street Maintenance Shop Facility, 21-16 Jackson Avenue, Long Island City, N.Y.

### **New York City Transit Authority**

7. Amendment to a Master Lease Agreement with Columbus Turnstyle LLC, d/b/a Underground Market Turnstyle, for the operation of a retail center located at NYCT's 58<sup>th</sup> Street Columbus Circle Station (consisting of 35 stores collectively containing approximately 14,000 square feet of retail space and adjoining public circulation space underlying 8<sup>th</sup> Avenue, a portion of which may be used for retail kiosks), New York, N.Y.
8. Acquisition of permanent easements and temporary construction licenses from 69<sup>th</sup> Tenants Corp, a residential cooperative corporation, for purposes of constructing a new subway entrance to the northbound platform of the station located on Lexington Avenue between 68<sup>th</sup> and 69<sup>th</sup> Streets (Hunter College Station) in the commercial retail portion of the residential cooperative building known as "Imperial House, 931 Lexington Avenue, New York, N.Y.

### **6. JOINT SESSION OF THE BOARD AND FINANCE COMMITTEE OF THE MTA FOR CHIEF FINANCIAL OFFICER'S PRESENTATION OF 2018 MID-YEAR FORECAST, 2019 PRELIMINARY BUDGET AND JULY FINANCIAL PLAN 2019 - 2022.**

MTA Chief Financial Officer Robert Foran presented the MTA 2018 Mid-Year Forecast, 2019 Preliminary Budget and the July Financial Plan 2019-2022 to the Finance Committee and MTA Board members. Copies of the Mid-Year Forecast, Preliminary Budget, and July Financial Plan were distributed to Board members.

Chairman Lhota thanked Robert Foran for the presentation and invited Board discussion concerning the proposed financial plan. The details of the presentation and Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

### **7. EXECUTIVE SESSION.**

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

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

8. **PUBLIC SESSION RESUMED.**

The Chairman announced that during Executive Session the Board approved a collective bargaining agreement between MTA Bus Company and the Amalgamated Transit Union Local 1181, AFL-CIO, representing approximately 263 hourly employees.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, September 26, 2018 at 9:00 a.m.

9. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:35 p.m.

Respectfully submitted,

Victoria Clement  
Assistant Secretary

**Minutes of the  
Regular Board Meeting  
for the New York City Transit Authority,  
Manhattan and Bronx Surface Transit Operating Authority,  
Staten Island Rapid Transit Operating Authority and  
MTA Bus Company**

**2 Broadway  
New York, NY 10004  
Wednesday, July 25, 2018  
9:00 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. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

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

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

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, 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 Timothy Ellis, Acting Chief Government and Community Relations also attended the meeting.

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

**2. PUBLIC COMMENT PERIOD**

The following speakers spoke on matters related to MTA NYC Transit/Staten Island Rapid Transit Operating Authority/MTA Bus Company during the public speakers session:

Janice Bartley, AHRC  
Christopher Greif, Transportation Riders Campaign  
Oscar Segal, YAI  
Michael Howard, YAI  
Eman Rimawi, private citizen  
Ellyn Shannon, PCAC  
Dorothy Zuniga, private citizen  
Wendy Richardson Atwell, private citizen  
Joe Rappaport, BCID  
Gabriel Amari, private citizen  
Kate Slevin, Regional Plan Association  
Valerie Joseph, BCID  
Shane Anderson, private citizen  
Vijay Duggal, private citizen  
Milagros Franco, 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. WORKING GROUPS' PRESENTATION**

Chairman Lhota announced that the meeting will begin with brief presentations from Board Member Veronica Vanterpool, Chair of the Working Group on Paratransit and Board Member Ira Greenberg, Chair of the Working Group on Subway Accessibility.

Board Member Vanterpool stated that the working group members met monthly to discuss solutions and the progress made for improving paratransit services. Board Member Vanterpool discussed the MTA's Pilot Program for On-Demand Services (E-hail Service) for paratransit customers launched in October 2017. Board Member Vanterpool expressed her commitment to moving the program to the next phase, examining other model programs across the country, and working with local, state and federal agencies to help support the expansion of the program. Board Member Vanterpool thanked the members of the working group, paratransit customers, and advocacy groups for their feedback and contributions in helping to improve MTA paratransit services.

Board Member Greenberg thank the members of the working group on subway accessibility for their work on the committee. Board Member Greenberg noted that NYCT President Andrew Byford's Fast Forward Plan, one of NYCT's top priorities, is helping to make sure that more

stations are accessible, with a goal of customers never being more than two stations away from an accessible station. Board Member Greenberg provided an overview of other issues that the group discussed and the progress made in connection with subway station accessibility.

Chairman Lhota thanked Board Members Vanterpool and Greenberg for their presentations.

The details of the presentations, Board Members' comments and discussions are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records. Chairman Lhota welcomed everyone to the July Board meeting.

#### **4. CHAIRMAN'S REMARKS**

Chairman Lhota noted that on August 8, 2018 MTA staff members are planning to be at the New York Building Congress to discuss ways in which the MTA is committed to improving its construction practices. The Chairman stated that further updates will be provided to the Board with respect to this initiative.

Chairman Lhota announced that later in the meeting Robert Foran, Chief Financial Officer, will present the four-year Financial Plan and a Preliminary Budget, which will be updated in November as the basis for a final proposed budget, and presented to the Board for approval in December. Chairman Lhota noted that the update relates to the operating budget and does not address the Capital Plan or the agency's need for capital funding. The Chairman noted that while the operating budget is balanced this year and next year, there are operating budget gaps in the forecast for future years, and the gaps in future operating budgets reveal a clear and urgent need for new and consistent revenue sources. In addition, Chairman Lhota stated that MTA will require billions of dollars in annual revenue to fund future capital plans. In this respect, Chairman Lhota stated that he encourages the beginning of a more robust conversation and decision making about new revenue sources, including congestion pricing, as a solution to MTA's financing needs.

Chairman Lhota provide an update on the condition of the MTA employee who was shot on a subway train last week. Chairman Lhota stated that he and President Byford visited with the employee at the hospital shortly following the shooting and the Chairman reported that the employee is on his way to a speedy recovery.

Chairman Lhota acknowledged Douglas Johnson, MTA Director of Management and Budget, who after thirty-five years as a member of the MTA Budget Division and nine years as its Director, is retiring on Friday. Chairman Lhota, on behalf of the entire MTA family, thanked Mr. Johnson for his contributions and his dedicated service to the MTA.

The details of Chairman Lhota's comments and discussions are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records.

## **5. MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the meeting held on June 20, 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 Schedule K Ratifications of Various Contracts – Executive Order 168 (“E.O. 168”) Actions. The Board approved these procurement ratifications with eight votes cast in favor and four votes cast in opposition (Commissioners Jones, Saul, Trottenberg and Vanterpool 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 Metzger, Wortendyke and Zuckerman voting in favor and Board Member Vitiello voting in opposition. Board Member Weisbrod abstained from the vote on this item. Details of the Board Members’ discussion relating to this item are included in the video recording of the meeting produced by the MTA and maintained in the MTA records

Details of the above items are set forth in the staff summary contained on pages 91 through 94 of the Board Book, 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.

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

### **Procurements:**

Budget Adjustments to Estimated Quantity Contracts: Upon motion duly made and seconded, the Board approved the budget adjustments to an estimated quantity contract as set forth in the Board materials (Schedule L in the Agenda). Detail regarding the above item is set forth in the 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.

Personal Service Contracts: Upon motion duly made and seconded, the Board approved the personal service contracts set forth in the Board materials (Schedule F in the Agenda). Detail regarding the above items are set forth in the related 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 ratification actions (Schedules K in the Agenda, for each of MTA NYC Transit and MTA Capital Construction). The ratification of three modifications to Contract A-36622B with vendor Skanska USA were approved by the Board by a divided vote, with nine votes cast in favor and four votes cast in opposition (Commissioners Jones, Weisbrod, Trottenberg and Vanterpool 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 Metzger, Wortendyke and Zuckerman voting in favor and Board Member Vitiello voting in opposition. Details of the Board Members' discussion relating to this item are included in the video recording of the meeting produced by the MTA and maintained in the MTA records

Detail regarding the above ratification items are set forth in the related 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. JOINT SESSION OF THE BOARD AND FINANCE COMMITTEE OF THE MTA FOR CHIEF FINANCIAL OFFICER'S PRESENTATION OF 2018 MID-YEAR FORECAST, 2019 PRELIMINARY BUDGET AND JULY FINANCIAL PLAN 2019 - 2022**

MTA Chief Financial Officer Robert Foran presented the MTA 2018 Mid-Year Forecast, 2019 Preliminary Budget and the July Financial Plan 2019-2022 to the Finance Committee and MTA Board members. Copies of the Mid-Year Forecast, Preliminary Budget, and July Financial Plan were distributed to Board members.

Chairman Lhota thanked Robert Foran for the presentation and invited Board discussion concerning the proposed financial plan. The details of the presentation and Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

**9. EXECUTIVE SESSION**

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

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

**10. PUBLIC SESSION RESUMED**

The Chairman announced that during Executive Session the Board approved a collective bargaining agreement between MTA Bus Company and the Amalgamated Transit Union Local 1181, AFL-CIO, representing approximately 263 hourly employees.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, September 26, 2018 at 9:00 a.m.

**11. ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:35 p.m.

Respectfully submitted,  
/s/**James B. Henly**  
James B. Henly  
Secretary

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
2 Broadway – 20<sup>th</sup> Floor  
New York, NY 10004  
Wednesday, July 25, 2018  
9:00 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. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, 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 Timothy Ellis, Acting Chief Government and Community Relations also attended the meeting.

Chairman Lhota called the meeting to order.

1. Public Speakers:

There were 16 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 the speakers' statements.

2. Working Groups' Presentation.

Chairman Lhota welcomed everyone to the July Board meeting.

Chairman Lhota announced that today's meeting will begin with brief presentations from Board Member Veronica Vanterpool, Chair of the Working Group on Paratransit and Board Member Ira Greenberg, Chair of the Working Group on Subway Accessibility.

Board Member Veronica Vanterpool, Chair of the Working Group on Paratransit gave a presentation on the progress of that group. No Metro-North matters were discussed during that presentation.

Board Member Ira Greenberg, Chair of the Working Group on Subway Accessibility thanked the Board members of that Working Group for their work on the committee. He presented a brief overview the progress of that group. He stated that the five criteria for accessibility are: (1) transfer points and terminals, (2) ridership, (3) costs and complexity, (4) key destinations and (5) general demographics. Board member Greenberg noted that the presidents of the commuter railroads attended a meeting of the Working Group and are committed to examining how their employees interact with the disabled, ensuring that employees receive proper training in how to assist these individuals. He thanked the presidents for being engaged and leading their agencies in a way that will make stations more accessible and fair to the disabled. A handbook is being developed regarding the accessibility programs available at the MTA.

Chairman Lhota thanked Board Members Vanterpool and Greenberg for their presentations.

The details of the presentations, Board Members' comments and discussions are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records.

3. Chairman Lhota's Opening Remarks:

Chairman Lhota noted that on August 8, 2018 MTA staff members are planning to be at the New York Building Congress to discuss ways in which the MTA is committed to improving its construction practices. The Chairman stated that further updates will be provided to the Board with respect to this initiative.

Chairman Lhota announced that later in the meeting Robert Foran, Chief Financial Officer, will present the four-year Financial Plan and a Preliminary Budget, which will be updated in November as the basis for a final proposed budget, and presented to the Board for approval in December. Chairman Lhota noted that the update relates to the operating budget and does not address the Capital Plan or the agency's need for capital funding. The Chairman noted that while the operating budget is balanced this year and next year, there are operating budget gaps in the forecast for future years, and the gaps in future operating budgets reveal a clear and urgent need for new and consistent revenue sources. In addition, Chairman Lhota stated that MTA will require billions of dollars in annual revenue to fund future capital plans. In this respect, Chairman Lhota stated that he encourages the beginning of a more robust conversation and decision making about new revenue sources, including congestion pricing, as a solution to MTA's financing needs.

Chairman Lhota provided an update on the condition of the MTA employee who was shot on a subway train last week. Chairman Lhota stated that he and President Byford visited with the employee at the hospital shortly following the shooting and the Chairman reported that the employee is on his way to a speedy recovery.

Chairman Lhota acknowledged Douglas Johnson, MTA Director of Management and Budget, who after thirty-five years as a member of the MTA Budget Division and nine years as its Director, is retiring on Friday. Chairman Lhota, on behalf of the entire MTA family, thanked Mr. Johnson for his contributions and his dedicated service to the MTA.

The details of Chairman Lhota's comments are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records.

4. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on June 20, 2018 were approved.

5. Committee on Finance:

Action Item:

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

- Authorization of the necessary documentation and activities to increase its authorization to issue up to \$700 million in revenue anticipation notes under the Transportation Revenue Obligation Resolution ("RANs") to provide for short-term liquidity.

Upon motion duly made and seconded, the Board approved the foregoing action item. The details of the approved item are contained in a staff summary filed with 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 the MTA records, which recording contains discussion between Board member Jones and Mr. Foran regarding debt service.

MTAHQ Procurements:

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

- Approval to award of a five-year miscellaneous procurement contract to Computer Associates (CA) Technologies, Inc. in the not-to-exceed amount of \$1,745,000 for maintenance and support of CA software products which are proprietary software, which can only be licensed, maintained and supported by CA.
- Approval to award a six-month personal services contract to PriceWaterhouseCooper Public Sector LLP in the not-to-exceed amount of \$852,576 to design an All-Agency MTA Enterprise Intranet Portal.

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

- Approval to award an all-agency, competitively negotiated, personal services contract to IBM, Inc. to provide professional and technical consulting services required to upgrade MTA's defined benefits pension system for a fixed fee of \$19.5 million.
- Approval to award a competitively negotiated, personal service contract to Asite LLC in the not-to-exceed amount of \$3,236,400 for implementation of an enterprise-wide, cloud-based Electronic Project Management System.
- Approval of a 23-month extension to a competitively solicited miscellaneous procurement contract in the not-to-exceed amount of \$900,000. The contract initially awarded to Pictoral Offset Corp. for three-years beginning in July 2013. The contract was assigned to Sandy Alexander, Inc. effective April 2015, when Pictoral closed due to ongoing problems caused by Hurricane Sandy, and later extended through January 2018. This contract provides for printing and delivery of the familiar double-sided maps that have subways on one side and MTA railroad maps on the other.

Upon motion duly made and seconded, the Board approved the foregoing procurements. The details of the approved procurements are contained in the staff summaries and documentation filed with 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 the MTA records.

#### Real Estate:

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

- Amendment of a lease with SLG Graybar Mesne Lease LLC, an affiliate of SL Green Realty Corp., for short term additional office space for use as Metro-North's Training Center at 420 Lexington Avenue, Suite 616-21, New York, N.Y. Approval to exercise an option for right of first offer for expansion space at 420 Lexington Avenue, New York, New York.
- License agreement with Emtee Cleaners, Inc. for retail space for pick-up/drop-off dry cleaning services located at Metro-North's Croton-Harmon Station, Hudson Line, Westchester County, New York.
- Acquisition of fee simple title of property from CSX Transportation, Inc. of property adjacent to Metro-North's Hudson Line and Yard, Poughkeepsie, New York.

Upon motion duly made and seconded, the Board approved the foregoing real estate items. The details of the approved real estate items are contained in the staff summaries and documentation filed with 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 the MTA records.

#### 6. Committee on NYCT & BUS

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

- Approval to award 18 contracts to nine firms on a competitive basis to provide Indefinite Quantity Staffing Services for miscellaneous projects to support NYC

Transit/MTA Capital Construction Company, Triborough Bridge and Tunnel Authority and related MTA agencies on an as-needed basis for a period of 60-months. The aggregate value of the awarded contracts is an estimated \$200 million.

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

7. Committee on Metro-North Railroad:

Procurements:

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

- Board adoption of a resolution declaring that competitive, sealed bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal process, pursuant to Public Authorities Law Section 1265-a, to solicit and evaluate proposals from prospective locomotive manufacturers to Design, Manufacture, Test and Deliver New Passenger Diesel-DC Electric ("Dual Mode") Locomotives for Metro-North's Harlem, Hudson, and New Haven Lines.
- Board approval to award a five-year competitively negotiated, miscellaneous service contract in the not-to-exceed amount of \$6,000,000 to retain pre-qualified vendors to furnish emergency and scheduled bus services on an as-needed basis for railroad passengers and/or crews between stations throughout the New York and Connecticut operating territories during scheduled and emergency work.

Board member Zuckerman discussed Metro-North issues. He stated that Metro-North's ridership is roughly equal to that of the Long Island Rail Road even though it has a much smaller and simpler footprint. He noted that since the Spuyten Duyvil accident and employee death that occurred in 2013, the focus of the Metro-North management team has been on safety. Board member Zuckerman has been on the Board since 2014 and is very proud of Metro-North's performance; however, as a rider and representative of Putnam County he has witnessed a degradation in Metro-North's performance. He noted that in June 2018, on-time performance on the Hudson Line during the a.m. peak performance was 85.5%. He stated that when trains arrive at Grand Central Terminal late, it becomes a challenge for commuters to arrive at their final destination on-time. Board member Zuckerman noted that on-time performance year-to-date June 2018 during the a.m. peak on the Hudson Line was 90%. In June 2018, on-time performance during the p.m. peak on Harlem Line was 91%. There was also an increase in trains that arrived 15 minutes late. Board member Zuckerman noted that delays due to unscheduled emergencies are two times higher year-to-date June 2018 than in the comparable period of 2017 and delays due to maintenance of equipment are 40% higher than in the comparable period of 2017. He stated that the delays are often and material and represent an emerging trend which concern him and are noticed by his fellow riders.

Board member Zuckerman noted that President Rinaldi has been open and direct about the railroad's performance and the causes of the delays are legitimate. Metro-North is implementing PTC which, he believes, is the most important thing Metro-North needs to accomplish this year, not only because its federally mandated but, more importantly, because it's important for the safety of Metro-North riders. He noted that necessary track maintenance which

requires taking tracks out of service is being performed after many years of neglect and that work is not nearly completed. Board member Zuckerman noted that when tracks are taken out of service, the railroad is less resilient, causing unscheduled delays. In addition, he noted that performance of the aging locomotive fleet also causes delays that affect upper Hudson Line commuters. Board member Zuckerman stated that he is raising these issues because he believes Metro-North may need to come to the Board with an action plan like that of NYCT and the LIRR. He stated that Metro-North may need some things in the next Capital Plan, such as, work on the Park Avenue Viaduct which is over 100 years old and work on bridges. Board member Zuckerman stated that the railroad may want to electrify the Hudson Line from Croton Harmon to Poughkeepsie for redundancy and improving the environment and may want to consider west side access down the Hudson Line into Penn Station. He stated that Metro-North is a very small component of the current Capital Plan. He stated that the Board may need to consider how the millions of riders from the suburban counties and the Bronx get into New York City. Board member Zuckerman is confident that the Metro-North management team can diagnose the root causes of problems it is experiencing, access the options, find the right resources, and deal with the implementation of PTC. He stated that requests will be made to the Board to help management rectify the emerging problems. Board member Zuckerman stated that he is bringing this to the Board's attention because we are all part of one system which includes multiple modes of transportation, including those from his small county who rely on the system.

President Rinaldi reiterated what she reported at the July Committee meeting. She noted that Metro-North is in the process of working on an action plan that will be launched to coincide with Customer Service Week in the beginning of October. That plan will deal with many of the issues Board member Zuckerman raised in terms of the current infrastructure challenges and Metro-North's long-term strategy to address those problems as part of the upcoming Capital Program. President Rinaldi stated that Metro-North looks forward to unveiling the action plan. She noted that the railroad has vast capital needs and looks forward to additional support from Board members in terms of advocating for Metro-North during the next Capital Program.

Board member Vitiello from Dutchess County agrees with Board member Zuckerman's comments and is strongly supportive of advocating for the things the railroad needs.

Board member Vanterpool stated that she wished to add to Board member Zuckerman's comments. She stated that of the \$33 billion dollars in the five-year Capital Program for the entire MTA agency, \$2.5 billion is allotted to Metro-North. Board member Vanterpool stated that of the \$7.7 billion allotted to the MTA Capital Construction Company for regional investments, most of that money is going towards the Second Avenue subway and Long Island for projects she has been supportive of for many years. She noted that there has not been that level of investment in the Metro-North service territory. Board member Vanterpool noted that President Rinaldi did note that a lot of capital investments are being made that lay the groundwork for future investments that the Board hopes to see in the next Capital Program.

Board member Zuckerman thanked the Board for all their comments concerning Metro-North. He stated that as a representative of all Metro-North commuters in all counties, there is a need for service improvements. He stated that the Metro-North Commuter Council has submitted its request for funding for locomotives and new equipment in the next Capital Program and he hopes the railroad will obtain the necessary funds.

President Rinaldi noted that the Board just approved use of the Request for Proposal process to obtain locomotives which addresses one of Board member Zuckerman's concerns – the increasing unreliability of Metro-North's locomotive fleet. She thanked the Board for approving that

procurement, noting that the railroad will be expediting the procurement to get those locomotives on Metro-North's property. Board member Metzger noted that the Metro-North Committee has asked that the procurement be expedited.

Board member Schwartz asked Metro-North to perform a professional survey of its ridership to find out what their priorities and day-to-day issues are. He expressed his opinion that those priorities and issues should be incorporated into the action plan. Board member Schwartz suggested that the Board be provided with some of the follow-up at the September Board meeting because of the discussion today and have some deliverables. He stated that there is room for some improvement in communication between staff and Board members and if the Board has the information sooner, it may answer questions before the actual Board meeting.

Upon motion duly made and seconded, the Board approved the foregoing procurements. The details of the above procurements are contained in staff summaries and reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records, which video includes discussion regarding Metro-North issues.

8. JOINT SESSION OF THE BOARD AND FINANCE COMMITTEE OF THE MTA FOR CHIEF FINANCIAL OFFICER'S PRESENTATION OF THE 2018 MID-YEAR FORECAST, 2019 PRELIMINARY BUDGET AND JULY FINANCIAL PLAN 2019-2022

MTA Chief Financial Officer Robert Foran presented the MTA 2018 Mid-Year Forecast, 2019 Preliminary Budget and the July Financial Plan 2019-2022 to the Finance Committee and MTA Board members. Copies of the Mid-Year Forecast, Preliminary Budget, and July Financial Plan were distributed to Board members.

Chairman Lhota thanked Robert Foran for the presentation and invited Board discussion concerning the proposed financial plan. The details of the presentation and Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

9. Executive Session.

Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) to discuss matters relating to collective bargaining, pursuant to the New York State Public Officers Law. No Metro-North matters were discussed. Thereafter, upon motion duly made and seconded, the Board voted to reconvene in public session.

10. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:35 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, July 25, 2018  
9:00 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. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, 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 Tim Ellis, Acting Chief-Government and Community Relations, also attended the meeting.

Chairman Lhota called the meeting to order.

## 1. Public Speakers

Tim Ellis, Acting Chief – Government and Community Relations, indicated that nine (9) speakers had signed up to speak (ultimately, a total of sixteen (16) persons appeared as public speakers). Mr. Ellis asked all speakers to limit their comments to two (2) minutes, and indicated that a warning would be given with 30 seconds to go.

One (1) of the speakers commented on matters relating to the Long Island Rail Road (“LIRR”):

Mary Parisen Lavelle, Chair of Civics United for Railroad Environmental Solutions (“CURES”), thanked Long Island Rail Road (“LIRR”) President Phillip Eng for his active interest in problems caused by New York & Atlantic Railway (“NYAR”) operating Tier 0 locomotives. She stated that President Eng had met last week with elected officials and community representatives on this issue. The group discussed the need for new Tier IV switcher locomotives, and also discussed other quality of life concerns raised by CURES. Ms. Parisen Lavelle further stated that the elected officials present made it clear that the time for action is now. Mr. Parisen Lavelle noted that, following up on the reports given by Board Members Scott Rechler and Charles Moerdler on the work of the Procurement Reform and Cost Containment working groups, respectively, she sent a letter to the MTA noting the problems posed by, and recommended fixes for, LIRR’s pending procurement for new green locomotives. This letter outlined how MTA could achieve greater competition in this procurement. She also noted that LIRR President Eng’s interest can help change the “money thrown away” culture at the MTA.

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. Working Group Presentations

Chairman Lhota stated that the meeting would begin with two presentations, by the Working Group on Paratransit, chaired by Board Member Veronica Vanterpool, and the Working Group on Subway Accessibility, chaired by Board Member Ira Greenberg.

### Working Group on Paratransit

Board Member Vanterpool stated that the working group met monthly to discuss ideas and assess progress, and that staff is very aware of what’s going on. She thanked all of those who appeared before the working group to assist in its work.

Board Member Vanterpool stated that she had heard a lot more about the new Curb app, for on demand paratransit services. MTA launched a 12-month pilot program, in October 2017, using this app. Ms. Vanterpool noted her strong commitment to seeing this program continue, and her commitment to looking at the next phase of the program and examining other models across the country. She further noted that 1,200 people are participating in the pilot today, and we have many more Access-A-Ride users who would like to join the program. Ms. Vanterpool

added that MTA had spent over \$60 million on the program, which shows MTA's commitment to incorporate this into its multi-modal transportation strategy.

Board Member Vanterpool stated that the next challenge is how to expand this program in a cost-conscious way, and how to deliver more within MTA's cost constraints. She noted her personal commitment to increase the investment in this program and other initiatives.

Board Member Vanterpool noted that the working group was talking with the New York City Department of Transportation ("NYCDOT"), the New York City Taxi and Limousine Commission ("TLC") and the Federal Transit Administration ("FTA") to see how these agencies can work together to support expansion of the program.

Board Member Vanterpool noted that new scheduling software was being procured. MTA also is using an Automated Vehicle Monitoring System, for real time monitoring of traffic conditions. This leads to more linear routes, eliminating going out of the way to go from Point A to Point B. Ms. Vanterpool also noted that at the end of June, MTA launched a beta version of its app, including a "My Access-A-Ride" application. This has received fantastic feedback.

Board Member Vanterpool noted that MTA is exploring new ADA-accessible bus designs with vestibule and automated ramp. Tests are being conducted in Staten Island, using buses equipped with an automated ramp, and staff is looking at other pilot routes.

MTA is also looking at ways to improve information made available to customers, condensing the paper application for Access-A-Ride service, and revamping the paratransit website to make it easier to use.

Board Member Vanterpool noted that a broker-vendor contract had been terminated for not meeting MTA expectations, and that on Monday, the group heard from Alex Elegudin, New York City Transit's new senior advisor for system wide accessibility, about the need for improved sensitivity and operational training in providing paratransit service to MTA customers.

Board Member Vanterpool noted that she and Board Member Ira Greenberg met with Armed Resource Group, Inc ("ARG"), an advocacy group, and we intend to have ongoing discussions with them.

Finally, Board Member Vanterpool stated that MTA Senior Vice President and Chief Customer Officer Sarah Meyer, noted a dramatic improvement in commendations for Access-A-Ride services. She thanked the people who provided feedback, and also thanked Michael Cosgrove and his team and members of the public.

#### Working Group on Subway Accessibility

Board Member Ira Greenberg thanked Board Members Randolph Glucksman, David Jones, Carl Weisbrod and Veronica Vanterpool for their work on this issue.

Board Member Greenberg noted that in New York City Transit (“NYCT”) President Andrew Byford’s Fast Forward Plan, one of the top priorities is making more stations accessible, with a goal of a customer never being more than two (2) stations away from an accessible station. One hundred eighteen (118) stations are accessible today, and a further 25 are in progress. Mr. Greenberg also noted that a consultant study is underway, looking at other stations, with the goal of analyzing 150 by the end of the year. The study will look at whether or not a station can be made accessible, whether it is feasible, whether there are technical complexities, whether there would be service impacts, and whether there would be community impacts.

Board Member Greenberg stated that the Westchester Square station, and the 6<sup>th</sup> Avenue and 14<sup>th</sup> Street station, have been added to the MTA Capital Program in terms of work to make these stations accessible. He noted that in determining which stations should be made accessible, the working group was meeting with the advocacy community and seeking their input. He also noted that Alex Elegudin was working with his group and came to the last meeting.

Board Member Greenberg stated that a goal was to reduce “transit deserts” and that five (5) criteria were being used to assess stations:

- Transfer points and terminals
- Ridership
- Cost and complexity
- Key destinations (e.g., hospitals), and
- Demographics (where disabled persons reside)

Board Member Greenberg stated that the working group was looking at issues associated with elevators, and that two studies were underway: one involving preventive maintenance, and the other looking at developing better design specifications for elevators, including a uniform design if possible. He also stated that NYCT was working on instructions to people, telling people how to best get around a problem in the subway system, and deploying temporary signs when there are elevator outages.

Board Member Greenberg noted that MTA is in the process of developing a handbook telling the people about all the accessibility programs that are available.

Finally, Board Member Greenberg stated there is a need to make customer service staff more aware of the challenges faced by people with disabilities, and this includes a need for sensitivity training.

Turning to the commuter railroads, Board Member Greenberg stated that Metro-North Railroad (“Metro-North”) President Catherine Rinaldi and LIRR President Phillip Eng have made commitments to look at how employees interact with persons with disabilities. Mr. Greenberg noted that eighty five percent (85%) of the commuter railroad stations are accessible, but there are still “transit deserts” which should be eliminated. LIRR has two (2) “transit deserts”, and he would like to see one or two stations added to the next Capital Plan.

Board Member Greenberg noted the new LIRR Care program, and expressed his wish to have all employees, from top to bottom, better understand the challenges faced by people with disabilities. He thanked all of the agency Presidents --- Catherine Rinaldi, Phillip Eng, and Andrew Byford, for their assistance.

Board Member Mitchell Pally noted that Board Member Greenberg had mentioned the goal of a customer never being more than two (2) stations away from an accessible station. He asked when, based on what MTA is doing today, Mr. Greenberg expected this goal to be met. Board Member Greenberg responded, stating that he thought this would be achieved by the end of the next Capital Program. Mr. Greenberg asked NYCT President Byford for confirmation, and Mr. Byford stated that he felt the goal could be reached in five (5) years, and that it could be met by making thirty-six (36) more stations accessible.

Board Member Greenberg stated that the goal could be met by 2024, if MTA gets a fully funded Capital Program ending in 2024. NYCT President Byford agreed with this statement. President Byford also explained that the goal means a customer would never be more than two (2) stops away from an accessible station, not that there would only be two (2) stations in a row between accessible stations.

### 3. Chairman's Remarks

Chairman Lhota thanked Board Members Vanterpool and Greenberg for their work. Following up on the reports given by Board Members Scott Rechler and Charles Moerdler about their respective working groups, Chairman Lhota noted that he would be attending the New York Building Congress meeting on August 8, where he will report on MTA's progress on reforming the procurement process.

Chairman Lhota noted that later on in the meeting, MTA Chief Financial Officer Robert Foran will be presenting an update the MTA Operating Budget and Four Year Financial Plan. There will be a further update in the Fall, leading to a final budget being adopted in December. The key takeaways are: The MTA Operating Budget is balanced this year and the next, but there are gaps in the out years. This points to the need for new sources of additional revenue. Chairman Lhota encouraged the Board to engage in conversation about potential new revenue sources.

Chairman Lhota gave an update on the status of an NYCT employee who was shot last week. There was apparently a fight on a southbound No. 3 train which spilled out onto the platform. Someone fired a shot into the train and it hit the employee. Chairman Lhota reported that he visited the employee in the hospital, and that he was on his way to a speedy recovery. He noted that the employee is a member of a proud NYCT family.

Chairman Lhota noted the upcoming retirement of MTA Budget Director Doug Johnson, after 35 years as a member of the Budget Division and 9 years as its Director. He thanked Mr. Johnson for his dedicated service.

4. Approval of Minutes

Chairman Lhota asked for a motion to approve the minutes of the Regular Board Meeting of June 20, 2018. Upon motion duly made and seconded, the minutes of the Regular Board Meeting of June 20, 2018 were approved.

5. Committee on Finance

Action Items

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

- **Transportation Revenue Anticipation Notes** – The MTA Finance Department is seeking MTA Board authorization of the necessary documentation and activities to increase its authorization to issue revenue anticipation notes under the Transportation Revenue Obligation Resolution (“RANs”) to provide for short-term liquidity. The Board previously approved RANs of up to \$350 million. The Finance Department is seeking authorization to increase the amount of RANs to \$700 million. The notes will be used from time to time, and may be repaid and reissued, to address potential unanticipated operating funding needs.
- **Extension of Owner Controlled Insurance for East Side Access** – To obtain Board approval to extend the Excess Liability policies of the MTA’s Owner Controlled Insurance Program (OCIP) for the East Side Access Project through March 31, 2021.
  - Authorization to extend Excess Liability with a Navigators and a consortium of London and Bermuda Insurers.
  - Authorization for MTA’s captive subsidiary, First Mutual Transportation Assurance Company (FMTAC) to underwrite the first layer of Excess Liability Insurance.
  - Total additional funding requested: \$27 million.

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 twenty-one (21) procurement items recommended to it by the Committee on Finance, fifteen (15) of which related to Long Island Rail Road:

Non-Competitive Procurements:

- **National Industries for the Blind – Purchase of 4-Ply Disposable Wipes –NTE \$398,600** – Board approval is requested for the award of a three (3) year contract for the purchase and delivery of 4-ply nylon disposable wipes on an as-needed basis.
- **Computer Associates (CA) Technologies, Inc. – Maintenance & Support of CA Software Products – NTE \$1,745,000** - Board approval is sought to award a five-year miscellaneous procurement contract for maintenance and support of CA software products.
- **PriceWaterhouseCoopers LLP – Consulting Services for the Design of a New All-Agency MTA Intranet Portal - NTE \$852,576** – Board approval is sought to award a six-month personal services contract to PriceWaterhouseCoopers LLP (“PwC”) to design an All-Agency Enterprise Intranet Portal.

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

Competitive Procurements:

- **IBM, Inc. – MTA Business Service Center PeopleSoft Pension Upgrade - NTE \$19,500,000** – Board approval is sought for the award of an all agency, competitively negotiated, personal services contract to IBM, Inc. to provide professional and technical consulting services required to upgrade MTA’s defined benefits pension system for a fixed fee of \$19.5 million.
- **Vicom Computer Services – Radio Frequency Design and Heat-Mapping Consulting Services – NTE \$5,937,000** – Board approval is sought to award a competitively negotiated, personal services contract to provide Radio Frequency (RF) design and heat-mapping consulting services.
- **Asite LLC – Implementation of All-Agency Electronic Project Management System – NTE \$3,236,400** – Board approval is sought to award a competitively negotiated personal service contract to Asite LLC for implementation of an enterprise-wide, cloud-based Electronic Project Management (EPM) System.
- **As Needed Electric Power Supply Request**
  - a. Agera Energy, LLC
  - b. Constellation Energy Resources, LLC
  - c. Direct Energy Business, LLC
  - d. East Coast Power and Gas, LLC
  - e. Engie Resources, LLC

**Competitively negotiated. 6 proposals. 60 months.**

To obtain Board approval to pre-qualify energy services companies (“ESCOs”) eligible to supply electricity in New York State to provide electricity supply services to the MTA that include energy, capacity and related ancillary services (“Electricity Supply Services”).

- **Sandy Alexander, Inc. – Printing of the MTA’s Subway & Railroad Maps – NTE \$900,000** – Board approval is requested for a 23-month extension to a competitively solicited miscellaneous procurement contract that was initially awarded to Pictorial Offset Corp. for three years beginning in July 2013. The contract was assigned to Sandy Alexander, Inc. effective April 2015, when Pictorial closed due to ongoing problems caused by Hurricane Sandy, and later extended through January 2018.
- **VF Imagewear, Inc. – Purchase of Uniform Garments – NTE \$4,577,525** – Board approval is requested to extend VF Imagewear for 16 months through November 18, 2019 to allow time for the award of a competitively negotiated multi-agency contract to replace it.
- **Yardi Systems, Inc. – Software Cloud Implementation and Subscription – NTE \$1,563,600** – Board approval is sought to amend a miscellaneous procurement contract with Yardi Systems Inc. (Yardi) to move the current perpetual licensing environment of Yardi software to a Cloud base SaaS platform for a period of five years.

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

Ratification:

- **Various Executive Order No. 168** – This is a request that the Board ratify procurement actions awarded pursuant to Executive Order No. 168 (“E.O. 168”) and its extensions. The one action for Long Island Rail Road is for \$2,925,000:

**LIRR – Academy Express, LLC (Hoboken, NJ) - \$2,000,000 (est.) and Suburban Trails, Inc. (New Brunswick, NJ) - \$925,000 (est.)** – Scheduled Bus Services to supplement LIRR’s existing third-party bus providers-required to cover scheduled service outages- per Executive Order No. 168.

Board Member Carl Weisbrod asked if all of the proposed ratifications were under E.O. 168. Chairman Lhota responded in the affirmative.

Board Member James Vitiello stated that he would oppose the ratifications. He further stated that when the Board put the ratification process into place for actions taken under E.O. 168, we anticipated a narrow band of actions coming to the Board for ratification. Mr. Vitiello noted that he did not think that many of the actions for which ratification is being sought should

have been taken under E.O. 168. Some of them should have been done competitively. He pointed to the action for Communications Based Train Control ("CBTC") in particular.

Board Member Vitiello asked whether the Board was a fiduciary institution or simply an advisory body, and he stated that management should restrain itself in asking for ratifications.

Board Member Vanterpool stated that she shared similar sentiments. She further stated that she would vote against LIRR's proposed ratification for supplemental bus service, and that she didn't understand why this was a ratification.

Board Member Weisbrod stated that he supported Board Member Vanterpool's comments, and added that we need to look at these items carefully. There is a fine line between emergency procurements and procurements that should be made in the ordinary course. He expressed discomfort at being asked to ratify things the Board has no say in.

Board Member Andrew Albert asked how long E.O. 168 will go on. Chairman Lhota responded, noting that E.O. 168 is extended on a month-to-month basis.

Board Member David Jones stated that he was very uncomfortable with this, and that he would vote against the ratifications. He further stated that this makes us more of an advisory board.

Board Member Weisbrod asked what is the substantive basis for renewing E.O. 168 every month? He further asked what is the standard for saying something is an emergency or not? He stated that he was disturbed that we did not have a standard.

Board Member Greenberg stated that he thought it meant that we were not meeting our goals in NYCT, or that LIRR was not meeting its goals. He further stated that this is the standard he would use, and that this justifies every extension of the order.

Board Member Greenberg asked what is an emergency? The Board has the power to declare an emergency. With specific reference to the action for LIRR bus services, this has been a perennial problem. There is not enough bus service available. If we didn't procure the additional bus service this way, how long would it take?

Chairman Lhota responded, stating that it would take 3 months.

Board Member Vitiello stated that he didn't think the Board had the right to question the Governor's issuance of E.O. 168. However, he does question management's application of E.O. 168 to things necessary in the ordinary course of business. He stated that he did not think the action for CBTC falls into the E.O. 168 category.

Chairman Lhota noted that he would pass out copies of E.O. 168, and that E.O. 168 goes beyond what Board Member Vitiello said it means.

Board Member Peter Ward stated that in his view, the definition of emergency goes far beyond threat to life and limb. If you risk losing a job because of an unreliable transit system – that’s an emergency. If you have a disability and can’t get to the doctor – that’s an emergency. A single mother in Queens who needs to get to her job in the Bronx after dropping her children off at day care, but can’t get there on time – that’s an emergency. Hundreds of thousands of customers can’t meet their goals and objectives, and this is exacerbated for people with disabilities.

Board Member Ward expressed a desire to have more consultation with the Board on procurements being brought to the Board under E.O. 168. We have a system taxed beyond capacity. It creates an emergency for thousands of people. He stated that until we deal with this situation, we have to operate as if we are in an emergency. He asked management for more consultation, and stated that some of Board Member Vitiello’s problems could be addressed in this way. He added that he did not oppose the procurements and that he too wants to discharge his fiduciary obligations.

Chairman Lhota responded, reading the text of E.O. 168. The Chairman stated that he wanted to consult with Board Member Moerdler’s working group and incorporate any recommended changes into the All-Agency procurement rules.

Board Member Andrew Saul stated that when you give out these contracts under E.O. 168, you’re eliminating our ability to be watching the people’s money through competitive procurements. This says to the procurement staff “we’re going to go around this”, and that’s not a good thing. He pointed to the CBTC item in particular and asked how it could be classified as an emergency.

Board Member Scott Rechler stated that he endorses Board Member Ward’s comments. We’re in a situation where we need to react quickly, when necessary. He agreed that the Board should revisit the matter of consultation.

Board Member Polly Trottenberg focused on the proposed Thales procurement. She stated that this is a \$15 million procurement and that competitive bidding gets you better prices and quality. She expressed a desire to hear from staff as to why they feel this procurement should be brought under E.O. 168.

David Ross, MTA Chief Procurement Officer responded, stating that this contract is all part of a study to have more trains move more quickly. Thales was brought in to do a proof-of-concept for a new technology. The intent is to do a full Request for Proposals (“RFP”) when we roll this out on a broader scale. He stated that if the technology is successful, MTA would do an RFP; however, we did not want to wait in trying out the new technology.

Chairman Lhota stated that this was a continuation of some of the other change orders on Ultra-Wide Band technologies. We have already looked at the hardware; this is to look at the software. Fixing the system as quickly as possible is what E.O. 168 demands.

Board Member Susan Metzger stated that her concern is that she ends up with an assurance that she is discharging her fiduciary responsibilities. She agreed with Chairman Lhota's suggestion of referring this issue to Board Member Moerdler's working group.

Board Member Andrew Albert asked if Thales is working on the application of ultra-wide band technology to Boston's Green Line.

MTA Chief Procurement Officer Ross responded in the affirmative. He added that MTA's intent is to involve multiple vendors in these pilots, and to do competitive procurements if the technology is successful.

Board Member Vitiello asked to have this issue looked at through the eyes of a fiduciary. This project culminates in an RFP, but Mr. Vitiello stated that he didn't understand why a proof of concept is an emergency. He added that it seemed to him that, under this logic, the entire Fast Forward Plan could be done as an emergency. He stated that his understanding is that when something is procured under E.O. 168, his fiduciary responsibility is lifted. However, his concern is that the Board will no longer be functioning as a fiduciary. Mr. Vitiello added that staff indicates that Thales will be giving us their current rates, but this is not a measure of whether the price is reasonable.

Board Member Greenberg expressed the wish that the Board had seen a staff summary on strategy choices. Because of the way technology is and the way we deal with different vendors, we may need a different type of process for this type of review of technology.

Board Member Weisbrod said that he appreciates the Chairman's willingness to have the Procurement Reform working group look at this issue. He added that, to him, the issue is the entire ratification process. There's a certain futility in doing this.

Chairman Lhota responded, noting that the All Agency Procurement Rules have an entire section on use of ratifications and how they are to be used.

Board Member Weisbrod asked what is the purpose of ratifications? He is not sure why we are doing this. He stated his intention to abstain on the proposed ratifications.

Chairman Lhota responded, stating that if it were left to management alone to decide on how to spend money that would not be a good thing. This is why the matter comes back to the Board via ratification.

Board Member Weisbrod asked, if we say no, what happens?

Chairman Lhota responded, stating that management would stop.

Board Member Polly Trottenberg asked, aren't these contracts let already?

Board Member Rechler stated that bringing them back forces this kind of dialog.

Board Member Andrew Albert asked, because so many Board Members have expressed doubts, would it be possible to update the Board on the progress of these contracts?

Chairman Lhota responded, stating that he would work with the Procurement Reform working group on the best way to keep the Board involved.

Board Member Moerdler stated that the next task of the Procurement Reform working group would be to look at the RFP process. He noted that CBTC is critical and that MTA wants to do a study. Mr. Moerdler also noted that it is common for contracts to be made subject to ratification, and that's what we're doing here.

Board Member Lawrence Schwartz stated that Board Members could call out individual items that concerned them, if they were not opposed to all of the proposed ratifications.

Upon motion duly made and seconded, and with Board Members Jones, Saul, Trottenberg, Vanterpool and Vitiello voting in the negative, and with Board Member Weisbrod abstaining, the Board approved the foregoing ratification, 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.

#### Real Estate Items

The Board was presented with eight (8) real estate items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- **License Agreement with the Village of East Rockaway** – to improve and operate a commuter parking lot, at 514 Ocean Avenue, East Rockaway, New York.
- **Extension of License with Bombardier Transportation** – for use of the Arch Street Facility in connection with the installation of PTC on rail cars.

Board Member Mitchell Pally commented that he had a question regarding the LIRR parking lot license, which was discussed at the Finance Committee and he has been informed by staff that there is no residency restriction on it and he will therefore vote yes on that matter.

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.

6. LIRR Committee

Procurement Items

The Board was presented with six (6) procurement items recommended to it by the LIRR Committee, two (2) of which were for the Long Island Rail Road and four (4) of which were for MTA Capital Construction Company ("MTACC"):

Competitive:

Procurements by Long Island Rail Road:

- **Nassau Intercounty Express ("NICE") / TransDev - \$6,000,000** – LIRR requests Board approval to award a three-year (one-year base plus two one-year options), estimated quantity contract in the amount of \$6,000,000 to Nassau Intercounty Express/Transdev for scheduled and emergency bus services on an as-needed basis.
- **L.K. Comstock and Co. Inc. – \$1,404,427** - LIRR requests Board approval to award a contract modification to L.K. Comstock & Co., Inc. in the not-to-exceed amount of \$1,404,427 to furnish material for the new track and signal systems, including communication equipment, cable, splice kits, cable terminations, 85' wood poles, ballast mats and a switch tie.

Procurements by MTACC:

- **Contractor to be determined – Cost to be Determined** - To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article IIIB (6) of the All Agency General Contract Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposals for a contract entitled Harold Systems – Electric Catenary, for the East Side Access Project.
- **GCT Constructors Joint Venture - \$1,612,875** – In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification to the Contract for the installation of power cables, conduits and other infrastructure needed for the future installation of digital signage panels. This modification will also address minor revisions to the restrooms.

Upon motion duly made and seconded, with Board Member Vanterpool abstaining on the NICE/TransDev item, 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.

Ratifications:

MTACC:

- **WSP USA/STV/Parsons Transportation Group, Joint Venture - \$28,000,000** – In accordance with Article XI of the MTA All-Agency Service Contract Procurement Guidelines, MTACC requests that the Board ratify a modification to the Contract to increase the Contract amount allocated to Construction Phase Services (“CPS”) to provide sufficient funding to allow the Consultant to provide CPS through December of 2018.
- **Tutor Perini Corporation - \$2,366,000** – In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a contract modification to upgrade electrical panels and circuits required for ESA operation.

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

7. Presentation on July 2018 Financial Plan, 2019-2022

Chairman Lhota introduced MTA Chief Financial Officer Robert Foran, who gave a presentation on the July 2018 Financial Plan, 2019-2022.

MTA Chief Financial Officer Foran noted the following:

- As stated in the November and February Plans, the MTA requires new sources of sustainable revenue for operations and capital.
- The Plan funds critical investments and is balanced through 2019, but new revenue sources are required to address out-year gaps.
- The February Plan reflected significant changes from last year, including (among others):
  - Reductions in real estate taxes (approx. \$200m per year),
  - Reductions in farebox revenue (approx. \$100m per year), and
  - Reduced MMTOA funding (average over \$130m per year).
- What has changed since the February Plan? Among other things,
  - Agencies have met their recurring budget reduction target (with a modest shortfall in 2018), and
  - Re-estimates mostly wash out over the 2018-2019 period, and are somewhat favorable in the out-years.

- Highlights of the 2019-2022 July Financial Plan include, among others:
  - Additional investments of \$1.5 billion made to improve Agency operations, including targeted investments made to address Agency-specific concerns in a more comprehensive manner through NYCT Subway Action Plan (fully funded), NYCT Bus Plan, LIRR Forward, MNR Way Ahead, and MTA Bus Plan, and
  - Proposed fare/toll increases of net 4% in 2019 and 2021, consistent with previous plans (versus projected 2-year CPI inflators of 5.3% and 4.7% in 2019 and 2021, respectively).
- \$1 billion investment in additional “action plans” over the plan period.
- Additional Maintenance and Operations Investments (\$208 million over the Plan period).
- IT New Needs in Support of Operations (\$183 million over the Plan period).
- Approximately \$1 billion in savings have been identified since the February Plan.
- We continue to raise and achieve annual recurring savings targets.
- With large gaps remaining, new revenue sources are required.
- If savings targets are not achieved, gaps will occur earlier and be larger.
- If savings targets are not achieved, and fare and toll increases are not implemented, projected gaps increase significantly.
- Imperatives and Challenges include:
  - Secure new sustainable revenues, and
  - Implement Biennial fare and toll increases that net to 4% in 2019 and 2021 (2% annual increases), and
  - Achieve increased cost reduction targets, and
  - Increase investments to address reliability and service, and
  - Respond to developing economic environment.

Board Member Pally thanked Chairman Lhota and Chief Financial Officer Foran for the presentation on the numbers. He noted that, as he said last year, to our customers credibility, perception, and value are as important as the numbers. He added that he has serious concerns about the proposed fare and toll increase, as before. He stated that it is time to reconsider the 2009 MTA Funding Agreement, and that fares have increased 33% over the last nine (9) years. He further stated that in a time of economic uncertainty, this is not an appropriate time to ask our riders for more money. We need to ask our Legislative leaders to reconsider the 2009 Agreement.

Board Member Pally raised a second issue: a conflict in public policy. He stated that in New York City, everyone pays the same fare. We do the exact opposite in the suburbs. We charge by distance even though the people who farther out live in less wealthy areas. This should be reconsidered by the Governor and the Legislature and by this Board. It is not fair to my constituents.

MTA Chief Financial Officer Foran reminded everyone that the last fare/toll increase was for 4%, but it wasn't 4% net to MTA. Also, we did a "cap" of \$15 per month on the increase in commuter railroad fares. We heard the Board's concerns and we're looking at what to do in 2019 and how to set it up with the new Fare Payment System.

Board Member Pally raised a third issue: He stated that he is a member of the Metro-North Committee and that Metro-North has substantial capital needs. Metro-North's LIRR's, and NYCT's substantial capital needs are not included in Mr. Foran's numbers. Mr. Pally added that we need to have a discussion about emergency capital funding now. He further stated that he agreed with Board Member Ward's definition of an "emergency", and that now is the best time to make sure the system works well today.

Chairman Lhota responded, noting that the process of deciding what to spend capital dollars on has started. Getting sufficient funding is an open issue.

Board Member Zuckerman thanked Board Member Pally for his leadership. He noted that in Putnam County, a customer spends between \$5,000-\$6,000 per year to ride Metro-North. For the customer, a home mortgage may be the largest expense, and food may be second, but then it is us. We are the second or third largest expense on his/her profit and loss statement. He added that he admires that MTA put in a recurring and predictable fare increase, and that the \$15 "cap" is helpful. However, he questioned whether this model can be sustained. He stated that what he and Board Member Pally are saying is that we have to have consensus now on whether the model for the ends of the system is sustainable. The time for that discussion is now.

Board Member Vitiello suggested that each agency lay out what levels of service could be offered at various levels of funding. There needs to be increased public investment to keep the system going, and it is not fair to hold us to high levels of service without that.

Board Member Metzger raised two points: First, regarding the presentation on New York City Transit, we must recognize that we are dealing with competing services, and this is causing us to lose ridership. We cannot continue to use the same pattern to price ourselves. Second, the Board is likely to hear a lively discussion about this topic, and Ms. Metzger asked the Chairman to provide more opportunities for greater discussion of budgetary issues than in the past.

Chairman Lhota responded, noting that in connection with the last point raised, he would like Board Members with ideas on how to have this debate to send them to all of us. But he reminded the Board of the need to address other business today, including matters relating to Collective Bargaining Agreements.

Board Member Norman Brown urged Board Members to check themselves. While each represents a constituency, everyone must consider the system as a whole. He stated that MTA debt service acts as a big valve on modulating values in the region and we do this in equalizing systems. He also stated that the Farebox Operating Ratio for MTA's commuter railroads looked good as compared to other commuter railroads. He pointed out that in the suburbs, the cost of operating a car was approximately \$9,000 per year, two cars and Metro-North fares would be about \$24,000 per year, and property taxes are high. He pointed out to people living in the suburbs that fares are equalized within zones. The tendency of that is to push real estate values out in the same way.

Board Member Brown stated that he disagreed with Board Member Pally on history. Within the City of New York, a single fare was adopted to allow the poor people living within the City the ability to access lower real estate values. The City is a single land use regime. By comparison, in the suburbs, every suburb has its own set of rules.

Board Member Brown stated that he supports value capture within the same entities. The suburbs have been left out entirely in the value capture discussion, but it is nothing like what was proposed in the City. In the suburbs, you can do it as well, by upzoning near stations. Real estate effects are part of fare effects. When East Side Access comes on line, LIRR operating costs go up, and the Farebox Operating Ratio will go down. The rest of the system will then have to pick it up.

Board Member Schwartz stated that, as Chair of the Finance Committee, he welcomes thoughts from other Board Members regarding what is in the budget. He is happy to have that input, and the time for it is now. Mr. Schwartz noted that he lives in Westchester and uses Metro-North and NYCT every day. Everyone agrees that there are many challenges ahead of us, but his biggest concern now is our performance. What is bad is asking the public to pay more if our performance is bad. Mr. Schwartz added that in terms of cutting costs, he did not think we were near to "cutting bone," and that there are tens of millions of dollars in waste associated with Information Technology (IT). We need to sit and constructively think this through. We can start the discussion now, but we have to attack the problem on parallel tracks: we need to address performance; the recommendations of the working groups need to be implemented; and fare evasion needs to be addressed.

Board Member Zuckerman stated that he agreed with Board Member Schwartz and that he had two specific "asks": to re-do the study going back 10-15 years ago about transportation cost burdens across the system; and after the two reports are completed by Board Members Rechler and Moerdler, to have a collective viewpoint as a Board about sustainable funding.

#### 8. Executive Session

Chairman Lhota asked for a motion to move the meeting into Executive Session, for purposes of discussing matters related to collective bargaining. Upon motion duly made and seconded, the meeting was moved into Executive Session.

9. Adjournment

Upon coming out of Executive Session and resuming the public session of the meeting, Chairman Lhota asked for motion to adjourn the meeting.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:35 A.M.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**July 25, 2018**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
July 25, 2018

Meeting Held at  
2 Broadway, 20<sup>th</sup> Floor  
New York, New York 10004

9:00 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. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, 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 Timothy Ellis, Acting Chief, Government and Community Relations 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 sixteen (16) public speakers. None of the speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority.

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

**2. Working Group Presentations**

Veronica Vanterpool, Chair of the Paratransit/Access-a-Ride Working Group, discussed the one year on-demand e-hail pilot program that began in October 2017. After the pilot ends in October 2018, she stated that there is a strong commitment to continue the program into the next phase as other e-hail models around the country are studied. While there are only 1,200 participants, which is a small fraction of the user/customer base, the next challenge will be how the program can be expanded in a cost sustainable way. To further improve service, new scheduling software and an automated vehicle location monitoring system are being explored. The My Access-a-Ride App, which is incorporated into the beta version of the My MTA App, has been receiving positive feedback. Finally, Commissioner Vanterpool stated that the working group is exploring new Americans with Disabilities Act (ADA) bus designs to increase wheelchair user ridership, updating the Paratransit website, improving community outreach efforts, improving sensitivity and operational training, and working with the New York City Department of Transportation to allow Access-A-Ride vehicles to use bus lanes to increase accessibility.

Ira Greenberg, Chair of the Subway Accessibility Working Group, stated that the working group is focusing on supporting the Transit Fast Forward Plan, specifically making more subway stations wheelchair accessible, especially through the use of station elevators, and the progress that has been made. He stated that some factors used in evaluating stations for accessibility are cost, feasibility, technical complexities, logistical challenges, and service and neighborhood impacts. He said that there are some challenges in determining what stations should be made accessible to reduce or eliminate transit deserts. He stated that the working group has been working with Alex Elegudin, Senior Advisor for New York City Transit, on accessibility chiefly focusing on the areas of: transfer points and terminal, ridership, cost and complexity, key destinations, and demographics. Finally, he stated that MTA employees, who interact with the public, should receive sensitivity training to be more aware of the challenges that disabled people face.

The details of 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. Chairman Lhota's Opening Remarks**

Chairman Lhota opened his remarks by stating that the New York Building Congress will take place on August 8, 2018 to discuss, among other things, ways in which the MTA is improving its construction and procurement practices to do more work better, faster and less expensively. He also stated that Robert Foran, Chief Financial Officer, would be giving a presentation on the proposed operating budget July Financial Plan for 2019 through 2022. Chairman Lhota stated that a New York City Transit employee, who had left work and was shot as a bystander on a subway platform, was doing very well. Finally, he congratulated Douglas Johnson, MTA Budget Director, on his retirement after 35 years.

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

**4. Approval of Minutes of Regular Meeting June 20, 2018**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on June 20, 2018 were approved.

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

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

**Procurements**

Commissioner Moerdler stated that there is one (1) procurement totaling \$1.4 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

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

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

**Modifications to Purchase & Public Works Contracts**

Tutor Perini Corp.	Contract No. VN-80B TBTA is seeking the Board's approval under the All Agency General Contract Procurement Guidelines to modify this public works contract with Tutor Perini Corp. for work at the Verrazano-Narrows Bridge associated with: (i) replacement of coil springs at the Finger Joints of the Upper Level; (ii) repairing potholes between the existing Upper Level roadway deck and the newly installed steel orthotropic deck throughout the staged construction and (iii) quantity overruns of contract items.	\$1,421,870.56
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**Ratifications**

Commissioner Moerdler stated that there are no ratifications.

**6. CFO Presentation to the Board**

MTA Chief Financial Officer Robert Foran presented and discussed the 2018 mid-year financial forecast, 2019 preliminary budget and the Financial Plan for 2019 through 2022. He stated that net 4%, or 2% annually, toll increases are forecasted in 2019 and 2021. Commissioner Pally expressed his concerns regarding the proposed fare and toll increases and stated that it is time to reconsider the 2009 MTA Financing Agreement that calls for biennial toll and fare increases since there has been a 33% increase in fares in the last nine years and it is not an appropriate time, due to economic uncertainty and system duress, to ask riders to pay more. He also stated that there is a conflict in public policy where everyone in New York City pays the same fare while those who live further away in the suburbs are charged more based on distance. Mr. Foran responded that in 2017 the toll increase was 4%, not net yield and that the fare increases for the commuter railroads were capped so that no monthly ticket increased more than \$15 and the weekly MetroCard fare increased 3.2% in consideration of the lower socioeconomic customers.

The details of Mr. Foran's presentation and the discussions with regard to same 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.

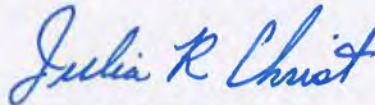
7. **Executive Session**

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

8. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 12:35 p.m.

Respectfully submitted,



Julia R. Christ  
Secretary

**Regular Board Meeting  
MTA Capital Construction Company  
2 Broadway  
New York, NY 10004  
Wednesday, July 25, 2018  
9:00 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. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

Patrick Foye, President, MTA, Veronique Hakim, Managing Director, MTA Helene Fromm, Chief of Staff, MTA, Janno Lieber, Chief Development Officer, MTA, Robert Foran, Chief Financial Officer, MTA, Thomas J. Quigley, General Counsel, MTA, Timothy Ellis, Acting Chief Government and Community Relations, 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, and Shira Konski, Acting Assistant Secretary also attended the meeting.

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

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

Chairman Lhota called the meeting to order.

## **Public Comment Periods**

There were fifteen 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.

## **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 May 23, 2018.

## **Chairman's Remarks**

Chairman Lhota announced that Doug Johnson, Director of Management and Budget, will be retiring. He thanked Mr. Johnson for his 35 years of service to the MTA.

The remainder of the Chairman's remarks along with the Board members' comments and discussion are noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

## **Finance Committee**

### Action Item

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

To Extend the Excess Liability policies of the MTA's Owner Controlled Insurance Program (OCIP) for the East Side Access Project through March 32, 2021 for the amount of \$27M. The approval also included:

- Authorization to extend Excess Liability with a Navigators and a consortium of London and Bermuda Insurers.
- Authorization for MTA's Captive subsidiary, First Mutual Transportation Assurance Company (FMTAC) to underwrite the first layer of Excess Liability Insurance.

Board Member Moerdler recused himself from this action item. A copy of the Staff Summary for the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

### Procurement

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

Award of an all-agency personal services contract (900000000002683) to design an All-Agency MTA Enterprise Intranet Portal in the amount of \$852,576 and for a six-month duration.

A copy of the Resolution and 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.

## **NYCT and Bus Committee**

### Procurement

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

1. A Modification to the Cortlandt Street #1 Line Station Rehabilitation contract (A-35301), to provide for the installation of platform to street Elevator 3 and associated sidewalk-level elevator kiosk in the amount of 2,860,820.

2. A Modification to the Consultant Construction Management Services for the Second Avenue Subway Project Phase 1 contract (CM-1338) to extend the contract term by an additional 12 months (January 1, 2018 to December 31, 2018) in the amount of \$6,670,871.

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

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

#### Procurement

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

1. A resolution declaring that competitive bidding is impractical or inappropriate and that pursuant Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article IIIB (6) of the All Agency General Contract Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposals for a contract (CH063) entitled Harold Systems – Electric Catenary, for the East Side Access Project.
2. A modification to GCT Concourse and Facilities Fit Out contract (CM014B) for the installation of power cable, conduits and other infrastructure needed for the future installation of digital signage panels in the amount of \$1,612,875.

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

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

1. A Modification to the General Engineering Consultant Services contract (98-0040-01R) for the East Side Access Project to increase the contract amount allocated to Construction Phase Services (CPS) by \$28,000,000 to provide for CPS through December of 2018.
2. A Modification to the Systems Facility Package No. 1 contract (CS179) for the East Side Access Project to upgrade electrical panels and circuits in the amount of \$2,336,000.

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

### **Joint Session of the Board and Finance Committee**

MTA Chief Financial Officer Robert Foran presented the MTA's 2018 Mid-Year Forecast, 2019 Preliminary Budget and the July Financial Plan 2019-2022. A discussion among Board members followed.

The details of the presentation and the Board members' comments with respect thereto are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

### **Executive Session**

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

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

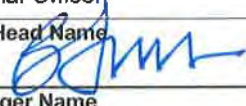
## Adjournment

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 11:30 a.m.

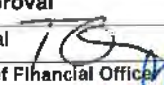
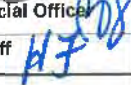
Respectfully submitted,

  
for Shira Konski  
Acting Assistant Secretary

# Staff Summary

<b>Subject</b> New York Power Authority Long Term Agreement	<b>Date</b> September 24, 2018
<b>Department</b> Chief Financial Officer	<b>Vendor Name</b> NYPA
<b>Department Head Name</b> Bob Foran 	<b>Contract Number</b>
<b>Project Manager Name</b> Nora Ostrovskaya	<b>Table of Contents Ref. #</b>

Order	To	Date	Approval	Info	Other
1	Finance	9/24/18	X		
2	Board	9/26/18	X		

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

## Narrative

### PURPOSE

To obtain Board approval of a long-term contract with the New York Power Authority (NYPA) to provide supply of electric energy, capacity, and ancillary services for the MTA in Con Edison's service territory ("2018 LTA"). This contract will supersede the supplemental agreement dated March 18, 2005 and will run from August 1, 2018 until December 31, 2027.

### DISCUSSION

NYPA has supplied the MTA and the other New York City Governmental Customers (NYCGCs) with electricity since 1976. In addition to the MTA, there are ten other NYCGCs including the New York City Housing Authority, City of New York, and The Port Authority of New York & New Jersey.

In March of 2005, the MTA entered into a long-term agreement with NYPA containing supplemental terms and conditions to the original 1976 Application for Electric Service, and providing for NYPA's continuing supply of energy and capacity to the MTA through December 31, 2017 (the "2005 LTA"). The 2005 LTA was extended to July 31, 2018 to allow the MTA and NYPA to engage in ongoing negotiations to finalize the 2018 LTA.

The 2018 LTA continues the uninterrupted supply of electricity required by the MTA in the Con Edison service territory. In addition, the 2018 LTA improves upon the prior agreement in several key areas including providing the MTA with more transparency, accountability, and flexibility.

To improve transparency, the new agreement clearly separates and identifies the two services provided by NYPA to the MTA: (1) NYPA in its role as load serving entity (“LSE”), and (2) pass-through of net revenues or losses associated with the Dedicated Asset. In its role as LSE, NYPA will purchase energy, capacity, and ancillary services for the MTA load in the New York Independent System Operator (“NYISO”) market and will pass through these market costs to the MTA. The Dedicated Asset is the NYPA 500MW plant for which for the first five years of the contract MTA pays 28.86% of all costs. In return, MTA receives 145 Winter MW and 130 Summer MW of capacity and 28.86% of all revenues generated by the plant in the NYISO market.

To improve accountability, a prudent utility practice standard is now required for both LSE and Dedicated Asset management functions under the 2018 LTA. In addition, electric power supply and capacity purchases for the MTA will be carried out on separate load buses and NYISO Decision Support System reports detailing the relevant costs will be provided regularly to the MTA.

To improve flexibility, the MTA has negotiated the option to utilize third party electricity suppliers for up to 50% of MTA’s load.

## **BUDGET IMPACT**

The actual costs of electric supply going forward will vary depending on market conditions, such as cost of fuel and demand for electric power, which in turn fluctuates based on weather and other factors.

Compared to the prior agreement, both LSE and Dedicated Assets fixed costs were reduced and fixed for the first five years of the Agreement. This results in approximately \$786,000 monthly savings to the MTA.

## **ALTERNATIVE**

MTA has two alternatives. One alternative would be to purchase electric supply from Con Edison as the “supplier of last resort” which would likely increase the MTA’s costs as there are certain surcharges that Con Edison customers pay that NYPA is exempt from. Another alternative would be for the MTA to place MTA supply in Con Edison service territory with third party Energy Supply Companies (“ESCOs”). To date, MTA has not had experience purchasing the amount of load from ESCOs comparable to what it now receives from NYPA. The Board approved a group of five such qualified providers in July with the intention of allowing MTA to solicit price proposals from this pre-qualified group for a subset of accounts to be selected based on load characteristics, which will allow MTA to establish if this option is cost effective. These ESCOs were pre-qualified to provide electric supply to the MTA throughout the State of New York, i.e., in service territories of multiple electric utilities located in New York, not just Con Edison service territory where MTA electric supply is currently provided by NYPA.

## **RECOMMENDATION**

That the MTA Board grant approval of the 2018 LTA with the New York Power Authority (NYPA) to provide electric supply, capacity, and ancillary services for the MTA in Con Edison service territory.

# Staff Summary

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

<b>Date</b> September 26, 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	App	Info	Other
1	Finance	9/24/2018	x		
2	Board	9/26/2018	x		

Internal Approvals			
Order	Approval	Order	Approval
1	Capital Programs	25	
2	Government Relations	26	
3	CFO	27	
4	Legal	28	
5	Chief of Staff	29	

## Narrative

### Purpose

To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2018 and 2019.

### Discussion

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

- 1) Authorize filing of applications in request of Federal capital assistance for the balance of FFY 2018 and FFY 2019.
- 2) Authorize the Chairman or any of his designees to make required certifications.
- 3) Authorize acceptance of grants.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2019. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

A Public Hearing inviting public comment on the projects proposed to be submitted for federal funding was held in accordance with FTA regulations on Thursday, September 6, 2018 at the MTA, at which the Director of Capital Program Funding read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

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

### Recommendation

It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal capital assistance for FFY 2018 and 2019.

**RESOLUTION ADOPTED AT A MEETING OF  
METROPOLITAN TRANSPORTATION AUTHORITY  
Thursday, September 26, 2018**

**WHEREAS**, on and after August 17th, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of the Fixing America's Surface Transportation Act (FAST Act) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, which Notice contained a summary of the capital improvement program for the balance of federal fiscal year 2018 and federal fiscal year 2019 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, MTA Capital Construction Company, MTA Bus Company, Staten Island Rapid Transit Operating Authority; and

**WHEREAS**, the full program of projects, including descriptions of individual projects, for the balance of federal fiscal year 2018 and federal fiscal year 2019, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Metropolitan Transportation Authority (the "Authority"); and

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

**WHEREAS**, on Thursday, September 6, 2018, the Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

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

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

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

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

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

### **CERTIFICATION**

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 26<sup>th</sup> day of September 2018, at 2 Broadway, New York, New York at which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement  
Assistant Secretary

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

**Proposed Program of Projects  
Federal Fiscal Year 2019**

ACEP ID/ Agency PIN	Program/Project Description	Estimated Federal Request(\$M)	Page
<b>LONG ISLAND RAILROAD</b>			
<b>Stations</b>			
L70204UA	Station Component Replacement	\$36.40	1
L70204UU	Mentor Allowance - Stations	8.20	2
	<b>Subtotal</b>	<b>\$44.60</b>	
<b>Track</b>			
L70301WD	2018 Annual Track Program	\$10.00	3
L70301WE	2019 Annual Track Program	64.10	4
	<b>Subtotal</b>	<b>\$74.10</b>	
<b>Line Structures</b>			
L70401BU	Mentor Allowance - Line Structures	\$10.00	5
L70401C7	Atlantic Avenue Hatchway Improvements	4.60	6
L70401C9	Franklin Ave Hatch & Murray Hill ROW Improvements	2.80	7
	<b>Subtotal</b>	<b>\$17.40</b>	
<b>Communications and Signals</b>			
L70502LH	Babylon Interlocking Renewal	\$40.20	8
	<b>Subtotal</b>	<b>\$40.20</b>	
<b>Shops and Yards</b>			
L70604YJ	Mentor Allowance - Shops & Yards	\$18.30	9
EL0603ZP	West Side Yard and East River Tunnel Mitigation	94.53	10
	<b>Subtotal</b>	<b>\$112.83</b>	
<b>Power</b>			
L70701XC	Third Rail 2000 Million Cubic Meter (MCM) Cable	\$1.40	11
L70701XD	Third Rail Disconnect Switches	0.90	12
L70701XE	Third Rail Protection Board	5.30	13
L70701XF	Third Rail Composite Rail	7.90	14
L70701XG	Third Rail Feeder Cable Upgrade	2.20	15
L70701XH	Negative Reactor Upgrade	2.10	16
	<b>Subtotal</b>	<b>\$19.80</b>	
<b>Long Island Rail Road Total</b>		<b>\$308.93</b>	
<b>METRO-NORTH RAILROAD</b>			
<b>Rolling Stock</b>			
M701-01-01	Locomotive Purchase	\$234.34	17
	<b>Subtotal</b>	<b>\$234.34</b>	
<b>Stations</b>			
M702-01-01	GCT Trainshed/Tunnel Structure	\$28.70	18
M702-01-08	Mentoring -GCT	6.00	19
M702-02-04	Harlem Line Station Improvements	60.41	20
M702-02-09	Mentoring Program – Stations	5.83	21
M702-03-01	Strategic Facilities -Upper Harlem Parking Improvements at Croton Falls	6.30	22
M702-03-02	Mentoring Program – Strategic Facilities	2.00	23
	<b>Subtotal</b>	<b>\$109.24</b>	
<b>Track and Structures</b>			
M603-02-12	Overhead Bridge Program - East of Hudson	\$7.60	24
M703-01-03	Rock Slope Remediation	4.33	25
M703-01-04	Turnouts: Mainline/High Speed	16.80	26
M703-01-05	GCT Turnouts/Switch Renewal	3.38	27
M703-01-09	Purchase of Maintenance of Way Equipment	10.00	28
M703-01-12	2019 Cyclical Track Program	24.70	29

**Proposed Program of Projects  
Federal Fiscal Year 2019**

<b>ACEP ID/ Agency PIN</b>	<b>Program/Project Description</b>	<b>Estimated Federal Request(\$M)</b>	<b>Page</b>
M703-02-01	Overhead Bridge Program - East of Hudson	15.83	30
M703-02-03	Undergrade Bridge Rehab. - East of Hudson	16.70	31
M703-02-09	Harlem River Lift Bridge	7.95	32
M703-02-13	DC Substation/Signal House Roof Replacement	5.00	33
M703-02-15	Mentoring Program - Structures	6.00	34
M703-03-03	West of Hudson Undergrade Bridge Rehabilitation	9.88	35
M703-03-04	Moodna/Woodbury Viaducts (including timbers/walkways)	9.75	36
	<b>Subtotal</b>	<b>\$137.92</b>	
<b>Communication and Signals</b>			
M704-01-02	Harmon to Poughkeepsie Signal System	\$29.84	37
	<b>Subtotal</b>	<b>\$29.84</b>	
<b>Power</b>			
M705-01-03	Replace AC Circuit Breaker/Switchgear	\$3.90	38
M705-01-10	Park Avenue Tunnel Initiative	22.00	39
	<b>Subtotal</b>	<b>\$25.90</b>	
<b>Shops and Yards</b>			
M706-01-05	Mentoring Program – Shops and Yards	\$2.87	40
	<b>Subtotal</b>	<b>\$2.87</b>	
<b>Ferries</b>			
882218	Haverstraw-Ossining Ferry	\$1.92	41
882315	Newburg-Beacon Ferry	1.49	42
	<b>Subtotal</b>	<b>\$3.41</b>	
<b>Metro-North Railroad Total</b>		<b>\$543.52</b>	
<b>MTA BUS</b>			
<b>Facilities</b>			
U7030215	Project Administration 2015 - 2019	\$8.40	43
U7030216	Design/Engineering Management Services 2015 - 2019	2.70	44
U7030217	Construction Management Services 2015 - 2019	2.70	45
	<b>Subtotal</b>	<b>\$13.80</b>	
<b>MTA Bus Total</b>		<b>\$13.80</b>	
<b>CAPITAL CONSTRUCTION COMPANY</b>			
<b>Miscellaneous</b>			
G7110101	Penn Station Access -Pre Design	\$12.50	46
G7110102	Penn Station Access - Program Management	7.40	47
G7110103	PSA: Construction Management	24.90	48
G7110107	PSA: Stations	109.40	49
G7110108	PSA: Shops & Yards	24.48	50
G7110109	PSA: Rolling Stock Specification	3.92	51
G7110110	Penn Station Access –General Engineering Consultant	82.00	52
G7110111	Penn Station Access – Design Support	12.40	53
	<b>Subtotal</b>	<b>\$277.00</b>	
<b>MTA Capital Construction Company</b>		<b>\$277.00</b>	


**Proposed Program of Projects  
Federal Fiscal Year 2019**

ACEP ID/ Agency PIN	Program/Project Description	Estimated Federal Request(\$M)	Page
<b>NEW YORK CITY TRANSIT</b>			
<b>Bus Replacement</b>			
T7030206	Purchase 50 Express Buses	\$38.81	54
	<b>Subtotal</b>	<b>\$38.81</b>	
<b>Stations</b>			
ET040327	Sandy Mitigation: 138 St - Gr Concourse/JER (Vent Battery A)	\$5.50	55
T7040705	Replace 2 Hydraulic Elevators at Borough Hall / Clark Street	16.51	56
T7040707	Replace 7 Escalators / Various (Bronx & Manhattan)	42.23	57
T7040708	Replace 2 Escalators / Pelham Parkway/ White Plains Road	15.29	58
T7040709	Replace 9 Escalators / Various	43.72	59
T7040711	Replace 2 Hydraulic Elevators: Franklin Avenue / Shuttle	15.14	60
T7040712	Replace 3 Escalators: Flushing- Main Street / Flushing	20.31	61
T7040713	Replace 7 Escalators/ Various( Brooklyn & Manhattan)	32.96	62
T7040714	Replace One Hydraulic Elevator at GC / Flushing	10.59	63
T7041231	Station Lighting: 5 Locations / Various [SBMP]	5.36	64
T7041232	Station Ventilators: Various Locs: Ph 1	8.05	65
T7041248	Ventilators at Various Locations: Ph 2	8.39	66
T7041264	Ventilators at Various Locations: Ph 3	8.72	67
T7041274	Station Lighting: 8 Locations / Various [SBMP]	7.66	68
T7041275	Ventilators at Various Locations: Ph 4	9.72	69
T7041286	Station Lighting: 3 Locations / 8AV, WPR [SBMP]	5.54	70
T7041315	ADA: 149 Street - Grand Concourse Complex	85.00	71
T7041316	ADA: Woodhaven Boulevard / Jamaica	35.00	72
T7041319	ADA: Livonia / Canarsie	14.60	73
	<b>Subtotal</b>	<b>\$390.29</b>	
<b>Track</b>			
T7050211	Continuous Welded Rail Installation - 2019	\$35.85	74
T7050305	Replace Mainline Track Switches - 2019	57.33	75
	<b>Subtotal</b>	<b>\$93.18</b>	
<b>Line Equipment</b>			
ET060330	Sandy Mitigation: 14 Fan Plants, LT - 1 Loc, FP 7204	\$14.61	76
T7060505	Rehab Fan Plant Damper System - Various Locations	56.86	77
T7060508	Rehab 1 Pump Room : Rockwell Place North / 4 Av	35.00	78
	<b>Subtotal</b>	<b>\$106.47</b>	
<b>Line Structures</b>			
T7070301	Elev Structural Rehab: Boston Rd-Abutment N. of 180th St-WPR	\$20.34	79
T7070305	Elevated Structures Repair (Over-land Sections) - RKY	20.00	80
T7070308	Rehab Emergency Exits - Various Locs (3rd Party)	9.40	81
T7070314	Line Structure Overcoating: Myrtle Avenue - DeSales Place / Jamaica	45.80	82
T7070317	Line Structure Overcoating: 48 Street - 72 St / Flushing	28.54	83
T7070320	Vents Between Stations: E 161 St - E 192 St / Concourse	10.00	84
T7070323	Line Structure Component Program (LSCR): Brooklyn (EPK)	23.14	85
T7070331	Line Structure Component Repair Program (LSCR): Bronx (BXC)	76.60	86
T7070335	Line Structure Overcoating: Portal - King's Hwy / Culver	28.73	87
T7070339	Line Structure Component Repair Program (LSCR): 1-8 Av/CNR	41.01	88
	<b>Subtotal</b>	<b>\$303.56</b>	

**Proposed Program of Projects  
Federal Fiscal Year 2019**

<b>ACEP ID/ Agency PIN</b>	<b>Program/Project Description</b>	<b>Estimated Federal Request(\$M)</b>	<b>Page</b>
<b><i>Signals and Communications</i></b>			
T7080324	Code Cable Replacement / BW7	\$29.08	89
T7080326	Life Cycle Replacement of Code Systems - Phase 1	35.42	90
T7080327	Life Cycle Replacement of Speed Enforcement Systems	54.23	91
T7080636	Connection--Oriented Ethernet (COE), Ph 3 Station Expansion	17.62	92
	<b>Subtotal</b>	<b>\$136.35</b>	
<b><i>Power</i></b>			
T7090203	Central Substation Renewal Including New Rectifier / 6AV	\$50.60	93
T7090204	Substation Roof & Enclosure: Washington Hts / 8 AV [SBMP2]	9.00	94
T7090206	Replace High Tension Switchgear at 10 Substations	49.55	95
T7090219	New Substation: Canal Street / 8th Avenue	70.96	96
T7090220	New Substation: 28 Street / 8th Avenue	65.79	97
ET090304	Sandy Mitigation: Montague-Furman Substation / BWY	5.97	98
ET090310	Sandy Mitigation: Back-up Power Control Center (PCC)	10.03	99
ET090312	Sandy Resiliency: Site Improvements at 2 Locations (SBFP)	2.25	100
T7090413	Upgrade SCADA System (BMT)	40.00	101
T7090414	Repl Control & Battery Cable: 4 Substn Control Zones (2/3/5/8)	28.80	102
T7090415	Reconstruction of CBH # 392 - Flushing River Bridge	8.50	103
	<b>Subtotal</b>	<b>\$341.45</b>	
<b><i>Shops</i></b>			
ET100310	Sandy Mitigation: Sewer 207th Street	\$18.47	104
T7100406	Livonia Maintenance Facility Rehab/Reconstruct Phase 1	62.70	105
T7100414	Yard Track - 2019	2.30	106
T7100420	Yard Switches - 2019	3.80	107
T7100428	Rehabilitate Car Cleaning Facilities	1.48	108
	<b>Subtotal</b>	<b>\$88.75</b>	
<b><i>Depots</i></b>			
T71203	Modular Office: East New York Depot [SBFP]	\$4.20	109
T7120301	Artic Modification: East New York Depot	28.13	110
T7120319	New Roof at Queens Village Depot	11.65	111
T7120402	Paint Booth: Yukon Depot [SBDP]	2.76	112
	<b>Subtotal</b>	<b>\$46.74</b>	
<b><i>Miscellaneous</i></b>			
ET160311	Sandy Mitigation: Zerega Central Maintenance Facility	\$10.39	113
	<b>Subtotal</b>	<b>\$10.39</b>	
<b><i>Staten Island Railway</i></b>			
S7070113	Clifton Yard Track and Switch Reconfiguration	\$20.41	114
	<b>Subtotal</b>	<b>\$20.41</b>	
<b>New York City Transit Total</b>		<b>\$1,576.40</b>	
<b>MTA GRAND TOTAL</b>		<b>\$2,719.65</b>	

# 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>
September 7, 2018
<b>Vendor Name</b>
Various
<b>Contract Number</b>
Various
<b>Contract Manager Name</b>
Various
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	9/24/2018	X		
2	Board	9/26/2018	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

	# of Actions	\$ Amount
	1	\$ 175,895
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 175,895</b>

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts

Schedule H: Modification to Personal Service/Miscellaneous Service Contracts

	15	\$ 8,425,000
	3	\$ 508,030
<b>SUBTOTAL</b>	<b>18</b>	<b>\$ 8,933,030</b>

MTAHQ presents the following procurement actions for Ratification:

### Schedules Requiring Majority Vote

Schedule K: Ratification of Completed Procurement Actions

	7	\$ 12,249,760
<b>TOTAL</b>	<b>26</b>	<b>\$ 21,357,790</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, SEPTEMBER 2018**  
**NON-COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Two Thirds Vote:*

**E. Miscellaneous Procurement Contracts**

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

- 1. Aspect Software, Inc. \$175,895 Staff Summary Attached**  
**Software, Hardware, Maintenance and Support Services** (not-to-exceed)  
**Contract No. 232138**  
Non-Competitive - 12 months  
Board approval is sought to award a sole source contract for one year starting October 6, 2018 for continued maintenance and support coverage in the not to exceed amount of \$175,895. Aspect provides New York City Transit with proprietary software, hardware, maintenance and support services for a standalone Automatic Call Distributor System (ACD) that routes customer calls regarding travel, MetroCard and general transit information to customer service representatives as well as an Interactive Voice Response System (IVR) and Workforce Management Application (WFM). Pricing is determined to be fair and reasonable.

# Staff Summary

## Schedule E: Miscellaneous Procurement Contracts

Page 1 of 1

Item Number:

<b>Vendor Name (&amp; Location):</b> Aspect Software, Inc
<b>Description:</b> Software, Hardware, Maintenance and Support Services
<b>Contract Term (including Options, if any):</b> October 6, 2018 through October 5, 2019
<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:

<b>Contract Number:</b> 232138	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$175,895	
<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> NYCT Department of Corporate Communications (DCC)	
<b>Contract Manager:</b> Miguel Martinez	

### **PURPOSE:**

Board approval is requested to award the above referenced sole source contract for a period of one year starting October 6, 2018 to Aspect Software, Inc. (Aspect) for continued maintenance and support coverage, previously provided under Contract No. 06E9405, in the "Not-to-Exceed" amount of \$175,895.

### **DISCUSSION:**

Aspect provides New York City Transit with proprietary software, hardware, maintenance and support services for a standalone Automatic Call Distributor System (ACD) that routes customer calls regarding travel, MetroCard and general transit information to customer service representatives as well as an Interactive Voice Response System (IVR) and Workforce Management Application (WFM). The Aspect software, together with the Unified Internet Protocol (UIP) System acts as an interface between the Automated Travel Information System (ATIS) and the automated speech recognition travel information system. No third-party vendors are authorized to sell or support Aspect products, so this is a sole source contract. Aspect has provided these software, hardware, maintenance and support services since the Board approved the current contract in October 2006.

Under this new contract, Aspect increased pricing by an average of 6.4% for maintenance and support services currently being provided. MTAHQ Procurement reviewed the applicable Department of Labor, Bureau of Labor Statistics Producer Price Index which showed an escalation of 12.6% over the twelve-year period since the predecessor contract was awarded, during which time Aspect received no price increases. Aspect has assured us that the discount and pricing currently quoted represents the best commercial pricing Aspect extends to similarly situated customers. Based on the above, MTAHQ Procurement finds the pricing to be fair and reasonable. Project management is in the process of evaluating an alternative service to replace the Aspect Software, with a goal of replacing the Aspect software before October 2019.

# **LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 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

2. **A&D project at the MNR Crestwood Station on the Harlem Line**– A&D will provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated – 140 proposals - 24 months

Patricia Mary Wright – Crestwood Station MNR (\$200,000)

3. **A&D project at the LIRR Carle Place Station on the Port Jefferson Branch** – A&D will provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated – 164 proposals - 24 months

Cara Enteles – Carle Place LIRR (\$225,000)

#### **4-9. Various**

**\$ 500,000**

##### **Real Estate Financial Advisory Services**

(not-to-exceed)

- a. BJH Advisors, LLC
- b. Ernst & Young
- c. HR&A Advisors

- d. Jones Lang LaSalle Americas, Inc
- e. Newmark Knight Frank
- f. Real Estate Solutions Group

Competitively negotiated 9 proposals 36 months

Board approval is sought to award six (6) competitively negotiated, all-agency personal services contracts to provide financial advisory services for real estate transactions on an as-needed basis. These services include analyzing real estate, planning and development projects in New York City, Long Island, Westchester, and other communities served by the MTA and/or where the MTA owns or controls property. Upcoming potential projects include: (i) financial feasibility studies to develop underutilized MTA properties and joint development opportunities, including analyzing development pro forma analysis, including revenues and expenses, Payment in Lieu of Taxes (PILOT) projections, and evaluation of parking and other ancillary revenues; (ii) evaluating the potential for value capture of MTA capital projects on surrounding real estate including Tax Increment Financing (TIF) and other mechanisms; and (iii) analyzing the economic impacts of transit investments, transit-oriented development, and congestion mitigation strategies including alternative modes of station access on local and regional economic competitiveness. Work orders will be issued on a rotation basis or through a “mini-bid” process. The proposed fully-loaded hourly rates range from \$156 to \$600 for titles ranging from Analyst to Chairperson (subject matter expert). Negotiations yielded an overall 10% cost reduction. Pricing for the selected firms are on par or lower than the industry standards for similar services. Based on the foregoing, prices were found to be fair and reasonable.

## **LIST OF PROCUREMENTS FOR BOARD APPROVAL**

### **COMPETITIVE PROCUREMENTS**

*Procurements Requiring Majority Vote:*

**10-16. Various** **\$7,500,000** **Staff Summary Attached**  
**Public Information and Customer Relations Services** (not-to-exceed)

- |  |   |
|--|---|
| <p><b>a.</b> Objective Subject, LLC</p> <p><b>b.</b> Renee Sacks Associates, Inc. dba Sacks Communications</p> <p><b>c.</b> Spectrum Personal Communications Corp.</p> <p><b>d.</b> Arch Street Communications, Inc.</p> | <p><b>d.</b> Precision Strategies, LLC</p> <p><b>e.</b> Daniel J. Edelman, Inc.</p> <p><b>f.</b> The Glover Park Group, LLC</p> |
|--|---|

Competitively negotiated 12 proposals 60 months

Board approval is sought to award seven competitively negotiated personal service contracts at a combined total cost not to exceed \$7,500,000 over three (3) years plus two one-year renewal options. These contracts will be utilized on an as-needed basis, without any obligation to the MTA or its agencies. Marketing and Corporate Communications department ("MCC") is responsible for developing and communicating a wide-range of customer relations information. The selected firms will assist MCC with functions such as copywriting, assorted graphic design work (layout, design, basic animation), video production and editing, and with real time customer communications on both digital platforms and in print. These firms may also deliver the message content to various stakeholders through specialized platforms, such as media outreach and guerilla marketing. Rates were negotiated by comparing supplier's rates to other market pricing. The negotiated fully-loaded rates will remain firm for the base three-year period. Option year 4 and 5 are subject to escalation of 3% or CPI, whichever is lower. Based on the foregoing, the rates are considered fair and reasonable.

# **LIST OF PROCUREMENTS FOR BOARD APPROVAL**

## **COMPETITIVE PROCUREMENTS**

### *Procurements Requiring Majority Vote:*

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

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

**17. Unimac Graphics, Inc.**

**\$ 133,030**

**Printing of the MTA's Subway & Railroad Maps**

(not-to-exceed)

**Contract No. 13025-0200, Modification No. 3**

Base Amount = \$1,630,773

Board approval is requested for an 18-month extension to a competitively solicited NYCTA miscellaneous procurement contract that was awarded to Unimac Graphics for sixty (60) months beginning in April 5, 2010, with the option to extend for an additional twelve (12) months. This contract provides for printing and delivery of Pocket Borough Bus Maps that assist in customers wayfinding including information about individual bus routes such as route descriptions, neighborhoods served, time-spans and frequencies. Expenditures have been within budget and are expected to continue at a similar pace during the extension. There have been multiple extensions that added time and funds to the contract, bringing its value from \$1,363,350 to \$1,715,923. The proposed extension will take the contract through December 31, 2019 and add funding of \$133,030, providing time for the consolidation of this and other printing requirements within the upcoming All-Agency Printing RFP. Unimac will receive a 5.72% price increase due to the increased cost of uncoated paper. This is the first increase in their rates since 2012, since which time the U.S. Department of Labor, Bureau of Labor Statistics Producer Price Index (PPI) for "Pulp, Paper and Allied Products: Paper" increased 5.24%. Based on this research, Procurement deems Unimac's rates fair and reasonable. Terms and conditions will remain unchanged for this extension.

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

*Procurements Requiring Majority Vote:*

- 18. TemPositions Health Care Inc. \$375,000**  
**Winston Support Services LLC (not- to-exceed)**  
**Emergency Medical Technicians Staffing for the Help Hub Program**  
**Contract No. CMM-1463B and C**

Base Amount = \$6,921,327

Board approval is sought by NYCTA-Human Resources to extend the term of competitively negotiated personal service contracts with the firms TemPositions Health Care Inc. (TemPositions) and Winston Support Services LLC. (Winston) through August 8, 2019 and to add funding of \$375,000 to continue to provide Emergency Medical Technicians (EMT's) serving the Help Hub Program. These services are part of the Governor's subway improvement plan because they reduce the incidence of subway delays due to sick passengers by offering swift assistance to sick passengers during rush hour shifts. These contracts were initially solicited through a competitive RFP and were approved by the Board in May 2006. Three firms were originally awarded (Gotham Per Diem, Inc.(Gotham), TemPositions, and Winston), each for a three-year term and two-year option to extend for a total value of \$4,218,805. There have been multiple subsequent change orders for budget adjustments and contract extensions. Gotham, primarily a nursing registry, had been unable to provide EMTs in a timely manner so their contract was allowed to expire in June 2017. The Winston and TemPositions contracts were most recently extended through EO 168 and ratified by the Board through June 8, 2018 with \$990,000 in additional funds, raising the total value of the contracts to \$6,546,327. There are currently 12 stations covered by these programs but funding is available for up to 16 stations under the proposed extension. The participating locations include 14th St./Union Square, 42nd St./Times Square, 42nd St./Grand Central Station, 59th St./Lexington Ave., Roosevelt Ave./Jackson Hts., 125th St./Lexington Ave, Atlantic Ave./Barclay Ctr., West 4th Street (Subway Station), 125th Street (Subway Station), 59 Street/Columbus Circle (Subway Station), Fulton Street (Subway Station), and 14th Street (Subway Station). Staffing requirements are split between Winston and TemPositions to ensure sufficient staffing will be available at all locations. This extension will allow time to conduct a competitive procurement and to award new/replacement contracts. The fees established in the base contracts will remain the same and are deemed fair and reasonable.

## Staff Summary

### Schedule F: Personal Service Contracts

<b>Item Number:</b> <b>Dept. &amp; Dept. Head Name:</b> Marketing & Corporate Communications / John McKay						<b>SUMMARY INFORMATION</b>	
<b>Division &amp; Division Head Name:</b> Marketing & Communications / John McKay						<b>Vendor Name:</b> Various	
<b>Board Reviews</b>						<b>Contract Number:</b> 15325 – 0200 thru 0800	
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Description:</b> Public Information and Customer Relations Services	
1	Finance	9/24/18	X			<b>Total Amount:</b> \$7,500,000	
2	Board	9/26/18	X			<b>Contract Term (including Options, if any):</b> Five (5) Years	
<b>Internal Approvals</b>						<b>Option(s) Included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Renewal – two (2) one year renewals</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
1	Procurement	4	DDCR	<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive			
2	Legal	5	CFO	<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:			
3	Marketing & Corp Communications			<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 seven competitively negotiated personal service contracts for public information and customer relations services at a combined total cost not to exceed \$7,500,000 over three (3) years plus two one-year renewal options. These contracts will be utilized on an as-needed basis, without any obligation to the MTA or its agencies. The selected firms are as follows:

1. Objective Subject, LLC	5. Precision Strategies, LLC
2. Renee Sacks Associates, Inc. dba Sacks Communications	6. Daniel J. Edelman, Inc.
3. Spectrum Personal Communications Corp.	7. The Glover Park Group, LLC
4. Arch Street Communications, Inc.	

#### II. DISCUSSION

Metropolitan Transportation Authority's Marketing and Corporate Communications department ("MCC") is responsible for developing and communicating a wide-range of customer relations information. Such information may include operational information including crises, anticipated and unanticipated service disruptions, service changes, and other special communications initiatives. The selected firms will assist MCC with functions such as copywriting, assorted graphic design work (layout, design, basic animation), video production and editing, and with real time customer communications on both digital platforms and in print. These firms may also deliver the message content to various stakeholders through specialized platforms, such as media outreach and guerilla marketing.

A Request for Proposals ("RFP") was publicly advertised and letters informing potential proposers of the RFP were emailed to one hundred seventy-two firms, ninety-four of which were MBE/WBE/SDVOB firms, and twelve proposals were received. The RFP indicated MTA's intent to award multiple contracts so as to have a cadre of firms with diverse expertise available in order to support varying requirements.

The selection committee was comprised of personnel from MTAHQ - Executive Officer, Corporate Communications & Marketing Branding; Special Advisor, Agency Operations & Initiatives and Media Coordinator, External Communications. The evaluation criteria were: a) cost; b) responsiveness to the RFP and the proposer's demonstration of a clear understanding of the objectives and constraints of the undertaking; c) experience and qualifications of the firm providing marketing service personnel within New York City and its Metropolitan Area; d) ability of the firm to promptly service and carry out an MTA/MTA Agency project scope; e) demonstrated understanding of issues and problems of MTA's public transportation services that the firm may be required to deal with; f) firm's detailed plan for responding to an MTA request for services; and g) diversity practices.

# Staff Summary

The selection committee found the recommended seven firms to be the best qualified to perform the services required by the RFP, having all offered proposals that demonstrated a wide range of expertise in relevant customer relations services. The selected firms also demonstrated their ability to promptly staff work orders to meet the MTA's needs in a variety of marketing categories and provided relevant examples of projects with clients of similar size and complexity, demonstrating a clear understanding of the potential issues and customer focus of government agencies. The firms not selected for award failed to adequately demonstrate relevant experience.

The proposed fully-loaded hourly rates ranged from \$48 to \$275 for junior titles, \$61 to \$361 for senior titles, \$67 to \$421 for manager / director titles, and \$48 to \$204 for support staff titles. Rates were negotiated by comparing supplier's rates to other market pricing. Best and final offers (BAFOs) yielded resultant reduced rates ranging from \$48 to \$220 for junior titles, \$61 to \$280 for senior titles; \$67 to \$350 for manager / director titles, and \$48 to \$166 for support staff titles. The negotiated fully-loaded rates will remain firm for the base three-year period. Option year 4 and 5 are subject to escalation of 3% or CPI, whichever is lower. Based on the foregoing, the BAFOs are considered fair and reasonable.

Projects will be awarded through competitive "mini-bids" and the remainder will be awarded on a rotating basis. The prices paid will be at or below the already negotiated/contractual rates.

In connection with a review of the proposed awardees' responsibility pursuant to the All-Agency Responsibility Guidelines, all have been deemed responsible for award.

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

The MTA Department of Diversity and Civil Rights (DDCR) has established 15% MBE, 15% WBE and 6% SDVOB on this contract. Objective Subject, LLC, Renee Sacks Associates, Inc. (D/WBE), Spectrum Personal Communications Corp. (D/MBE), Arch Street Communications, Inc. (D/WBE), Precision Strategies, LLC, Daniel J. Edelman, Inc., and The Glover Park Group, LLC have all submitted MWBE utilization that meet the 30% MWBE and 6% SDVOB requirements on this contract. All firms have not completed any MTA contracts with MWDBE goals; therefore, no assessment of the firm's MWDBE performance can be determined at this time.

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

The total not to exceed budget of \$7,500,000 for this contract series will be funded with general operating funds provided on an assignment basis by the M&CC Department.

### **V. ALTERNATIVES**

None. M&CC lacks necessary personnel to support MTA and its agencies' communication strategies with the general public in connection with crises, unanticipated service disruptions, emergencies, and special initiatives. Having a stable of providers available on-demand will provide a cost-effective and responsive business model.

## **LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2018**

### **PROCUREMENTS FOR RATIFICATION**

#### **METROPOLITAN TRANSPORTATION AUTHORITY**

##### *Procurements Requiring Majority Vote:*

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

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


<b>19-25. Various</b>	<b>\$12,249,760</b>	<b><u>Staff Summary Attached</u></b>
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##### **Executive Order 168**

This is a request that the Board ratify procurement actions awarded pursuant to Executive Order 168 ("E.O. 168") and its extensions. The total estimated value for the seven actions is \$12,249,760. Five actions are for Headquarters and two actions are for Long Island Rail Road; all seven actions were found to be fair and reasonable.

# Staff Summary

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

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

<b>Contract Number:</b> Various	<b>Renewal?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$ 12,249,760
<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 because 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 seven actions is \$12,249,760. Five actions are for Headquarters and two actions are for Long Island Rail Road; all seven actions were found to be fair and reasonable.

#### 1.

Agency	Award Date	Contractor	Description	Contract Number	Contract Modification Amount	Solicitation Method
MTAHQ	8/21/18	Piper Networks, Inc.	UWB Proof of Concept Phase 2 – Additional Scope of Work Services	17001-0200	\$3,867,220	Modification

### Discussion:

In November 2017, Piper Networks entered into a contract with MTA to conduct a Proof of Concept (POC 1) for using Ultra-Wide Band (UWB) radio technology for subway location, with the goal of feeding train location information to a Communication Based Train Control (CBTC) system. The initial scope for that

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

contract tested the ability of the technology to determine train location and speed in NYCT subway tunnels. Piper's Proof of Concept 2 (POC 2) involves the installation and integration of Piper Networks brand UWB technology and software for the purpose of detecting the presence and location of subway trains. Piper will develop a UWB Train Positioning and Data Communications System that integrates with on board CBTC equipment developed by Thales, Inc. The testing is planned to start in October 2018.

This modification is will increase the base contract by \$3,867,220, from \$1,510,000 to \$5,377,220. All hourly rates, terms and conditions are in accordance with the base contract. A competitive process would not be practical for this phase because of the urgency of the work to be performed and the compressed time schedule. There are no prior contracts for these specific services but the negotiated hourly rates of the base contract were within the same range as GSA contracts for similar engineering titles. Based on the above, the negotiated hourly rates are considered fair and reasonable.

### 2.

Agency	Award Date	Contractor	Description	Contract Number	Contract Modification Amount	Solicitation Method
MTAHQ	9/1/2018	Metrom Rail, LLC	Proof of Concept Phase 2 for Communication Based Train Control (CBTC)	17004-0100	\$2,252,645	Modification

#### Discussion:

Similar to the Piper POC 2 (above), Metrom Rail, LLC (Metrom) is working with Thales, Inc. to demonstrate the capabilities of integrating Metrom's UWB Positioning (UWB-P) system with Thales' Next Generation Positioning (NGP) system to provide real-time, precise train locations. A wireless mesh communication network and fiber optic backbone will provide operational and (optional) diagnostic data between the train and the central office. If successful, the project would demonstrate that track mounted transponders with UWB anchors would enhance train location capabilities in the system.

Testing will to commence in September 2018. This modification will increase the contract by \$2,252,645, from \$1,500,000 to \$3,752,645. Pricing, terms and conditions are in accordance with base agreement No. 17004-0100. Given that POC 2 continues to be part of the original research Project, a competitive process for this phase continues to be neither feasible nor practical based on the urgency of the work to be performed and the compressed schedule. There are no prior contracts for these specific services but the negotiated hourly rates are comparable to GSA contract rates for similar engineering titles. Based on the above, the negotiated hourly rates are considered fair and reasonable.

### 3.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
MTAHQ	9/11/2018	Metrom Rail, LLC	Proof of Concept Phase 2A (POC 2A) for Communication Based Train Control (CBTC)	17004-0100	\$2,100,000	Sole Source

#### Discussion:

Metrom's Proof of Concept 2A (POC 2A) will demonstrate Automatic Train Protection (ATP) using wireless technology for train location, control and protection in two parts described below.

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

The first part of POC 2A would demonstrate the ability of Metrom's AURA (Active Ultrawide Ranging Awareness) system to increase the level of safety within the subway system while reducing the overall quantity of signals and other wayside elements, such as track circuits and trip-stops. The AURA system would integrate UWB-based ATP capabilities with smart signals to safely reduce headways between trains and thereby increase the number of trains that can run on the same track segment. Metrom will also create a model that will be used to compare the predicted performance of the improved system vis-a-vis the existing system.

The second part of POC 2A will demonstrate a UWB-based "moving block" ATP system that is believed to offer the potential for an even greater reduction of signaling infrastructure. Using this approach, most tunnel signaling would be eliminated. This system would integrate directly into MTA's infrastructure (such as the remaining signals and switches at interlockings).

If these approaches prove out, they would offer options for simplifying the MTA's Train Control System architecture by reducing wayside elements. The testing is scheduled to commence in September 2018. This contract is being awarded as a sole source because Metrom is the only known company that offers this technology. Additionally, given the time constraints of the POC 2 project, a competitive process is not practical.

The hourly rates for the services are the same as the rates for Metrom's POC 2 modification, and they are similar to hourly rates of other MTA contracts for the Ultra-Wide Band Project. Accordingly, the hourly rates are considered fair and reasonable.

### 4.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
MTAHQ	8/1/18	Twinco	7 Wireless Track Switches for POC Projects	900000000002446	\$203,000	Sole Source

### Discussion:

Waterproof wireless track switches are being explored for use and potential integration into the CBTC Acceleration POC projects. The introduction of wireless switches would enable the integrated CBTC or ATP system to communicate with switches at interlockings, eliminating or significantly reducing the need for supporting wayside elements, such as cabling and communication rooms. The switches offer an improved mean time between failure (MTBF) and can be re-used elsewhere.

Twinco was chosen for this project because it is a leading supplier of signal systems and based on its ability to fulfill the associated requirements immediately. Once the proof of concept is completed, it is the MTA's intention to conduct an RFP to explore other suppliers in the rail switch space. Pricing is 15% lower than manufacturer's list price.

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

5.

Agency	Award Date	Contractor	Description	Contract Number	Contract Modification Amount	Solicitation Method
MTAHQ	8/20/18	Parsons Transportation Group of New York	Engineering Services for Consulting, Oversight, Design, and Integration in Connection With MTA's UWB/CBTC Project	900000000002444	\$3,312,852	Modification

### Discussion:

Parsons Transportation Group of New York (Parsons) was awarded the subject contract through a competitive mini-RFP process for engineering and oversight services in connection with the MTA's UWB/CBTC Project. Parsons was engaged to assist the MTA in the management of this project as well as to provide oversight and engineering services related to the above-mentioned contracts. As POC 1 has proven to be successful, the MTA continues to work with Parsons in the management and oversight of these POCs through POC 2 and 2A. This additional funding supports POC 2 planning, management and oversight.

This modification is being issued to increase the base contract by \$3,312,852, from \$2,084,978 to \$5,397,830. The overall cost is a not to exceed amount and all rates will remain the same as in the original contract. As such; costs were found to be fair and reasonable.

6.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
LIRR	7/3/18	Network Rail Consulting	Operational & Maintenance Improvement Support	6314	\$174,043.05 (Base Work) + NTE \$1 million (Option Work)	Sole Source

### Discussion:

Network Rail Consulting, Inc. ("NRC") was awarded a sole source contract by LIRR on July 3, 2018, to provide consultant services for the LIRR Forward Plan.

Network Rail Consulting, Inc. ("NRC") is an industry expert and wholly owned subsidiary of Network Rail, the owner and operator of Great Britain's main line rail infrastructure since 2002. NRC was recently engaged by NYCT to provide actionable recommendations for efficiencies and productivity improvements, including the optimization of track outages by 50% and streamlined internal communications. NRC was engaged by NYCT to address operational issues relating to service reliability, specifically:

- General Order ("GO") Efficiencies
- Work train scheduling and flagging arrangements
- Incident response time

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

These problems are consistent with and relate directly to analogous operating challenges faced by LIRR, including:

- a. Track Outage Management
- b. Seasonal Preparation Management
- c. Incident Management

NRC's industry leadership and international experience, including both with NYCT and Boston's Massachusetts Bay Transportation Authority (MBTA) commuter railroad, where they developed and implemented improvements in vegetation management, and in sustaining reliable operations under adverse winter weather conditions, make them uniquely qualified to analyze LIRR's operations critically, and develop specific practical recommendations that can, with their guidance, be implemented quickly across LIRR's network with the goal of avoiding many of the causes of service disruptions and breakdowns such as those which occurred last Fall and Winter.

Under this contract NRC will analyze LIRR operations, review work planning methods used to measure costs associated with outages, complete extensive document review, conduct interviews and perform data analysis. At the conclusion, NRC will make actionable recommendations as to process efficiencies and operational improvements, meeting the intent of EO 168 — to reduce the incidence of service outages and disruptions and improvement reliability of service provided to LIRR's customers.

It is essential that LIRR engage industry experts such as NRC at this time as LIRR Forward establishes deadlines by which improvements must be implemented — particularly as the fall and winter season approaches. The Contract has Options for NRC to: 1) conduct a hazard and operability study of such recommendations; 2) conduct an implementation workshop; 3) execute a pilot of recommendations; 4) develop revised SOPs; 5) mentor and train staff; and 6) conduct post-implementation reviews of recommendations. Options will be exercised at the discretion of LIRR and will be negotiated based on contract rates.

Network Rail is not in LIRR's pre-qualified pool of General Engineering consultants, however is uniquely qualified for this work, having recently completed similar work under NYCT. Due to the fact that NYCT also engaged the services of NRC under a non-competitive EO 168 procurement, LIRR cannot ride the existing contract with NYCT. Therefore, LIRR has separately engaged NRC under EO 168 having met the criteria set forth in the EO and in accordance with MTA guidelines.

The services performed by NRC are being paid based on the agreed hourly labor rates for specific labor titles as well as pre-established travel and expense costs. NRC's labor rates compared favorably to the rates charged by other engineering consultants. As a result, NRC's pricing was found to be fair and reasonable.

7.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
LIRR	8/14/18	Laser Tribology, B.V.	Laser Train for Leaf Removal	4000122732	\$340,000	Sole Source

### Discussion:

Laser Tribology, B.V. was awarded a sole source contract by LIRR on August 14, 2018 to design, engineer, manufacture and install equipment for a Laser Train, for the testing of leaf debris removal.

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

LIRR suffers from the effects of “Slip-Slide” which occurs typically during the early October to late November timeframe when leaves fall from the trees and deposit harmful residue on the top of the rail surface.

When a train attempts to stop, the residue causes the cars to slip/slide, resulting in damage to wheels in the form of flat spots. Flat spots, if not corrected, can cause the cars in question to derail.

This critical and time-sensitive procurement will allow for one of LIRR’s on-track special work vehicles to be outfitted with an experimental laser rail cleaning device for testing purposes, to evaluate its effectiveness. This device is designed to remove all contaminants, including leaf debris, from the head of the rail (the wheel-rail contact area) while operating below 10mph. The procurement will include the design, engineering, manufacturing and installation of all necessary equipment to allow for the testing of this technology for rail cleaning during the Fall 2018 “leaf-off” season, as well as the on-site safety plans, insurance, and continuous on-site support.

Contamination of the railhead by leaf debris in the Fall reduces the coefficient of friction in the critical location between the rail and train wheel. This reduced level of adhesion adversely affects a train’s stopping abilities and increases wheel and rail damage due to the resultant need for emergency brake applications which, in turn, causes trains wheels to lock and slide across the rails. The wheel damage alone, in the form of flat spots, results in removing passenger cars and locomotives from service for several days for repair. Wheels with flat spots require truing to bring them back into compliance before they can be reinstalled on the cars. During the Fall and Winter of 2017-2018, 3,390 wheel sets required truing as a result of damage caused by leaf residue and slip/slide conditions. This, in turn, resulted in dozens of cars being taken out of service for days at a time, causing delays, short trains and cancelled trains. In addition, slip-slide conditions can prevent accurate breaking where the train lines up with the station platform. This can result in multiple cars within the train being unable to make a scheduled station stop. Although the LIRR does everything possible to mitigate the effects of low adhesion, such as implementing speed restrictions (which in and of itself causes delay), educating locomotive engineers on low adhesion train handling, power washing the rail head, and de-activating flange lubricators, these combined efforts have little impact on the root cause of the problem – contamination of the railhead. Completely removing the source of the problem will have a direct positive impact on safety, reliability and service delivery.

Time is of the essence in regard to testing the technology described in this document so that LIRR can deploy the laser device during the Fall 2018 “leaf off” season. It is therefore appropriate and imperative to award this contract in the timeliest manner to find a slip/slide solution to avoid wheel and rail damage, resulting in cars out of service, and adversely impacting safety, and on-time service delivery to our customers. The laser system will be designed to effectively clean organic/leaf residue off the top of the rail head to eliminate leaf-induced low adhesion. The testing is to commence approximately October 15th or later depending on actual low adhesion conditions and will cease when leaf induced low adhesion is no longer experienced; in no case will it go beyond December 31, 2018.

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

**ACTION ITEMS**

**MTA LONG ISLAND RAIL ROAD**

Expansion of Permanent Easement to Suffolk County for LIRR Right-of-Way at County Road 16/Horseblock Road in the Town of Brookhaven

License Agreement with New York State Department of Agriculture and Markets d/b/a Taste New York for Carts and Storage Space at Penn Station

**MTA METRO-NORTH RAILROAD**

Lease Agreements with New York State Department of Transportation for bus stops with passenger shelters at Metro-North's stations located at Tarrytown, Spring Valley and Suffern.

License Agreement with the Village of Irvington, for the operation and maintenance of a sidewalk along Hudson Road West at the Ardsley-On-Hudson Station

**METROPOLITAN TRANSPORTATION AUTHORITY**

Renewal of Lease for MTA Business Services Center at 333 West 34<sup>th</sup> Street, New York, NY

Amendment of the Board-approved Real Estate Department All-Agency Policy on Pilot Program Agreements

# Staff Summary

Subject <b>EXPANSION OF EXISTING PERMANENT EASEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>DORRIE MASSARIA</b>

Date <b>SEPTEMBER 24, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/24/18	X		
2	Board	9/26/18	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")

GRANTEE: County of Suffolk ("Suffolk")

LOCATION: LIRR right-of-way under County Road 16, Southwest Corner of Long Island Avenue and Americas Avenue, Medford, Town of Brookhaven, Suffolk County, New York

ACTIVITY: Expansion of an existing permanent easement

ACTION REQUESTED: Approval to grant the expansion of the existing permanent easement in support of a roadway expansion

TERM: In perpetuity

SPACE: 5,407 sf

COMPENSATION: \$9,000

## COMMENTS:

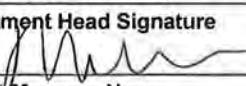
The LIRR was approached by Suffolk County to grant an additional easement of LIRR's right-of-way beneath County Road 16 in the Town of Brookhaven. The original easement was granted to Suffolk in 1938 to allow for the construction of an elevated roadway to eliminate a grade crossing. The easement permitted the installation of structural supports for the roadway on LIRR right-of-way and its subsequent repair and maintenance.

The roadway will now be demolished and a new, wider roadway constructed. The widening requires additional supports and an additional 5,407 square feet of LIRR right of way. An appraisal by an independent appraiser determined the fair market value of the additional easement to be \$9,000.

Granting the additional easement via negotiation complies with New York Public Authorities Law §§2895-2897 because, although there was no competitive bidding involved, the fair market value of the additional easement does not exceed \$15,000.00, and the LIRR is receiving the fair market value of the additional easement as compensation.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to expand the permanent easement to Suffolk on the above described terms and conditions.

# Staff Summary

Subject <b>EXTENSION OF TERM – NYS DEPT. OF AGRICULTURE</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>DORRIE MASSARIA</b>

Date <b>SEPTEMBER 24, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/24/18	X		
2	Board	9/26/18	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: New York State Department of Agriculture and Markets, under the brand "Taste New York"

LOCATION: West End Concourse and Space # 5 on the Connecting Corridor on Level A at Penn Station

ACTIVITY: Extension of an existing license to provide commissary cart service

ACTION REQUESTED: Authorization to to extend existing license

TERM: Five months

COMPENSATION: 50% of gross sales, minus permitted revenue exclusions


## COMMENTS:

In July of 2017, MTA Real Estate entered into an agreement with the New York State Department of Agriculture and Markets to operate commissary carts at Penn Station. The carts, dispensing beverages and pre-packaged food, were placed on the West End Concourse. Under the agreement, storage space was also provided on the LIRR's Connecting Corridor on Level A in Penn Station. The occupancy is operated under the Taste New York brand.

Per MTA Board Policy #30, MTA Real Estate is authorized to enter into licenses to test new ideas for generating revenue or providing customer amenities. The policy allows for a term of up to 14 months. This occupancy was entered into pursuant to that policy. Taste New York has indicated a desire to remain beyond the 14 month term for an additional 5 months.

MTA Real Estate requests authorization to extend the term of the Taste New York pilot program to be co-terminus with the other LIRR tenants on Level A in Penn Station.

# Staff Summary

Subject <b>LEASE AGREEMENT WITH NYSDOT FOR BUS SHELTERS IN SPRING VALLEY, SUFFERN AND TARRYTOWN</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>ALICIA BIGGS</b>

Date <b>SEPTEMBER 24, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/24/18	X		
2	Board	9/26/18	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North") and Metropolitan Transportation Authority ("MTA")

LESSEE: New York State Department of Transportation ("NYSDOT")

LOCATION: Spring Valley Transit Center; Hallett Place and Chestnut Street in Suffern; and Tarrytown Station (collectively the "Premises")

ACTIVITY: Operation and maintenance of bus shelters at 3 Metro-North stations

ACTION REQUESTED: Authorization to enter into lease agreements

TERM: Twenty Years with four, 5-year renewal options

PARCELS: 1) Spring Valley Transit Center – 2,828± square feet  
2) Suffern – 591± square feet  
3) Tarrytown Station – 697± square feet

COMPENSATION: \$1, payment waived

## COMMENTS:

In an effort to enhance the region's transportation options and to improve transit access between Rockland and Westchester Counties, the New York State Department of Transportation ("NYSDOT") in connection with the Lower Hudson Transit Link ("LHTL") bus service project has identified three locations at Metro-North train stations for the placement of LHTL bus stops. Metro-North and the MTA support the LHTL project as it benefits its customers and the Hudson Valley region as a whole.

NYSDOT has proposed LHTL bus stops at the Spring Valley and Suffern stations (Rockland County) as well as at the Tarrytown station (Westchester County) and is seeking a lease for each bus shelter location. NYSDOT has installed new improved bus shelters at each of the locations. The maintenance of LHTL bus stops and shelters will be performed by a third-party operator engaged by NYSDOT. The operator is required to provide the appropriate insurance coverages and will have indemnification obligations benefiting Metro-North and the MTA pursuant to both the operator's agreement with NYSDOT and separate agreements with Metro-North.

# Staff Summary

## FINANCE COMMITTEE MEETING

### LEASE AGREEMENT WITH NYSDOT FOR BUS SHELTERS IN SPRING VALLEY, SUFFERN AND TARRYTOWN (Cont'd.)

Page 2 of 2

An independent appraisal estimated the value of the leaseholds being granted as follows: Spring Valley Transit Center: \$1,275 per year; Suffern: \$400 per year; and Tarrytown: \$475 per year. At these valuations, the Public Authorities Accountability Act ("PAAA") permits direct negotiations of leases without an RFP process.

Furthermore, given the low monetary value of the leasehold interests being granted and the high value to the Hudson Valley in general and public transportation customers, no compensation is recommended. The PAAA permits entering into a lease for below fair market value when the lessee is a public entity and the use of the premises will remain with the public entity over the course of the term of lease which will be the case for each of the subject leases.

Based on the foregoing, MTA Real Estate requests authorization for Metro-North or the MTA, as applicable, to enter into lease agreements with NYSDOT on the above-described terms and conditions.

# Staff Summary

Subject <b>LONG TERM LICENSE AGREEMENT WITH THE VILLAGE OF IRVINGTON</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>PAUL M. FITZPATRICK</b>

Date <b>SEPTEMBER 24, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/24/18	X		
2	Board	9/26/18	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North") and Metropolitan Transportation Authority ("MTA")

LICENSEE: The Village of Irvington (the "Village")

LOCATIONS: Two parcels, both south of the Ardsley-On-Hudson Station (Hudson Line) (the "Station"), immediately adjacent to Hudson Road West, and east of the outbound track, Westchester County Tax Maps Section 2.160, Block 69, (i) part of Lot 8 (351± square feet) and (ii) part of Lot 6 (52± square feet), totaling 403± square feet

ACTIVITY: Long-term License for the operation, maintenance and repair of a sidewalk

ACTION REQUESTED: Authorization to enter into a long term License Agreement

TERM: 256 years, to expire February 26, 2274 unless purchase option is exercised sooner

COMPENSATION: \$2,950.00

## COMMENTS:

The Village of Irvington, jointly with Mercy College (the "College"), is developing a sidewalk beginning south of the Ardsley-On-Hudson Station, and proceeding southerly to connect with an existing walkway on the College campus (the "Project"). The Project runs along Hudson Road West, which currently includes parking and vehicular and pedestrian traffic. The current conditions will be improved by the redirection of pedestrian traffic off of Hudson Road West, onto the new sidewalk between the Station and the College. Metro-North's customers, Village residents, Mercy College students, administrators and employees, and the general public will benefit from the safety and utility provided by the sidewalk to be constructed as part of the Project.

The majority of the land for the planned sidewalk either belongs to the Village or the College. Through a survey, the Village identified the Locations as MTA property. These two small parcels are needed to complete the sidewalk, as designed. The Village requested an easement at no cost for these areas that represent a minimal but necessary portion of the overall Project.

Since the MTA's interest in the Harlem and Hudson lines is a leasehold, MTA cannot convey a superior property interest, including an easement. Therefore, the License Agreement is in the form of a long-term license (which was treated as though it is an easement under the Guidelines for Disposition) for unimproved land to be used by the Village (as Licensee), for sidewalk purposes only.

# Staff Summary

## FINANCE COMMITTEE MEETING



Metropolitan Transportation Authority

### LONG TERM LICENSE AGREEMENT WITH THE VILLAGE OF IRVINGTON (Cont'd.)

Page 2 of 2

An independent appraisal obtained by MTA Real Estate determined that the aggregate value of the Locations being licensed on a long-term basis to the Village is \$5,600.00. The Village has agreed to reimburse MTA for the cost of obtaining the appraisal, which was \$2,950.00. Metro-North has therefore agreed to reduce the compensation to \$2,950.00.

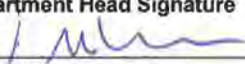
Entering into the License Agreement via negotiations complies with New York Public Authorities Law §§2895-2897 because, although there was no competitive bidding involved, the fair market value of the property does not exceed \$15,000.00, the disposition is to a government entity, and the terms of the License Agreement require the property to remain with such government entity.

A separate construction permit will be issued by Metro-North for the construction of the sidewalk.

The Village will be responsible for the operation and maintenance of the sidewalk and will indemnify Metro-North, the MTA and other required parties. The Village will also provide insurance in accordance with the specifications of MTA Risk Management.

Based on the foregoing, MTA Real Estate requests authorization for the MTA and Metro-North to enter into a long term License Agreement with the Village of Irvington on the above-described terms and conditions.

# Staff Summary

Subject <b>RENEWAL OF BSC LEASE AT 333 W. 34TH STREET</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>ANDREW GREENBERG</b>

Date <b>SEPTEMBER 24, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/24/18	X		
2	Board	9/26/18	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA") (on behalf of MTA Business Services Center ("BSC"))

LICENSOR: BPREP 333 W 34<sup>th</sup> LLC ("Landlord")

LOCATION: 333 West 34<sup>th</sup> Street, New York, NY

ACTIVITY: Office space lease extension for the BSC

ACTION REQUESTED: Approval of terms

TERM: Approximately 15 years 11 Months from January 23, 2021 until December 22, 2037.

SPACE: Entire 8, 9, 10th floors and portion of 7<sup>th</sup> floor consisting of approximately 113,922 rentable square feet ("RSF")

## COMPENSATION:

	Rent/RSF	Annual Rent
Rent Commencement - 5 <sup>th</sup> anniversary of Rent Commencement	\$69.50	\$7,917,579.00
5 <sup>th</sup> Anniversary of Rent Commencement – 10 <sup>th</sup> Anniversary of Rent Commencement	\$76.50	\$8,715,033.00
10 <sup>th</sup> Anniversary of Rent Commencement – Expiration	\$83.50	\$9,512,487.00

Note: These rents do not reflect the reduction for the real estate tax portion due to our exemption. Currently we are saving \$10.83 per square foot by not paying taxes within the rental figure.

## COMP LEASE COMMENCEMENT:

The renewal term commences January 23, 2021

## RENT COMMENCEMENT:

Eleven (11) months from January 23, 2021

# Staff Summary

## FINANCE COMMITTEE MEETING

### RENEWAL OF BSC LEASE AT 333 W. 34TH STREET (Cont'd)

Page 2 of 4

RENEWAL OPTIONS:	None
EXPANSION OPTIONS:	None
REAL PROPERTY TAX ESCALATION:	The building is currently operated as a commercial condominium and the MTA is responsible to pay all real estate taxes billed to the tax lot(s) it occupies. Since the condominium tax lot(s) the MTA occupies are tax exempt, the MTA does not pay any real estate taxes.
OPERATING EXPENSE ESCALATION:	Effective January 23, 2021 the operating expense escalation base year will become calendar 2021; tenant will continue to pay its proportionate share of increases in operating expenses over a this revised base year.
UTILITIES:	Per existing lease. Tenant will be responsible for the cost of electricity via submeter, at landlord's actual cost with no markup. All other utilities are included in base rent.
SERVICES:	Per the existing lease, cleaning, HVAC service, building security and building messenger center operations will be performed by the Landlord and included in base rent. The Landlord will provide access to its emergency generator at BSC's apportionment share of associated actual costs and expenses. Supplemental air conditioning will be provided at a cost of \$400 per ton per year. If so requested, the Landlord will provide future alterations and improvements at tenants cost, plus a 7% construction management fee.
TENANT IMPROVEMENT ALLOWANCE:	Effective January 23, 2021, the Landlord will provide \$50 per RSF for alterations and improvements to the Premises. Any unused portion of the improvement allowance can be credited against future payments of base rent as a monthly rent abatement. The Landlord will provide, at its sole cost and expense, new core bathrooms on each floor.
LANDLORD TERMINATION RIGHT:	The Landlord has a one time option to terminate the lease following the 10 <sup>th</sup> anniversary of the Rent Commencement Date with not less than 36 months notice and payment of \$1.5 million termination penalty.
MAINTENANCE AND REPAIRS:	Per the existing lease, maintenance and repair of building common areas, common building systems and all structural components of the building will be performed by the Landlord and included in base rent. BSC will be responsible for all nonstructural repairs within the Premises. The Landlord will pay for the cost to both maintain and repair the existing HVAC system.
SECURITY DEPOSIT:	None
COMMENTS:	<p>The BSC was initiated in March 2009 to consolidate and redesign key back-office functions and processes and deploy and support PeopleSoft as a common Enterprise Resource Planning platform.</p>

# Staff Summary

## FINANCE COMMITTEE MEETING

### RENEWAL OF BSC LEASE AT 333 W. 34TH STREET (Cont'd.)

Today, the BSC's scope of services includes:

- Payroll
- Human Resource Transactional Processing
- Benefit Administration
- General Finance, Accounts Payable, Accounts Receivable
- Procurement
- Document Management Operations
- Employee Call Center
- Procurement
- IT Operations in support of the MTA ERP PeopleSoft application.

On behalf of the MTA Agencies, the BSC provides services to:

- 73,000 Employees
- 48,000 Retirees
- 143,000 Dependents
- 16,000 Vendors

The 34th Street location has been instrumental in attracting and retaining the talent required to support a highly specialized and technical professional (20%) and production (80%) workforce from across the Tri-State geography.

The BSC occupies 113,922 square feet of rentable space (which includes a current market value loss factor), which was initially designed to accommodate 450 people. Two of the four occupied floors, or approximately 60,000 rentable square feet, have been densified through the use of efficient furniture systems and maximization of available floor space to accommodate the current workforce of 567. A planned further densification of the remaining approximately 54,000 square feet would accommodate an additional 48 seats.

The current lease was entered into in February, 2010 (see attached Staff Summary); it expires in February, 2021. Its terms provide for two five year options at 98% of fair market value. Exercising of the first of those two options would have to be done by August, 2019. It was anticipated that extending the term through the option mechanism would result in a much higher rental given the projected further development of the nearby Hudson Yards district. The Hudson Yards district in Manhattan has become a sought after primary office market in Midtown Manhattan and, due to its close proximity, the Penn Plaza district has realized significant rent growth.

The decision was made to test the market now in hopes of securing a long term commitment at the most competitive rent either through a renewal in place or by relocating elsewhere. Cushman & Wakefield, Inc., the MTA's exclusive broker, was tasked to evaluate the real estate marketplace allowing for sufficient time to plan and construct new offices if there were better, cost-effective alternatives to renewing the existing lease. Cushman & Wakefield prepared an initial survey of the NYC real estate market including locations in the Bronx, Long Island City, Brooklyn and Downtown Manhattan with emphasis on the following factors:

- transportation alternatives
- building and design efficiencies
- cost of construction and replacing furniture, fixtures and equipment
- a landlord's willingness to provide BSC with its own tax lot to realize real estate tax savings
- employee retention concerns based on commutation studies

Twenty-four potential relocation sites were initially identified, 8 buildings were toured, 5 buildings were short listed for negotiations, and a final short list of 3 locations - 1 Pierrepont Plaza in Brooklyn, 55 Water Street in Lower Manhattan and a renewal in place at 333 West 34<sup>th</sup> Street - were evaluated with best and final proposals requested.

The current BSC Landlord has proposed a long term deal which includes 11 months of free rent, a reset of the base real estate tax rent reduction and sufficient funding to modernize the offices. Under the existing agreement with this Landlord, if MTA were to exercise its initial 5 year renewal option, the renewal terms would reflect those appropriate for a 5 year transaction without the significant free rent or funding for needed office modernization.

# Staff Summary

## FINANCE COMMITTEE MEETING

### RENEWAL OF BSC LEASE AT 333 W. 34TH STREET (Cont'd.)



Metropolitan Transportation Authority

Page 3 of 4

After considering the 3 finalist locations, a financial analysis determined that the up-front capital costs and the unknown potential expenses associated with a relocation, offset the higher rental cost of the proposed equivalent long term lease renewal. BSC, MTA Real Estate, and MTA senior leadership viewed this alternative as the most cost effective and operationally efficient solution, resulting in the least amount of up-front capital outlay. Critical to this decision was BSC's commitment to remaining within this space and the ability to maintain the existing footprint.

Based on the foregoing MTA Real Estate requests authorization for the MTA to extend its existing lease on the above described terms and conditions

# Staff Summary

Subject	<b>GCT RETAIL LICENSING PROGRAM</b>
Department	<b>REAL ESTATE</b>
Department Head Name	<b>JOHN N. LIEBER</b>
Department Head Signature	
Project Manager Name	<b>LEAH BASSKNIGHT</b>

Date	<b>SEPTEMBER 24, 2018</b>
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref. #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/24/18	X		
2	Board	9/26/18	X		

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

By staff summary dated July 25, 2011, the MTA Board approved the attached policy #30 authorizing MTA Real Estate on an all-agency basis to enter into short term pilot programs for up to 14 months. In the years since the policy's inception, MTA Real Estate has observed that, as a practical matter, new retail concepts require more time to test the market and validate the concept feasibility. In addition, there already exists an MTA board approved policy to permit short-term licenses having a duration of not longer than 2 years to avoid spaces being vacant or going "dark" and MTA Real Estate believes that this policy #30 which would also apply to Grand Central Terminal should be made to be consistent with the 24 month duration under the existing Grand Central Terminal policy. Therefore MTA Real Estate recommends extending the pilot period to 24 months.

MTA Real Estate requests that the MTA Board adopt the resolution attached to this staff summary permitting .

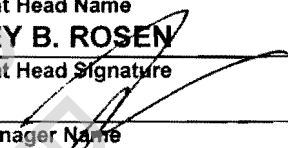
RESOLUTION  
BOARD OF THE  
METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, the Real Estate Department (“RED”) of the Metropolitan Transportation Authority (“MTA”) is from time to time presented with ideas that may have potential and to generate revenue and/or provide customer amenities at concessionaire expense, RED has requested authorization to negotiate and enter into short-term pilot transactions to test such ideas, including at Grand Central Terminal, before deciding whether to continue their implementation;

NOW THEREFORE, BE IT RESOLVED that the Board of MTA hereby authorizes the MTA Director of Real Estate Transactions and Operations to negotiate and enter into pilot program license agreements with third parties for the purpose of testing business concepts and their potential to create new revenue streams and/or provide customer amenities, including at Grand Central Terminal, provided that each such pilot program agreement shall:


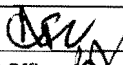

1. Be in a form approved by the MTA Legal Department;
2. Have an operating term of not more than 24 months and be terminable by the MTA without penalty on not more than 60 days’ notice;
3. Not be extended except with Board approval;
4. Provide the MTA with appropriate indemnifications and insurance protections;
5. Not permit more than a negligible impact on the environment absent any environmental review required under, and otherwise in compliance with applicable requirements of, the State Environmental Quality Review Act (SEQRA); and
6. Not permit material adverse impacts on station cleanliness.

# Staff Summary

Subject <b>ALL AGENCY PILOT PROGRAM POLICY</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>Peter Lyons</b>

Date <b>July 25, 2011</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/25/11	X		
2	Board	7/27/11	X		

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

## Narrative

From time to time, MTA Real Estate is presented with or originates ideas with untested potential for generating new revenue and/or providing customer amenities at the expense of concessionaires. Rather than following standard procedures for entering into long-term agreements before such ideas are tested and proved, MTA RED is requesting authorization to enter into short-term pilot program agreements, on a non-competitive basis as opportunities arise, notifying the Board after the fact via information items rather than obtaining prior approval via staff summaries.

Proceeding in this way will allow MTA Real Estate to ascertain the actual revenue-generating potential of proposed new initiatives, gauge their appeal to MTA customers, assess their sustainability, and respond more quickly than it otherwise could to opportunities as they present themselves. Currently, MTA Real Estate anticipates using this authorization to experiment with providing new customer amenities such as retail kiosks at subway entrances, coffee trucks at commuter stations that lack existing coffee concessions, specialty food trucks at busy vacation-destination stations and other "pop-up" concepts.

MTA Real Estate requests that the MTA Board adopt the resolution attached to this staff summary.

## **RESOLUTION**

### **BOARD OF THE METROPOLITAN TRANSPORTATION AUTHORITY**

WHEREAS, the Real Estate Department ("RED") of the Metropolitan Transportation Authority ("MTA") is from time to time presented with ideas that may have potential and to generate revenue and/or provide customer amenities at concessionaire expense, RED has requested authorization to negotiate and enter into short-term pilot transactions to test such ideas before deciding whether to continue their implementation;

NOW THEREFORE, BE IT RESOLVED that the Board of MTA hereby authorizes the MTA Director of Real Estate to negotiate and enter into pilot program license agreements with third parties for the purpose of testing business concepts and their potential to create new revenue streams and/or provide customer amenities, provided that each such pilot program agreement shall:

1. Be in a form approved by the MTA Legal Department;
2. Have an operating term of not more than 14 month and be terminable by the MTA without penalty on not more than 60 days notice;
3. Not be extended except with Board approval;
4. Provide the MTA with appropriate indemnifications and insurance protections;
5. Not permit more than a negligible impact on the environment absent any environmental review required under, and otherwise in compliance with applicable requirements of, the State Environmental Quality Review Act (SEQRA); and
6. Not permit material adverse impacts on station cleanliness.

## Procurement

Steve Plochochi, Senior Vice President



Ferry boats such as this one will provide temporary service between Brooklyn and Manhattan during the Canarsie tunnel reconstruction, as detailed in item 2 of NYC Transit's Procurement Package.

### PROCUREMENTS

The Procurement Agenda this month includes 40 actions for a proposed expenditure of \$381.1M.

<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Procurement and Supply Chain – 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	9/24/18			
2	Board	9/26/18			

September 20, 2018			
<b>Department</b> Law and Procurement – MTACC			
<b>Department Head Name</b> Evan Eisland			
<b>Department Head Signature</b> 			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT		President MTACC 
X	Executive VP <i>of S-P</i>		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:

Procurements Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Noncompetitive Purchases and Public Work Contracts	1	\$ 1.2 M
• Lucchini RS S.p.A.	\$ 1.2 M	

Schedules Requiring Majority Vote:

Schedule G: Miscellaneous Service Contracts	1	\$ 21.9 M
• New York City Economic Development Corporation	\$ 21.9 M	

SUBTOTAL 2 \$ 23.1 M

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

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

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

<u>Procurements Requiring Two-Thirds Vote:</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule B:	Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	3	\$ TBD M
Schedule C:	Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$ 49.9 M
<u>Schedules Requiring Majority Vote:</u>			
Schedule F:	Personal Service Contracts	5	\$ 48.5 M
Schedule I:	Modifications to Purchase and Public Work Contracts	1	\$ 120.0 M
SUBTOTAL		10	\$ 218.4 M

**MTA Capital Construction proposes to award Competitive procurements in the following categories: None****MTA Bus Company proposes to award Competitive procurements in the following categories: None****MTA Bus Company proposes to award Ratifications in the following categories: None****NYC Transit proposes to award Ratifications in the following categories:**Schedules Requiring Two-Thirds Vote:

Schedule D:	Ratification of Completed Procurement Actions	2	\$ 42.7 M
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Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	2	\$ 49.8 M
SUBTOTAL		4	\$ 92.5 M

**MTA Capital Construction proposes to award Ratifications in the following categories:**Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	24	\$ 47.1 M
SUBTOTAL		24	\$ 47.1 M
TOTAL		40	\$ 381.1 M

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

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

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

## **BOARD RESOLUTION**

**WHEREAS**, in accordance with Sections 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.

**SEPTEMBER 2018**

**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. Lucchini RS S.p.A. \$1,202,500 *Staff Summary Attached*  
Noncompetitive – Thirty-six-month contract  
SSE# 189500  
Test and evaluation of subway car wheels.

**Procurements Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$750K Other Noncompetitive; \$1M RFP;  
No Staff Summary required if sealed bid procurement.)

2. New York City Economic Development \$21,944,091 (Est.) *Staff Summary Attached*  
Corporation  
15-month contract  
Contract# P36437EDC  
Temporary ferry shuttle service for Canarsie Tunnel reconstruction.

Item Number: 1

<b>Vendor Name (Location)</b> Lucchini RS S.p.A. (Lovere, Italy)		<b>Contract Number</b> SSE 189500	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Test and Evaluation of Subway Car Wheels		<b>Total Amount:</b> \$1,202,500	
<b>Contract Term (including Options, if any)</b> 36 months		<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Subways, Sally Librera	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive			
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Test and Evaluation			

**Discussion**

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to New York State Public Authorities Law, Section 1209, Subdivision 9(d), and approve the award of noncompetitive purchase contract 189500 to Lucchini RS S.p.A. ("Lucchini") for the purchase of 1,300 subway car wheels ("wheels") for use in a two-phase qualification testing program. Lucchini manufactures its own wheels in Italy.

This procurement for 1,300 wheels from Lucchini will be evaluated by the Department of Subway's Division of Car Equipment ("DCE") during a two-phase qualification testing process in accordance with NYC Transit specifications. The qualification process consists of the successful completion and performance evaluation of in-service testing of the 1,300 wheels in two phases.

For Phase I testing, NYC Transit will purchase 300 wheels from Lucchini, install them on subway cars, and operate those cars in service for six months. If NYC Transit finds the wheel performance satisfactory, testing will proceed to Phase II. In Phase II, NYC Transit will purchase 1,000 additional wheels from Lucchini, install them on subway cars, and operate those cars in service for one year. If, after the completion of Phase II testing, Lucchini's wheel is found to be satisfactory, it will be included on the NYC Transit Qualified Products List ("QPL") for wheels, thereby allowing NYC Transit to increase competition for this item.

Wheels are safety-sensitive items, and currently MWL Brasil Rodas & Eixos Ltda. ("MWL"), Sumitomo Corporation, and Standard Steel are the only manufacturers whose products are approved on the NYC Transit QPL for subway car wheels. [In April 2012, Sumitomo Metals and Sumitomo Corporation acquired Standard Steel and formed a new entity, Summit Railroad Products, Inc. ("Summit"). Summit represents both Sumitomo Corporation and Standard Steel.] NYC Transit is currently testing wheels manufactured by GHH-Bonatrans Group ("Bonatrans"), which has successfully completed Phase I testing and has entered Phase II testing. If Phase II is successful, Bonatrans' wheel will be QPL approved.

Lucchini submitted its quote in the amount of \$925 each for both Phase I testing (300 wheels at \$925 each for a total of \$277,500) and Phase II testing (1,000 wheels at \$925 each for a total of \$925,000) for a total contract amount of \$1,202,500 (1,300 wheels at \$925 each). In December 2017, NYC Transit awarded contracts to two approved wheel suppliers. The prices ranged from \$890.80 each to \$1,149 each. The price submitted by Lucchini has been found to be fair and reasonable based on NYC Transit's Cost Price Analysis Unit's review.

This contract is subject to review and approval of the Office of the New York State Comptroller, and an award will not be made prior to this approval. Delivery will commence 195 days after Notice of Award.

## Schedule G: Miscellaneous Service Contracts



Item Number: 2

<b>Vendor Name (Location)</b> New York City Economic Development Corporation (New York, New York)
<b>Description</b> Temporary Ferry Service for Canarsie Tunnel Reconstruction
<b>Contract Term (including Options, if any)</b> October 1, 2018 through August 31, 2020
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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: Negotiation

<b>Contract Number</b> P36437EDC	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$21,944,091 (Est.)	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Peter Cafiero, Division of Operations Planning Darryl C. Irick, Department of Buses	

### Discussion

This contract is to provide temporary ferry service between Brooklyn and Manhattan during the Canarsie tunnel reconstruction. The prime contract provides for management of the temporary ferry service by New York City Economic Development Corporation (“NYCEDC<sup>1</sup>”). The service will be provided via a ferry service operator subcontract to be competitively awarded in the estimated amount of \$21,010,057. For management of the temporary ferry service, NYCEDC will be compensated for its expenses, estimated at \$934,034 (approximately 4 percent of the total contract price of \$21,944,091).

The alternative service plan for the Canarsie tunnel closure that will affect the L train starting in April 2019 provides for temporary ferry service between North Williamsburg in Brooklyn and Stuyvesant Cove in Manhattan (North 6th Street in Brooklyn to East 20th Street in Manhattan). Under this contract, NYCEDC will provide the temporary ferry service through a competitively awarded subcontract with Port Imperial Ferry Corp d/b/a NY Waterway (“NY Waterway”). NY Waterway was selected via a competitive RFP conducted by NYCEDC in coordination with NYC Transit.

Maritime operations on the East River are not part of NYC Transit’s core subway/bus competencies. NYCEDC, in contrast, currently manages six ferry routes within New York City under the logo of the NYC Ferry service. NYCEDC also controls and manages the Stuyvesant Cove landing in Manhattan that will be used to provide the temporary ferry service, as well as the site where buses will pick up and discharge passengers at Stuyvesant Cove. Moreover, the safe and seamless operation of the temporary ferry service alongside NYCEDC’s existing NYC Ferry service, which also utilizes the Stuyvesant Cove landing, is most efficiently accomplished through common management of both services by NYCEDC. Accordingly, NYC Transit engaged with NYCEDC to conduct a competitive RFP for a ferry operator to provide the temporary service and to manage the resulting contract for ferry service.

Since this contract is funded by the Federal Transit Administration (“FTA”), MTA obtained permission from the FTA to enter into a noncompetitive contract with NYCEDC. NYC Transit’s contract with NYCEDC and NYCEDC’s contract with NY Waterway both comply with applicable FTA requirements. NYCEDC will seek approval from its own Board on September 28, 2018, for award of the ferry operator contract and this contract with NYCEDC. Award of this contract to NYCEDC is contingent on those approvals.

Under the contracts, NY Waterway will provide approximately 15 months of temporary ferry service and will construct a temporary landing at the North Williamsburg site in Brooklyn adjacent to the existing NYC Ferry landing. The ferry operator contract requires NY Waterway to remove the landing at the end of the project and restore the site to its original condition. The contract includes pricing in the event that the number of ferry trips must be increased or decreased, and includes optional pricing for additional months, if necessary.

<sup>1</sup> NYCEDC is a not-for-profit corporation that operates ferry service and performs a number of other functions on behalf of the City of New York.

The temporary ferry service will operate every 7½ minutes during peak, every 10 minutes during off-peak, and every 15 minutes during early morning and late-night hours. Ferry service will coordinate with the temporary M14 Select Bus Service that NYC Transit will provide on the 14th Street corridor during the tunnel closure.

NYCEDC issued a competitive RFP to select a ferry operator in April 2018 and received three proposals in June 2018. In accordance with NYCEDC's procurement process, the Selection Committee, which included a representative from NYC Transit, reviewed the proposals, conducted in-person interviews with the three proposers, and selected NY Waterway for negotiations. NY Waterway was unanimously selected because it had the highest overall technical ranking and the lowest price. Negotiations with NY Waterway were completed in early September 2018.

NYCEDC's proposed management fee in the amount of \$934,034 will compensate NYCEDC for staff time required for managing the temporary ferry service and additional maintenance activities such as garbage removal and additional landing inspections. NYC Transit performed a cost analysis of NYCEDC's proposed fee which was found to be fair and reasonable. The price of \$21,010,057 for the subcontract with NY Waterway includes the actual ferry service, construction of the temporary landing, and removal of the landing at the end of the service. The overall price of \$21,944,091 for the temporary ferry service has been found to be fair and reasonable based on the competitive nature of the RFP and the aforementioned cost analysis.

An Immediate Operating Need ("ION") was declared to expedite award of this contract. The ION was necessary to allow award of this contract to coincide with NYCEDC's award of the ferry operator contract and allow for the necessary lead time to complete design of the temporary landing at North Williamsburg, order the needed materials, obtain the necessary permits, and construct the landing prior to the end of February 2019. It is anticipated that construction permits will contain a moratorium on in-water work at this site between March and June 2019 requiring this work to be completed by February. NYCEDC's contract with NY Waterway, and NYC Transit's contract with NYCEDC must both be awarded by the first week of October 2018. This contract will not be subject to prior approval by the Office of the New York State Comptroller since an ION has been invoked to expedite award of NYC Transit's contract with NYCEDC to ensure that the temporary ferry service is available to coincide with the closure of the Canarsie tunnel.

Funding for this contract is available under the Sandy Canarsie Tunnel project.

**SEPTEMBER 2018**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

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

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

<b>1–2. Contractor To Be Determined</b> <b>Contract Term To Be Determined</b> <b>Contract# B-40665/B-40668</b> RFP Authorizing Resolutions for the purchase of 50 over-the-road express diesel buses for NYC Transit and purchase of 257 over-the-road express diesel buses for MTA Bus Company.	<b>Cost To Be Determined</b>	<b><u>Staff Summary Attached</u></b>
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<b>3. Contractor To Be Determined</b> <b>Contract Term To Be Determined</b> <b>Contract# P-36490</b> RFP Authorizing Resolution for design and construction of approximately 12 substations and five circuit breaker houses for the Communications-Based Train Control Traction Power Upgrade Program.	<b>Cost To Be Determined</b>	<b><u>Staff Summary Attached</u></b>
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**C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)**

(Staff Summaries required for items requiring Board approval.)

<b>4. StrataGen Systems, Inc.</b> <b>Nine Proposals – 10-year contract</b> <b>Contract# W-32564</b> Real-time Scheduling and Computer-Aided Dispatch, and Automatic Vehicle Monitoring Systems.	<b>\$49,697,080 (Est.)</b>	<b><u>Staff Summary Attached</u></b>
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**F. Personal Service Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$750K Other Noncompetitive; \$1M Competitive.)

<b>5. AECOM USA, Inc.</b> <b>Eight Proposals – 36-month contract</b> <b>Contract# CM-1061</b> Indefinite Quantity Consultant Services for the Underground Storage Tank and Environmental Remediation Program for NYC Transit and MTA Bus Company.	<b>\$5,500,000 (Est.)</b>	<b><u>Staff Summary Attached</u></b>
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<b>6. Management Concepts System &amp; Services, Inc.</b> <b>7. SJH Engineering, P.C.</b> <b>8. TOLL International, LLC</b> <b>9. Group PMX, LLC</b> <b>Nineteen Proposals – 60-month contract</b> <b>Contract #s CM-1424, CM-1425, CM-1426, CM-1427</b> Indefinite Quantity Staffing Contracts to provide schedulers.	<b>\$43,000,000 (Est. Aggregate)</b>	<b><u>Staff Summary Attached</u></b> ↓ ↓ ↓ ↓
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**SEPTEMBER 2018**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

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

- |   |                             |                                      |
|---|-----------------------------|--------------------------------------|
| <b>10. Siemens Mobility, Inc.</b>                                 | <b>\$120,000,000 (Est.)</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Competitive – Sixty-month contract with a five-year option</b> |                             |                                      |
| <b>Contract# S-87055</b>  |                             |                                      |

Indefinite Quantity contract for the supply of carborne and wayside Data Communication Systems radio equipment, including design and engineering to support the installation of Communications-Based Train Control systems.

# Staff Summary

<b>Item Number</b> 1-2			
<b>Department, Department Head Name</b> SVP Procurement & Supply Chain, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	Materiel	6	President, MTABC
2 X	Law, MTABC	3	SVP OPS, NYCT
3 X	Law, NYCT	8	President, NYCT
4 X	CFO		
5	EVP, MTABC		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> RFP Authorizing Resolution	<b>Contract Nos.</b> B-40665 B-40668
<b>Description</b>  Purchase of 50 over-the-road express diesel buses for NYC Transit and purchase of 257 over-the-road express diesel buses for MTA Bus Company	
<b>Total Amount</b> TBD	
<b>Contract Term (including Options, if any)</b> TBD	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Purpose

To request that the Board declare competitive bidding impractical or inappropriate for the procurement of over-the-road express diesel ("OTR") buses for NYC Transit and MTA Bus Company ("MTABC") and that it is in the public interest to issue a competitive Request for Proposals ("RFP") pursuant to New York State Public Authorities Law, Section 1209, subdivision 9(g) for NYC Transit and New York State Public Authorities Law, Section 1265-a, subdivision 4(g) for MTABC.

## Discussion

The Public Authorities Law, Section 1209, Subdivision 9(g) and Section 1265-a, subdivision 4(g) permits NYC Transit and MTABC, respectively, to use the competitive RFP process in lieu of competitive bidding to award contracts based on a formal evaluation of characteristics such as quality, delivery, and cost against stated selection criteria. NYC Transit is desirous of utilizing such a procedure with respect to the procurement of 50 OTR buses, and MTABC is desirous of utilizing such a procedure with respect to the procurement of 257 OTR buses.

NYC Transit will conduct the procurement of these OTR buses on behalf of itself and MTABC. Utilizing the RFP process will allow NYC Transit to select the proposal(s) that offer the best overall value through negotiations and evaluation based on criteria that reflect the critical needs of each agency. Upon completion of the RFP process, NYC Transit will obtain Board approval for the actual contract awards.

NYC Transit will utilize different selection criteria for each contract based on the funding source. The main difference between the two is that the locally funded contract for 50 OTR buses will include a preference for New York State Content; this criterion cannot be included in the federally funded contract for 257 OTR buses as the Federal Transit Administration strictly prohibits the use of geographic preference in the selection process.

By utilizing the RFP process for the locally funded 50 OTR buses, NYC Transit will be able to (1) weigh factors such as overall project price, overall quality of proposer and product including delivery and NYS Content; (2) negotiate specific contract terms, such as warranty and payment terms; (3) negotiate technical matters as deemed appropriate; and (4) include any other factors that NYC Transit deems relevant to its operation.

By utilizing the RFP process for the federally funded 257 OTR buses, NYC Transit, on behalf of MTABC, will be able to (1) weigh factors such as overall project price, and overall quality of proposer and product including delivery; (2) negotiate specific contract terms, such as warranty and payment terms; (3) negotiate technical matters as deemed appropriate; (4) include any other factors that MTABC deems relevant to its operation; and (5) potentially split the award in such a manner as deemed to be in the public interest provided that the terms and conditions offered by the proposers are commercially reasonable and the proposers' Best and Final Offers ("BAFOs") are deemed to be within a reasonable competitive range. NYC Transit reserves the right to award the entire contract to a single proposer if there are substantial differences between the BAFOs received.

These OTR buses will replace aging buses that have reached the end of their 12-year useful life; the 50 OTR buses for NYC Transit will be operated out of depots on Staten Island; the 257 OTR buses for MTABC will be operated out of MTABC depots in the Bronx, Queens, and Yonkers.

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

### **Alternative**

Issue competitive Invitations for Bid. Not recommended given the complexity of these procurements and the advantages offered by the RFP process.

### **Impact on Funding**

The procurement of 50 OTR buses is funded under SF02-2453 as part of the approved 2015–2019 Capital Program. It is anticipated that this project will be 100 percent locally funded.

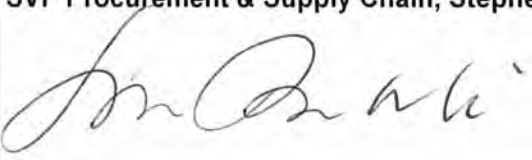
The procurement of 257 OTR buses is funded under U7030202/SF02-2709 as part of the approved 2015–2019 Capital Program. It is anticipated that this project will be 80 percent federally funded and 20 percent locally funded.

### **Recommendation**

That the Board declare competitive bidding impractical or inappropriate for the procurement of OTR buses for NYC Transit and MTABC and that it is in the public interest to issue a competitive RFP pursuant to New York State Public Authorities Law, Section 1209, subdivision 9(g) for NYC Transit and New York State Public Authorities Law, Section 1265-a, Subdivision 4(g) for MTABC.

# Staff Summary



<b>Item Number</b> 3			
<b>Department, Department Head Name</b> SVP Procurement & Supply Chain, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	Materiel	6	SVP OPS
2 X	Law	7	President
3 X	CFO		
4 X	Subways		
5 X	CPM		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> RFP Authorizing Resolution	<b>Contract No.</b> P-36490
<b>Description</b> Design and Construction of approximately 12 substations and five circuit breaker houses for the CBTC Traction Power Upgrade Program	
<b>Total Amount</b> TBD	
<b>Contract Term (including Options, if any)</b> TBD	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Purpose

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the award of contracts under the Communications-Based Train Control ("CBTC") Traction Power Upgrade Program, and that, pursuant to New York State Public Authorities Law, Section 1209, Subdivision 9(f), it is in the public's interest to authorize NYC Transit to issue competitive Requests for Proposals ("RFPs") in lieu of sealed competitive bids for some or all contracts for the construction or upgrade of approximately 12 Substations and five Circuit Breaker Houses ("CBHs") under the CBTC Traction Power Upgrade Program. This program will be managed by NYC Transit's Department of Capital Program Management.

## Discussion

NYC Transit is pursuing a more streamlined design and construction approach for certain types of capital projects, as well as alternate project delivery and procurement methods in order to deliver projects faster and more efficiently, while achieving best value benefits.

The CBTC Traction Power Upgrade program is to support the Fast Forward Plan initiative for delivering the state-of-the-art CBTC. The Traction Power Upgrade Program will enable NYC Transit to increase train throughput per hour on subway lines that are controlled by CBTC. The program includes the construction or upgrade of approximately 12 substations and five CBHs located in the boroughs of Manhattan, Brooklyn, Bronx, and Queens, and has a goal of awarding multiple contract packages. The types work will include architectural (building layout for the substation and CBH), structural (foundation and support), electrical (transformers and rectifiers, DC and AC power), supervisory control and data acquisition (power zone control), fiber-optic (network system), utility (underground utilities, duct bank), mechanical (ventilation), communications (telephone and fire detection), environmental, and instrumentation and controls. In order to achieve this accelerated schedule, NYC Transit recommends utilizing the RFP process for all of the contract packages in order to evaluate factors other than cost.

NYC Transit is in the process of obtaining a facilitator to develop RFP documents for procurement of the design-build contracts, construction schedule, cost estimates, constructability analysis, environmental documentation, and support for community outreach.

Pursuant to the two-step RFP selection process, the most qualified design-build proposers will be identified in Step 1 and selected to participate in multiple RFPs under Step 2. Under the design-build method, the pool of selected proposers will receive an RFP including conceptual design documents, Project Requirements and Design Criteria, and the proposed contract terms. Prospective firms will propose their design and construction approach and will be encouraged to provide alternate proposals with emphasis on minimizing service outages and accelerating the construction schedule. In accordance with MTA policy regarding the use of design-build, it is NYC Transit's intent to pay a stipend to proposers that are not selected, yet provided proposals that are responsive to the RFP requirements. This will be done to enhance competition and defray proposal costs.

While cost remains an important selection criterion, given the complex and schedule driven nature of these projects, it is in the best interest of NYC Transit to be able to consider technical factors such as design and construction approach, technical ability, performance record, proposed schedule improvements, and other relevant matters to determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility (than a low-bid process) to negotiate alternative approaches to the work, incentives for early completion, as well as contract terms and conditions, which could potentially shorten the project duration.

NYC Transit anticipates that the work to be performed across all new substations and CBHs, and upgrade of substations will be substantially similar. Taking into consideration the associated schedule constraints, proposers qualified under Step 1 will be invited to propose on subsequent RFP packages, which may also include opportunities for the evaluation of revised proposer teams.

### **Alternatives**

The use of the sealed-bid process, in which factors other than cost cannot be comparatively considered, is not recommended as it does not provide a means to negotiate an accelerated schedule; evaluate design and construction approach, and technical matters; negotiate alternate proposals; or consider creative solutions.

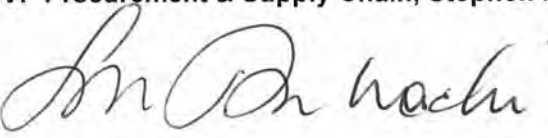
### **Impact on Funding**

This action has no immediate impact on funding. Funding to begin design for these projects will be provided from the 2015–2019 Design Reserve. Funding for construction will be identified at a later date either through a revision of the 2015–2019 Capital Program in support of the advancement of the Fast Forward Plan and/or through the next 2020–2024 Capital Program.

### **Recommendation**

That the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate, and that, pursuant to New York State Public Authorities Law, Section 1209, Subdivision 9(f), it is in the public's interest to issue competitive RFPs for the CBTC Traction Power Upgrade Program.

# Staff Summary

<b>Item Number</b> 4			
<b>Department, Department Head Name:</b> SVP Procurement & Supply Chain, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	Materiel	6	SVP OPS
2 X	Law	7	President
3 X	CFO		
4 X	DDCR		
5 X	Buses		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> StrataGen Systems, Inc.	<b>Contract No.</b> W-32564
<b>Description</b> Real-Time Scheduling and Computer-Aided Dispatch, and Automatic Vehicle Location Monitoring Systems for Paratransit	
<b>Total Amount:</b> \$49,697,080 (Est.)	
RTS/CAD System: \$24,629,930 AVLM System: \$25,067,150	
<b>Contract Term (including Options, if any)</b> RTS/CAD: October 1, 2018–March 31, 2028 (114 months) AVLM: October 1, 2018–June 30, 2028 (117 months)	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Purpose

It is requested that the Board approve the award of contract W-32546 to StrataGen Systems, Inc. ("StrataGen"), in the estimated amount of \$49,697,080 for a Real-Time Scheduling and Computer-Aided Dispatch ("RTS/CAD") system and an Automatic Vehicle Location Monitoring ("AVLM") system for Paratransit Access-A-Ride ("AAR") operations.

## Discussion

Presently, Paratransit uses its existing scheduling system for booking paratransit trips for eligible customers, in advance of a trip request or for same-day requests. It batches trips and produces daily manifests for scheduling and dispatching trips. The existing scheduling system interfaces with the existing AVLM system, which utilizes technologies including GPS, and Mobile Data Terminals ("MDTs") on board dedicated Primary Carrier vehicles to remotely monitor vehicle location and feed this information to the scheduling system to provide dispatching information for Paratransit's Command Center personnel. Paratransit has utilized StrataGen's scheduling system since 2002, which has been adapted over the years to accommodate the current scheduling requirement of 25,000 trips per day or greater. Paratransit's current AVLM system is a product of INIT Innovations in Transportation ("INIT"), and was purchased in 2005. These systems have been adapted to communicate and share information, facilitate trip scheduling, and provide vehicle location information to support Paratransit operations. However, the trip scheduling and AVLM systems currently used by Paratransit need to be replaced as they are out-of-date and lack the flexibility and key functionality necessary to address on-street issues encountered on the day of service. As traffic congestion increases, replacing Paratransit's outdated technology systems, which cannot take advantage of current technological advancements, is necessary to deliver critical service improvements promised to Paratransit customers.

Unlike the existing system (which does not continuously update trip schedules), the new RTS/CAD system will continuously update (or optimize) trip schedules and routes based on real-time traffic conditions, changes in service demand, last-minute destination changes, and other events throughout the day of service. As such, the new system will help to improve on-time performance by proactively detecting potential delays, re-routing trips to avoid traffic congestion, and reassigning or rescheduling trips to the best route when problematic conditions delay a vehicle. The new AVLM system will include the latest MDT technology and will provide vehicle speed, location and direction to the RTS/CAD where it will be interpreted along with real-time traffic condition information to optimize the trip schedule.

The procurement was structured to allow for the award of one contract to a single contractor providing both systems, or two separate contracts to two different contractors (one providing the RTS/CAD system and the other providing the AVL system). Proposals were evaluated to determine the advantages of having a single contractor award versus a dual contractor award including the proposer's approach to system software interfaces with respective systems.

Procurement conducted a Request for Information ("RFI") in February 2017, from which 15 potential contractors were identified. An Authorizing Resolution was approved by the July 2017 Board to procure both new systems via the competitive Request for Proposal ("RFP") process. The RFP was released to qualified proposers identified through the RFI process.

On January 8, 2018, nine proposers responded to the RFP. The Selection Committee ("SC") evaluated the proposals in accordance with the evaluation criteria covering Overall Technical Qualifications, Overall Price, and Other Relevant Matters. Following the SC's review, three proposers were eliminated, as these proposers did not have the necessary experience related to projects of similar magnitude and complexity and/or were unable to fulfill the technical requirements. The remaining six proposers were invited for oral presentations. After oral presentations, three proposers were eliminated as the SC determined that these proposers lacked experience and were unable to fulfill the technical requirements.

Three proposers were invited to negotiations including StrataGen, proposing on both the RTS/CAD and the AVL system; Waye LLC ("Waye"), proposing on the RTS/CAD system only; and INIT, proposing on the AVL system only. The SC considered StrataGen's proposed RTS/CAD solution to be technically superior as compared to Waye's, and StrataGen's combined RTS/CAD and AVL system solution to be technically superior to the utilization of StrataGen's RTS/CAD with INIT's AVL system. While INIT offered a strong product, the combined StrataGen RTS/CAD and AVL system solution was evaluated as providing better system functionality due to the systems' cohesive integration. After further evaluation, Waye was eliminated from further consideration because its pricing was substantially outside of the competitive range without providing full system functionality, and the company was unable to satisfy the financial qualification requirements. Negotiations continued with StrataGen for the RTS/CAD system, and with both StrataGen and INIT for the AVL system. Negotiations focused on exceptions, deviations, and clarifications to the technical specifications and the terms and conditions; on-board vehicle equipment hardware used for the AVL system; various system combinations proposed, project schedule, and pricing. Negotiations with StrataGen also covered pricing for maintenance for the continuation of the Interactive Voice Response ("IVR") system and a database module, systems previously provided by StrataGen that will remain in use. At the conclusion of negotiations, Best and Final Offers ("BAFOs") were received from both StrataGen and INIT.

The SC reviewed the BAFOs and unanimously recommended for award, StrataGen's combined RTS/CAD and AVL systems solution as it was technically superior to the utilization of StrataGen's RTS/CAD with INIT's AVL system. The direct communication from StrataGen's combined system solution provides drivers with better navigation and communication, and maintains the integrity of route decisions made from the RTS/CAD system or manually from the Paratransit Command Center. This direct communication functionality would not be readily available if INIT's AVL solution was chosen. The SC also recommended MDT's as the best value for the on-board vehicle equipment hardware as opposed to tablet PCs, as the tablet solution was too expensive. In addition, StrataGen's project schedule was better than INIT's, achieving full system acceptance of the AVL system four months sooner than INIT's schedule. The pricing of StrataGen's RTS/CAD (base \$24,629,930 + option \$13,688,279) and StrataGen's AVL (base \$25,067,150 + option \$10,716,900) is \$74,102,259 (\$49,697,080 for the base and \$24,405,179 for the option terms). StrataGen's price of \$74,102,259 is approximately 22 percent or \$20,580,591 less than the pricing of StrataGen's RTS/CAD (base \$27,378,748 + option \$13,574,384) with INIT's AVL (base \$35,070,714 + option \$18,659,004) for the base and option terms of \$94,682,850.

Full system acceptance of StrataGen's RTS/CAD and AVL will be delivered in 18 months and 21 months, respectively. The full term of the base contract for RTS/CAD will be a total of 114 months, comprised of the 18 months for full system acceptance, 12 months of warranty and 84 months of maintenance. The full term of the base contract for AVL will be a total of 117 months, comprised of the 21 months for full system acceptance, 12 months of warranty and 84 months of maintenance. It should be noted that to achieve the most significant customer service improvement for Paratransit customers and to expedite the use of the system, StrataGen will deliver its Dispatch module within 11 months of award. The Dispatch module will continuously correct potential service disruptions on the day of service through real-time route optimization by reassigning or rescheduling trips to the best route thereby minimizing delays to the customer. Additionally, within 16 months of award, all AVL equipment will be installed on the vehicles providing vehicle speed, location and direction to the RTS/CAD system. The options will provide continued maintenance for the systems. The option terms are 63 months for the RTS/CAD system and 60 months for the AVL system which will allow for coterminous expiration at 177 months (RTS/CAD 114 months base + 63 months option = 177 months, AVL 117 months base + 60 months option = 177 months).

# Staff Summary

Board approval is therefore being requested for the award to StrataGen utilizing its combined solution for the base term in the estimated amount of \$49,697,080. Board approval will be sought at a later date to exercise the options.

An Immediate Operating Need (“ION”) for this procurement has been issued to address the importance of obtaining new RTS/CAD and AVL systems and to improve Paratransit customer service. The ION resulted in the ability to make the award approximately six weeks earlier.

Procurement, Paratransit, and NYC Transit’s Cost Price Analysis Unit have determined the final price to be fair and reasonable. The Office of the Controller performed a financial review and found there is reasonable assurance that StrataGen is financially qualified to perform this contract.

## **M/W/DBE Information**

The MTA Department of Diversity and Civil Rights has established 0 percent M/WBE and 0 percent Service-Disabled Veteran-Owned Business (“SDVOB”) goals due to the lack of qualified M/WBE/SDVOB firms capable of providing the services required for this procurement. StrataGen has not been awarded any MTA contracts with goals; therefore, no assessment of the firm’s M/W/DBE/SDVOB performance can be determined at this time.

## **Impact on Funding**

Both operating and capital funds will be utilized for these projects. Funding of \$21,204,280 is available under Project Planning No. SF03-2470 / MTA Project No. T70302015 as part of the approved 2015–2019 Capital Program. Funding of \$28,492,800 for system maintenance is available in the Division of Paratransit’s Operating Budget under RC No. 3042, Function No. 120, with Account No. 709102.

## **Alternatives**




None. These new systems are critical to NYC Transit’s goal to improve customer service and increase efficiencies.

## **Recommendation**

It is recommended that the Board approve the award of a contract to StrataGen in the estimated amount of \$49,697,080 for the new RTS/CAD and AVL Systems for Paratransit AAR operations.

# Staff Summary



<b>Item Number 5</b>			
<b>Department, Department Head Name:</b>			
SVP Procurement & Supply Chain, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1 	Materiel	6 	EVP, MTABC
2 X	Law	7 	President, MTABC
3 X	CFO	8 	SVP OPS, NYCT
4 X	DDCR	9 	President, NYCT
5 X	CPM		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract</b>
AECOM USA, Inc.	CM-1061
<b>Description</b>	
IQ Consultant Services for the Underground Storage Tank and Environmental Remediation Program	
<b>Total Amount</b>	
\$5,550,000 (Estimated)	
<b>Contract Term (including Options, if any)</b>	
36 months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Purpose

To obtain Board approval to award a competitively solicited Indefinite Quantity ("IQ") consultant contract for the Underground Storage Tank ("UST") and Environmental Remediation Program to AECOM USA, Inc., for a total estimated amount of \$5.55 million. This is a joint procurement between NYC Transit and MTA Bus Company ("MTABC"). The NYC Transit portion will be valued at \$4.8M and the MTABC portion will be valued at \$750,000. The contract duration will be 36 months.

## Discussion

This contract is for an environmental engineering consultant to provide services for the UST and Environmental Remediation Program, on a task-order basis. One contract will be awarded, with a scope of work that applies to both NYC Transit and MTABC. As part of an agreement with the New York State Department of Environmental Conservation ("NYSDEC"), the agencies are required to continually test and monitor tanks. The goal of the UST Program is to investigate and remediate any contaminated soil and groundwater caused by petroleum spills, primarily from leaking USTs. The services will include remedial investigations of soil and water contamination and recommendations, remedial design, technical inspection, tank tightness testing, and tank closures. Remediation is performed by a separate contractor. These services will be performed at various NYC Transit and MTABC sites.

A two-step Request for Proposal ("RFP") was utilized for this procurement. In Step 1, in response to the solicitation and advertisement, 20 Qualification Packages were received. Each package consisted of a customized qualification statement, a Federal SF330 form, and a Schedule J Responsibility Questionnaire. The Selection Committee ("SC") reviewed the packages in accordance with the evaluation criteria of the advertisement and selected the following eight firms to receive the RFP and submit proposals: AECOM; D&B Engineers and Architects, P.C. ("D&B"); LiRo Engineers, Inc.; H2M Architects and Engineers; HAKS Engineers, Architects and Land Surveyors, P.C.; HRP Associates, Inc. dba HRP; TRC Engineers, Inc. ("TRC"); and GZA GeoEnvironmental of NY. The other 12 firms were not selected due to inadequate staff resources and/or insufficient relevant experience.

Eight proposals were received. The SC evaluated the eight technical proposals utilizing the selection criteria set forth in the RFP and all eight consultants were invited to make oral presentations. Selection criteria included: Plan of Approach, Experience in Relevant Areas, Experience of Project Team, Current Workload of Prime and Subconsultant, Past Performance on Similar Projects, Proposer's Diversity Practices, Management Approach, Quality Assurance Plan, Proposed Pricing, and other relevant matters. After review of technical proposals and participation in the oral presentations, the SC recommended negotiations to be conducted with three firms: AECOM, D&B, and TRC.

The three firms were selected for negotiations based on their extensive UST and Environmental Remediation experience, including remedial investigation, remedial design, tank tightness testing, and tank closures. The firms not selected lacked sufficient relevant experience and qualified personnel in key areas of the scope to efficiently perform the work.

D&B was initially selected for negotiations by the SC. However, D&B subsequently decided to withdraw its proposal from further consideration on this procurement. The SC reconvened and decided to move forward without D&B. Cost proposals for the two remaining firms were opened, a detailed cost analysis was performed, and a negotiation objective was developed for each consultant, using estimated hours for various labor categories that were provided for evaluation purposes.

Negotiations were subsequently conducted with AECOM and TRC, focusing on hourly rates, overhead, fixed fees, and out-of-pocket expenses. After negotiations concluded, Best and Final Offers (“BAFOs”) were received from each firm and evaluated against NYC Transit/MTABC’s in-house budget estimate based on hours distributed among various titles, overhead, and fixed fees. BAFOs were received in the following amounts: TRC \$7,083,711 and AECOM \$5,414,020. The combined NYC Transit and MTABC budget estimate was \$5.55M. Based on an analysis of the components of the initial and revised cost proposals, estimate, and the competitive nature of the RFP, AECOM’s BAFO was determined to be fair and reasonable.

The SC reconvened and unanimously voted to award AECOM the contract based on the technical evaluation and lower cost. AECOM was deemed technically superior due to their experience gained as an incumbent on six of the last seven contracts and for their extensive experience in remedial design services, a critical aspect of this project. AECOM has completed numerous UST projects and petroleum spill investigation/remediation projects throughout the five boroughs of New York City, maintaining an excellent working relationship with NYSDEC Region II Division of Environmental Remediation. AECOM has past experience with NYC Transit, and has worked extensively with other Agencies over the past years on similar projects. AECOM has also worked for major public entities, environmental-related government agencies, and public authorities. All contacted references provided positive feedback.

In connection with a previous contract awarded to AECOM, AECOM was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Managing Director in consultation with the MTA General Counsel in November 2017. No new SAI has been found relating to AECOM and AECOM has been found to be responsible. A Contractor Compliance Program was put in place for AECOM in September 2018.

### **M/W/DBE Information**

The MTA Department of Diversity and Civil Rights DDCR has established 15 percent MBE and 15 percent WBE goals on this contract. AECOM has submitted an M/WBE utilization plan that meets the 30 percent M/WBE requirements of this contract. AECOM has achieved its M/W/DBE goals on previous MTA contracts.

### **Alternatives**

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

### **Capital Program Reporting**

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

### **Impact on Funding**

These contracts will be funded with 100 percent MTA funds provided on a task-order basis by the individual capital project requiring these services. Task Orders will not be issued until approved WAR certificates are received.

### **Recommendation**

That the Board approve the award of a competitively solicited IQ Consultant contract for the UST and Environmental Program to AECOM for a total estimated amount of \$5.55 million. This is a joint procurement between NYC Transit and MTABC. The NYC Transit portion will be valued at \$4.8M and the MTABC portion will be valued at \$750,000. The contract duration will be 36 months.

# Staff Summary



Item Number 6-9			
Department, Department Head Name: SVP Procurement & Supply Chain, Stephen M. Plochochi			
Internal Approvals			
Order	Approval	Order	Approval
1	Materiel	6	EVP, MTACC
2 X	Law	7	President, MTACC
3 X	CFO	8	SVP OPS, NYCT
4 X	DDCR	9	President, NYCT
5 X	CPM		

SUMMARY INFORMATION	
Vendor Name	Contract No.
Various (see list below)	CM-1424 to CM-1427
Description: IQ Staffing Contracts to Provide Schedulers	
Total Amount \$43,000,000 (Est. Aggregate)	
Contract Term (including Options, if any) 60 months	
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"/> 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 obtain Board approval to award four competitively solicited contracts to provide Indefinite Quantity ("IQ") Staffing Contracts for Schedulers to support NYC Transit and MTA Capital Construction ("MTACC") Capital projects, on an as-needed basis for a period of 60 months. The estimated aggregate value of the awarded contracts is \$43 million (\$40M for NYC Transit and \$3M for MTACC). These will be zero dollar-based contracts and have no minimum guarantee of any assignments. The recommended awardees are as follows:

## Awardee Firms

1. Management Concepts System & Services, Inc. ("MCSS") – M/DBE (Incumbent)
2. SJH Engineering, P.C. ("SJH") – M/DBE
3. Toll International, LLC ("Toll") – M/DBE
4. Group PMX, LLC ("PMX") – MBE

## Contract No.

CM-1424  
CM-1425  
CM-1426  
CM-1427

## Discussion

The selected firms will provide schedulers to NYC Transit and MTACC on an as-needed basis for designated Capital projects. Schedulers will provide program and project schedule control support for all phases of project design and construction. The prime responsibility of schedule control personnel is to assist various program areas by providing scheduling services to more efficiently control and monitor Capital projects from the predesign phase to closeout. Schedulers may be required to be familiar with the current global techniques in tunnel construction and possess scheduling expertise in (1) subsurface construction, concrete and structural steel construction, (2) communication-based train control, (3) tunneling, electrical and power systems, signals and systems, and (4) elevators, escalators, and fire alarm/fire suppressions systems. Unlike a contract awarded to an engineering firm, where the firm would have the responsibility to execute an entire project or assigned portion thereof, these contracts will enable NYC Transit and MTACC to meet their need for temporary staff to perform project-specific, short-term, specialized assignments under the direction of assigned Agency personnel.

# Staff Summary

Work Orders for new staffing requirements will be competitively solicited from awardee firms. Firms will be requested to submit resumes of proposed candidates. Resumes are then reviewed, candidates are selected for interview, and selection(s) are made by the requesting department. Negotiations are conducted with the selected candidate(s) and Work Order(s) are subsequently issued. Costs will be incurred only when the Work Order has been issued and the work has been performed. Selected firms will pre-qualify all candidates prior to referral to the requesting MTA agency. This process includes interview, background verification, reference checks, and furnishing resumes and other related data. The requesting agency will consider technical factors and costs in determining candidates for assignments. The selected firms will be paid the actual salary of the person whose services are provided to the agency, plus a markup that includes profit, overhead, and other expenses. This approach has been used successfully by NYC Transit under previous and current contracts. The firms were selected via a qualifications-based one-step procurement process.

In response to NYC Transit's advertisement, 19 firms submitted proposals. The Selection Committee ("SC") reviewed the proposals and evaluated the firms based on the Evaluation Criteria established for this Request for Proposal. The Evaluation Criteria included: Plan of Approach, Experience in Relevant Areas, Experience of Key Personnel and Project Team, Current Workload, Management Approach, Staff Development, Markup Percentage, and other relevant matters. The SC subsequently selected the following eight firms for negotiations: ARCADIS of New York, Inc. ("ARCADIS"); PMX (MBE); Hill International, Inc. ("Hill"); JOIS Construction Management System, Inc ("JCMS") (M/DBE); MCSS (MBE); PACO Technologies, Inc. ("PACO") (MBE); SJH (M/DBE); and Toll (M/DBE). The remaining eleven proposers were not recommended due to inadequate relevant qualifications, resources, and/or experience.

Initial proposed markup rates from these eight firms range from 78.2 to 239 percent. Negotiations were conducted with the eight selected firms, culminating in the receipt of Best and Final Offers ("BAFOs") ranging from markups of 73 to 126 percent.

The SC reviewed the BAFOs in accordance with the Evaluation Criteria and selected the following firms for award: MCSS (M/DBE); SJH (M/DBE), and PMX (MBE) were unanimously selected; TOLL (M/DBE) received four of five votes. The recommended firms' BAFO markups ranged from 73 to 90 percent. BAFO markups from ARCADIS, Hill, JCMS, and PACO were higher than the in-house estimate and NYC Transit's Cost Price Analysis Unit's objective, and they were not recommended for award. NYC Transit considers the final proposals of the selected firms to be fair and reasonable.

The four selected firms were previously awarded the following public sector contracts: MCSS (incumbent) – CM-1380, CM-1061, and CM-1138; SJH – (PSEG) – MA-00004492, and (PANYNJ) – 4900007269, (NYCSCA) – C0000014256 and C0000014046; Toll (NYC Transit) – S-32742, S-32765, R-50529, and (MTACC) – C-009 and C-019, and PMX – (New York City Department of Design and Construction) – EBXD6900-I15-0001 and (New York State Economic Development Council) – G00022.

## **M/W/DBE Information**

The MTA Department of Diversity and Civil Rights has established 0 percent participation goals on this contract due to the lack of subcontracting opportunities on this contract. Management Concepts System & Services, Inc. (M/DBE), SJH Engineering, P.C. (M/DBE), Toll International, LLC (M/DBE), and Group PMX (MBE) have not completed any MTA contracts with M/W/DBE goals; therefore, no assessment of the firm's M/W/DBE performance can be determined at this time.

## **Alternatives**

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

## **Capital Program Reporting**

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

## **Impact on Funding**

These contracts will be funded with Federal/MTA funds provided on a work-order basis by the individual capital project requiring these services. Work Orders will not be issued until approved WAR certificates are received.

## **Recommendation**

That the Board approve the award of up to four contracts on a competitive basis to provide IQ Staffing Contracts for Schedulers to support NYC Transit and MTACC on an as-needed basis for a period of 60 months. Other MTA agencies may also participate as required. The estimated aggregate value of the awarded contracts is \$43M (\$40M for NYC Transit and \$3M for MTACC). These will be zero dollar-based contracts and have no minimum guarantee of any assignments.

**Item Number: 10**

<b>Vendor Name (Location)</b> Siemens Mobility, Inc. (New York, New York)	
<b>Description</b> CBTC DCS Long-Term Purchase Agreement	
<b>Contract Term (including Options, if any)</b> January 7, 2014–January 6, 2039	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b>  <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Procurement & Supply Chain, Stephen M. Plochochi	

Contract Number	AWO/Modification
S-87055	1
<b>Original Amount:</b>	\$ 0
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 0
<b>This Request:</b>	\$ 120,000,000 (Est.)
<b>% of This Request to Current Amount:</b>	N/A
<b>% of Modifications (including This Request) to Original Amount:</b>	N/A

**Discussion**

This modification to the Long-Term Purchase Agreement (“LTA”) for the Supply of Carborne and Wayside Data Communication System (“DCS”) radio equipment will include non-LTA equipment and related design and engineering services to support the installation of DCS for the Communications-Based Train Control (“CBTC”) systems on the R179 and R211 base and option cars (carborne) and wayside equipment for the Culver and 8th Avenue lines. In addition, this approval will be for associated A Division cars and wayside equipment on the Lexington Avenue, Queens Boulevard East, Crosstown, 6th Avenue, and 7th Avenue lines in the estimated amount of \$120,000,000 for five years. The modified contract will also be used for future CBTC needs for DCS equipment with corresponding duration and funding.

As needs arise, release task orders will be issued pursuant to this contract. Each task order will require funding approval prior to award. At present, budget funds are available for DCS wayside equipment for Culver and 8th Avenue, and for the base order of R211 cars and for the R179 cars. Board approval will be sought for any additional amount beyond the request above.

In September 2011, the Board approved the award of a 46-month competitively negotiated contract, S-32748, to the Thales/Siemens Team, a consortium between Thales Transport & Security Inc. (“Thales”) and Siemens Industry, Inc. (“Siemens”) in the amount of \$63,998,000 for the Culver Test Track B Division in the borough of Brooklyn. The core goals of the Culver Test Track project were finalization of NYC Transit’s Interoperability Interface Specifications (“I2S”) and NYC Transit’s Standard CBTC System Design; design, supply, and validation of an Integrated Test Facility (“ITF”), which is a comprehensive CBTC test simulator; development of interoperable CBTC subsystems in accordance with the I2S and NYC Transit’s Standard CBTC System Design; safety certification of the interoperable CBTC system; and verification of the safety certification of the individual CBTC subsystems using the Culver Test Track and the ITF. The deliverables under this contract were necessary to qualify additional CBTC subsystem suppliers to allow NYC Transit the capability to procure CBTC systems competitively from multiple qualified suppliers for future projects. The test track and ITF were completed and are in use for the CBTC program.

In addition to the Culver Test Track, a second requirement was also competed at that time via the same Request for Proposal (“RFP”): to select a standard wayside/carborne Data Communication System (“DCS”), including radio and fiber transponder, and transponder interrogator antenna equipment for the Culver Test Track Project and future CBTC projects. This requirement was included to standardize and to assure interoperability of CBTC equipment, parts availability, and manage obsolescence.

The DCS provides a communication network for continuous communications between the different elements of the CBTC system. This is mainly between the radios along the wayside and the cars. The DCS also provides for communication across the CBTC limits on the line.

In response to the RFP, technical and price proposals were separately submitted by Siemens and Thales for DCS equipment. The Selection Committee, based on the DCS equipment's performance, cost, scalability, installation, and long-term equipment availability in accordance with established evaluation criteria, selected the Siemens' DCS equipment as offering the best value to NYC Transit. Board approval for the establishment of an LTA with Siemens was received as part of the approval to award the Culver Test Track project.

This agreement ensures that DCS carborne and wayside equipment will be available from Siemens for a period of 25 years, and established formulas, based on escalation and quantity discounts, for determining the price of each purchase. The Board approved that future DCS equipment purchases made pursuant to the LTA would be subject to Board approval. The LTA covers equipment such as carborne and wayside radios, transponder units, and power supplies, and does not include ancillary items such as cabinets, external cables, and radio cases, or labor rates for design and engineering services. Pricing for LTA equipment will be based on the agreement price and applicable price adjustment factors; engineering labor rates will be based on other contracts with Siemens that have been previously determined to be fair and reasonable. The balance of any materials representing a small portion of orders will be subject to price verification and negotiation prior to ordering.

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.

**SEPTEMBER 2018****LIST OF RATIFICATIONS FOR BOARD APPROVAL****Procurements Requiring Two-Thirds Vote:****D. Ratification of Completed Procurement Actions**

(Staff Summaries required for items requiring Board approval.)

- |  |                     |                                      |
|--|---------------------|--------------------------------------|
| <b>1. Eastern Lift Truck Company</b><br><b>Contract# SSE 214118</b><br><b>Immediate Operating Need</b><br>Furnish and deliver four battery-powered railcar movers. | <b>\$2,276,408</b>  | <b><u>Staff Summary Attached</u></b> |
| <br>   |                     |                                      |
| <b>2. Harsco Metro Rail, LLC</b><br><b>Contract# R-34252</b><br><b>Immediate Operating Need</b><br>Purchase of 65 R252 flatcars.                                   | <b>\$40,362,487</b> | <b><u>Staff Summary Attached</u></b> |

**Procurements Requiring Majority Vote:****K. Ratification of Completed Procurement Actions (Involving Schedule E-J)**

(Staff Summaries required for items requiring Board approval.)

- |   |                     |                                      |
|---|---------------------|--------------------------------------|
| <b>3. Loram Maintenance of Way, Inc.</b><br><b>Contract# 6%17424</b><br><b>Immediate Operating Need</b><br>Rail-grinding services.      | <b>\$44,227,176</b> | <b><u>Staff Summary Attached</u></b> |
| <br>  |                     |                                      |
| <b>4. Nokia of America Corporation</b><br><b>Req.# 48577</b><br><b>Immediate Operating Need</b><br>Maintenance of the VHF Radio System. | <b>\$5,600,000</b>  | <b><u>Staff Summary Attached</u></b> |

**Item Number: 1**

<b>Vendor Name (Location)</b> Eastern Lift Truck Company, Inc. (Maple Shade, New Jersey)	
<b>Description</b> Furnish and Deliver Four Battery-Powered Rail Car Movers	
<b>Contract Term (including Options, if any)</b> June 6, 2018–April 10, 2019	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	

<b>Contract Number</b> SSE 214118	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$2,276,408	
<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> Procurement & Supply Chain, Stephen M. Plochochi	

**Purpose**

It is requested that the Board ratify the contract award made pursuant to the declaration of an Immediate Operating Need (“ION”), waiving competitive bidding pursuant to Article III, Paragraph A of the All-Agency Procurement Guidelines and New York State Public Authorities Law, Section 1209, subsection 9(a). The ION requested by the Department of Subways authorized the Procurement Subdivision to award a contract (SSE 214118) on June 6, 2018 to Eastern Lift Truck Company, Inc.<sup>1</sup> (“ELT”) for the purchase of four battery-powered railcar movers in the amount of \$2,276,408.

**Discussion**

This contract is for the purchase of four battery-operated rail car movers, model LOK 13.90E, manufactured by Zephir Socio Unico (“Zephir”), an Italian manufacturer. These rail car movers are small vehicles equipped with (1) rubber tires and steel wheels that operate on both rail and paved road and (2) the ability to cross tracks to move across rail yards quickly and efficiently. These rail car movers possess sufficient pulling capacity to move loaded flatcars and other work equipment within the yards, thus making full-sized locomotives available for transporting heavier loads throughout the NYC Transit system, and enabling NYC Transit to support major construction projects for the Subway Action Plan. Designing, manufacturing, and receiving delivery of new locomotives that can be used everywhere in the NYC Transit system will require several years, but these small rail car movers, with minimal modifications to meet NYC Transit’s safety requirements, will be delivered in approximately six months. Under this contract, one prototype (LOK 13.90E) will be delivered by November 2018, which will be tested and evaluated by NYC Transit. Upon successful completion of the evaluation, three additional units will be delivered in April 2019. If these rail car movers prove to be successful, additional units may be purchased to make critically needed locomotives available for other projects throughout the transit system.

NYC Transit conducted an international market outreach by issuing a Request for Information (“RFI”) in order to identify suppliers of battery-operated rail car movers. Initially, these rail car movers were envisioned to be transported through tunnels on flatcars and used within confined General Orders (“GO”). The RFI elicited responses from 13 companies. Of the 13 responders, four of the proposed units were potentially suitable for use for NYC Transit’s GO work.

Under the Subway Action Plan (Track/Infrastructure Task 7 – Increase Work Train Availability), the Division of Car Equipment (“DCE”) was challenged to increase the availability of locomotives (those currently used to move all equipment in the yards) to be readily available for other critical operations throughout the NYC Transit system. As a result, a decision was made to purchase, utilizing an ION, four battery-operated rail car movers for yard use only. These rail car movers will only be used in the yards because the hi-rail wheels are not designed to traverse NYC Transit’s subway system. Of all the 13 responses reviewed, only the LOK 13.90E, manufactured by Zephir, had sufficient pulling capacity and a braking system that met the requirements for use in the yard. In addition, the LOK 13.90E required the fewest modifications and had the shortest delivery time.

<sup>1</sup>On August 9, 2018, Zephir, the manufacturer, advised NYC Transit that it will be changing its US regional distributor, therefore NYC Transit is evaluating this request and will be working with Zephir regarding the assignment of the contract from ELT to the new distributor.

In order to meet NYC Transit requirements, the unit must be equipped with an NYC Transit brake tripping device and an additional battery car to (1) to increase the overall length of the unit so that its presence is detectable by the signal system sensors along the track bed in the yard when passing over switches, and (2) provide extended battery life.

Through discussions with Zephir, ELT quoted a per-unit price of \$569,102. ELT's pricing of \$395,000 for the base unit remained the same as it had quoted for the RFI. However, the necessary modifications and additional safety features required by NYC Transit increased the overall price per unit by \$174,102. The price per unit of \$569,102 is \$26,044 or 4.4 percent lower than the internal independent estimate of \$595,146 per unit. Procurement requested a unilateral price concession from ELT, but ELT declined, advising that NYC Transit was already receiving the most favorable pricing as compared to pricing charged to other customers of Zephir units, and no further concession could be provided. Based on the information above, and the review by NYC Transit's Cost Price Analysis Unit, the determination has been made that the total price of \$2,276,408, quoted by ELT, is fair and reasonable, and DCE concurs.

In connection with the review of Zephir's responsibility pursuant to the All-Agency Responsibility Guidelines, Zephir was found to be responsible notwithstanding significant adverse information and such responsibility finding was approved by the NYC Transit President in June 2018.

Utilizing the ION process and awarding the contract prior to obtaining Board approval enabled NYC Transit to secure an earlier opening in Zephir's production line and thus expedite the delivery of these units. Therefore, Zephir will be able to deliver these rail car movers at least six months sooner than if a formal RFP process had been utilized.

## Schedule D: Ratification of Completed Procurement Actions

Item Number: 2

<b>Vendor Name (Location)</b> Harsco Metro Rail, LLC (Charlotte, North Carolina)	<b>Contract Number</b> R-34252	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Purchase of 65 R252 Flatcars	<b>Total Amount:</b> \$40,362,487	
<b>Contract Term (including Options, if any)</b> June 11, 2018–December 22, 2023	<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Procurement & Supply Chain, Stephen M. Plochochi	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive		
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		

### Purpose

It is requested that the Board ratify the contract award made pursuant to the declaration of an Immediate Operating Need (“ION”) waiving competitive bidding pursuant to Article III, Paragraph A of the All-Agency Procurement Guidelines and New York State Public Authorities Law, Section 1209, subsection 9(a). The ION requested by Department of Subways authorized the Procurement Subdivision to award, on June 11, 2018, Contract 34252 to Harsco Metro Rail, LLC (“Harsco”) for the design, furnish, and delivery of 65 flatcars, and related non-car items, such as spare parts, technical documentation, and training, in the amount of \$40,362,487. The contract includes two options: Option A for 27 flatcars, totaling \$16,028,205, and Option B for 62 flatcars, totaling \$36,788,649, (for a total of an additional 89 flatcars) to be exercised at a later date, for which subsequent Board approval will be sought.

### Discussion

A flatcar, which consists of a frame (a steel structure with a deck) mounted on a pair of trucks (a chassis with two axles, each axle having two wheels), is designed to handle and transport track maintenance machinery and other heavy equipment, materials, and supplies throughout the NYC Transit system. Flatcars are used to support work at various NYC Transit jobsite locations and Subway Action Plan operations.

This project is a re-solicitation of a Request for Proposal (“RFP”) originally issued in August 2016 (following the March 2016 Board RFP Authorizing Resolution) for the purchase of 27 refuse flatcars and either 92 flatcars, or 54 flatcars with 38 frames. An extensive outreach to the marketplace was conducted and, as a result, fifteen firms picked up the contract documents. Only three firms submitted proposals. During discussions with the proposers, the Division of Car Equipment (“DCE”) decided to remove the alternate of 54 flatcars with 38 frames from the RFP, and moved forward with 92 new flatcars in order to unify the new fleet and to use readily available, commercially produced trucks. The 27 refuse flatcars remained the same. However, following a review by the Selection Committee (“SC”), it was determined that none of the proposers could adequately demonstrate the engineering capability and/or the financial wherewithal to handle a project of this magnitude. Other firms originally expressing interest in submitting a proposal subsequently declined, stating that they either could not be competitive, or had other commitments and could not allocate sufficient engineering resources to support this project.

Utilizing the ION procedure this project was re-solicited informally, and the contract documents were sent to eighteen firms. Three firms submitted proposals: Harsco, RCC Fabricators, Inc. (“RCCF”), and Ebenezer Railcar Services (“Ebenezer”). The technical proposals were evaluated by the SC in accordance with the evaluation criteria. The evaluation criteria included experience in relevant areas such as (1) manufacturing flatcars; (2) provision of the most aggressive and achievable delivery schedule; (3) compliance with technical requirements; (4) management approach, quality assurance program, and providing quality drawings and manuals; (5) overall project cost and value to NYC Transit; and other relevant matters such as (6) compliance with and acceptance of NYC Transit’s terms and conditions or willingness to negotiate same, and (7) the overall quality of the written proposal.

Following the initial review of the technical proposals, the SC determined that Harsco’s proposal was technically superior. The SC recommended that RCCF’s proposal be eliminated from further consideration based on the firm’s limited experience in projects of this scale. The SC was concerned with RCCF’s engineering ability, as well as its lead time of 19 months after Notice of Award for the delivery of the first two flatcars.

Given the urgent operational need for flatcars, negotiations were conducted with both Ebenezer and Harsco, with a focus on achieving accelerated delivery schedules from both proposers. After further evaluation of the technical proposals, the SC determined that although both proposers could do the work, Harsco was technically superior and better qualified overall, as it demonstrated superior engineering capability, as well as a thorough understanding of NYC Transit's operating requirements. The SC expressed a concern that Ebenezer evidenced limited engineering resources to commit to this project, given its engagement in other projects, including the repair of NYC Transit's R141 flatcar frames under Contract 175791. In addition, Harsco Rail is a global supplier for railway track maintenance equipment and has performed successfully on prior contracts with NYC Transit, Metro North Railroad and Long Island Rail Road. Therefore, the SC unanimously recommended to continue negotiations with Harsco and eliminate Ebenezer from further consideration.

In order to coordinate funding, maintain continuous production, and increase the total quantity of flatcars in this procurement from 92 to 154 to allow for fleet expansion, the contract was structured with a base quantity of 65 flatcars (scheduled delivery from June 2019 to December 2021), Option A for 27 flatcars (scheduled delivery from January 2022 to February 2023), and Option B for 62 flatcars (scheduled delivery from February 2023 to July 2025). The base contract is funded from the 2010–2014 Capital Program while the options are planned to be funded from the 2020–2024 Capital Program. The number of refuse flatcars has remained at 27 and will be funded from the 2015–2019 Capital Program. In order to maintain continuous production, Option A would need to be exercised by the end of January 2021, and Option B by the end of February 2022.

In view of the urgency of the flatcar procurement, negotiations for flatcars were finalized first, while negotiations for refuse flatcars remain ongoing. Award of the refuse flatcars is planned to be submitted to a subsequent Board for ratification.

NYC Transit's negotiation team worked with Harsco from a technical and pricing perspective in an effort to obtain the most competitive proposal. Extensive negotiations centered on pricing and commercial alternatives with specific emphasis on achieving the most accelerated, attainable delivery schedule. In an effort to further accelerate Harsco's 13-month delivery schedule, incentives for early delivery have been included in the contract.

The final negotiated price for the Base Order of 65 flatcars is \$40,362,487, or \$620,961 per flatcar. Harsco's total price for Option A is \$16,028,205, or \$593,637 per flatcar. The total price for Option B is \$36,788,649, or \$593,365 per flatcar. The prices compare favorably to the independent estimate and are lower than pricing provided by RCCF and Ebenezer. Based on the foregoing, the base and option pricing have been found to be fair and reasonable. Option pricing is subject to a price adjustment based on a price index set forth in the contract.

The SC reviewed the results of negotiations pertaining to technical issues, and terms and conditions as well as pricing, and unanimously recommended Harsco for award. Harsco's technically superior proposal, lower price, and shortest delivery schedule provided the best overall value to NYC Transit.

A review of Harsco's financial documents by the NYC Transit Controller's Office found that Harsco is financially qualified to perform work under this contract.

Utilizing the ION procedure and awarding the contract prior to obtaining Board approval enabled Harsco to commence work on building the flatcars and allowed Harsco to insert the flatcars into its production schedule at least two months sooner than if a formal RFP process had been utilized.

**Item Number: 3**

<b>Vendor Name (Location)</b> Loram Maintenance of Way Inc. (Hamel, Minnesota)
<b>Description</b> Rail-Grinding Services
<b>Contract Term (including Options, if any)</b> March 1, 2017–February 29, 2020
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Procurement & Supply Chain, Stephen M. Plochochi

<b>Contract Number</b> 6%17424	<b>AWO/Mod. #</b> 2
<b>Original Amount:</b>	\$ 11,081,850
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 11,081,850
<b>This Request (including options):</b>	\$ 44,227,176
<b>% of This Request to Current Amount:</b>	399.1%
<b>% of Modifications (including This Request) to Original Amount:</b>	399.1%

**Discussion**

It is requested that the Board ratify the contract modification made pursuant to the declaration of an Immediate Operating Need (“ION”), waiving formal requirements for modifications pursuant to All-Agency Procurement Guidelines Article XI, and approve the award of a modification increasing the capacity of an existing rail-grinding services contract with Loram Maintenance of Way, Inc. (“Loram”). In accordance with the ION which was requested by the Department of Subways, Division of Track (“Track”), the Procurement Subdivision first issued Letters of Intent directing Loram to commence additional rail-grinding services and thereafter awarded Modification 2 to Contract 6%17424.

An effective rail-grinding program is integral to promoting optimal rail surface conditions, and advances the Subway Action Plan’s goal of accelerating repairs of track issues (SAP Track Goal No. 3). Pursuant to this modification the current contract will be extended 33 months, from February 29, 2020 through November 24, 2022. In addition, in years 2018 and 2019, the number of rail grinders deployed will increase from one eight-stone grinder to two eight-stone grinders and one sixteen-stone grinder, for a total of three grinders in each of those years. As part of the extension in years 2020–2022, a minimum of two grinders, an eight-stone and a sixteen-stone, will be deployed. In addition, there are also three annual options, exercisable at the discretion of NYC Transit, to deploy a second eight-stone grinder during the February 29, 2020 through November 24, 2022 extension period.

A well-managed rail grinding program is necessary to restore rail head profile, and remove running rail surface/gauge (fatigue) anomalies. In the absence of rail surface conditioning, rail and rolling stock wheel life are adversely impacted. Due to the aging infrastructure conditions, NYC Transit determined that it was necessary to employ, as part of its Right-of-Way preventive maintenance program, rail-grinding services in order to optimize rail surface conditions. Approximately 500 miles of the system need rail grinding from a corrective state (where rail surface conditions such as corrugation and rolling contact fatigue are removed, and where the rail is profiled to the applicable template), to a preventive state (requiring ongoing regular maintenance grinding cycles).

NYC Transit confirmed through market research that Loram is considered a premier rail-grinding service provider both nationally and internationally. Loram utilizes its own personnel and equipment, and is the only company in North America that has rail grinders readily available with a history of successful performance in the NYC Transit system.

In the past, NYC Transit employed the rail-grinding services of Loram through a competitive solicitation with Long Island Rail Road (“LIRR”) and Metro-North Railroad (“MNR”), under which Loram was the only company offering equipment that was readily available and suitable for use in the limited tunnel clearances and tighter curves found in the NYC Transit system. MNR and LIRR have different operating environments and are therefore able to utilize larger rail grinders.

On March 1, 2017, NYC Transit entered into Contract 6%17424, a noncompetitive three-year contract for rail-grinding services in the amount of \$11,081,850 with Loram. The contract was approved by the Board and the Office of the New York State Comptroller. Prior to this award, NYC Transit established through market research and a published advertisement for rail-grinding services, to which no responses were received, that the Loram rail grinder was the only device readily available and suitable for use in the NYC Transit system. In May 2018, this was again confirmed by NYC Transit through a follow-up market research effort.

Pursuant to the contract, Loram has been effectively utilizing one eight-stone rail grinder to grind the rails throughout the subway system. During the first year of the contract, Loram completed approximately 60 miles of track. In order to accomplish the task of bringing approximately 500 miles of track from a corrective to a preventive state, the rail-grinding program needs to be significantly accelerated. NYC Transit's Division of Track therefore requested modification of the contract with Loram to allow for the increased deployment of up to three rail grinders, and to extend the term of the contract through November 24, 2022.

The value of this modification is \$44,227,176, which includes the cost of each of the three annual options for a second eight-stone grinder. The estimated amount of each one-year option is \$3,431,730.

While the modification provides the same base rates for the additional eight-stone grinder, NYC Transit successfully negotiated more favorable terms triggering discounted rates. Commensurate favorable rates were also negotiated in connection with the 16-stone grinder. These values, like all values in the Price Schedule, are subject to a formulaic annual price adjustment, which is linked to published indices and wage schedules. NYC Transit's Cost Price Analysis Unit reviewed Loram's proposal, participated in negotiations, and has determined the final price to be fair and reasonable.

Utilizing the ION process enabled NYC Transit to secure an immediate commitment from Loram that the requisite rail grinders would be reserved for NYC Transit's use, rather than being committed to other customers. Additionally, it facilitated the prompt delivery and acceptance testing of the second eight-stone grinder, which allowed grinding by this unit to commence in early July 2018. If the formal modification process had been utilized, both Board and OSC approval would have been required before award of the modification. This further time expenditure of approximately four months would have foreclosed the opportunity to take advantage of increased grinding capacity in advance of winter operations.

In order to facilitate the completion of all requisite rail grinder exhaust emissions testing, NYC Transit is modifying an existing testing contract to allow for these additional services. Additionally, given the importance of an effective rail-grinding program to promote both rail integrity and increased rail and wheel life, NYC Transit anticipates enlisting consultant program management support to develop a programmatic approach to scheduling rail-grinding general orders, and also to review current practices and further develop and enhance the rail-grinding program. These additional procurement actions, taken pursuant to the same ION, will be presented to the Board at a future date.

Item Number: 4

<b>Vendor Name (Location)</b> Nokia of America Corporation (Murray Hill, New Jersey)		<b>Contract Number</b> Requisition No 48577	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Technical Assistance and Maintenance Support for VHF Radio System		<b>Total Amount</b> \$5,600,000	
<b>Contract Term (including Options, if any)</b> July 1, 2018–June 30, 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: Exercise of Option			
<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 Subways, Sally Librera			

**Discussion**

The Board is requested to ratify the declaration of an Immediate Operating Need (“ION”) requested by the Department of Subways and approved by the SVP, Procurement & Supply Chain and ratify the exercise of an option in modified form in the amount of \$5,600,000 for technical assistance and maintenance support for the VHF Radio System for three years. The VHF Radio System provides critical communications between the Rail Control Center (“RCC”) and Department of Subways’ dispatchers, towers, and subway train crews.

In October 2011, the Board approved award of competitively negotiated capital contract W-32686R to Alcatel-Lucent USA, Inc. (“Alcatel-Lucent”) to provide a new upgraded VHF Radio System. The project brought NYC Transit into compliance with the Federal Communications Commission requirement that all radio systems operating below 512 MHz be migrated from 25 kHz wideband channels to 12.5 kHz narrowband channels. This required replacement of approximately 230 radio base stations at 115 locations as well as work involving additional hardware at the RCC. Alcatel-Lucent was the system integrator.

Subsequent to the award of the capital contract to Alcatel-Lucent, Nokia Corporation of Finland acquired Alcatel-Lucent, and contract W-32686R was assigned to Nokia of America Corporation (“Nokia”).

Contract W-32686R included an option for three years of technical assistance and maintenance support following the warranty period, which ran for one year after substantial completion. The contract required NYC Transit to exercise the option 90 days before the end of the warranty period. However, NYC Transit’s Department of Subways (“Subways”) did not fully understand the degree and scope of the support required from Nokia at that time. As a result, the aforementioned option was not exercised. The scope has now been modified to address additional training and maintenance requirements. The requested contract is retroactive to July 1, 2018. In order to ensure continuous maintenance coverage, Nokia was directed to continue providing warranty support for the system through August 31, 2018.

This system is critical to communications between the Rail Control Center and subway trains because it provides real-time information to train crews from the desk superintendents at the RCC and allows train crews to communicate critical right-of-way issues such as broken rails, unauthorized personnel on the tracks, employee track flagging matters, mechanical and environmental safety issues to the RCC in real time. Therefore, maintenance for the system is critical to NYC Transit’s ability to provide subway service and an ION was declared. The contract was awarded on August 31, 2018.

Regarding the aforementioned option, it was necessary to modify the scope of the option to better address the current needs of Subways. The negotiated price based on the revised scope of work is \$5,600,000. The scope modifications include: (1) addition of training sessions for Subways technicians to facilitate Subways taking over all maintenance of the system in the future; (2) provision of up to 300 hours of engineering labor to be used for additional hands-on training of Subways technicians, system upgrades, etc.; (3) an increase in the amount of hardware included in the scope of maintenance; and (4) addition of maintenance for two simulation laboratories. The negotiated price has been found to be fair and reasonable.

Under this contract, the support Nokia will provide includes: routine and emergency technical assistance for outages and other problems that Subways technicians cannot quickly resolve; software maintenance; software and firmware upgrades; depot maintenance for equipment; periodic training classes for NYC Transit technicians; and tracking and reporting of problem tickets. Nokia engineers and technicians will be available 24x7x365 to provide remote or on-site technical assistance for emergency service for this critical system.

Nokia, as the system integrator for the VHF Radio System, is the only third-party firm with the expertise to provide the requisite technical assistance for this extremely complex radio system.

During the three-year term of this contract, training will be provided to Subways personnel, and Subways will evaluate its ability to take over all maintenance of the system using in-house forces. Based on the results of that evaluation, the scope for any subsequent contract extension may be reduced or the contract itself may be eliminated.

This contract will not be subject to prior approval by the Office of the New York State Comptroller since an ION has been invoked to expedite award of the contract.

In connection with a previous contract awarded to Alcatel-Lucent<sup>1</sup>, Alcatel-Lucent (now named Nokia) 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 October 2011. No new SAI has been found relating to Alcatel-Lucent (now named Nokia). Nokia has no SAI except that stemming from its acquisition of Alcatel-Lucent<sup>2</sup>. Nokia has been found to be responsible.

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<sup>1</sup>Alcatel-Lucent was acquired by Nokia in November 2016 and that acquisition carries with it Alcatel-Lucent’s SAI.

<sup>2</sup>Since Nokia has SAI stemming from its acquisition of Alcatel-Lucent, the MTA Managing Director in consultation with the MTA General Counsel approved the responsibility finding for Nokia for this contract in August 2018.

**SEPTEMBER 2018**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

		<b><u>Staff Summary Attached</u></b>
<b>Judlau Contracting</b>		
1. Contract# C-26006.219	\$10,842,004	↓
<b>Comstock/Skanska JV</b>		
2. Contract# C-26009.128	\$1,800,000	↓
3. Contract# C-26009.130	\$1,855,000	↓
4. Contract# C-26009.141	\$2,125,000	↓
5. Contract# C-26009.142	\$2,100,000	↓
6. Contract# C-26009.146	\$1,350,000	↓
7. Contract# C-26009.206	\$4,000,000	↓
8. Contract# C-26009.207	\$2,815,000	↓
9. Contract# C-26009.208	\$2,900,000	↓
10. Contract# C-26009.202	\$960,000	↓
11. Contract# C-26009.209	\$945,000	↓
12. Contract# C-26009.210	\$1,080,000	↓
13. Contract# C-26009.211	\$1,380,000	↓
14. Contract# C-26009.174	\$1,030,000	↓
15. Contract# C-26009.195	\$1,400,000	↓
16. Contract# C-26009.143	\$1,400,000	↓
17. Contract# C-26009.161	\$1,500,000	↓
18. Contract# C-26009.259	\$835,000	↓
<b>E.E. Cruz/Tully Construction JV</b>		
19. Contract# C-26010.248	\$2,000,000	↓
<b>Judlau Contracting</b>		
20. Contract# C-26011.317	\$930,000	↓
21. Contract# C-26011.351	\$1,250,000	↓
22. Contract# C-26011.355	\$850,000	↓
<b>86th Street Constructors</b>		
23. Contract# C-26012.145	\$884,000	↓
24. Contract# C-26012.280	\$891,000	↓
Modifications to the contract for the construction of part of the Second Avenue Subway Route - Track, Signal, Traction Power, Communication Systems, in order to address changed field conditions, changed standards, design errors and omissions, and the resolution of claims.		

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 1-24

<b>Vendor Name (Location)</b> Various (See Below)
<b>Description</b> Various AWO's for Phase 1, Second Avenue Subway Project
<b>Contract Term (including Options, if any)</b> Various (See Below)
<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>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA Capital Construction, John N. Lieber

Contract Number	AWO/Mod. #
Various (See Below)	Various (See Below)
<b>Total Amounts:</b>	\$ 1,229,679,000
<b>Prior Modifications:</b>	\$ 253,469,285
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 1,483,148,285
<b>This Request:</b>	\$47,122,004
<b>% of This Request to Current Amount:</b>	3.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	24.4%

Contract #	Contract Description	Contract Term	Contractor	# of AWOs	Amount
C-26009	Second Avenue Subway – Track, Signal, Traction Power and Communications Systems in the Borough of Manhattan	1/18/2012 – 8/18/2016	Comstock/Skanska, JV (“CSJV”)	17	\$29,475,000
C-26010	Second Avenue Subway – 96th Street Station Finishes in the Borough of Manhattan	6/22/2012 – 12/21/2015	EE Cruz/Tully Construction Co. JV (“CTJV”)	1	\$2,000,000
C-26011	Second Avenue Subway – 72nd Street Station Finishes in the Borough of Manhattan	2/14/2013 – 11/13/2015	Judlau Contracting, Inc (“JCI”)	3	\$3,030,000
C-26012	Second Avenue Subway – 86th Street Station Finishes in the Borough of Manhattan	6/12/2013 – 5/31/2016	86th St Constructors JV (“86SCJV”)	2	\$1,775,000
C-26006	Second Avenue Subway – 63rd Street Station Finishes in the Borough of Manhattan	1/13/2011 – 5/13/2014	Judlau Contracting, Inc (“JCI”)	1	\$10,842,004
<b>Total</b>				<b>24</b>	<b>\$47,122,004</b>

## Discussion:

The following 24 retroactive modifications are for work carried out to complete Phase I of the Second Avenue Subway. These modifications address changed field conditions, changed standards, design errors and omissions, and the resolution of claims. To progress the work without delay and avoid or mitigate schedule impacts, the President, MTA Capital Construction (“MTACC”) approved retroactive waivers for this work. Funding is available in Program Reserve as approved by the Board in October 2017. These are the final modifications for additional work on Phase I that are being presented to the Board. However, MTACC is still in the process of resolving impact cost claims and expects to present those claims to the Board when they are resolved.

## Schedule K: Ratification of Completed Procurement Actions



**AWOs 146, 206, 207, and 208 (C-26009) (CSJV):** Completion of communication system infrastructure work that was either not included in the respective 63rd, 72nd, 86th, and 96th Street stations contracts, or not completed by the respective station contractors. This work involved the installation or modification of conduits and device-mounting hardware for use by the fire alarm, closed-circuit TV (“CCTV”) camera, public address/customer information sign, Automatic Fare Collection, elevator communication, building management, and intrusion access control systems. This work also required the C-26009 contractor to complete the communication system infrastructure and make the communications systems fully operational and compliant with New York State codes and NYC Transit requirements on or before the revenue service date. Accordingly, MTACC directed CSJV, the system contractor, to proceed with the work immediately, so that the revenue service date could be achieved. This action was approved by the MTACC President. In cases where it was determined that this work is attributable to incomplete or incorrectly installed work performed by the station contractor or errors or omissions by the designer of record, back-charges and/or claims are being pursued. The negotiated amounts for all four AWOs listed below were found to be fair and reasonable.

<b>AWO #</b>	<b>Contractor’s Proposal</b>	<b>MTACC’s Final Estimate</b>	<b>Negotiated Amount</b>
146	\$1,558,255	\$1,348,772	\$1,350,000
206	\$4,469,161	\$3,846,116	\$4,000,000
207	\$3,095,136	\$2,702,474	\$2,815,000
208	\$3,341,451	\$2,776,937	\$2,900,000

**AWOs 202, 209, 210, and 211 (C-26009) (CSJV):** Installation of additional network communication equipment to correct communication signal losses between telephone, data, CCTV, and Help Point equipment at the 63rd, 72nd, 86th, and 96th Street stations. To avoid the signal losses, it was determined that fiber-optic cable needed to be used in lieu of the copper cable originally specified in the contract. However, because fiber-optic cable cannot be connected directly to the equipment, additional communication devices were required to transmit and convert the signals. These AWOs provide for furnishing and installing additional network devices (i.e. access and application nodes, and media convertors), conduit, power cable (for the converters), fiber-optic cable, and the rerouting of copper cable. These AWOs are believed to be the result of an error or omission and a claim is being pursued against the designer of record. The negotiated amounts for all four AWO’s listed below were found to be fair and reasonable.

<b>AWO #</b>	<b>Contractor’s Proposal</b>	<b>MTACC’s Final Estimate</b>	<b>Negotiated Amount</b>
202	\$1,394,922	\$961,813	\$960,000
209	\$1,448,543	\$903,538	\$945,000
210	\$1,677,652	\$1,014,445	\$1,080,000
211	\$2,046,766	\$1,302,732	\$1,380,000

**AWOs 128, 130, 141, and 142 (C-26009) (CSJV):** Redesign of the fire alarm system and provision of additional fire alarm devices not included in the original station designs at the 63rd, 96th, 86th, and 72nd Street stations. After the award of the contract, Underwriters Laboratory (“UL”), a national independent product testing agency, withdrew its listing of the specified fire alarm Circuit Integrity cable rendering the SAS fire alarm system not code compliant. As a result, and because no acceptable UL-rated cable was immediately available, the system had to be redesigned. The new design provides diversity in cable routing so that a single fire or emergency event will not lead to a system failure. These AWOs also included the installation of additional smoke detectors in certain locations for proper annunciation and for the control of dampers for fire suppression in signal rooms. A portion of these AWOs is believed to be the result of an error or omission and a claim is being pursued against the designer of record. The negotiated amounts for all four AWOs listed below were found to be fair and reasonable.

<b>AWO #</b>	<b>Contractor’s Proposal</b>	<b>MTACC’s Final Estimate</b>	<b>Negotiated Amount</b>
128	\$3,052,307	\$1,689,340	\$1,800,000
130	\$2,547,147	\$1,811,078	\$1,855,000
141	\$3,136,445	\$2,230,933	\$2,125,000
142	\$3,094,730	\$2,040,771	\$2,100,000

**AWO 174 (C-26009) (CSJV):** Furnishing and installing additional fire protection sound-powered telephones (“SPTs”) and approximately 16,000 feet of additional cable at the 63rd, 72nd, 86th, and 96th Street stations. After award of Contract C-26009, it was determined that the specified cable design for the SPTs did not conform with NYC Transit cabling standards and there was no SPT connectivity between stations and at the street level, which is required by the Fire Department of the City of New York (“FDNY”). This AWO addresses the modified design for additional communication locations in the tunnels at the street level, eliminated all cable splicing, and provides for a closed-loop design that would maintain communication in the event of a single cable failure. This AWO appears to be the result of an error or omission and a claim is being pursued against the designer of record. The contractor’s proposal was \$1,337,300. MTACC’s revised estimate was \$1,072,067. Negotiations resulted in the agreed-upon net lump-sum price of \$1,030,000, that was found to be fair and reasonable.

**AWO 195 (C-26009) (CSJV):** Installation of SPTs between tunnel ventilation control rooms and their associated tunnel vent damper locations for troubleshooting and maintenance of the dampers at the 63rd, 72nd, 86th, and 96th Street stations. The original contract called for an SPT system to be included as part of the ventilation system. However, additional SPTs were required to provide field communication for NYC Transit personnel between the tunnel ventilation control rooms and the tunnel ventilation dampers during routine maintenance operations. This AWO appears to be the result of an error or omission, and a claim is being pursued against the designer of record. The contractor’s proposal was \$1,724,494. MTACC’s revised estimate was \$1,496,771. Negotiations resulted in the agreed-upon net lump-sum price of \$1,400,000, that was found to be fair and reasonable.

**AWO 143 (C-26009) (CSJV):** Furnishing and installing additional bidirectional amplifiers and associated supervisory control, data acquisition equipment, and uninterruptable power supplies for the new equipment; and additional antenna cables and accessories for monitoring the Ultra-High Frequency (“UHF”) radio system at the 63rd, 72nd, 86th, and 96th Street stations. Based on a study of the UHF radio system design at the new station platforms, mezzanines, and tunnels it was determined that the original contract design did not provide adequate radio coverage for New York City Police Department or FDNY radios. This AWO appears to be the result of an error or omission and a claim is being pursued against the designer of record. The contractor’s proposal was \$1,469,857. MTACC’s revised estimate was for the net amount of \$1,380,975. Negotiations resulted in the agreed-upon net lump-sum price of \$1,400,000, that was found to be fair and reasonable.

**AWO 161 (C-26009) (CSJV):** Furnishing and installing a Remote Auxiliary Alarm and Control System (“RAACS”) in the pump rooms at the 72nd, 86th, 96th, and 105th Street (north end of 96th Street Station) locations and CCTV systems in 16 fan rooms located throughout the stations. This modification addresses a NYC Transit Department of Subways’ request that could not be incorporated into the contract prior to award without resulting in a delay to the project schedule but with the understanding that it would be incorporated by change order as a condition of NYC Transit’s approval of the SAS Final Design. The contractor’s proposal was \$1,933,749. MTACC’s revised estimate was \$1,468,702. Negotiations resulted in the agreed-upon lump-sum price of \$1,500,000, that was found to be fair and reasonable.

**AWO 259 (C-26009) (CSJV):** Furnishing, installing, and/or modifying Intrusion Access Control at 25 egress doors at the 63rd, 72nd, 86th, and 96th Street stations. The base contract required 20 egress doors separating the back-of-house (“BOH”) areas from public spaces at the mezzanine and platform levels be alarmed and locally/remotely monitored with no means of reentry back into the public space without setting off an alarm. The 20 doors were modified to provide access control for reentry of NYC Transit personnel into the public space, and an additional five doors were added to provide NYC Transit with controlled access into other BOH rooms not included in the base contract. This AWO appears to be the result of an error or omission and a claim is being pursued against the designer of record. The contractor’s proposal was \$1,340,492. MTACC’s revised estimate was \$785,097. Negotiations resulted in the agreed-upon lump-sum price of \$835,000, that was found to be fair and reasonable.

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

In connection with a previous contract awarded to Skanska, Skanska 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 Chief Executive Officer in consultation with the MTA General Counsel in November 2014. No new SAI has been found relating to Skanska and Skanska has been found to be responsible.

**AWO 248 (C-26010) (CTJV):** Resolution of a claim for costs associated with water damage. After incidents of water intrusion caused water damage in the 96th Street station, the contractor claimed entitlement to payment for extra work performed for cleanup of the site and the repair of damaged equipment and material. MTACC determined that the water intrusion was attributable, in part, to insufficient grouting required by the contract in connection with the change in the waterproofing system incorporated by a previous AWO (AWO 7).

MTACC determined that that additional grouting work, beyond that previously provided for in AWO 7, was required to prevent water from entering the station. The cost of damage to the equipment by the water intrusion was settled by the Owner-Controlled Insurance Policy (“OCIP”), leaving the cost of cleanup and the additional grouting. The contractor’s overall claim was in the amount of \$7,048,459, less the OCIP settlement of \$2,150,000. MTACC’s cost estimate was prepared based on the remaining scope of work in the amount of \$2,050,578. Negotiations resulted in the agreed-upon lump-sum price of \$2,000,000, that was found to be fair and reasonable. This AWO appears to be the result of an error or omission, and a claim is being pursued against the designer of record.

In connection with a previous contract awarded to E.E. Cruz & Company, Inc. (“E.E. Cruz”), E.E. Cruz was found to be responsible notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the NYC Transit President in July 2018. No new SAI has been found relating to E.E. Cruz and E.E. Cruz has been found to be responsible.

**AWO 351** (C-26011) (JCI): Con Edison utility changes associated with the relocation of Entrance 1 of the 72nd Street station from within the building and onto the sidewalk at the corner of 69th Street. A 16-inch steam main required realignment to accommodate the relocated station entrance, and a gas valve had to be lowered because of inadequate cover between the top of the valve and the pavement. The contractor’s final proposal was \$1,885,725. MTACC’s revised estimate was \$1,226,543. Negotiations resulted in the agreed-upon lump-sum price of \$1,250,000, that was found to be fair and reasonable.

**AWO 317**(C-26011) (JCI): Temporary Road Pavement. The utility relocation AWO described above and the road bump-out necessitated by the relocation of entrance 1 onto the sidewalk at 69th Street caused a schedule slippage to the restoration of the Second Avenue roadway between 69th and 74th streets. As a result, and due to cold weather temperature restrictions in December 2016, final permanent street restoration in accordance with NYC Department of Transportation (“DOT”) specifications could not be performed. Instead, a temporary road surface with pavement markings was installed for the winter months. The contractor’s revised proposal was \$1,087,654. MTACC’s estimate was \$847,941. Negotiations resulted in the agreed-upon lump-sum price of \$930,000, that was found to be fair and reasonable.

**AWO 355** (C-26011) (JCI): Additional work for stiffening of the steel wire mesh used to partially enclose the hoistway of the Entrance 3 elevators. Structural reinforcement for the mesh was required at approximately 90 locations within the 75-foot-high hoistway to meet the deflection/rigidity criteria necessary to prevent entry by a person into the hoistway. This AWO appears to be the result of an error or omission and a claim is being pursued against the designer of record. The contractor’s final proposal was \$1,164,051. MTACC’s revised estimate was \$808,309. Negotiations resulted in the agreed-upon lump-sum price of \$850,000, that was found to be fair and reasonable.

In connection with a previous contract awarded to Judlau Contracting, Inc. (“Judlau”), Judlau was found to be responsible notwithstanding 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 March 2017. No new SAI has been found relating to Judlau and Judlau has been found to be responsible.

**AWO 145** (C-26012) (86SCJV): Additional Street Restoration Modifications on Second Avenue. In order to insure a consistent streetscape along Second Avenue after SAS Phase 1 construction was completed, and by agreement with DOT, the limits of the surface restoration work included in the 86th Street contract was expanded to change the specified street lights, signals, and pavement markings to reflect the current NYC street finishing specifications. The contractor’s final proposal was \$1,184,807. MTACC’s estimate was \$813,625. Negotiations resulted in the agreed-upon lump-sum price of \$884,000, that was found to be fair and reasonable.

**AWO 280** (C-26012) (86SCJV): The contractor claimed entitlement to additional compensation for additional conduits installed under the platform of the 86th Street Station and for additional control wiring. MTACC acknowledged that the contractor was entitled to payment for the additional conduit and control wiring work, which was not provided for under any previously issued AWO but was required. This AWO appears to be the result of an error or omission and a claim is being pursued against the designer of record. The contractor’s proposal was \$1,236,617. MTACC’s estimate was \$1,094,488. Negotiations resulted in the agreed-upon lump-sum price of \$891,000, that was found to be fair and reasonable.

In connection with a previous contract awarded to Schiavone Construction Co., LLC (“Schiavone”), Schiavone was found to be responsible notwithstanding SAI 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 April 2014. No new SAI has been found relating to Schiavone and Schiavone has been found to be responsible.

## Schedule K: Ratification of Completed Procurement Actions



In connection with a previous contract awarded to John P. Picone, Inc. (“Picone”), Picone was found to be responsible notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines and such responsibility findings was approved by the MTA Chairman & CEO in consultation with the MTA General Counsel in December 2014. No new SAI has been found relating to Picone and Picone has been found to be responsible.

**AWO 219 (C-26006) (JCI):** Settlement of a claim for all compensable delays on Contract C-26006. There is no direct work associated with this AWO. This AWO resolves the cumulative effect of 345 days of delay associated with approximately 20 previously negotiated AWOs. These AWOs were for the relocation, support, and protection of utilities, steel design/fabrication issues, and access delays to Entrance 1 on Contract C-26006. Compensable delays under the contract provide for the recovery of costs associated with extended field office and work site expenses, increased wages, and increased costs for the purchase or storage of materials. The contractor’s proposal was \$16,143,063. MTACC’s revised estimate was \$10,809,835. Negotiations resulted in the agreed-upon lump-sum price of \$10,842,004, that was found to be fair and reasonable.


# Staff Summary

<b>Subject</b> NYSDOT Grant for Connecting Services	
<b>Department</b> Operations Planning and Analysis	
<b>Department Head Name</b> James McCormack	
<b>Department Head Signature</b> 	
<b>Project Manager Name</b> Edilma Jarvis	<b>Program Manager Name</b>

<b>Date</b> August 24, 2018
<b>Vendor Name</b> N/A
<b>Contract Number</b> N/A
<b>Contract Manager Name</b> N/A
<b>Table of Contents Ref#</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	9/24	X		
2	MTA Finance Mtg	9/24	X		
3	MTA Board Mtg.	9/26	X		

Internal Approvals			
Order	Approval	Order	Approval
4	President 		
3	VP Financial Admin		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	VP Planning 					2	General Counsel
	Press						

## Narrative

### PURPOSE:

To obtain MTA Board approval to enter into a contract to accept up to \$365,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2018 through September 30, 2019.

### DISCUSSION:

Metro-North has worked with NYSDOT to implement various projects to improve access to Metro-North stations. These projects, which include connecting buses (e.g. Transport of Rockland, Newburgh-Beacon Shuttle, Dutchess LOOP, HART, etc.), the Haverstraw-Ossining Ferry, the Newburgh-Beacon Ferry and Guaranteed Ride Home programs, create station access/egress and increase ridership and revenue for the Railroad, as well as reduce the number of single occupancy vehicles on the roads.

Over the past fifteen years, Metro-North has received over \$4 million from similar NYSDOT (CMAQ) grants. These funds have been used for a variety of operational and marketing activities: providing customer information (e.g. signage, kiosks, pocket timetables, etc.); marketing/advertising to launch and support these services; supporting Metro-North's Guaranteed Ride Home programs; for customer parking and miscellaneous operational improvements. Metro-North plans to use the funds from the new CMAQ grant in a similar fashion, working with our regional partners to maintain service quality and improve station access.

### BUDGET IMPACT:

No budget impact. These monies allow for projects that would not otherwise be implemented.

### RECOMMENDATION:

That the MTA Board grant approval to enter into a contract to accept up to \$365,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2018 through September 30, 2019.


The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company



**Metro-North Railroad**

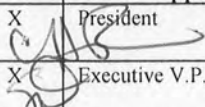
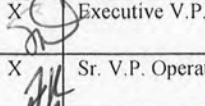
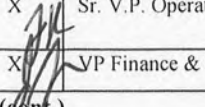
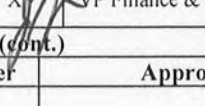
# **Procurements**



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

<b>Date</b>	September 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	MNR Comm. Mtg.	9-24-18	X		
2	MTA Board Mtg.	9-26-18	X		

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

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

#### **PURPOSE:**

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

#### **DISCUSSION:**

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

<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	\$76,000,000
	• Wabtec Corporation \$76,000,000		
<u>Schedules Requiring Majority Vote</u>			
Schedule E:	Miscellaneous Procurement Contracts	1	\$1,373,000
	• Aspen Aerials, Inc. \$1,373,000		
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	1	\$2,412,000
	• Dayton T. Brown, Inc. \$2,412,000		
SUB TOTAL:		3	\$79,785,000

Schedules Requiring Two-Thirds Vote (or more, where noted)

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

NONE

SUB TOTAL:	1	\$367,968,000
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Schedules Requiring Two-Thirds Vote (or more, where noted)

NONE

NONE

SUB TOTAL:

TOTAL:	4	\$447,753,000
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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.

**SEPTEMBER 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. Wabtec Corporation                      \$76,000,000 (not-to-exceed)                      Staff Summary Attached  
Various OEM Railcar and Locomotive Parts for MNR and LIRR Fleets**

Metro-North Railroad, on behalf of itself and the Long Island Rail Road (LIRR) requests approval to award a three-year non-competitive purchasing agreement in the not-to-exceed amount of \$76,000,000 (MNR - \$36,000,000 and LIRR - \$40,000,000) to Wabtec Corporation for the purchase of various parts and components for MNR's M-3, M-7 and M-8 railcars and locomotives and LIRR's M-3 and M-7 railcars. Wabtec is the Original Equipment Manufacturer (OEM), sole source and a common material supplier to MNR and LIRR.

Under this new agreement, both LIRR and MNR will continue to support its Life Cycle Maintenance (LCM) and Reliability Centered Maintenance (RCM) programs, which maintain high car reliability, improve customer service through on-time performance, and parts replacement at prescribed intervals. Additionally, parts required to perform unscheduled maintenance and repairs on the railcars are needed to insure safe, reliable and maintainable operation.

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

This purchase agreement is requirements-based for MNR and LIRR in that the Railroads are not obligated to generate any minimum amount of purchase orders. A review of the proposed pricing against the historical data favorably compares with an average price increase of 2% per year. The Agencies are committed to ensuring that through the use of joint procurements, Wabtec and its business units are offering each agency more beneficial and consistent pricing. The purchase agreement with Wabtec will eliminate the need and expense of individually advertising prospective procurements, procurement lead times for separate purchase orders and will expedite material delivery.

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

These replacement parts, components, assemblies and subassemblies from Wabtec and its business units will be purchased on an as-needed basis and negotiated on an individual parts basis prior to their purchase as necessary. Pricing is deemed fair and reasonable. The total award for the three-year period is not-to-exceed \$76,000,000 (MNR - \$36,000,000 and LIRR - \$40,000,000), and is to be funded by each Agency's Operating Budget.

**Schedules Requiring Majority Vote:**

**E. Miscellaneous Procurement Contracts**

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

**2. Aspen Aerials, Inc.                      \$1,373,000 (not-to-exceed)                      Staff Summary Attached**  
**Purchase of Two Undergrade Bridge Inspection Units (UBIU)**

Approval is requested to award a non-competitive miscellaneous procurement in the not-to-exceed amount of \$1,373,000 to Aspen Aerials, Inc. (Aspen) for the purchase of two Undergrade Bridge Inspection Units (UBIU) with Hi-Rail. Aspen is the Original Equipment Manufacturer (OEM) of the UBIUs. Metro-North currently owns one UBIU. By federal regulations, the unit will reach the end of its useful life in April 2019 when its safety certification expires. The purchase of two new UBIUs replaces the existing machine, while adding a second unit to allow Metro-North to keep pace with the growing undergrade bridge program inspection needs, which is a safety priority.

In support of MNR's current and planned maintenance and rehabilitation programs for tall bridges, and for bridges over difficult terrain, Metro-North requires the use of UBIUs. These machines allow Metro-North workers to safely and efficiently access the undersides of bridges in locations where it would be either impractical or impossible to erect scaffolding, requiring them to be lowered by ropes to their work location. There are no alternate types of equipment which can perform a similar function. Rebuilding Metro-North's current UBIU was determined not to be economically viable as it requires nearly the same amount of time as building a new unit and would be in excess of 60% of the cost of a new UBIU.

Aspen Aerials, Inc. has been identified as the OEM supplier and therefore has unique qualifications or capabilities to fabricate and deliver these two Undergrade Bridge Inspection Units.

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

Aspen's price of \$1,373,000 is 8.4% less than the engineer's estimate and the pricing is deemed to be fair and reasonable. The UBIUs will be delivered by end of 1st quarter 2019 to complete the April 2019 mandatory undergrade bridge inspection.

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

The total cost for this procurement is not-to-exceed \$1,373,000 and is to be funded by the MNR Operating Budget.

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

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

**3. Dayton T. Brown, Inc.                      \$2,412,000 (not-to-exceed)                      Staff Summary Attached**  
**Engineering Support Services for Positive Train Control (PTC)**

Approval is requested for additional funding in the not-to-exceed amount of \$2,412,000 to the firm, Dayton T. Brown, Inc. (DTB), to provide engineering services required to prepare documentation (including the Revenue Service Demonstration (RSD) Report) to satisfy Federal Railroad Administration (FRA) requirements for Positive Train Control (PTC) certification on the new Advanced Civil Speed Enforcement System (ACSES). This funding will be added to the current 36-month contract providing engineering services required to meet an urgent need to support Positive Train Control (PTC) 220MHz Radio Frequency testing with no anticipated schedule impacts.

In March 2018, additional funding was requested and approved by the Board for the development and integration of an RSD application and RSD Report. This includes review and assimilation of the safety plan providing recommendations based on the requirements as defined in 49 CFR Part 236.1015; serving as the central repository for the monthly FRA report generation; managing the source data and report deliverables (Content Hosting) and providing engineering support on an as-needed basis. These tasks are all ongoing.

In August 2018, it was determined that in addition to the above tasks approved in March, it will be necessary to add two more tasks to supplement Metro-North forces and support the aggressive deployment of PTC across Metro-North territory. DTB will be responsible for establishing two teams consisting of Network, Radio Frequency and Electro-Mechanical Engineers to perform setup and verification of PTC Radio Cases. The tasks listed below are above and beyond the scope of the previously approved modification by the Board in March. The specific tasks are as follows:

- (1) Provide equipment and personnel to perform configuration, setup and verification of PTC Radio Cases.
- (2) Provide Outsourced Engineering support for the Base Communications Equipment for one year.

Metro-North is in the process of developing a schedule for deploying PTC beyond the initial pilot segment (Tarrytown to Croton-Harmon on the Hudson Line). Failure to secure these additional resources from DTB will necessarily delay the implementation of PTC once the RSD period concludes and Metro-North receives FRA authorization to extend full PTC across the remainder of its territory. MNR will initially develop with DTB two tiger teams to address the

setup and verification of the PTC radio cases. Additional DTB technical staff (6-8 Engineers) will be used for the configuration, testing and commissioning at each site. Once efficiencies have been achieved in the commissioning process, additional teams will be dispatched to reduce the commissioning period as the FRA authorizes the approximately 90 remaining control points.

As indicated in the original non-competitive award to DTB in November 2017, DTB has all the necessary experience in providing engineering support in both heavy rail and transit environments. In addition, DTB is the only company available in the Northeast region, and the only qualified company with available resources to immediately support this vital effort. Further, DTB has become an integral part of the MNR team whose knowledge of the current program provides an immediate benefit in the accomplishment of these two new tasks.


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

MNR will receive the benefit of pricing negotiated by the U.S. General Services Administration (GSA) under its contract GS-230-0038K. The total not-to-exceed amount of \$2,412,000 is to be funded by the 2015-2019 MNR Capital Budget.

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

Item Number: A

<b>Vendor Name (&amp; Location)</b> Wabtec Corporation, (Pittsburgh, PA)
<b>Description</b>  Various OEM Railcar and Locomotive Parts for MNR and LIRR Fleets
<b>Contract Term (including Options, if any)</b>  Three Years
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source

<b>Contract Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$76,000,000 (\$36,000,000 – MNR and \$36,500,000 – LIRR) (not-to- exceed)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director 	
<b>Contract Manager:</b> Omar Messado – Assistant Deputy Director, Operations Procurement	

### Discussion:

Metro-North Railroad, on behalf of itself and the Long Island Rail Road (LIRR) requests approval to award a three-year non-competitive purchasing agreement in the not-to-exceed amount of \$76,000,000 (MNR - \$36,000,000 and LIRR - \$40,000,000) to Wabtec Corporation for the purchase of various parts and components for MNR's M-3, M-7 and M-8 railcars and locomotives and LIRR's M-3 and M-7 railcars. Wabtec is the Original Equipment Manufacturer (OEM), sole source and a common material supplier to MNR and LIRR.

Under this new agreement, both LIRR and MNR will continue to support its Life Cycle Maintenance (LCM) and Reliability Centered Maintenance (RCM) programs, which maintain high car reliability, improve customer service through on-time performance, and parts replacement at prescribed intervals. Additionally, parts required to perform unscheduled maintenance and repairs on the railcars are needed to insure safe, reliable and maintainable operation.

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

The chart below provides the respective Wabtec business units and the estimated not-to-exceed dollar amounts anticipated to be expended over the new contract term. The total dollars identified for LIRR are based upon historical data and projected usage derived from its LCM program. MNR has implemented the use of SMART Software which is a forecasting tool that allows MNR to refine its estimated usage and project the net effect of its current operating fleet. MNR's application of this forecasting system coupled with fleet decommissioning over the last five years and fleet expansion due to the M-8 railcar fleet has resulted in some reduction in material usage for some materials while increasing on others.

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

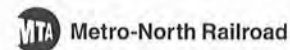
Supplier	System	MNR	LIRR	Estimated Purchase Agreement Total
Wabtec Passenger Transit	Braking Systems	\$8,450,000	\$10,500,000	\$18,950,000
Wabtec Global	Mechanical/Electrical Couplers	\$11,415,000	\$8,000,000	\$19,415,000
Vapor Stone Rail Systems	Door Components and Assemblies	\$9,100,000	\$8,200,000	\$17,300,000
Graham White	Air Brake Dryer, Railcar and Diesel Electrical Parts	\$820,000	\$800,000	\$1,620,000
Faiveley Transport	Door Control and AC Parts	\$5,450,000	\$7,000,000	\$12,450,000
Mors Smitt	Relays, Safety Critical Electronics	\$765,000	\$5,500,000	\$6,265,000
Totals:		\$36,000,000	\$40,000,000	\$76,000,000

This purchase agreement is requirements-based for MNR and LIRR in that the Railroads are not obligated to generate any minimum amount of purchase orders. A review of the proposed pricing against the historical data favorably compares with an average price increase of 2% per year. The Agencies are committed to ensuring that through the use of joint procurements, Wabtec and its business units are offering each agency more beneficial and consistent pricing. The purchase agreement with Wabtec will eliminate the need and expense of individually advertising prospective procurements, procurement lead times for separate purchase orders and will expedite material delivery.

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

These replacement parts, components, assemblies and subassemblies from Wabtec and its business units will be purchased on an as-needed basis and negotiated on an individual parts basis prior to their purchase as necessary. Pricing is deemed fair and reasonable. The total award for the three-year period is not-to-exceed \$76,000,000 (MNR - \$36,000,000 and LIRR - \$40,000,000), and is to be funded by each Agency's Operating Budget.

## Schedule E: Miscellaneous Procurement Contracts



Item Number: E

<b>Vendor Name (&amp; Location)</b> Aspen Aerials, Inc. (Duluth, MN)
<b>Description</b> Purchase of Two Undergrade Bridge Inspection Units (UBIU)
<b>Contract Term (including Options, if any)</b> Immediate
<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> 229366	<b>AWO/Modification #</b>
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$1,373,000 (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:

Approval is requested to award a non-competitive miscellaneous procurement in the not-to-exceed amount of \$1,373,000 to Aspen Aerials, Inc. (Aspen) for the purchase of two Undergrade Bridge Inspection Units (UBIU) with Hi-Rail. Aspen is the Original Equipment Manufacturer (OEM) of the UBIUs. Metro-North currently owns one UBIU. By federal regulations, the unit will reach the end of its useful life in April 2019 when its safety certification expires. The purchase of two new UBIUs replaces the existing machine, while adding a second unit to allow Metro-North to keep pace with the growing undergrade bridge program inspection needs, which is a safety priority.

In support of MNR's current and planned maintenance and rehabilitation programs for tall bridges, and for bridges over difficult terrain, Metro-North requires the use of UBIUs. These machines allow Metro-North workers to safely and efficiently access the undersides of bridges in locations where it would be either impractical or impossible to erect scaffolding, requiring them to be lowered by ropes to their work location. There are no alternate types of equipment which can perform a similar function. Rebuilding Metro-North's current UBIU was determined not to be economically viable as it requires nearly the same amount of time as building a new unit and would be in excess of 60% of the cost of a new UBIU.

Aspen Aerials, Inc. has been identified as the OEM supplier and therefore has unique qualifications or capabilities to fabricate and deliver these two Undergrade Bridge Inspection Units.

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

Aspen's price of \$1,373,000 is 8.4% less than the engineer's estimate and the pricing is deemed to be fair and reasonable. The UBIUs will be delivered by end of 1st quarter 2019 to complete the April 2019 mandatory undergrade bridge inspection.

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

The total cost for this procurement is not-to-exceed \$1,373,000 and is to be funded by the MNR Operating Budget.

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

Item	H	Page 1 of 2	
<b>Vendor Name (&amp; Location)</b> Dayton T. Brown, Inc. (Bohemia, NY)		<b>Contract Number:</b> 88157	<b>AWO/Modification #</b> 2
<b>Description</b> Engineering Support Services for Positive Train Control (PTC)		<b>Original Amount:</b>	\$500,000
<b>Contract Term (including Options, if any)</b> 36 Months		<b>Prior Modifications:</b>	\$1,000,000
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b>	\$0
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		<b>Current Amount:</b>	\$1,500,000
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source		<b>This Request:</b>	\$2,412,000 (not to exceed)
<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</b>	161%
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director		<b>% of Modifications (including This Request) to Original Amount:</b>	682%

Approval is requested for additional funding in the not-to-exceed amount of \$2,412,000 to the firm, Dayton T. Brown, Inc. (DTB), to provide engineering services required to prepare documentation (including the Revenue Service Demonstration (RSD) Report) to satisfy Federal Railroad Administration (FRA) requirements for Positive Train Control (PTC) certification on the new Advanced Civil Speed Enforcement System (ACSES). This funding will be added to the current 36-month contract providing engineering services required to meet an urgent need to support Positive Train Control (PTC) 220MHz Radio Frequency testing with no anticipated schedule impacts.

In March 2018, additional funding was requested and approved by the Board for the development and integration of an RSD application and RSD Report. This includes review and assimilation of the safety plan providing recommendations based on the requirements as defined in 49 CFR Part 236.1015; serving as the central repository for the monthly FRA report generation; managing the source data and report deliverables (Content Hosting) and providing engineering support on an as-needed basis. These tasks are all ongoing.

In August 2018, it was determined that in addition to the above tasks approved in March, it will be necessary to add two more tasks to supplement Metro-North forces and support the aggressive deployment of PTC across Metro-North territory. DTB will be responsible for establishing two teams consisting of Network, Radio Frequency and Electro-Mechanical Engineers to perform setup and verification of PTC Radio Cases. The tasks listed below are above and beyond the scope of the previously approved modification by the Board in March. The specific tasks are as follows:

- (1) Provide equipment and personnel to perform configuration, setup and verification of PTC Radio Cases.
- (2) Provide Outsourced Engineering support for the Base Communications Equipment for one year.

Metro-North is in the process of developing a schedule for deploying PTC beyond the initial pilot segment (Tarrytown to Croton-Harmon on the Hudson Line). Failure to secure these additional resources from DTB will necessarily delay the implementation of PTC once the RSD period concludes and Metro-North receives FRA authorization to extend full PTC across the remainder of its territory. MNR will initially develop with DTB two tiger teams to address the setup and verification of the PTC radio cases. Additional DTB technical staff (6-8 Engineers) will be used for the configuration, testing and commissioning at each site. Once efficiencies have been achieved in the commissioning process, additional teams will be dispatched to reduce the commissioning period as the FRA authorizes the approximately 90 remaining control points.

As indicated in the original non-competitive award to DTB in November 2017, DTB has all the necessary experience in providing engineering support in both heavy rail and transit environments. In addition, DTB is the only company available in the Northeast region, and the only qualified company with available resources to

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

immediately support this vital effort. Further, DTB has become an integral part of the MNR team whose knowledge  
Page 2 of 2  
of the current program provides an immediate benefit in the accomplishment of these two new tasks.

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

MNR will receive the benefit of pricing negotiated by the U.S. General Services Administration (GSA) under its contract GS-230-0038K. The total not-to-exceed amount of \$2,412,000 is to be funded by the 2015-2019 MNR Capital Budget.

SEPTEMBER 2018

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

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

**1. Skanska-ECCO III Joint Venture \$367,968,000 (not-to-exceed) Staff Summary Attached**  
**Design/Build Harmon Yard Shop Improvements Phase V Stage 2**

Approval is requested to award a 48-month competitively solicited design-build contract (RFP process; 2 proposals received) in the not-to-exceed amount of \$367,968,000 to Skanska-ECCO III Joint Venture (Skanska-ECCO) for the design and construction of Harmon Phase V, Stage 2 of the complete replacement of Metro-North's Harmon Yard Main Shop including a new Running Repair and Support Shop Building in Croton-Harmon, New York.

In accordance with MTA policy regarding the use of design-build, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$250,000 to be paid to each unsuccessful proposer whose proposal met a defined standard. Accordingly, permission is also requested to pay a total stipend of \$250,000 to Hi-Rail Constructors Joint Venture (Hi-Rail).

In February 2017, Metro-North received Board approval to use the Request for Proposal (RFP) process. For this Harmon Phase V Stage 2 project, it was decided to use a two-phase selection process. In Phase 1, the design-build teams submitted their qualifications. Metro-North reviewed the proposers and then short-listed for the next round. In Phase 2, the remaining proposers submitted detailed technical proposals, including cost. The proposers were then invited for presentations and further negotiations from which the final selection was made.

In accordance with MTA Procurement Guidelines, a RFP dated June 8, 2017 was prepared and advertised in the New York State Contract Reporter, New York Post, El Dario, Daily Challenge and posted on the Metro-North website.

Twenty-two firms were provided the RFP and on August 3, 2017, two proposals were received from design-build firms. Nine "no bid" response forms were received stating that they were either unable to meet the RFP requirements or were incapable of completing such a large sized Design Build project.

On May 10, 2018, Best-and-Final-Offer (BAFO) instructions were issued to the teams. On May 23, 2018, Skanska-ECCO submitted a BAFO in the amount of \$378,760,000 and Hi-Rail submitted a BAFO in the amount of \$393,810,000. The prices included all options and cost saving measures.

Metro-North held further discussions with Skanska-ECCO to discuss which options and cost saving measures would be included in the award. These discussions resulted in a final negotiated price of \$365,093,000. The final agreed upon not-to-exceed amount reflects the election of several options including the acceptance of a credit of \$4,890,000 for cost saving measures proposed by the Skanska-ECCO team. MNR is reserving its right to elect option 7 to procure and install work stations and furniture within two years of the award date. The value of this option is \$2,875,000. MNR will reevaluate this option in the future to determine if this work should be competitively solicited. The total contract amount for approval, including option 7, is \$367,968,000. The final cost is 2% below the in-house estimate and deemed to be fair and reasonable.

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 MTA Chairman/CEO in consultation with the MTA General Counsel. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible.

The MTA Department of Diversity and Civil Rights (DDCR) established 15% MBE and a 15% WBE goals for this project. The contract will not be awarded until DDCR requirements have been satisfied.

Board approval is requested in the not-to-exceed amount of \$367,968,000 which includes option 7 in the amount of \$2,875,000. A stipend of \$250,000 will be paid to Hi-Rail Constructors Joint Venture (Hi-Rail). This procurement is to be funded 100% by the 2015-2019 MNR Capital Program.

# Staff Summary

Item Number C					
Dept. & Dept. Head Name: Procurement & Material Management, Al Muir, Sr. Director					
Division & Division Head Name: Executive Vice President, Susan Doering					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	9-24-18	x		
2	MTA Board Mtg.	9-26-18	x		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	V.P. & General Counsel		
X	Sr. Vice President				
X	V.P. Finance & IT				
X	V.P. Capital				

SUMMARY INFORMATION	
Vendor Name Skanska-ECCO III Joint Venture	Contract Number 81933
Description Design/Build Harmon Yard Shop Improvements Phase V Stage 2	
Total Amount \$367,968,000 (not-to-exceed) Includes option 7 = \$2,875,000	
Contract Term (including Options, if any) 48 Months	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> 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:

Approval is requested to award a 48-month competitively solicited design-build contract (RFP process; 2 proposals received) in the not-to-exceed amount of \$367,968,000 to Skanska-ECCO III Joint Venture (Skanska-ECCO) for the design and construction of Harmon Phase V, Stage 2 of the complete replacement of Metro-North's Harmon Yard Main Shop including a new Running Repair and Support Shop Building in Croton-Harmon, New York.

In accordance with MTA policy regarding the use of design-build, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$250,000 to be paid to each unsuccessful proposer whose proposal met a defined standard. Accordingly, permission is also requested to pay a total stipend of \$250,000 to Hi-Rail Constructors Joint Venture (Hi-Rail).

### II. DISCUSSION:

Harmon Yard is, and remains, the center of Metro-North's fleet maintenance activities. The current Main Shop was built in 1909, expanded in 1928 and remains in use over 100 years later. In the Harmon Phase V Stage 1 project, half of the Main Shop was demolished and replaced with a new facility. During that project, the remaining half of the original Main Shop was sealed off and continued to operate as an active facility. This Harmon Phase V Stage 2 project will complete the demolition of the original structure and replace it with a new shop that is integrally connected to the Stage 1 building. Stage 1 is scheduled to be substantially completed in November 2018, with Stage 2 projected to begin immediately following. This project is the final stage of Metro-North's multi-phase Harmon Shop Replacement project.

The major elements of the Design-Build Harmon Yard Shop Improvements Phase V Stage 2 include:

- The complete demolition of the remaining portion of the Main Shop and the attached Building 5.
- Construction of a new Running Repair and Support Shop Facility along with all required site and track work.

The new Running Repair and Support Shop will include a ground floor with ten Electric Multiple Units (EMU) married pair vehicle repair positions, and a partial second floor, which includes component repair workshops and multiple office areas. The structure will be constructed adjacent to the Consist Shop constructed in Harmon Phase V Stage 1. Once complete, the Stage 1 and Stage 2 projects will form a single unified structure.

In February 2017, Metro-North received Board approval to use the Request for Proposal (RFP) process. For this Harmon Phase V Stage 2 project, it was decided to use a two-phase selection process. In Phase 1, the design-build teams submitted their qualifications. Metro-North reviewed the proposers and then short-listed for the next round. In Phase 2, the remaining proposers submitted detailed technical proposals, including cost. The proposers were then invited for presentations and further negotiations from which the final selection was made.

In accordance with MTA Procurement Guidelines, a RFP dated June 8, 2017 was prepared and advertised in the New York State Contract Reporter, New York Post, El Dario, Daily Challenge and posted on the Metro-North website.

The criteria for selection established in the RFP for Phase 1 was as follows:

1. Past experience on similar projects
2. Confidence level, commitment of relevant resources to the project including the qualifications and experience of key personnel, team qualifications and reliability to perform the services including subcontractor services and Proposer's demonstrated capability and financial resources to perform the work in the time projected
3. Demonstrated understanding of the Work Scope requirements, including but not limited to the quality and completeness of the Work Plan and any required submissions
4. Proposed staging plan and effective use of Railroad support personnel
5. Diversity practices of each Proposer

Twenty-two firms were provided the RFP and on August 3, 2017, two proposals were received from design-build firms. Nine "no bid" response forms were received stating that they were either unable to meet the RFP requirements or were incapable of completing such a large sized Design Build project.

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Capital Engineering, Transportation, and Maintenance of Equipment departments. The Committee met to evaluate the two proposals received from Hi-Rail Constructors Joint Venture (Hi-Rail) and Skanska-ECCO III Joint Venture (Skanska-ECCO) in accordance with the above criteria and found both proposers met the qualifications and short-listed both to participate in Phase 2 of the selection process.

The selection criteria established in the RFP for Phase 2 was as follows:

1. Cost
2. Confidence Level
3. Demonstrated Understanding of the Work Scope
4. Quality & Innovativeness of Design
5. Proposed Staging Plan and Schedule

The Phase 2 technical proposals, which included cost, were received on March 9, 2018. Skanska-ECCO's proposal was in the amount of \$396,600,000 and Hi-Rail's proposal was in the amount of \$390,400,000. The cost proposals included the following eight options identified in the contract documents:

## Staff Summary

1. Blow-Shed Building
2. Coach Shop Elevator & Roof Access
3. 2<sup>nd</sup> Floor General Office Space Buildout
4. Running Repair & Support Shop Workshop Space Buildout
5. Design & Construct Building Columns Between Shop Tracks 45 & 46
6. Design & Construct additional Office space between Column lines F, H
7. Furnish and Install office work stations and furniture
8. Proposed Cost-Saving Alternatives

After reviewing the proposal packages, the Committee invited both firms in for oral presentations. Following oral presentations conducted on April 10 and 16, the Selection Committee deemed both teams to be technically competent, capable, and compliant with the contract terms and conditions.

On April 25 and 27 technical meetings were held with Metro-North and the proposers. The purpose of these discussions was to discuss the scope of work, clarify items identified in the technical proposals and presentations, and discuss Contractor proposed cost saving measures.

On May 10, 2018, Best-and-Final-Offer (BAFO) instructions were issued to the teams. On May 23, 2018, Skanska-ECCO submitted a BAFO in the amount of \$378,760,000 and Hi-Rail submitted a BAFO in the amount of \$393,810,000. The prices included all options and cost saving measures.

The Selection Committee met on June 8, 2018 to discuss the technical proposals, oral presentations, and BAFO and unanimously recommended the contract be awarded to Skanska-ECCO based upon the Phase 2 selection criteria. Skanska-ECCO not only offered the lowest proposal price but proposed viable design alternatives and construction concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design. The Skanska-ECCO proposal was deemed to be the best value for MNR. Metro-North has a high confidence level in Skanska-ECCO's ability to perform given their past experience with building maintenance facilities in rail yards, including the design-build of the Harmon Phase V Stage 1. Hi-Rail's proposal did not include the same level of innovation of design, particularly with cost saving measures, as Skanska-ECCO's did.

Metro-North held further discussions with Skanska-ECCO to discuss which options and cost saving measures would be included in the award. These discussions resulted in a final negotiated price of \$365,093,000. The final agreed upon not-to-exceed amount reflects the election of several options including the acceptance of a credit of \$4,890,000 for cost saving measures proposed by the Skanska-ECCO team. MNR is reserving its right to elect option 7 to procure and install work stations and furniture within two years of the award date. The value of this option is \$2,875,000. MNR will reevaluate this option in the future to determine if this work should be competitively solicited. The total contract amount for approval, including option 7, is \$367,968,000. The final cost is 2% below the in-house estimate and deemed to be fair and reasonable.

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 MTA Chairman/CEO in consultation with the MTA General Counsel. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible.

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

The MTA Department of Diversity and Civil Rights (DDCR) established 15% MBE and a 15% WBE goals for this project. The contract will not be awarded until DDCR requirements have been satisfied.

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

Board approval is requested in the not-to-exceed amount of \$367,968,000 which includes option 7 in the amount of \$2,875,000. A stipend of \$250,000 will be paid to Hi-Rail Constructors Joint Venture (Hi-Rail). This procurement is to be funded 100% by the 2015-2019 MNR Capital Program.

## V. ALTERNATIVES:

MNR does not have the expertise and capability to perform the required design and construction services as specified.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**September 26, 2018**

# Staff Summary



Long Island Rail Road

<b>Subject : Request for Authorization to Award Various Procurements</b>						<b>Date</b> <div style="text-align: center;">September 26, 2018</div>			
<b>Department</b> Procurement and Logistics									
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement and Logistics Officer									
<b>Department Head Signature</b> 									
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	9.24.18				2	President <i>PE 9/14/18</i>		
2	MTA Board	9.26.18				1	Executive VP <i>DA 9/10/18</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:**

	<u># of Actions</u>	<u>\$ Amount</u>
	None	

**LIRR proposes to award Competitive Procurements in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
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Schedules Requiring Majority Vote

Schedule H: Modifications to Personal Service/Misc. Service Contracts	1	\$4,350,000
<b>SUBTOTAL:</b>	1	\$4,350,000

**LIRR proposes to award Ratifications in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
	None	

<b>TOTAL:</b>	1	\$4,350,000
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**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

**SEPTEMBER 2018**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

*Procurements Requiring Majority Vote*

**Schedule H: Mods. 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 require for Board approval)

- |    |   |   |                                      |
|----|---|---|--------------------------------------|
| 1. | <b>Various Bus Companies<br/>Competitive<br/>Contract No. (Various)</b> | <b>\$4,350,000.00<br/>Not-to-Exceed</b> | <i><u>Staff Summary Attached</u></i> |
|----|---|---|--------------------------------------|

LIRR requests MTA Board approval to issue a Contract modification in the aggregate amount of \$4,350,000 to increase the not to exceed funding amount of three estimated quantity contracts with bus companies that provide the Railroad with scheduled and emergency bus services. Under these fifteen (15) miscellaneous service contracts awarded under the Master Contract to various providers, which were all approved by the Board on March 1, 2013, LIRR orders bus services throughout Nassau, Suffolk, Queens and Kings Counties on an as-needed basis, with no minimum obligation or expenditures. Each bus company is called out using established protocols based on available resources that differ by location, vehicle type and quantity.

## Staff Summary



Long Island Rail Road

Item Number:

<b>Vendor Name (&amp; Location)</b>
Various Bus Companies (Eastern & Western Suffolk, Nassau, Queens, and Kings Counties)
<b>Description</b>
Scheduled & Emergency Bus Service
<b>Contract Term (including Options, if any)</b>
March 1, 2013 – December 31, 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 checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b>
<input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div. Head Name:</b>
Service Planning, Charles McKiernan, General Manager Customer Services, James Compton, Chief Stations Officer

Contact Number	AWO/Modificaiton #
(Various)	Modification #3
<b>Original Amount:</b>	\$11,250,000
<b>Prior Modifications: Option exercise</b>	\$ 7,000,000
<b>Prior Budgetary Increases:</b>	\$ 750,000
<b>Current Amount:</b>	\$19,000,000
<b>This Request:</b>	\$ 4,350,000
<b>% of This Request to Current Amount:</b>	23%
<b>% of Modifications (including This Request) to Original Amount:</b>	100.87%

## Discussion:

LIRR requests MTA Board approval to issue a Contract modification in the aggregate amount of \$4,350,000 to increase the not to exceed funding amount of three estimated quantity contracts with bus companies that provide the Railroad with scheduled and emergency bus services. Under these fifteen (15) miscellaneous service contracts awarded under the Master Contract to various providers, which were all approved by the Board on March 1, 2013, LIRR orders bus services throughout Nassau, Suffolk, Queens and Kings Counties on an as-needed basis, with no minimum obligation or expenditures. Each bus company is called out using established protocols based on available resources that differ by location, vehicle type and quantity.

The original pool of 15 providers was significantly reduced over the years to only three (3) providers due a variety of reasons including firms departing the busing business, others having safety deficiencies, industry consolidation, and performance issues. The proposed additional funding will cover services to close out the contracts for the remaining providers still servicing LIRR pending the award of replacement renewal contracts, which are expected to be awarded to several additional providers in November 2018. Significant bus call-outs for services related to the scope and scale of several large Capital Projects and State of Good Repair / Annual Track Program projects (including the Main Line Second Track and Colonial Road Bridge Replacement projects and the Hicksville to Ronkonkoma, Long Beach Branch - Wreck Lead Bridge Tie Replacement, and Farmingdale to Ronkonkoma Maintenance projects) in addition to unanticipated service disruptions have depleted the current contract funding at a higher rate than planned. In addition, LIRR needs associated with the Annual Track Program and the LIRR Expansion Project, where LIRR consistently requires buses to provide alternate or supplemental bus service during scheduled track outages, as well as the increased need for off-peak and weekend bus coverage (particularly during the LIRR busy summer season) has increased the overall demand for bus services to ensure that LIRR can adequately meet the needs of its customers during major projects.

Of the \$4,350,000 being requested, \$2,135,581 is for payment to bus providers for current invoices related to busing support for LIRR major construction and State of Good Repair projects: (\$1,658,158 - Main Line Second Track); (\$464,523 - Various Track Work Programs). The remaining funds totaling \$2,170,000 will be utilized for necessary busing services to be provided to LIRR during service outages during the period between September 1, 2018 and November 1, 2018. Contingency funds of \$44,419 will also be set aside for unplanned/emergency track work.

## **Staff Summary**



**Long Island Rail Road**

In order to mitigate the effects of unexpected LIRR service disruptions and to have alternate transportation available to LIRR customers during these disruptions, LIRR estimates an additional \$4,350,000 is required. This cost would cover the period until the award of the renewal contracts and would fund payments for current invoices and future projected work through the end of the current contract period. The proposed contract modifications will be funded by a combination of LIRR's Operating Budget and Capital Budget, the latter of which may include federal dollars. All pricing, terms and conditions shall remain firm. LIRR has not identified any other alternatives for these critical bussing services. Based upon the above information, it is the recommendation of LIRR that contract funding be increased and that the Board approve this modification in the amount of \$4,350,000.

**PROCUREMENT PACKAGE**  
**September 2018**

**Staff Summary**

Subject	Request for Authorization to Award Various Procurements				
Department	Procurement				
Department Head Name David K. Cannon					
Department Head Signature 					
Board Action					
Order	To	Date	Approval	Info	Other
1	LIRR Committee	9/24/18	X		
2	Board	9/26/18	X		

<b>Date:</b> September 18, 2018			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
2	Executive Vice President & General Counsel 	3	President 
1	Vice President & Chief Financial Officer 		

**PURPOSE**

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

**DISCUSSION**

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule B Competitive Requests for Proposals (Solicitation)	1	\$ TBD
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ TBD</b>
<u>Schedules Requiring Majority Vote</u>		
Schedule F Personal Service Contracts	32	\$35,000,000
Schedule H Modifications to Personal Service Contracts	1	\$ 944,000
Schedule I Modifications to Purchase or Public Work Contracts	2	\$11,529,168
<b>SUBTOTAL</b>	<b>36</b>	<b>\$47,473,168</b>

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

Schedule K Ratification of Completed Procurement Actions	2	\$ 3,974,856
<b>SUBTOTAL</b>	<b>2</b>	<b>\$ 3,974,856</b>
<b>TOTAL</b>	<b>38</b>	<b>\$51,448,024</b>

**Competitive Bidding Requirements**

The procurement action in Schedule B is subject to the competitive bidding requirements of the Public Authorities Law 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 approval of the contracts and 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 contracts and modifications be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

**MTA Capital Construction Company**

**BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

September 2018

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two Third Vote**

**Schedule B. Competitive Request for Proposals (Solicitation of Purchase and Public Work Contracts)**  
(Staff Summaries required for items estimated to be greater than \$1M)

- |    |   |                              |                                      |
|----|---|------------------------------|--------------------------------------|
| 1. | <b>Contractor To be Determined</b><br><b>Contract MC881</b> | <b>Cost To Be Determined</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|------------------------------|--------------------------------------|

To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article IIIB (6) of the All Agency General Contract Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposals for a contract entitled Water Mitigation Services on an As-Needed Basis.

**Procurements Requiring Majority Vote**

**Schedule F. Personal Service Contracts**  
(Staff Summaries required for all items greater than: \$100K Sole Source; \$750K other Non Competitive; \$1M Competitive)

- |        |  |                                 |                                      |
|--------|--|---------------------------------|--------------------------------------|
| 2 – 33 | <b>Various Firms</b><br><b>Three Year Term and Two 1 Year Options</b><br><b>Contract Nos. PS865 -1 thru PS865-32</b> | <b>\$35,000,000 (Aggregate)</b> | <b><u>Staff Summary Attached</u></b> |
|--------|--|---------------------------------|--------------------------------------|

Pursuant to Article X of the MTA All-Agency Service Contract Procurement Guidelines, MTA Capital Construction ("MTACC") is seeking Board approval on behalf of itself, Long Island Rail Road ("LIRR") and Metro North Railroad ("MNR") to enter into competitively solicited zero dollar based personal service contracts with thirty-two (32) firms to provide professional staffing and services on an as-needed basis and permit other MTA Agencies to ride the Contracts.

**Schedule H. Modification To Personal Service and Miscellaneous Service Contracts Awarded as Contracts for Services**

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

- |     |   |                   |                                      |
|-----|---|-------------------|--------------------------------------|
| 34. | <b>Ankura Consulting Group LLC</b><br><b>Contract No. PS862A</b><br><b>Modification No. 1</b> | <b>\$ 944,571</b> | <b><u>Staff Summary Attached</u></b> |
|-----|---|-------------------|--------------------------------------|

In accordance with Article XI of the MTA All-Agency Service Contract Procurement Guidelines, MTACC requests that the Board approve a modification to the Contract to perform a benchmarking study of construction costs for transit expansion projects throughout the country and internationally.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**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>35.</b> | <b>Tutor Perini Corporation</b><br><b>Contract No. CQ033</b><br><b>Modification No. 23</b> | <b>\$ 8,200,000</b> | <b><u>Staff Summary Attached</u></b> |
|------------|--|---------------------|--------------------------------------|

In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification to furnish and install a portion of the Track D Approach Structure (approximately 445 LF)

- |           |  |                     |                                      |
|-----------|--|---------------------|--------------------------------------|
| <b>36</b> | <b>GCT Constructors Joint Venture</b><br><b>Contract No. CM014B</b><br><b>Modification No. 185</b> | <b>\$ 3,329,168</b> | <b><u>Staff Summary Attached</u></b> |
|-----------|--|---------------------|--------------------------------------|

In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification to the Contract for addition and modification of stairways at the 47<sup>th</sup> Street Node.

						<b>SUMMARY INFORMATION</b>																															
<b>Dept &amp; Dept Head Name:</b> Procurement/David K. Cannon <b>Division &amp; Division Head Name:</b>						<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Vendor Name</b></td> <td style="width: 40%;"><b>Contract Number</b></td> </tr> <tr> <td>RFP Authorizing Resolution</td> <td>MC881</td> </tr> </table>		<b>Vendor Name</b>	<b>Contract Number</b>	RFP Authorizing Resolution	MC881																										
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Board Reviews																																					
Order	To	Date	Approval	Info	Other																																
1	LIRR Committee	9/24/18	X																																		
2	Board	9/26/18	X																																		
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Internal Approvals																																					
Order	Approval	Order	Approval																																		
1	Executive Vice President & General Counsel	2	President																																		

**I. PURPOSE/RECOMMENDATION**

To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article IIIB (6) of the All Agency General Contract Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposals ("RFP") for a contract entitled Water Mitigation Services on an As-Needed Basis.

**II. DISCUSSION**

MTACC is pursuing a streamlined strategy and procurement method to achieve overall best value and approach for MTACC and the public. The As-Needed basis promises efficient and faster delivery of work while achieving high quality and best value benefits.

Waterproofing and water tightness are critical to keeping the interior of underground structures dry for occupancy and for designated use. When retrofitting, installing new equipment or completing fit-out of existing structures, cracks or other minor imperfections to due to material curing, change in loading, settlement, etc. can provide a path for water infiltration. Therefore, "water mitigation" is commonly performed to seal these cracks or minor imperfections.

Water mitigation is frequently an iterative process where, after fully sealing known leaks, other cracks or voids that were not originally leaking can then become water infiltration points, requiring additional remediation. Consequently, a procurement method is required that allows for work to be performed on an as-needed basis. In addition, the quality of the contractor's workmanship, and its history of successfully mitigating water leaks, is important to assess as part of the procurement process.

Utilizing an RFP process is the best method of solicitation for this effort. Given the iterative and complex nature of this work, it is in the best interest of MTACC to be able, in addition to cost, to consider performance records and other relevant matters to select contractors best able to perform the work and provide the best overall value. In addition, the RFP process will allow MTACC greater flexibility (than a low-bid process) to negotiate contract terms and conditions, which could also provide greater value to MTACC. Firms that participate will receive an RFP, including repair details and anticipated minimum quantities, and the proposed contract terms. The firms selected through this RFP process will demonstrate the necessary experience and ability to perform the required type of work and will be retained on a zero dollar, on call basis. As specific scopes of work are identified, the selected firms will be invited to propose on a specific task order and the work will be awarded based on a best value determination for that task order.

## **II. IMPACT ON FUNDING**

Funding for this Contract will be from the Capital Program.

## **III. ALTERNATIVES**

The use of a sealed bid process in which factors other than cost cannot be considered is not recommended as it does not provide a means to evaluate different technical approaches, degree of technical skill or experience or to consider or negotiate alternative proposals to achieve the overall best value to the MTA.



<b>Item Numbers 2 - 33</b>					
<b>Dept &amp; Dept Head Name: Various</b>					
<b>Division &amp; Division Head Name:</b>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	LIRR Committee	9/24/18	X		
2	Board	9/26/18	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
2	Vice President & Chief Financial Officer <i>AR</i>	4	President <i>jm</i>		
1	Vice President & Chief Procurement Officer <i>ONE</i>	3	Executive Vice President & General Counsel <i>SS</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Various	<b>Contract Number</b> PS865 -1 through PS865-32
<b>Description</b> Professional and Technical Staffing and Services on an As-Needed Basis (Non-Federal)	
<b>Total Amount</b> Aggregate Not-To-Exceed \$35,000,000 (MTACC \$15,000,000, LIRR \$10,000,000 MNR \$10,000,000)	
<b>Contract Term</b> Three Years With a Two-Year Option	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**I. PURPOSE/RECOMMENDATION**

Pursuant to Article X of the MTA All-Agency Service Contract Procurement Guidelines, MTA Capital Construction ("MTACC") is seeking Board approval on behalf of itself, Long Island Rail Road ("LIRR") and Metro North Railroad ("MNR") to enter into competitively solicited zero dollar based personal service contracts with the following thirty-two (32) firms to provide professional staffing and services on an as-needed basis:

A.G Consulting Engineers  
Aptim Engineering of New York  
Arcadis of New York Inc.  
Armand Corporation  
Atlantic Partners  
CARIAN Group  
DBI Projects, LLC  
Di Domenico + Partners  
Entech Engineering, PC  
Faithful+Gould  
FS Consulting

Info Tran Engineers, P.C.  
Infojini, Inc.  
Infosys International, Inc.  
K.S. Engineers, P.C.  
L. J. Gonzer Associate  
Lancesoft, Inc.  
MCSS, Inc.  
Mott MacDonald NY, Inc.  
NDTR  
NovaLink Solutions, LLC  
Penda Aiken, Inc.

PMA Consultants  
Popli Design Group  
Rotator Staffing  
SI Engineering  
SJH Engineering, P.C.  
Software People, Inc.  
Tectonic Engineering  
Tempositions, Inc.  
Toscano Clements Taylor  
Ty Lin International

We also request Board approval to permit the other MTA agencies to ride these contracts.

The term of these contracts is three years with two one-year options that may be exercised by the respective agencies in their sole discretion.

## **II. DISCUSSION**

This procurement will provide MTACC, LIRR, and MNR with a pool of consultants to provide professional staffing and services to support the planning and management of non-Federally funded Projects. A similar procurement was approved in January 2018 to provide these same services for Federally funded Projects. As each agency identifies specific needs, it will issue a request for proposals to those selected consultants that have the resources to meet those needs. The agency will then issue a task order containing a detailed scope of work and expected deliverables to the consultant whose proposal will provide best value. These contracts will be issued as zero-dollar base contracts and do not obligate the MTA to commit to the payment of a minimum dollar amount to any of the consultants. Task Orders will be written against these zero-dollar based contracts on an as needed basis.

## **III. PROCUREMENT PROCESS**

The Request for Proposal (RFP) was advertised in The New York Post, The New York State Contract Reporter and Minority Commerce Weekly. Fifty-five (55) firms requested a copy of the RFP and proposals were received from thirty-four (34) firms. A selection committee evaluated the proposals based on the following criteria as outlined in the RFP documents and listed in the order of relative importance:

1. Knowledge and experience
2. Technical qualifications
3. Demonstrated ability to obtain qualified professional staff
4. Past performance on MTA or other contracts
5. Management Approach
6. Recruitment methods and retainage of personnel
7. Other relevant matters
8. Quality of written proposals

The selection committee determined that all the proposers possess the capacity, understanding, experience and commitment to provide some of the required staffing or services and recommended that the agencies be authorized to enter into contracts with the 32 listed firms.

Full responsibility vetting is currently in process for all thirty-four (34) firms. No firm with significant adverse information pursuant to the All-Agency Responsibility Guidelines will be awarded a Contract unless they are found to be responsible notwithstanding the significant adverse information and such finding is approved by the MTA Managing Director in consultation with the MTA General Counsel.

## **IV. M/WBE and SDVOB**

The Department of Diversity and Civil Rights reviewed the requirements of the Contract and after undertaking a thorough analysis established a goal 15% MBE/15%WBE/6% SDVOB goals for this contract based on the nature of the work and the availability of Minority/Women Business Enterprises and Service Disabled Veteran Owned Business capable of performing the work. All 32 Proposers have pledged to meet the goals.

#### **V. IMPACT ON FUNDING**

The maximum total aggregate value for this procurement is \$35,000,000 which consists of \$15,000,000 for MTACC, \$10,000,000 for MNR and \$10,000,000 for LIRR. These values are based upon current projections and are being used for budgeting purposes only. As noted above, these contracts will be issued as zero-dollar based contracts and do not obligate the MTA to commit to the payment of a minimum dollar amount to any of the consultants. Task Orders will be written against these zero-dollar based contracts on an as needed basis.

#### **VI. ALTERNATIVES**

The alternative would be to perform these services in-house, but these services will be utilized when the Agencies do not have the in-house resources available.

Item Number 34

Page 1 of 2

<b>Vendor Name (&amp; Location)</b>	
Ankura Consulting Group, LLC	
<b>Description</b>	
Independent Compliance Monitoring	
<b>Contract Term (including Options, if any)</b>	
Four Years	
<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>	
Operations/Zoe Davidson	

Contract Number	AWO/Modification #
PS862 Series	1
<b>Original Amount:</b>	
	\$ 5,000,000 (Aggregate)
<b>Prior Modifications:</b>	
	\$ -0-
<b>Prior Budgetary Increases:</b>	
	\$ -0-
<b>Current Amount:</b>	
	\$ 944,000
<b>This Request</b>	
	\$ 944,000
<b>% of This Request to Current Amount:</b>	
	18%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	18%

**Discussion:**

This Contract is to monitor the various MTACC project's activities in the areas of; compliance with Disadvantaged/Minority/Women owned Business Enterprise ("DMWBE") requirements; timely payments to subcontractors and suppliers; and payment of prevailing wages to workers and other areas relating to business integrity. In addition, the Monitor may be requested to perform additional special projects, reviews or investigations. In accordance with Article XI of the MTA All-Agency Service Contract Procurement Guidelines, MTACC requests that the Board approve a modification to the Contract to perform a benchmarking study of construction costs for transit expansion projects throughout the country and internationally.

As part of the Board-Staff Cost Containment Working Group, MTA seeks to improve efficiency and make aggressive changes to contain cost and schedule overruns on its capital projects. To achieve this, MTA needs to develop a deeper understanding of the costs and schedule performance indicators on its projects -- how costs and schedule durations vary between projects and why, and then compare that data to other large transit projects locally, nationally and internationally.

Gross comparisons of MTA projects have been published from time to time at the level of costs per track mile or station. However, these studies typically lack the appropriate level of detail and technical rigor necessary to be useful in identifying the critical factors that produce differences in project performance. True "apples-to-apples" data is badly needed for accurate and meaningful comparisons to be made. MTA seeks to retain a consultant with strong auditing and forensic accounting experience to perform a meaningful study that breaks down costs, and calibrates comparisons, to achieve meaningful comparative data for transit expansion projects nationally and internationally. The study will also examine and discuss differences within both the construction and labor market in which each project has been constructed and how this has impacted total cost and schedule. Finally, the study will create benchmarks that can be used internally to measure MTA performance on future projects, as well as provide meaningful comparative data on MTA performance relative to other construction agencies and authorities locally and around the world.

Because this study must break down costs, and calibrate comparisons, to achieve meaningful comparative data, MTA was required to find companies with forensic analysis and accounting skills and significant experience in large construction projects. MTA determined that the Consultants on the PS862 contract series (Ankura Consulting Group, LLC, Exiger, LLC and K2 Intelligence, LLC) all possess the necessary skills set and resources to perform this work, and requested proposals from all

three. After receipt and review of all three proposals, it was determined Ankura Consulting Group, LLC ("Ankura") was the best technically qualified.

MTACC's estimate for this work was amount of \$1,171,693. Negotiations were held, and the parties agreed to a cost of \$944,000 which is deemed to be fair and reasonable.

In connection with the review of Ankura Consulting Group LLC's responsibility pursuant to the All-Agency Responsibility Guidelines, no Significant Adverse Information exists and Ankura has been found to be responsible.

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



Item Number 35

<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/William Goodrich, P.E.	

Contract Number	AWO/Modification #
CQ033	23
<b>Original Amount:</b>	\$ 291,503,430
<b>Prior Modifications:</b>	\$ 5,313,827
<b>Options:</b>	\$ 1,873,000
<b>Current Amount:</b>	\$ 298,690,827
<b>This Request</b>	\$ 8,200,000
<b>% of This Request to Current Amount:</b>	3%
<b>% of Modifications (including This Request) to Original Amount:</b>	5%

**Discussion:**

This Contract is for the demolition and removal of the existing catenary structures, railroad buildings and 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 approve a Modification to furnish and install a portion of the Track D Approach Structure (approximately 445 LF).

The Work that is the subject of this Modification is part of the work that was contained in Option 10 of Contract CH057, which provided for construction of the Tunnel D approach structure, Track D within the structure and Track MM4 running parallel to the approach structure on its south side. The portion of the Track D Approach Structure that is the subject of this Modification – the installation of approximately 445 linear feet of the Track D Approach Structure -- could not be performed until after the ML4 cutover, which was delayed and did not occur until June of this year. Accordingly, because the cutover was not completed until after Substantial Completion of Contract CH057, it is necessary to transfer this work to the follow on CQ033 Contractor, which is now best suited to perform this work, as it is currently working in the area and has the labor, equipment and familiarity with the site to perform this work.

The original price for this work as part of Option 10 of Contract CH057 was \$6,505,000. In connection with this Modification, the Contractor submitted a cost proposal of \$8,600,407 while the MTACC project estimate was \$8,330,505. After negotiations, both parties agreed to a cost of \$8,200,000, which is considered fair and reasonable. The work is not expected to cause any delay to Substantial Completion of CQ033. The differential between the negotiated price for this Modification and the price of the work as part of Option 10 is a result of escalation in cost since the work was originally scheduled, the cost of remobilizing equipment, formwork, and materials to perform the work, and additional union support due to the size of the CQ033 contract.

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 2017. No new significant adverse information has been found relating to Tutor Perini Corporation. Therefore, Tutor Perini Corporation has been determined to be responsible.

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



Item Number 36

<b>Vendor Name (&amp; Location)</b> GCT Constructors Joint Venture (Secaucus, NJ)	<b>Contract Number</b> CM014B	<b>AWO/Modification #</b> 185
<b>Description</b>  GCT Concourse and Facilities Fit-Out for the ESA Project	<b>Original Contract Amount:</b> \$ 404,622,096 <b>Original Option Amounts:</b> \$ 24,277,904 <b>Original Board Approved Amount:</b> \$ 428,900,000	
<b>Contract Term (including Options, if any):</b>  1,826 Days	<b>Prior Modifications:</b> \$ 31,976,189 <b>Exercised Options:</b> \$ 24,277,904 <b>Prior Budgetary Increases:</b> \$ 0	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Current Amount:</b> \$ 460,876,189	
<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 Other: Modification		
<b>Funding Source</b>  <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:		
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>  East Side Access/William Goodrich, P.E.	<b>This Request</b> \$ 3,329,168  <b>% of This Request to Current Amount:</b> 0.72%  <b>% of Modifications (including This Request) to Original Amount:</b> 8.23%	

**Discussion:**

Contract CM014B is for the architectural, structural, electrical, plumbing and mechanical fit-out of the new Long Island Railroad (LIRR) Concourse located in the Madison Yard of Grand Central Terminal. In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification to the Contract for the addition and modification of stairways at the 47<sup>th</sup> Street Node.

The originally planned 48th Street Entrance within 415 Madison Avenue cannot be constructed at this time because the MTA and the owner of that property have been unable to agree on terms for property acquisition. For that reason, the construction of the planned entrance will be deferred until these issues are resolved. This modification will provide additional access capacity at a nearby existing MTA entrance within 383 Madison Avenue (at the south side of 47th Street). This modification will add a new stairway and significantly widen a planned stairway that is currently within the CM014B scope of work. These stairways at the west end of the 47th Street cross-passageway/mezzanine will absorb additional volumes of passengers by increasing egress capacity safely and efficiently as required by code. This action is part of an integrated entrance plan and will optimize the throughput of the existing under-signed Terminal.

The Contractor submitted a cost proposal of \$4,511,979 while the MTACC project estimate was for \$4,189,404. Negotiations were held and both parties agreed to a cost of \$3,329,168, which is considered fair and reasonable. Funding for this work will be utilized from unspent dollars previously associated with the now deferred 48<sup>th</sup> Street Entrance and are in ESA's budget. The Contractor has claimed compensable time impacts associated with this work. That claim is being analyzed and will be addressed, as necessary, in a subsequent modification.

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

September 2018

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

- |     |  |                     |                                      |
|-----|--|---------------------|--------------------------------------|
| 37. | <b>Tutor Perini Corporation</b><br><b>Contract No. CS179</b><br><b>Modification No. 119</b>        | <b>\$ 2,317,800</b> | <b><u>Staff Summary Attached</u></b> |
| 38. | <b>GCT Constructors Joint Venture</b><br><b>Contract No. CM014B</b><br><b>Modification No. 187</b> | <b>\$ 1,657,056</b> | <b><u>Staff Summary Attached</u></b> |

In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification to the to provide standby support services for the operation and maintenance of the B30 Substation.

Item Number 37

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (Peekskill, New York)		<b>Contract Number</b> CS179	<b>AWO/Modification #</b> 119
<b>Description</b> Systems Facilities Package No. 1 for the ESA Project			
<b>Contract Term (including Options, if any)</b> 75 Months		<b>Original Amount:</b>	\$ 333,588,000
		<b>Prior Modifications:</b>	\$ 23,640,680
		<b>Exercised Options:</b>	\$ 216,800,001
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<b>Current Amount:</b>	\$ 574,028,681
<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/William Goodrich, P.E.		<b>This Request</b>	\$ 2,317,800
		<b>% of This Request to Current Amount:</b>	0.4%
		<b>% of Modifications (including This Request) to Original Amount:</b>	7.78%

**Discussion:**

This Contract provides the systems for the East Side Access (“ESA”) project, including the fire detection, tunnel ventilation, facility power, signal power, tunnel lighting and SCADA systems. In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a contract modification that will establish connectivity between the Project’s networks and the LIRR’s Fiber Optic Network (FON).

The FON is an existing LIRR fiber-optic network located outside the Project’s territory. The CS179 Contractor work includes connecting the Project’s systems and networks to LIRR’s FON. The network and router equipment specified in Contract CS179 was complementary to the LIRR’s FON at the time of the Contract design. Since then, newer technologies have become available and are now in widespread use, providing numerous benefits over the older technology. Contract Modification 13, executed in June of 2016, upgraded the connectivity between the Project’s Backbone Communication System and the LIRR’s FON to incorporate the more modern network equipment.

At the time of CS179 Contract design, the LIRR had not finalized the number of FON fibers it would have available to connect to the Project’s networks, or how it planned to allocate these fibers to particular networks or tasks. The LIRR has now established that there are only 4 to 6 fibers available for transmitting the data from the Project’s systems and networks to the systems within the LIRR’s territory. However, there are 144 optic fibers within the Project’s territory that are used to transmit the data of the six segregated networks. As part of the Contract requirements, the Contractor must maintain isolation of these networks’ data.

Under this Modification, the contractor will install 18-layer 3 routing switches in Communications Rooms CR-C1 and CR-C118, which will aggregate the transmission of data from the various network application switches and transmit this “compressed” data to the LIRR FON via 2 separate interface locations, in order to resolve the bottleneck of funneling data from the 144 fibers in the Project territory to the 4 to 6 available fibers of the LIRR FON. The changed work includes additional equipment, engineering, network configuration, and testing.

The MTACC’s final estimate for this work was in the amount of \$1,446,999. The Contractor’s revised proposal was in the amount of \$9,703,711. Negotiations were held and the parties agreed to a cost of \$2,317,800 for the direct costs, which is deemed to be fair and reasonable. Any time impacts associated with this changed work will be addressed in a subsequent modification. In order to avoid impact to the commencement of Integrated Systems Testing, the President approved a Retroactive Memorandum and the Contractor was directed to proceed with the full scope of the changed work on September 12, 2018.

This modification is currently under review by the Project's Cost Recovery Panel to determine if this modification is the result of design error or omission. To the extent that the Panel determines that an error or omission was involved, a claim will be asserted against the designer of record.

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

Item Number 38

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> GCT Constructors Joint Venture (Secaucus, NJ)
<b>Description</b> GCT Concourse and Facilities Fit-Out for the ESA Project
<b>Contract Term (including Options, if any):</b> 1,826 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 Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> East Side Access/William Goodrich, P.E.

Contract Number	AWO/Modification #
CM014B	187
<b>Original Contract Amount:</b> \$ 404,622,096 <b>Original Option Amounts:</b> \$ 24,277,904 <b>Original Board Approved Amount:</b> \$ 428,900,000	
<b>Prior Modifications:</b>	\$ 31,976,189
<b>Exercised Options:</b>	\$ 24,277,904
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 460,876,189
<b>This Request</b>	\$ 1,657,056
<b>% of This Request to Current Amount:</b>	.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	7.8%

**Discussion:**

Contract CM014B is for the architectural, structural, electrical, plumbing, and mechanical fit-out of the new Long Island Railroad (LIRR) Concourse located in the Madison Yard of Grand Central Terminal (GCT). In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification to provide standby support services for the operation and maintenance of the B30 Substation.

Initially, temporary construction power for the GCT Caverns and Tunnels was to be supplied from the existing Second Avenue substation. However, Con Edison determined that it would not be able to provide uninterrupted service unless MTACC installed an additional feeder, which was not a viable option due to space limitations and significant cost impacts. The ESA program was therefore required to deliver temporary construction power from the B30 Substation.

Currently, responsibility for the maintenance and operation of the B30 Substation is with the CM014B contractor. During periods when CM014B electricians are performing other contract work in the Concourse, they provide standby support for the B30 Substation at no extra cost. However, CM014B will incur additional standby costs for B30 support during periods when CM014B electricians are not working in the Concourse and other construction operations are underway in the GCT Caverns and Tunnels requiring power from the B30 substation. This standby support is necessary to ensure life safety services are in place while work crews are in the caverns and tunnels and is required when Con Edison declares "Heat Emergencies". These additional standby costs are Added Work to be performed by CM014B.

The Contractor submitted a cost proposal of \$2,707,356, while the MTACC project estimate was for \$1,692,762. The amounts were based upon unit rates for crews of electricians and are based on an estimated quantity of shifts. Negotiations were held and the parties agreed upon unit rates, for a total cost of \$1,657,056, assuming all estimated shifts are required. The negotiated amount is considered fair and reasonable. There is no time impact anticipated, as a result of implementing this change.

In order to continue the temporary electrical services required for critical life safety systems, the MTACC President approved a Retroactive Memorandum on November 30, 2017, and the Contractor was directed to provide services up to a not-to-exceed amount of \$500,000.

Item No. 38

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



# Bridges and Tunnels

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## Procurements July 2018

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# Staff Summary

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

<b>Date</b> 09/17/2018
<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	09/17/2018			
2	MTA B&T Committee	09/24/2018			
3	MTA Board	09/26/2018			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>[Signature]</i>		VP Operations
	VP & Chief of Staff		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:

### Schedules Requiring Two-Thirds Vote:

Schedule C: Competitive Requests for Proposals  
(Award of Purchase and Public Works Contracts)

### # of Actions

1

### \$ Amount

\$5.405M

### Schedules Requiring Majority Vote:

Schedule I: Modifications to Purchase & Public Works Contracts

### # of Actions

1

### \$ Amount

\$2.500M

**SUBTOTAL**

2

**\$7.905M**

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

**TOTAL**

**\$7.905M**

## 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**  
**SEPTEMBER 2018**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

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

- |   |                       |                                      |
|---|-----------------------|--------------------------------------|
| <b>1. TC Electric, LLC</b><br><b>Contract No. HC-64</b> | <b>\$5,405,000.00</b> | <b><u>Staff Summary Attached</u></b> |
| <br>1yr. 6 months Contract- Competitive RFP             |                       |                                      |

B&T is seeking Board approval under the All-Agency General Contract Procurement Guidelines to award a competitively solicited public work contract for Project HC-64, Design-Build Services for Hugh L. Carey Tunnel Service Building Electrical Rehabilitation.

**Procurements Requiring Majority Vote:**

**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)

- |   |                       |                                      |
|---|-----------------------|--------------------------------------|
| <b>1. Restani Construction Corp.</b><br><b>Contract No. GFM-512</b> | <b>\$2,500,000.00</b> | <b><u>Staff Summary Attached</u></b> |
| <br>4yr. Contract- Competitive Bid                                  |                       |                                      |

B&T is seeking the Board's approval under the All-Agency General Contract Procurement Guidelines to modify Contract GFM-512 for work associated with Authority wide roadway repairs.

# Staff Summary

Page 1 of 2

Item Number: 1 (Final)					
Dept & Dept Head Name: Engineering & Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering & Construction, Romolo DeSantis <i>R DeSantis</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	09/10/18			
2	MTA B&T Committee	09/24/18			
3	MTA Board	09/26/18			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Vice President, Chief of Staff <i>[Signature]</i>		
2	General Counsel <i>[Signature]</i>	5	President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name TC Electric, LLC	Contract Number HC-64
Description: Design-Build Services for Hugh L. Carey Tunnel Service Building Electrical Rehabilitation	
Total Amount TC Electric Award - \$5,405,000 Stipends - \$30,000	
Contract Term (including Options, if any) One (1) year, six (6) 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 General Contract Procurement Guidelines to award a competitively solicited public work contract for Project HC-64, Design-Build Services for Hugh L. Carey Tunnel Service Building Electrical Rehabilitation to TC Electric, LLC (TC) for a period of one (1) year, six (6) months at a price of \$5,405,000. In accordance with the MTA Design-Build Best Practice Guidance, in order to enhance competition and defray proposal costs, this solicitation included stipends to be paid to each unsuccessful proposer in the amount of \$15,000 whose proposal met a defined standard. Accordingly, approval is also requested to pay stipends totaling \$30,000.

### II. DISCUSSION

In July 2016, the Board authorized B&T to enter into a competitive Request for Proposal (RFP) process for design-build services for Hugh L. Carey Tunnel (HLCT) Service Building Electrical Rehabilitation. The Project requires the relocation of existing essential electrical distribution equipment and feeders from the electrical room in the basement to a new electrical distribution room (EDR) located on the first floor. The equipment relocation safeguards the equipment from potential flood conditions. Also, obsolete equipment and circuits that are beyond their useful life are to be replaced. The Work requires the design and construction services for the following: replace/relocate/re-route all essential electrical distribution equipment and primary and secondary feeders; relocate 1200A Hamilton Avenue service from the cellar level to the new EDR and replace the service equipment and coordinate efforts with Con Edison; relocate and replace the two existing 300 KVA transformers; replace the main electrical power feeders from the Brooklyn Ventilation Building to the

## Staff Summary

Service Building and associated power panels; transfer all the electrical loads from the existing obsolete main switchboard to the new switchboard MDP1-/MDP-2 in the new EDR.

The service requirements were publicly advertised, eight (8) firms submitted qualification information and based on a review of their qualifications four (4) firms were deemed qualified to receive the RFP. Three (3) firms submitted proposals. The design-build proposers are: TC Electric, LLC (\$5,405,000); E-J Electric Installation Co. (\$5,490,000) and Mass Electric Construction Co. (\$6,264,000). The proposals were evaluated against established criteria set forth in the RFP, including proposed price, construction approach, design-build technical approach and design-build team personnel and organizational structure. Evaluations were based on the selection criteria and oral presentations. The committee recommended TC as the highest rated firm. The committee's basis for the selection included: (i) TC provided technical solutions, which could potentially reduce the duration by two (2) months; (ii) TC submitted the most competitive price; (iii) TC provided the most insight into the potential scenarios for combining existing electrical loads and centralizing critical loads as compared to the other proposers and (iv) TC proposed technical solutions that ensure electrical system reliability and minimize power interruptions during construction. TC's proposal is the best overall value and is deemed most advantageous to B&T as compared to the other proposers.

TC's proposal is in the amount of \$5,405,000. The Engineer's estimate is \$5,123,037. In the course of negotiations it was deemed necessary to include an allowance for system integration and programming services that were not included in the scope. The Authority accepted TC's price in the amount of \$5,405,000. TC's negotiated price is 5.5% above the estimate and is fair and reasonable. TC is a responsible Contractor.

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

The MTA DDCC has established goals of 15% MBE, 15% WBE and 6% SDVOB for the Contract. TC Electric, LLC has not achieved its MWBE goals, however they have demonstrated good faith efforts towards meeting these goals.

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

Funds are available in the 2015 – 2019 Capital Program under Project HC-64.

### **V. ALTERNATIVES**

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

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

### Item Number: 2 (Final)

<b>Vendor Name (&amp; Location)</b> Restani Construction Corp. – Astoria, NY	<b>Contract Number</b> GFM-512	<b>AWO/Modification #</b>
<b>Contract Title:</b> Authority-Wide Roadway Repairs		
<b>Contract Term (including Options, if any)</b> November 7, 2014 – November 6, 2018	<b>Original Amount:</b> \$34,383,000.00	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Prior Modifications:</b> \$0.00	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Prior Budgetary Increases:</b> N/A	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>Current Amount:</b> \$34,383,000.00	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>This Request:</b> \$2,500,000.00	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.	<b>% of This Request to Current Amount:</b> 7.27%	
	<b>% of Modifications (including This Request) to Original Amount:</b> 7.27%	

#### Discussion:

B&T is seeking the Board's approval under the All-Agency General Contract Procurement Guidelines to modify this contract with Restani Construction Corp. (Restani) for work associated with Authority wide roadway repairs in an amount of \$2,500,000.00 and to extend the Contract to the end of 2018.

Pursuant to competitive bidding, the subject Contract was awarded to Restani in November 2014 in the amount of \$34,383,000.00 and for a duration of 48 months. The Work being performed under this Contract may briefly be described as milling and paving of roadway wearing surfaces, sealing and resurfacing existing bridge decks and various other roadway repairs as may be ordered by the Engineer. Three zero dollar amendments have been executed to adjust Contract Unit Price Item quantities.

A new Authority wide roadway repairs contract is in the procurement process and is expected to be executed by the end of the year. Additional funding is needed to allow for the continuation of roadway repair services to be performed under the current contract unit prices to maintain the safety and serviceability of the Authority's roadway system through the end of the current year, when the new roadway repair contract is anticipated to be awarded.

Funding for this amendment is available in the Operating Budget (711101).