



Metropolitan Transportation Authority

# October 2018

**MTA Board Action Items**



# **MTA Board Meeting**

**2 Broadway, 20th Floor Board Room, New York, N.Y. 10004**

**Wednesday, 10/24/2018**

**9:00 AM - 12:00 PM ET**

## **1. PUBLIC COMMENT PERIOD**

## **2. APPROVAL OF MINUTES**

### **MTA Regular Board Minutes - September 26, 2018**

*MTA Regular Minutes - September 26, 2018 - Page 5*

### **NYCT/MaBSTOA/SIRTOA/MTA Bus Company Regular Board Minutes - September 26, 2018**

*NYCT/MaBSTOA/SIRTOA/MTA Bus Company Regular Minutes - September 26, 2018 - Page 11*

### **MTA Metro-North Railroad Regular Board Minutes - September 26, 2018**

*MTA Metro-North Regular Minutes - September 26, 2018 - Page 15*

### **MTA Long Island Rail Road Regular Board Minutes - September 26, 2018**

*MTA LIRR Regular Minutes - September 26, 2018 - Page 20*

### **Triborough Bridge & Tunnel Authority Regular Board Minutes - September 26, 2018**

*MTA B&T Regular Minutes - September 26, 2018 - Page 30*

### **MTA Capital Construction Regular Board Minutes - September 26, 2018**

*MTACC Regular Minutes - September 26, 2018 - Page 34*

## **3. COMMITTEE ON FINANCE**

### **MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 38*

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

*MTAHQ Non-Competitive Procurements - Page 41*

#### **ii. Competitive**

*MTAHQ Competitive Procurements - Page 45*

#### **iii. Ratifications**

*MTAHQ Ratifications - Page 52*

### **Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 56*

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

### **Expedited Change Order Procedure**

*Expedited Change Order Procedure - Page 73*

## **NYCT & Bus Procurements Report**

*NYCT October Procurement Staff Summary and Resolution - Page 76*

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

*NYCT Non-Competitive Actions - Page 79*

### **ii. Competitive**

*NYCT Competitive Actions - Page 84*

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

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

### **MNR Procurements Report**

*MNR Procurements - Page 90*

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

*MNR Non-Competitive Procurements - Page 94*

#### **ii. Competitive (no items)**

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

### **LIRR Procurements Report**

*LIRR Procurements - Page 96*

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

#### **ii. Competitive**

*LIRR Competitive - Page 100*

#### **iii. Ratifications**

*LIRR Ratifications - Page 107*

### **MTACC Procurements Report**

*MTA CC Procurements - Page 108*

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

#### **ii. Competitive**

*MTA CC Competitive - Page 111*

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

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

### **B&T Procurements Report**

*BT Procurements - Page 116*

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

#### **ii. Competitive**

*BT Competitive - Page 119*

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

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

Next meeting: Thursday, November 15, 2018

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
Wednesday, September 26, 2018  
9:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Norman E. Brown  
Hon. David Jones  
Hon. Scott Rechler  
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. Ira Greenberg  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.**

**The following members were absent:**

**Hon. Joseph J. Lhota, Chairman  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mitchell H. Pally  
Hon. Andrew Saul**

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.

Vice Chairman Ferrer called the meeting to order.

**1. PUBLIC SPEAKERS SESSION.**

Mr. Ellis called speakers' attention to the countdown clock and asked that each speaker observe the two minute limit and, he stated that each speaker would be notified thirty seconds before their two-minutes expired.

The following twenty-one (21) 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.

Jason Pineiro, private citizen  
Nia Kai, private citizen  
Brian Padina, private citizen  
Sgt. Joe Duran, Veteran, USMC  
H.P. Schroer, private citizen /WWI Veteran  
James Bernilea, CIDNY  
Mariam Fisher, private citizen  
Eric Dinowitz, CB8  
Assemblywoman Talia Fernandez, NYS Assembly  
Senator Jamaal Baily, NYS Senate  
Assemblyman Jeffrey Dinowitz, NYS Assembly  
Maria Torres, CB2, Bronx, NY  
Tashia Lerebours, CIDNY  
Monica Bartley, CIDNY  
Syrus Monaco, private citizen  
Marilyn Mehta, RPA  
Collin Wright, Transit Center Access Campaign  
Janice Bartley, AHRC  
Mary Parrison-Lavelle, CURES  
Murray Bodin, private citizen  
William Henderson, PCAC

Vice Chairman Ferrer thanked the public speakers for their comments. Vice Chairman Ferrer acknowledged the retirement of William Henderson, outgoing Executive Director, PCAC, and he welcomed Lisa Daglian, who will replace Mr. Henderson as Executive Director.

Regular Board Meeting  
September 26, 2018

2. **LIRR PRESENTATION.**

Vice Chairman Ferrer announced that today's meeting will begin with a brief presentation from Phillip Eng, President of LIRR, on the LIRR Forward Plan.

President Eng provided an overview of the LIRR Forward Plan and the various projects underway to improve the railroad. In addition, President Eng discussed efforts being made to enhance customer service through the weekly Meet Your Managers Program and the LIRR Care Program.

The details of President Eng's 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. **VICE CHAIRMAN FERRER'S REMARKS.**

Vice Chairman Ferrer introduced Patrick Warren, the new Chief Safety Officer. Vice Chairman Ferrer stated that Mr. Warran will oversee and implement best safety practices throughout the MTA, as well as oversee Emergency Management. Vice Chairman Ferrer stated that Mr. Warren began his career in the military, serving as a Colonel in the U.S. Army for more than three decades, and eventually as Chief of Staff to the Army's Military District of Washington and Joint Force Headquarters National Capital Region. Following Mr. Warren's military career, he served as Executive Director of the Federal Railroad Administration, where he was responsible for driving rail safety improvement with more than 750 railroads. Mr. Warren led programs to combat rail safety challenges, including enhanced implementation support for Positive Train Control systems, and has served as Deputy Director, Office of Airports Planning and Programming at the Federal Aviation Administration. Vice Chairman Ferrer stated that Mr. Warren's distinguished career in the military and federal government, and prior safety-related positions, make him uniquely qualified to assume this critical position. Vice Chairman Ferrer welcomed Mr. Warren to the MTA family.

4. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the Regular Board Meeting held on July 25, 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 Vanterpool recused herself from the vote on item #1 below.

1. **New York Power Authority ("NYPA") Long Term Agreement.** Approved the long-term contract with the NYPA to provide supply of electric energy, capacity, and ancillary services for the MTA in Con Edison's service territory ("2018

LTA”). This contract supersedes the supplemental agreement dated March 18, 2005 and will run from August 1, 2018 to December 31, 2027.

2. Authorization to File for and Accept Federal Grants. Approved the resolution permitting the filing and acceptance of Federal capital assistance for FFY 2018 and 2019.

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

1. Aspect Software, Inc. – Software, Hardware, Maintenance and Support Services – No. 232138. Approved the award of a sole source non-competitive contract for continued maintenance and support for NYCT proprietary software and hardware for a standalone Automatic Call Distributor System (ACD) for one year starting October 6, 2018.
2. A&D Project – MNR Crestwood Station – Harlem Line. Approved the award of an A&D competitively negotiated procurement contract to Patricia Mary Wright to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the Crestwood Station, MNR.
3. A&D Project – LIRR Carle Place Station – Port Jefferson Branch. Approved the award of an A&D competitively negotiated procurement contract to Cara Enteles to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the Carle Place Station, LIRR.
4. Various Contractors – Real Estate Financial Advisory Services. Approved the award of six (6) competitively negotiated, all-agency personal services contracts to BJH Advisors, LLC, Ernst & Young, HR&A Advisors, Jones Lang LaSalle Americas, Inc., Newmark Knight Frank and Real Estate Solutions Group to provide financial advisory services for real estate transactions on an as-needed basis.
5. Various Contractors – Public Information and Customer Relations Services. Approved the award of seven (7) competitively negotiated personal service contracts to Objective Subject, LLC, Renee Sacks Associates, Inc. d/b/a Sacks Communications, Spectrum Personal Communications Corp., Arch Street Communications, Inc., Precision Strategies, LLC, Daniel J. Edelman, Inc., and The Glover Park Group, LLC to provide public information and customer relations services over a three-year period, plus two one-year renewal options.
6. Unimac Graphics, Inc. – Printing of the MTA’s Subway & Railroad Maps – No. 13025-0200, Modification No. 3. Approved the extension for 18 months of a competitively solicited NYCTA miscellaneous procurement contract awarded to Unimac Graphics, Inc.
7. Various Contractors – Emergency Medical Technicians Staffing for the Help Hub Program – No. CMM-1463B and C. Approved the contract extension with

TemPositions Health Care Inc. and Winston Support Services LLC through August 8, 2019 and add funding to continue to provide Emergency Medical Technicians serving the Help Hub Program.

8. 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 LIRR and MTAHQ 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

### **Long Island Railroad**

1. Expansion of an existing permanent easement for LIRR right-of-way under County Road 16, Southwest corner of Long Island Avenue and Americas Avenue, Medford, Town of Brookhaven, Suffolk County, N.Y.
2. License agreement extension of terms with New York State Department of Agriculture and Markets, d/b/a “Taste New York” to provide commissary cart service and storage space at the West End Concourse, Space #5 on the connecting corridor on Level A at Penn Station, N.Y.

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

3. Lease agreement with New York State Department of Transportation for the operation and maintenance of bus shelters at 3 Metro-North stations located at Spring Valley Transit Center, Hallett Place and Chestnut Street in Suffern; and Tarrytown Station.
4. License agreement with the Village of Irvington for the operation, maintenance and repair of a sidewalk, two parcels, both south of the Ardsley-On-Hudson, 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 and (ii) part of Lot 6), N.Y.

### **Metropolitan Transportation Authority**

5. Renewal of a lease with BPREP 333 W 34<sup>th</sup> LLC for office space for the MTA Business Services Center (“BSC”) located at 333 West 34<sup>th</sup> Street, New York, N.Y.
6. Resolution amending the Board-approved Real Estate Department All-Agency Policy #30 authorizing the MTA Director of Real Estate Transactions and Operations to negotiate and enter into short term pilot programs for up to 14 months.

6. **EXECUTIVE SESSION.**

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

7. **PUBLIC SESSION RESUMED.**

Vice Chairman Ferrer announced that during Executive Session the Board approved the following collective bargaining agreements between MTA Metro-North Railroad and the Association of Commuter Rail Employees Division 37 (ACRE 37), representing Power Directors; MTA Metro-North Railroad and the International Brotherhood of Electrical Workers (IBEW); and Staten Island Rapid Transit Operating Authority (SIRTOA), NYCT, and the Transportation Communications Union (TCU).

Vice Chairman Ferrer announced that the next regularly scheduled Board meeting will be held on Wednesday, October 24, 2018 at 9:00 a.m.

8. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 a.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, September 26, 2018  
9:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Norman E. Brown  
Hon. David Jones  
Hon. Scott Rechler  
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. Ira Greenberg  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.**

**The following members were absent:**

**Hon. Joseph J. Lhota, Chairman  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mitchell H. Pally  
Hon. Andrew Saul**

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. VICE CHAIRMAN FERRER CALLED THE MEETING TO ORDER**

**2. PUBLIC COMMENT PERIOD**

There were twenty-one (21) public speakers. The following speakers spoke on MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company matters during the public speakers session:

Jason Pineiro, private citizen  
Nia Kai, private citizen  
Brian Padina, private citizen  
Sgt. Joe Duran, Veteran, USMC  
H.P. Schroer, private citizen /WWI Veteran  
James Bernilea, CIDNY  
Mariam Fisher, private citizen  
Eric Dinowitz, CB8  
Assemblywoman Talia Fernandez, NYS Assembly  
Senator Jamaal Baily, NYS Senate  
Assemblyman Jeffrey Dinowitz, NYS Assembly  
Maria Torres, CB2, Bronx, NY  
Tashia Lerebours, CIDNY  
Monica Bartley, CIDNY  
Syrus Monaco, private citizen  
Marilyn Mehta, RPA  
Collin Wright, Transit Center Access Campaign  
Janice Bartley, AHRC  
Mary Parrison-Lavelle, CURES  
Murray Bodin, private citizen  
William Henderson, PCAC

Vice Chairman Ferrer thanked the public speakers for their comments. Vice Chairman Ferrer acknowledged the retirement of William Henderson, outgoing Executive Director, PCAC, and he welcomed Lisa Daglian, who will replace Mr. Henderson as Executive Director.

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. VICE CHAIRMAN FERRER'S COMMENTS**

Vice Chairman Ferrer introduced Patrick Warren, the new MTA Chief Safety Officer. Vice Chairman Ferrer stated that Mr. Warren will be overseeing and implementing best safety practices throughout the MTA, as well as overseeing Emergency Management. Vice Chairman Ferrer stated that Mr. Warren began his career in the military, serving as a Colonel in the U.S. Army for more than three decades, and eventually as Chief of Staff to the Army's Military District of Washington and Joint Force Headquarters National Capital Region. Following Mr. Warren's military career, he served as Executive Director of the Federal Railroad Administration, where he was responsible for driving rail safety improvement with more than 750 railroads. Mr. Warren led programs to combat rail safety challenges, including enhanced

implementation support for Positive Train Control systems, and has served as Deputy Director, Office of Airports Planning and Programming at the Federal Aviation Administration. Vice Chairman Ferrer stated that Mr. Warren's distinguished career in the military and federal government, and prior safety-related positions, make him uniquely qualified to assume this critical position. Vice Chairman Ferrer welcomed Mr. Warren to the MTA family.

#### **4. MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the meeting held on July 25, 2018, of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

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

##### **Procurements:**

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

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

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

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

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

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

**6. EXECUTIVE SESSION**

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

**7. PUBLIC SESSION RESUMED**

Vice Chairman Ferrer announced that during Executive Session the Board approved a collective bargaining agreement between MTA NYC Transit, Staten Island Rapid Transit Operating Authority, and the Transportation Communications Union (TCU).

**8. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,  
/s/Mariel A. Thompson  
Mariel A. Thompson  
Assistant Secretary

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
2 Broadway – 20<sup>th</sup> Floor  
New York, NY 10004  
Wednesday, September 26, 2018  
9:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Norman E. Brown  
Hon. David Jones  
Hon. Scott Rechler  
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. Ira Greenberg  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. Joseph J. Lhota, Chairman  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mitchell H. Pally  
Hon. Andrew Saul

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.

Vice Chairman Ferrer called the meeting to order.

1. Public Speakers:

There were 21 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. Vice Chairman Ferrer's Remarks:

Vice Chairman Ferrer thanked the public speakers for taking the time out of their day to speak and share their comments with the Board. Vice Chairman Ferrer reported that this will be the last meeting that William Henderson will attend in his role as Executive Director of the Permanent Citizens Advisory Committee of the MTA's (PCAC). Mr. Henderson will be succeeded by Lisa Daglian who will be the new Executive Director of the PCAC. Vice Chairman Ferrer believes that the Board and the public will be hearing from Ms. Daglian in her role as Executive Director.

Vice Chairman Ferrer introduced MTA's new Chief Safety Officer, Patrick Warren. Vice Chairman Ferrer stated that Mr. Warren will be oversee and implement best safety practices throughout the MTA, as well as oversee Emergency Management. Vice Chairman Ferrer stated that Mr. Warren began his career in the military, serving as a Colonel in the United States Army for more than three decades, and eventually as Chief of Staff to the Army's Military District of Washington and Joint Force Headquarters National Capital Region. Following Mr. Warren's military career, he served as Executive Director of the Federal Railroad Administration (FRA), where he was responsible for driving rail safety improvement with more than 750 railroads. Mr. Warren led programs to combat railroad safety challenges, including enhanced implementation support for Positive Train Control (PTC) systems. Mr. Warren has served as Deputy Director, Office of Airports Planning and Programming at the Federal Aviation Administration. Vice Chairman Ferrer stated that Mr. Warren's distinguished career in the military and federal government, and prior safety-related positions, make him uniquely qualified to assume this critical position. Vice Chairman Ferrer welcomed Mr. Warren to the MTA family.

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

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on July 25, 2018 were approved.

4. Committee on Finance:

Action Item:

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

- 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.
- Board approval of a resolution to file for and accept Federal grants for Federal Fiscal Year 2018 and 2019.

Upon motion duly made and seconded, the Board approved the foregoing action items. Board member Vanterpool recused herself from the vote on the proposed contract with NYPA. The details of the approved items are contained in staff summaries 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.

### MTAHQ Procurements:

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

- A&D project at Metro-North's Crestwood Station on the Harlem Line in the amount of \$200,000. A&D will provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at that station.
- Approval to award six competitively negotiated, all-agency personal services contracts in the not-to-exceed amount of \$500,000 to provide financial advisory services for real estate transactions on an as-needed basis.
- Approval to award seven competitively negotiated personal services contracts to provide public information and customer relations services on an as-needed basis at a combined total cost not-to-exceed \$7,500,000 over three years plus two one-year renewal options.
- Approval of an 18-month extension to a competitively solicited NYCTA miscellaneous procurement contract awarded to Unimac Graphics, Inc. in the not-to-exceed amount of \$133,030 for printing and delivery of MTA's subway and railroad maps.

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

Board member Greenberg commented on the MTAHQ procurements for ratification pursuant to Executive Order 168. He stated that some of the actions to be taken under the MTAHQ ratifications should be applied to the commuter railroads in areas that will not have Positive Train Control (PTC) protection, including Grand Central Terminal.

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, which video includes discussion regarding MTAHQ procurements for ratification.

### 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.

- 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, New York.
- 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.

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.

5. Committee on Metro-North Railroad:

Action Item:

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

- NYSDOT Grant for Connecting Services.

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

Procurements:

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

- Board approval on behalf of Metro-North and the Long Island Rail Road (LIRR) to award a three-year non-competitive purchasing agreement in the not-to-exceed amount of \$76,000,000 (Metro-North - \$36,000,000 and LIRR - \$40,000,000) to Wabtec Corporation for the purchase of various parts and components for Metro-North's M-3, M-7 and M-8 railcars and locomotives and LIRR's M-3 and M-7 railcars.
- Board approval to award a non-competitive miscellaneous procurement in the not-to-exceed amount of \$1,373,000 to Aspen Aerials, Inc. for the purchase of two Undergrade Bridge Inspection Units with Hi-Rail.
- Board approval for additional funding in the not-to-exceed amount of \$2,412,000 to the firm, Dayton T. Brown, Inc., to provide engineering services to satisfy FRA requirements for PTC certification on the new Advanced Civil Speed Enforcement System.

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

- Board approval to award a 48-month competitively solicited design-build contract in the not-to-exceed amount of \$367,968,000 to Skanska-ECCO III Joint Venture 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.

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.

6. Committee on Long Island Rail Road:

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

MTA Capital Construction Company:

- Pursuant to Article X of the MTA All-Agency Service Contract Procurement Guidelines, on behalf of MTA Capital Construction Company, Long Island Rail Road, and Metro-North Railroad to enter into competitively solicited zero dollar based personal services contracts with 32 firms to provide professional staffing and services on an as-needed basis and permit other MTA Agencies to ride the Contracts.

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 Long Island Rail Road Board meeting held this day and in the video recording of the meeting produced by the MTA and maintained in the 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 unanimously approved the following: (1) implementation of a collective bargaining agreement between MTA Metro-North Railroad and the Association of Commuter Rail Employees Division 37 (ACRE 37), representing Power Directors covering the period from January 16, 2017 through May 31, 2019 and (2) implementation of a collective bargaining agreement between MTA Metro-North Railroad and the International Brotherhood of Electrical Workers (IBEW) covering the period from March 16, 2017 through August 31, 2019.

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

8. Public Session Resumed:

Vice Chairman Ferrer announced that during Executive Session the Board approved the following collective bargaining agreements that relate to MTA Metro-North Railroad: (1) implementation of a collective bargaining agreement between MTA Metro-North Railroad and the Association of Commuter Rail Employees Division 37 (ACRE 37), representing Power Directors covering the period from January 16, 2017 through May 31, 2019 and (2) implementation of a collective bargaining agreement between MTA Metro-North Railroad and the International Brotherhood of Electrical Workers (IBEW) covering the period from March 16, 2017 through August 31, 2019.

Vice Chairman Ferrer announced that the next regularly scheduled Board meeting will be held on Wednesday, October 24, 2018 at 9:00 a.m.

9. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, September 26, 2018  
9:00 a.m.**

The following members were present:

Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Scott Rechler  
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. Ira Greenberg  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. Joseph J. Lhota, Chairman  
Hon Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mitchell H. Pally  
Hon. Andrew Saul

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.

Vice Chairman Ferrer called the meeting to order.

1. Public Speakers

Timothy Ellis, Acting Chief Government and Community Relations indicated that twenty (20) public speakers had signed up to speak (ultimately a total of twenty-one (21) persons appeared as public speakers). Mr. Ellis asked all speakers to observe the two (2) minute limit in fairness to others and noted that speakers would get a reminder when there was thirty (30) seconds left.

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

Jason Pineiro stated that he was hopeful to hear LIRR President Phillip Eng’s report on LIRR Forward, and stated that he supported all proposed procurements.

Mary Parisen Lavelle, Chair of Civics United for Railroad Environmental Solutions (“CURES”), thanked LIRR President Eng for his plan to replace all Tier 0 locomotives operated by the New York & Atlantic Railway (“NYAR”). She noted that New York State had recently released its plan for Volkswagen (“VW”) Settlement funding, and urged LIRR to leverage VW funding to replace NYAR’s entire diesel fleet.

Ms. Parisen Lavelle noted that the first Tier 4 locomotive was arriving on the property, from Waste Management, which had made the unit available for use by NYAR.

Ms. Parisen Lavelle stated that the MTA Board had noted that we need to promote value capture in procurements, and the use of more off-the-shelf equipment. She stated that the LIRR’s Request for Proposals (“RFP”) for green locomotives should not repeat the mistakes of 2013, and that the specifications developed by STV, LIRR’s consultant, were defective. She urged that the RFP reward points to proposers based on a matrix, stressing offerings based on value engineering, and documented proof of improved performance.

Vice Chairman Fernando Ferrer thanked the members of the public who took time to appear and speak at the Board meeting. He thanked William Henderson, the outgoing Executive Director of the MTA’s Permanent Citizen’s Advisory Committee for his service, and welcomed Lisa Daglian, the new incoming Executive Director.

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. Presentation on LIRR Forward Plan

Vice Chairman Ferrer introduced LIRR President Eng, who would be making a presentation on the LIRR Forward Plan.

LIRR President Eng stated that, from the very beginning, he wanted to get out and look at the entire LIRR system and what we’re doing to improve the railroad, and to talk to LIRR’s

customers about their expectations and to LIRR employees about the challenges in meeting those expectations.

He noted that LIRR was spending approximately \$8.6 billion on 100 projects that were underway. He highlighted Double Track, which was completed 15 months ahead of schedule and will offer customers a more reliable and comfortable ride. The project will enable LIRR to bypass incidents. Over the past ten (10) days, performance over Double Track has achieved a 93.8% On Time Performance, with 99% On Time Performance during the PM peak period.

President Eng also highlighted Third Track, which broke ground and is progressing. This Design-Build project shows how we can effectively partner with private industry to get the project accomplished. It will eliminate seven (7) grade crossings and add more capacity in the Main Line corridor.

President Eng stated that in 2017, LIRR sustained eighty-eight (88) bridge strikes. As a result, we are expanding, heightening and reinforcing seventeen (17) bridges to ensure a more seamless commute.

In addition to its capital program, President Eng noted that LIRR is attacking places where incidents have occurred which cause delays. At 296 grade crossings, LIRR has installed delineators to help prevent drivers from turning onto the tracks in error. Twelve (12) manholes in the Atlantic Tunnel have been insulated. GPS equipment has been installed on 800 railcars, and new drainage systems have been installed at the Far Rockaway and Mineola Stations.

President Eng noted that ten (10) specific switches were shown to have caused 44% of switch-related delays. Five (5) of those switches have been replaced to date. In addition, of the eighty (80) Public Service Electric & Gas ("PSEG") lineside poles identified as needing replacement, seventy-one (71) have been replaced and the rest should be finished before the onset of heavy inclement weather.

Sixty percent (60%) of heated threshold plates have been installed on the M-7 fleet, and one hundred plus (100+) miles of overgrown vegetation cleared, to reduce incidents caused by leaf debris falling on the rails. This will help avoid flat wheels due to slip-slide conditions, together with enhancing our wheel truing capabilities. LIRR will be implementing two new technologies this fall: a higher-pressure rail washing system and a test of a new technology to burn debris off the rails using a laser.

President Eng added that LIRR has enhanced its Customer Service efforts through the weekly Meet Your Managers Program, and the inauguration of the LIRR CARE program, which includes adding more Ambassadors and ushers. LIRR CARE has served six times more customers than the previous program for assisting customers with special needs.

LIRR has also extended the station platforms at Forest Hills and Kew Gardens by fifty percent (50%), which will yield system wide benefits through avoiding delays due to slow boarding and de-boarding. At the Lynbrook Station, we are replacing the waiting area, and a

leaky canopy, and improving drainage. At the Lefferts Boulevard overbuild, our crews are rehabilitating this structure through an innovative repair –from-below technology.

President Eng stated that we need to look at the next Capital Program to see how we can sustain what’s been started. We’re going to electrify the Central Branch to be able to move people if there are problems on the Main Line or on the Babylon Branch, to give us greater flexibility and the ability to respond to incidents. We’re also going to look at Port Jefferson electrification. LIRR needs new coaches to support our service

President Eng concluded, noting that all of this reflects a new sense of urgency and a new way of looking at and solving problems.

Board Member Vincent Tessitore, Jr. thanked President Eng for his presentation and acknowledging the role of LIRR’s employees in advancing LIRR Forward. He stated that LIRR’s employees are up to this challenge, but we’re going to need some patience from our riders and elected officials as we do all this while still providing service.

Board Member Andrew Albert expressed the hope that one-seat ride service would expand through electrification. He pointed out that we should look at the East Side Access (“ESA”) Service Plan and the plan for Brooklyn service. He expressed concern that people may choose to stay on the train and ride to Penn Station and then take the subway down to Lower Manhattan, rather than transferring at Jamaica.

Board Member Randolph Glucksman stated that one-seat ride service is very important, and that he has wanted the Central Branch to be electrified for a long time.

3. Vice Chairman’s Remarks

Vice Chairman Ferrer introduced Patrick Warren, MTA’s new Chief Safety Officer and noted that he will also oversee Emergency Management. He stated that Mr. Warren was a West Point Graduate and served as a Colonel in the United States Army. After his military career, he became Executive Director of the Federal Railroad Administration, where he oversaw safety programs covering 750 railroads.

4. Approval of Minutes

Vice Chairman Ferrer asked for a motion to approve the minutes of the Regular Board Meeting of July 25, 2018. Upon motion duly made and seconded, the minutes of the Regular Board Meeting of July 25, 2018 were approved.

5. Committee on Finance

Action Items

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

- **New York Power Authority Long Term Agreement** – 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 Ed’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.
- **Board Authorization to File for and Accept Federal Grants** – To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2018 and 2019.

Upon motion duly made and seconded, and with Board Member Veronica Vanterpool recusing herself on the item relating to NYPA, 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.

Board Member Lawrence Schwartz, Chair of the Finance Committee, stated that the Committee had tabled an item dealing with changes to the MTA advertising policy.

Procurement Items

The Board was presented with twenty-five (25) procurement items recommended to it by the Committee on Finance, sixteen (16) of which related to Long Island Rail Road:

Competitive Procurements:

- **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)
- **Various – Real Estate Advisory Services – NTE \$500,000**
  - 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**

Board approval is sought to award six (6) competitively negotiated, all-agency personal services contacts to provide financial advisory services for real estate transactions on an as-needed basis.

- **Various – Public Information and Customer Relations Services - NTE \$7,500,000**
  - a. **Objective Subject, LLC**
  - b. **Renee Sacks Associates, Inc. dba Sacks Communications**
  - c. **Spectrum Personal Communications Corp.**
  - d. **Arch Street Communications, Inc.**
  - e. **Precision Strategies, LLC**
  - f. **Daniel J. Edelman, Inc.**
  - g. **The Glover Park Group, LLC**

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.

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.

Ratifications:

- **Various – 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.

**Award Date: 7/3/18 - Network Rail Consulting – Contract Amount: \$174,043.05 (Base Work) + NTE \$1 million (Option Work) – Sole Source**

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.

**Award Date: 8/14/18 – Laser Tribology, B.V. – Contract Amount: \$340,000 – Sole Source**

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

Board Member Ira Greenberg stated that on the Executive Order procurements, especially the procurements regarding Thales and Siemens, some of the work being done should also be applied to the commuter railroads in regard to Jamaica, Penn Station, Grand Central Terminal and Atlantic Terminal. He added that as we all know, we do not have PTC protection there and

some of the work they are doing might be able to be applied to the commuter railroads and help address what he believes is a critical safety omission.

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

#### Real Estate Items

The Board was presented with six (6) real estate items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- **Expansion of Existing Permanent Easement – County of Suffolk** – Grantee: Suffolk County, Location: LIRR right-of-way under County Road 16, Southwest Corner of Long Island Avenue and Americas Avenue, Medford, Town of Brookhaven, Suffolk County, Activity: Expansion of an existing permanent easement in support of a roadway expansion, Space: 5,407 sf, Compensation: \$9,000.
- **Extension of Term – NYS Department of Agriculture – Licensee: NYS 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, Term: Five months, Compensation: 50% of gross sales, minus permitted revenue exclusions.**

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 thirty-nine (39) procurement items recommended to it by the LIRR Committee, one (1) of which was for the Long Island Rail Road and thirty-eight (38) of which were for MTA Capital Construction Company (“MTACC”):

##### Procurements by Long Island Rail Road:

##### Competitive

- **Various Bus Companies – NTE \$4,350,000 - Competitive** – LIRR requests 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.

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

Procurements by MTA Capital Construction Company:

Competitive Procurements:

- **Contractor to Be Determined – Cost to Be Determined – Contract MC881**  
– 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.
- **Various Firms - \$35,000,000 (Aggregate) – Three Year Term and Two 1-Year Options – Contract Nos. PS865-1 through PS 865-32** – 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 firms to provide professional staffing and services on an as-needed basis and permit other MTA agencies to ride the Contracts:

**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**

- **Ankura Consulting Group LLC - \$944,571 – Contract No. PS862A, Modification No. 1** – 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.
- **Tutor Perini Corporation - \$8,200,000 – Contract No. CQ033, Modification No. 23** – 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 455 LF).
- **GCT Constructors Joint Venture - \$3,329,168 – Contract No. CM014B, Modification No. 185** - 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.

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.

Ratifications:

- **Tutor Perini Corporation - \$2,317,800 - Contract No. CS179, Modification No. 119** - In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a modification that will establish connectivity between the East Side Access Project's networks and the LIRR's Fiber Optic Network (FON).
- **GCT Constructors Joint Venture - \$1,657,056 - Contract No. CM014B, Modification No. 187** - In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTACC requests that the Board ratify a modification to provide standby support services for the operation and maintenance of the B30 substation.

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.

7. Executive Session.

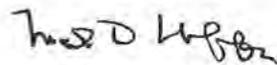
Vice Chairman Ferrer asked for a motion to move the meeting into Executive Session, pursuant to Section 105(1)(e) of the Public Officers Law, to discuss matters relating to collective bargaining agreements. Upon motion duly made and seconded, the meeting was moved into Executive Session.

8. Adjournment

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

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 A.M.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**September 26, 2018**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
September 26, 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. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Norman E. Brown  
Hon. David Jones  
Hon. Scott Rechler  
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. Ira Greenberg  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. Joseph J. Lhota, Chairman

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, Andy 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 twenty-one (21) 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. Vice Chairman Ferrer's Opening Remarks**

Vice Chairman Ferrer opened his remarks by acknowledging William Henderson, the outgoing Executive Director of the Permanent Citizens Advisory Committee (PCAC), and Lisa Dalia, Mr. Henderson's successor. Philip Eng, President of Long Island Rail Road, gave a presentation on LIRR Forward. After the presentation, Vice Chairman Ferrer introduced Patrick Warren as the new MTA Chief Safety Officer. Mr. Warren graduated from the United States Military Academy at West Point, was a colonel in the U.S. Army, served as Executive Director at the Federal Railroad Administration, and Deputy Director, Office of Airports Planning and Programming at the Federal Aviation Administration.

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

**3. Approval of Minutes of Regular Meeting July 25, 2018**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on July 25, 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.

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

**Procurements**

Commissioner Zuckerman stated that there are two (2) procurements totaling \$7.9 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Zuckerman stated that there are two (2) competitive procurements.

Commissioner Zuckerman stated that the Committee members who were present at the Committee Meeting considered and voted in favor of the procurements although a Committee Quorum was not present. Upon a motion duly made and seconded, the Board approved the procurements recommended to it by the Committee for MTA Bridges and Tunnels Operations.

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

TC Electric, LLC	Contract No. HC-64 TBTA 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	\$5,405,000.00
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**Modifications to Purchase & Public Works Contracts**

Restani Construction Corp. Contract No. GFM-512 \$2,500,000.00  
TBTA 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.

**Ratifications**

Commissioner Zuckerman stated that there are no ratifications.

5. **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.

6. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,



Julia R. Christ  
Secretary

**Regular Board Meeting**  
**MTA Capital Construction Company**  
**2 Broadway**  
**New York, NY 10004**  
**Wednesday, September 26, 2018**  
**9:00 AM**

The following members were present:

Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Norman E. Brown  
Hon. David Jones  
Hon. Scott Rechler  
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. Ira Greenberg  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. Joseph J. Lhota, Chairman  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mitchell H. Pally  
Hon. Andrew Saul

Patrick Foye, President, MTA, Veronique Hakim, Managing Director, MTA, Helene Fromm, Chief of Staff, MTA, Janno Lieber, MTA 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, Executive Vice President, General Counsel and Secretary, MTACC, and David Cannon, Vice President and Chief Procurement Officer, MTACC 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.

Vice Chairman Ferrer called the meeting to order.

## **Public Comment Periods**

There were twenty-one public speakers.

New York State Assemblywoman Nathalia Fernandez expressed that the four stations in the Bronx that are part of the Penn Station Access Project (the "Project") are urgently needed as they would drastically improve transportation opportunities for Bronx residents. The Morris Park Station would greatly improve the neighborhood and access to the medical hub that is in the area while bringing jobs and visitors to the neighborhood. She urged Amtrak to pay their fair share for the Pelham Bridge replacement/repairs that Amtrak is insisting the MTA pay for as a condition to their approval of this Project.

New York State Senator Jamaal Bailey thanked the MTA for attending several meetings at the Bronx Borough President's Office to discuss transit related issues including the Penn Station Access Project. He urged Amtrak to pay their fair share so Co-Op City residents would have the opportunity to utilize the planned Co-Op City Metro-North Station in the Bronx for transportation to Manhattan giving them another option besides the Express Buses.

Maria Torres representing Bronx Community Board #2 spoke in favor of the Penn Station Access Project and the planned Metro-North Hunts Point Station. The Hunts Point Station would allow residents of that neighborhood access to employment opportunities in Manhattan and other places along with providing more access for people shopping at the Hunts Point Market.

The names and remarks of the remaining 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 July 25, 2018.

## **Vice Chairman's Remarks**

Vice Chairman Ferrer's remarks 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.

## **Finance Committee**

### Action Item

Upon motion duly made and seconded, the Board approved a resolution to:

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

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 approved the following procurement items:

Award of competitively solicited zero dollar based personal service indefinite quantity staffing contracts (CM-1424 through CM-1427) for Schedulers to support New York City Transit (NYCT) and MTA Capital Construction (MTACC) capital projects on an as-needed basis to four firms for a period of 60 months for an aggregated estimated amount of \$43,000,000 (\$40M NYCT and \$3M MTACC).

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.

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

1. Seventeen modifications to the Track, Signal, Traction Power and Communications Systems contract (C-26009) for the Second Avenue Subway Project, for the total amount of \$29,475,000.
2. A Modification to the 96<sup>th</sup> St. Station Finishes contract (C-26010) for the Second Avenue Subway Project for the total amount of \$2,000,000.
3. Three modifications to the 72<sup>nd</sup> St. Station Finishes contract (C-26011) for the Second Avenue Subway Project, for the total amount of \$3,030,000.
4. Two modifications to the 86<sup>th</sup> St. Station Finishes contract (C-26012) for the Second Avenue Subway Project, for the total amount of \$1,775,000.
5. A Modification to the 63<sup>rd</sup> St. Station Finishes contract (C-26006) for the Second Avenue Subway Project, for the total amount of \$10,842,004.

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

## **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 (MC881) entitled Water Mitigation Services on an As-Needed Basis.
2. Award of competitively solicited zero dollar based personal service contracts (PS865-1 through PS865-32) to thirty-two (32) firms to provide professional staffing and services on an as-needed basis to MTA Capital Construction (MTACC), Long Island Rail Road (LIRR) and Metro North Railroad (MNR) to thirty-two firms for an aggregate not-to-exceed amount of \$35,000,000 (\$15M MTACC, \$10M LIRR, and \$10M, MNR) for three years and with two one-year options. The approval also permits other MTA agencies to ride the contracts.
3. A modification to the Independent Compliance Monitoring Contract (PS862-A) for a benchmarking study of construction costs for transit expansion projects in the not-to-exceed amount of \$944,000.
4. A modification to the Mid-Day Storage Yard contract (CQ033) for the East Side Access Project to furnish and install a portion of the Track D Approach Structure in the amount of \$8,200,000.

5. A modification to the GCT Concourse and Facilities Fit Out contract (CM014B) for the East Side Access Project for the addition and modification of stairways at the 47<sup>th</sup> Street Node in the amount of \$3,329,168.

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 Systems Facility Package No. 1 contract (CS179) for the East Side Access Project to establish connectivity between the Project's networks and the LIRR's Fiber Optic Network in the amount of \$2,317,000.
2. A modification to the GCT Concourse and Facilities Fit Out contract (CM014B) for the East Side Access Project to provide standby support services for the operation and maintenance of the B30 Substation in the amount of \$1,657,056.

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.

#### **Executive Session**

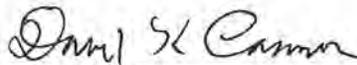
Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

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 10:36 a.m.

Respectfully submitted,

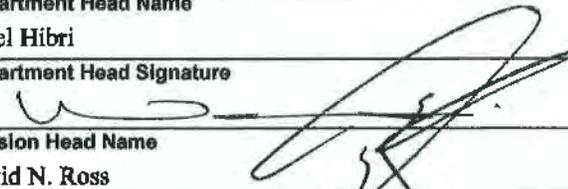


David K. Cannon  
Assistant Secretary

## PROCUREMENTS

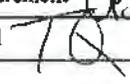
The Procurement Agenda this month includes 11 actions for a proposed expenditure of \$20.7M.

# 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> October 18, 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	10/22/2018	X		
2	Board	10/24/2018	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 Two-Thirds Vote:

Schedule A: Non-competitive Purchases and Public Work Contracts	1	\$	950,242
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Schedules Requiring Majority Vote:

Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	3	\$	\$11,800,000
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<b>SUBTOTAL</b>	<b>3</b>	<b>\$</b>	<b>\$12,750,242</b>
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MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	3	\$	0
---	---	----	---

Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	3	\$	6,485,000
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<b>SUBTOTAL</b>	<b>3</b>	<b>\$</b>	<b>6,485,000</b>
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MTAHQ presents the following procurement actions for Ratification:

Schedules Requiring Majority Vote

Schedule K: Ratification of Completed Procurement Actions	1	\$	1,500,000
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<b>SUBTOTAL</b>	<b>1</b>	<b>\$</b>	<b>1,500,000</b>
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<b>TOTAL</b>	<b>11</b>	<b>\$</b>	<b>20,735,242</b>
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**BUDGET IMPACT:** The purchases/contracts will result in obligating MTAHQ operating and capital funds in the amount listed. Funds are available in the current MTAHQ operating/capital budgets for this purpose.

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 120 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 works contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

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

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

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, OCTOBER 2018**  
**NON-COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Two Thirds Vote:*

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

(Staff Summaries required for all items greater than \$100K; \$750K Other Non-Competitive)

- |   |                                     |                                      |
|---|-------------------------------------|--------------------------------------|
| <b>1. New York State Department of Correctional Services, Corcraft Products Division<br/>Various Furniture Products<br/>Contract No. 60000000022115<br/>Non-Competitive – 36 months</b> | <b>\$950,242</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|---|-------------------------------------|--------------------------------------|

Board approval is sought to award a 3-year contract for the purchase and delivery, on an as-needed basis, of office furniture, seating, lockers, and other products offered in the pricing guide published by the NYS Department of Correctional Services-Corcraft Products Division (Corcraft). The proposed contract will be awarded to Corcraft on a non-competitive basis in accordance with Section 162 of the New York State Finance Law, which provides that contracts awarded to preferred sources, like Corcraft are exempt from statutory competitive procurement requirements provided they are (i) capable of providing the service in the form, function and utility required and (ii) the price offered is as close to the prevailing market prices as is practicable. Corcraft meets these requirements. Moreover Section 186 of the New York State Corrections Law specifically requires public benefit corporations and public authorities to purchase products manufactured in correctional institutions in New York State as the need arises. Corcraft's pricing is consistent with the pricing guide published and deemed fair and reasonable by the New York State Department of Correctional Services. Under the terms and conditions of the contract, a discount of 5% is offered and fixed throughout the duration of this contract. A market survey of non-preferred sources was conducted, comparing Corcraft's pricing with prevailing market prices. The survey confirmed that Corcraft's pricing was within 10% of prevailing market prices for the same or equivalent commodities. Accordingly, Corcraft's pricing is considered fair and reasonable.

# LIST OF PROCUREMENTS FOR BOARD APPROVAL, OCTOBER 2018

## NON-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 the original contract to equal or exceed the monetary or durational threshold required for Board approval.)

- 2-4. **New York State Industries for the Disabled**      **\$ 11,800,000**      **Staff Summary Attached**  
**Janitorial and Window Cleaning Services**      (not-to-exceed)  
**Contract Nos.060000000006413 (NYC Transit)**  
**040000000001062 (LIRR)**  
**MNR66666 (MNRR)**  
Base Amount = \$54,110,019.10  
Current Contract Value = \$54,129,345.25  
Proposed New Contract Value = \$65,929,345.25

Board approval is sought to extend and increase the contract value for a multi-agency, miscellaneous service contract with New York State Industry for the Disabled (NYSID) for janitorial and window cleaning services an additional twelve months ending October 31, 2019. The increase in the contract value is not to exceed \$11.8 million, comprised of \$7.1 million for NYC Transit/MTA Bus and \$4.7 million for Long Island Rail Road (LIRR). Metro-North Rail Road (MNRR) uses the contract but does not require additional funding for the extension period. Pursuant to Section 162 of the New York State Finance Law, this contract was awarded on a non-competitive basis to NYSID because it has been approved by New York State as a “preferred source” to provide, without limitation, the following services: cleaning of lavatories, carpets, windows, trash, snow, graffiti removal, dusting, landscaping and other services throughout Brooklyn, Queens, the Bronx, Manhattan, Staten Island, Dutchess and Westchester Counties. One modification totaling \$19,326 added an MTA Bus facility to the NYCT contract. This extension will ensure continuity of services while MTAHQ Procurement completes a new all-agency procurement. Pricing for this extension is consistent with the contract pricing deemed fair and reasonable for the original award and, thus, is considered fair and reasonable.

# Staff Summary

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

Item Number: 1

<b>Vendor Name (&amp; Location):</b> Corcraft-NYS Department of Corrections
<b>Description:</b> Various Furniture Products
<b>Contract Term (including Options, if any):</b> Three (3) years
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type:</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Preferred Source

<b>Contract Number:</b> 60000000022115	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$ 950,242.00
<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> Department of Subways Engineering, Office of Planning	
<b>Contract Manager:</b> Christopher J Roy	

**PURPOSE/RECOMMENDATION:**

Board approval is sought to award a 3-year contract for the purchase and delivery, on an as-needed basis, of office furniture, seating, lockers, and other products offered in the pricing guide published by the NYS Department of Correctional Services-Corcraft Products Division (Corcraft). The contract is valued at an amount not-to-exceed \$950,242.00.

**DISCUSSION:**

The proposed contract will be awarded to Corcraft on a non-competitive basis in accordance with Section 162 of the New York State Finance Law, which provides that preferred sources may provide goods and/or services to New York State agencies to advance social and economic goals. Pursuant to this law, contracts awarded to preferred sources, like Corcraft are exempt from statutory competitive procurement requirements provided they are (i) capable of providing the service in the form, function and utility required and (ii) the price offered is as close to the prevailing market prices as is practicable. Corcraft meets these requirements. Moreover Section 186 of the New York State Corrections Law specifically requires public benefit corporations and public authorities to purchase products manufactured in correctional institutions in New York State as the need arises.

Corcraft's pricing is consistent with the pricing guide published and deemed fair and reasonable by the New York State Department of Correctional Services. Under the terms and conditions of the contract, a discount of 5% is offered and fixed throughout the duration of this contract.

A market survey of non-preferred sources was conducted, comparing Corcraft's pricing with prevailing market prices. The survey confirmed that Corcraft's pricing was within 10% of prevailing market prices for the same or equivalent commodities. Accordingly, Corcraft's pricing is considered fair and reasonable.

In connection with the review of the contractor's responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor was found to be responsible and qualified for the contract award.

**M/WBE INFORMATION:**

The MTA Department of Diversity and Civil Rights (DDCR) did not assign MWBE goals to this contract due to the fact that preferred source procurements are exempt from assignment of M/WBE goals.

**IMPACT ON FUNDING:**

The total not-to-exceed cost of \$950,242 is funded by NYC Transit, Department of Buses' Operating Budget.

**ALTERNATIVES**

None. Section 186 of Correction Law requires public benefit corporations and public authorities to purchase products manufactured in correctional institutions in New York State.

# Staff Summary

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

Item Number: 2 - 4

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> NYSID – New York State Industries for the Disabled (NYSID)	<b>Contract Number:</b> 0600000000006413-NYCT 140501GS7-PS-N/040000000001062-LIRR MNR66666-MNRR	<b>AWO/Modification</b>  2
<b>Description:</b> Janitorial and Window Cleaning Services	<b>Original Amount:</b>	\$54,110,019.10
<b>Contract Term (including Options, if any):</b> November 1, 2013 to October 31, 2019	<b>Prior Modifications:</b>	\$ 19,326.15
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Current Amount:</b>	\$54,129,345.25
<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 Preferred Source	<b>This Request:</b>	\$ 11,800,000
<b>Funding Source:</b> x Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Subways Project Manager – Thomas Young	<b>% of This Request to Current Amount:</b>	21.79%
	<b>% of Modifications (including This Request) to Original Amount:</b>	21.84%

### PURPOSE/RECOMMENDATION:

Board approval is sought to extend and increase the contract value for three miscellaneous service contracts with New York State Industry for the Disabled (NYSID) for janitorial and window cleaning services an additional twelve months ending October 31, 2019. The total increase in the value of these contracts will not exceed \$11.8 million, comprised of \$7.1 million for NYC Transit/MTA Bus and \$4.7 million for Long Island Rail Road (LIRR). Metro-North Rail Road (MNRR) does not require additional funding for the extension period.

### DISCUSSION:

The MTA Board previously approved Janitorial and Window Cleaning Services contracts with NYSID totalling \$54,110,019, distributed as follows: NYCT (\$35,185,355), LIRR (\$17,765,502) and MNRR (\$1,159,162). Pursuant to Section 162 of the New York State Finance Law, these contracts were awarded on a non-competitive basis to NYSID because it has been approved by New York State as a “preferred source” to provide, without limitation, the following services: cleaning of lavatories, carpets, windows, trash, snow, graffiti removal, dusting, landscaping and other services throughout Brooklyn, Queens, the Bronx, Manhattan, Staten Island, Dutchess and Westchester Counties. One modification totaling \$19,326 added an MTA Bus facility to the NYCT contract.

These extensions will align the contracts to ensure continuity of services while MTAHQ Procurement completes a single all-agency procurement.

Pricing is consistent with the pricing deemed fair and reasonable for the original awards and, thus, is considered fair and reasonable.

In connection with the review of the contractor’s responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor was found to be responsible and qualified for the contract award.



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

## **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 the original contract to equal or exceed the monetary or durational threshold required for Board approval.)

- |   |                        |
|---|------------------------|
| <b>8. Miller Advertising Agency Inc.</b>  | <b>\$ 125,000</b>      |
| <b>All-Agency Classified, Legal and</b>   | <b>(not-to-exceed)</b> |
| <b>Recruitment Advertising</b>            |                        |
| <b>Contract No. 13102-0100</b>            |                        |
| Base Amount = \$5,800,000                 |                        |
| Current Contract Value = \$6,548,713      |                        |
| Proposed New Contract Value = \$6,673,713 |                        |

Board approval is requested for a budget increase to a competitively solicited All-Agency Personal Services contract that was awarded to Miller Advertising Agency, Inc. The contract provides for Classified, Legal, and Recruitment Advertising Services and was originally awarded to Miller Advertising for four years through a competitive RFP process. There have been two (2) prior extensions adding a total of 15 months ending December 31, 2018. This third Supplemental Agreement adds funding for New York City Transit Authority (NYCTA) in the amount of \$25,000 and Metropolitan Transportation Authority Bus Company (MTABC) in the amount of \$50,000 and a further contingency of \$50,000.00 to cover any unplanned advertising requirements. MTA continues to benefit from 9.25% discount on costs associated to classified advertising. The rates remain unchanged from the Base Contract and therefore, remain fair and reasonable for the MTA.



**LIST OF PROCUREMENTS FOR BOARD APPROVAL, OCTOBER 2018**

**COMPETITIVE PROCUREMENTS**

<b>10. SSDC Services Corporation</b>	<b>\$ 360,000</b>
<b>Medicare Coordination Services</b>	<b>(not-to-exceed)</b>
<b>Contract No. 5543</b>	
Base Amount = \$787,610	
Current Contract Value = \$1,033,860	
Proposed New Contract Value = \$1,393,860	

Board approval is sought by NYCTA-Human Resources to extend the term of a competitively negotiated personal service contract with SSDC Services Corporation (SSDC) for Medicare conversion services through September 30, 2019 and to add \$360,000. SSDC provides under 65 disabled retirees and/or their dependents assistance with the application process and representation services so that they can receive Social Security Disability Income. SSDI awardees are then automatically enrolled into Medicare as primary payer (2 years after their SSDI award), allowing for earlier removal from NYCT's health benefit plans, resulting in savings to NYCT. This contract was initially solicited through a competitive RFP for a five-year term ending June 30, 2018 with a total value of \$787,610. There has been one funding adjustment that added \$126,250 to meet higher than anticipated SSDI-awards during the original contract term, and one subsequent change order that extended the contract six months through December 2018 with \$120,000 additional funding, to provide for continuity of services while revised requirements were being finalized. The revised Scope of Work for the new RFP, including the option for the Contractor to establish a data sharing program with the Center for Medicare and Medicaid Services, was finalized in June 2018. The contract was extended to December 2018 with the intention of awarding a new contract in that limited timeframe; however, additional time is necessary to complete the required procurement. This nine-month extension and the associated \$360,000 contract increase will bring the total value of the contract to \$1,393,860, allowing NYC Transit to bridge services pending solicitation and award of a new multi-year competitively negotiated contract. The fees for this extension are consistent with those established as fair and reasonable for award of the base contract and, thus are considered fair and reasonable.

## Schedule G: Miscellaneous Service Contracts

Item Number: 5 - 7

<b>Vendor Name (&amp; Location):</b> Various
<b>Description:</b> As needed Electric Power Supply Request
<b>Contract Term (including Options, if any):</b> Five (5) Years
<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>Contract Number:</b> 0000015372	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> TBD	
<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> Operating Capital - Energy Group / Vincent Gil	
<b>Contract Manager:</b> Ryan Gardvits	

### I. PURPOSE/RECOMMENDATION

To obtain Board approval to pre-qualify energy services companies (“ESCOs”) licensed by the Connecticut Department of Energy & Environmental Protection (“DEEP”), and the Public Utilities Regulatory Authority (“PURA”), to provide as-needed load-following full-requirements electricity services to MTA Metro-North Railroad’s (“MTA MNR”) Connecticut portion of the New Haven line within the New England Independent System Operator (“NEISO”) service territory.

### II. BACKGROUND

MTA MNR’s New Haven line services two counties in Connecticut that are within the NEISO territory, namely New Haven and Fairfield. The RFP indicated the agency’s intent to award multiple contracts to have a cadre of electricity suppliers to support MTA MNR’s needs. The MTA plans to first pre-qualify proposers whose proposals meet the pre-qualification requirements (“Pre-Qualified Bidders”) for a term of five years (“Pre-Qualification Term”). Then, the MTA will have the ability to solicit price proposals/Bids from the Pre-Qualified Bidders at any time during the length of the Pre-Qualification Term to provide Electricity Supply Services for accounts or a select subset of accounts. Pre-Qualified Bidders will purchase power on NEISO day ahead market, based on their submitted Bid on their cost of purchasing power on DAM (day ahead market). MTA reserves the right not to solicit Bids from Pre-Qualified Bidders and not to make an award to the responding Pre-Qualified Bidders. MTA also reserves the right to award to multiple Pre-Qualified bidders or to award specific account groupings to the winning Pre-Qualified Bidders. The individual Bid, if and when awarded, will be awarded to the lowest priced Bid for a period specified at the time of the Bid, but not to exceed the five year contract Pre-Qualification Term.

### III. DISCUSSION

A Request for Proposals (“RFP”) was sent to 16 firms, and advertised in the New York State Contract Reporter, NY Daily News, El Diario, MTA website and Minority Commerce Weekly. The pre-proposal conference was held on September 6, 2018 and was attended by seven interested parties. Three proposals were received and deemed technically qualified: Agera Energy, LLC, Constellation NewEnergy Inc., and Direct Energy Business.

The Selection Committee consisted of the following representatives: an Assistant Deputy Director from the Operating Capital - Energy Group, an Assistant Director - Financial Planning & Analysis from Financial Planning & Analysis Budget, and the Assistant Director Subsidy Accounting from the Controller department. Proposals were evaluated to determine whether the Prospective Proposers have the ability to meet the MTA’s needs for competitively priced, economical and reliable Electricity Supply Services. The criteria the Selection Committee used to evaluate the responses included: 1) the financial and operational viability of the firm; 2) whether the firm is ready, willing and able to provide the services; 3) whether the firm is responsible; and 4) whether firm’s proposed changes to the contract are acceptable to MTA. The three firms selected for award are licensed by DEEP and PURA and meet all of the foregoing evaluation criteria.

A responsibility review of the three firms listed above was conducted based on the MTA Institution and Energy Supplier Guidelines and found them to be responsible.

**IV. M/W/DBE INFORMATION**

The MTA Department of Diversity and Civil Rights (DDCR) did not assign MWBE goals to these contracts due to the fact that utilities are exempt from assignment of M/WBE goals.

**V. IMPACT ON FUNDING**

This recommendation is to pre-qualify ESCOs licensed by the Connecticut Department of Energy & Environmental Protection (“DEEP”), and the Public Utilities Regulatory Authority (“PURA”). As such, there is no financial commitment to any of the pre-qualified proposers/bidders at this time.

**VI. ALTERNATIVES**

MTA could opt not to consider or pursue competitive bidding and continue to purchase power non-competitively from the utilities that currently provide Electricity Supply Services to the MTA.

**VII. RECOMMENDATION**

As part of the continuing effort to reduce MTA’s electricity costs and seek competitive solutions for its electricity needs, the Selection Committee recommends that the Board approve the pre-qualification of the following firms:

- Agera Energy, LLC
- Constellation NewEnergy, Inc.
- Direct Energy Business, LLC

# Staff Summary

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

Item Number: 9

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> Pulsar Advertising, Inc. / Arcade Creative Group, Inc	<b>Contract Number:</b> 12104-0100	<b>AWO/Modification #</b> 1
<b>Description:</b> Full service marketing services	<b>Original Amount:</b>	\$12,000,000
<b>Contract Term (including Options, if any):</b> 62 months	<b>Prior Modifications:</b>	Not Applicable
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$51,812,825
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$63,812,825
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$6,000,000
<b>Funding Source:</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	9.4%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTAHQ Marketing, John Mckay	<b>% of Modifications (including This Request) to Original Amount:</b>	431.7% %

### PURPOSE/RECOMMENDATION:

Board approval is requested to extend and add funding for the all agency full service marketing contract with Pulsar/Arcade Creative Group, contract #12104-0100, for two months ending December 31, 2018, valued at an amount not to exceed \$6,000,000.

### DISCUSSION:

Contract 12104-0100 was awarded in September 2013 with the first 14 months estimated amount of \$12,000,000, and additional expenditures for subsequent years to be determined by the marketing programs planned and Board approval of budgets for those years. Pulsar/Arcade provides full-service advertising for Headquarters and the operating agencies, and also for specific projects, with average annual expenditures totaling \$13.5 million.

- The estimated budget requirements for this extension term will be \$6,000,000, an amount necessary to cover in flight projects and planned marketing activities across all agencies, including but not limited to:
- ongoing refinement of the new MTA website and mobile apps,
- customer research and strategy development for integration of a Bridges and Tunnels / E-ZPass component in the new MTA website and mobile apps,
- preparation of customer communications materials for the 2019 L Tunnel Reconstruction Project, and preliminary weekend and weeknight L train service outages scheduled for Q4 2018,
- refinement, production and placement of a corporate campaign for Metro-North Railroad,
- production and placement of an in-system campaign in support of the Small Business Development Program administered by the MTA Department of Diversity and Civil Rights, and
- ongoing support of service diversion, capital construction, and discretionary ridership campaigns as needed by various MTA operating agencies.

The additional funding and time is needed to complete the RFP process to replace the expiring contract and will serve to align the new contract award with the MTA's fiscal calendar reporting period.

In connection with the review of the contractor's responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor was found to be responsible and qualified for the contract award.

Pulsar/Arcade Creative Group's pricing is consistent with the pricing deemed fair and reasonable for the original award. The negotiated fully-loaded rates and commission percentages are subject to escalation of 3% or CPI, whichever is lower. Based on the above, the pricing for this extension is considered fair and reasonable.

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

### **PROCUREMENTS FOR RATIFICATION**

#### *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)

- |     |  |                                       |                                      |
|-----|--|---------------------------------------|--------------------------------------|
| 11. | <b>L.K. Comstock &amp; Company, Inc.<br/>Executive Order 168</b> | <b>\$1,500,000</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|-----|--|---------------------------------------|--------------------------------------|

This is a request that the Board ratify one procurement action awarded pursuant to Executive Order 168 (EO 168) and its extensions. The total estimated value for this action is \$1,500,000. This action is for NYC Transit. All 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>	\$ 1,500,000
<b>Funding Source:</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Senior Director, Wael Hibri	
<b>Contract Manager:</b> Chief Procurement Officer, David N. Ross	

**PURPOSE:**

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

**DISCUSSION:**

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

Since time is of the essence in addressing the disaster emergency, the procurement action listed below was 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 action listed below is being submitted to the Board for ratification. The total estimated value for the action is \$1,500,000. The action is for NYC Transit; it was found to be fair and reasonable.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	08/29/2018	L.K. Comstock & Company, Inc. (East Farmingdale, NY)	Signal Power Voltage Sag Correction Work at 8 Locations in the Borough of Queens Not Served by Consolidated Edison	S34262	\$1,500,000 (Est)	Non-Competitive

**Discussion:**

This procurement advances the Subway Action Plan’s Signal Maintenance Initiative by ensuring a reliable and consistent supply of power to the signal system. Disruptions in power can result in shutdowns, and surges in power can destroy signal equipment. In 2017 the New York State Public Service Commission directed Consolidated Edison to furnish and install specialty electrical equipment at locations in the MTA NYC Transit subway system. The

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

specialty electrical equipment eliminates voltage sags which harm signal system equipment and cause the signal system to shut down. Voltage sags are disruptions in the electric power provided to the signal system. Consolidated Edison, through outside contractors, is providing “voltage sag correction” work at locations which are within its service territory. However, Consolidated Edison cannot provide the work at 8 locations on the Rockaways in Queens which are outside its service territory and are served by PSEG Long Island. Due to the critical nature of the work, NYC Transit contracted to provide the “voltage sag correction” work at these 8 locations. For the work in its territory, Consolidated Edison obtained unit price proposals from three installation contractors and awarded shares of work to each contractor, with the largest share going to the contractor with the lowest unit prices, L.K. Comstock, Inc. (“Comstock”). NYC Transit’s action uses Comstock’s unit prices for the 8 locations. Consolidated Edison also used competition to select Turtle & Hughes, Inc., an M/WBE supplier, to furnish the specialty electrical equipment. NYC Transit’s action requires Comstock to purchase the specialty electrical equipment from this supplier at the same low unit prices as in Consolidated Edison’s contract with Turtle & Hughes. Accordingly, the overall cost is considered fair and reasonable. The sag correction work in all locations throughout the NYC Transit system is forecast to be completed by the end of 2018.

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 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.

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

**ACTION ITEMS**

**MTA LONG ISLAND RAIL ROAD**

Lease agreement for retail buildings at Ronkonkoma Station, Brookhaven, NY

**MTA METRO-NORTH RAILROAD**

License agreement with JIN CT, LLC for vehicle parking adjacent to the Springdale MOW facility in Stamford, CT

Lease agreement with Central Watch Band Stand, Ltd. at Grand Central Terminal

**MTA NEW YORK CITY TRANSIT**

Renewal of lease with Forest City Ratner for office space in 1 Pierrepont Plaza, Brooklyn, NY

Lease agreement with Manhattan College for athletic facilities, Bronx, NY

**METROPOLITAN TRANSPORTATION AUTHORITY**

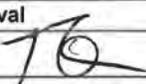
Amendment to lease agreement with General Nutrition Corporation for ground floor retail space at 2 Broadway, New York, NY

# Staff Summary

Subject <b>LEASE AGREEMENT AT RONKONKOMA STATION</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>STEPHEN BROWN</b>

Date <b>OCTOBER 22, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/22/18	X		
2	Board	10/24/18	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")

MASTER LESSEE: An entity to be formed by Iqbal Mozawalla, Uzman Bandukra and Mohammad Afzal

GUARANTOR: Iqbal Mozawalla

LOCATION: Ronkonkoma Station

ACTIVITY: Master Lease of two retail buildings at LIRR's Ronkonkoma Station

ACTION REQUESTED: Authorization to enter into a master lease

TERM: Ten years with one five-year option

SPACE: Two retail facilities at Ronkonkoma Station containing a total of nine retail units

COMPENSATION:

Lease Year	Compensation	PSF	Lease Year	Compensation	PSF
1	\$275,000.00	\$15.71	Option Term: 11	\$369,577.00	\$21.12
2	\$283,250.00	\$16.19	12	\$380,664.00	\$21.75
3	\$291,747.00	\$16.67	13	\$392,084.00	\$22.40
4	\$300,500.00	\$17.17	14	\$403,847.00	\$23.08
5	\$309,515.00	\$17.69	15	\$415,962.00	\$23.77
6	\$318,800.00	\$18.22	<b>NPV @ 7%:</b>	<b>\$2,992,829.89</b>	
7	\$328,364.00	\$18.76			
8	\$338,215.00	\$19.33			
9	\$348,362.00	\$19.91			
10	\$358,812.00	\$20.50			

COMMENTS:

In December 2017, MTA Real Estate issued a Request For Proposals ("RFP") offering a ten year master lease with one five-year option for the two retail facilities at Ronkonkoma Station. Between the two retail facilities there are nine separate retail units.

# Staff Summary

## FINANCE COMMITTEE MEETING LEASE AGREEMENT AT RONKONKOMA STATION (Cont'd.)

The Master Lessee will be responsible for refurbishing, sublicensing, operating and maintaining the retail facilities, and providing liability and insurance coverage at its sole cost and expense. Required repairs and renovations include: custom interior buildouts, new fixtures and utility upgrades, as well as updated signage and improvements to the exterior lighting and common areas, at an estimated cost for these improvements of \$275,000. Additionally, the Master Lessee will repave and restripe the area currently used for taxi parking. The Master Lessee will be responsible for negotiating new subleases with the existing retail operators or finding new retail subtenants. The Master Lessee will be responsible for paying rent to LIRR regardless of its ability to sublet the spaces to retailers. Iqbal Mozawalla will also sign a personal guaranty for payment and performance under the lease.

Given the significant responsibilities of the Master Lessee, MTA Real Estate in evaluating proposals considered not only the possible revenue and the proposers' financial capability but also management and operational experience.

Three proposals were received in response to the RFP and a request for a best and final offer ("BAFO"). The proposals, discounted at 7%, are as follows based only on guaranteed rent:

Proposer	Net Present Value	Net Present Value (with improvements)
Iqbal Mozawalla	\$2,992,830	\$3,267,830
Mohammed Khan	\$3,085,632	\$3,125,632
JTE Enterprise	\$1,469,208	\$1,529,208

While Mohammed Khan offered slightly higher guaranteed rent (about \$92,800 or 3% higher) than the proposal submitted by Iqbal Mozawalla, Mr. Khan proposed to spend only \$40,000 for interior and exterior improvements, which MTA deemed inadequate given the project's scope. In contrast, Mr. Mozawalla proposed an estimated investment of \$275,000 plus the cost to repave and restripe the area currently used for taxi parking. The net present value of Mr. Mozawalla's proposal including the present value to the MTA of the improvements to be paid for by Mr. Mozawalla exceeds the net present value of Mr. Khan's proposal taking into account such improvements. Mr. Mozawalla's business plan for the retail facilities at Ronkonkoma contemplates retaining the existing newsstand and the Dunkin' Donuts coffee franchisee and actively marketing other retail space to a broad mix of retail and commercial tenants including a bar/restaurant and possible office use.

As part of the evaluation process MTA Real Estate conducted financial due diligence and considered Mr. Khan's and Mr. Mozawalla's financial capability and management and operational experience. MTA Real Estate determined that Mr. Khan lacks sufficient assets to guarantee this and his other obligations to the MTA, which include operating newsstands at two New York City Transit Authority locations, and does not currently have sufficient comparable management and operational experience needed to successfully oversee the retail subtenants and operate and manage the retail facilities as a master lessee, in addition to operating his own retail space. Iqbal Mozawalla has considerable experience in the retail and hospitality industry and is the incumbent licensee in good standing at 13 LIRR station concessions paying an annual rent roll of \$450,000. Furthermore, Mr. Mozawalla has sufficient assets to guarantee this and all other of his MTA obligations.

In such circumstances, the Real Property Disposition Guidelines provide that a proposer whose proposal is not the highest guaranteed rent may nonetheless be designated as the lessee.

MTA Real Estate has selected Iqbal Mozawalla's proposal having determined that Mozawalla and his associates are materially more likely to meet their financial obligations to the MTA, provide a substantially superior amenity to the MTA's customers, the benefit to the MTA of which would cause the NPV received by the MTA from Iqbal Mozawalla to be higher than the NPV the MTA would receive from Mr. Khan and that Mozawalla's assets are sufficient to guarantee this and all other of his MTA obligations.

The MTA commissioned one of its on-call appraisers to determine rental value under a triple net master lease. The appraisal analysis determined a comparable rental range of \$11.92 to \$22.98 per square foot. After studying the rentals, as adjusted, and after applying more weight to those considered most comparable, the appraiser arrived at a triple net rental value of \$15.75 per square foot.

# Staff Summary

## FINANCE COMMITTEE MEETING LEASE AGREEMENT AT RONKONKOMA STATION (Cont'd.)

Based on the foregoing, MTA Real Estate requests authorization for LIRR to enter into a lease agreement with an entity to be formed by Iqbal Mozawalla, Uzman Bandukra and Mohammad Afzal based on the above-described terms and conditions.

# Staff Summary

<b>Subject</b> LICENSE FOR VEHICLE PARKING ADJACENT TO SPRINGDALE MOW FACILITY
<b>Department</b> REAL ESTATE
<b>Department Head Name</b> JOHN N. LIEBER
<b>Department Head Signature</b> 
<b>Project Manager Name</b> MICHAEL DANIELS

<b>Date</b> OCTOBER 22, 2018
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/22/18	X		
2	Board	10/24/18	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")

LICENSOR: JIN CT, LLC

LOCATION: A portion of the parking lot located at 120 Viaduct Road, Stamford, Connecticut, including 35 parking spaces (the "Premises")

USE: Employee and guest vehicle parking

ACTION REQUESTED: Authorization to enter into a license agreement

TERM: Five years

SPACE: Parking spaces for 35 vehicles

RENT:

First year	\$39,480.00	(\$94.00 a month per space)
Second year	\$39,669.00	(\$94.45 a month per space)
Third year	\$39,858.00	(\$94.90 a month per space)
Fourth year	\$40,047.00	(\$95.35 a month per space)
Fifth year	\$40,236.00	(\$95.80 a month per space)

SNOW AND ICE REMOVAL: Metro-North responsible for the Premises

SIGNAGE AND STRIPING: Metro-North responsible for the Premises

**COMMENTS:**

Metro-North's Springdale Maintenance of Way facility ("MOW") supports an estimated 170 employees who work in the Power, C&S, Track, B&B, and MOW Material groups. Currently, MOW is using the Premises on an emergency basis for short-term employee overflow and visitor parking and also uses 79 additional parking spaces which are licensed from the adjacent property owner. MOW has determined that there is a continued need for parking at the Premises on a long-term basis after the short-term agreement has expired.

# Staff Summary

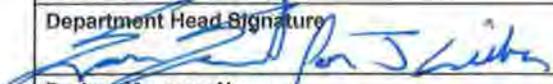
**FINANCE COMMITTEE MEETING  
LICENSE FOR VEHICLE PARKING AT SPRINGDALE MOW FACILITY (Cont'd.)**

Under the proposed long-term license, the Premises will continue to support Metro-North employees' overflow and visitor parking.

MTA Real Estate has determined that the Licensor's fee proposal is consistent with market value.

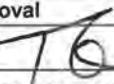
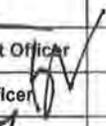
Based on the foregoing, MTA Real Estate requests authorization for Metro-North to enter into a license on the above described terms and conditions.

# Staff Summary

Subject <b>LEASE AGREEMENT WITH CENTRAL WATCH BAND STAND, LTD. AT GRAND CENTRAL TERMINAL</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>OCTOBER 22, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/22/18	X		
2	Board	10/24/18	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")  
 LICENSOR: Central Watch Band Stand, Ltd. dba Central Watch  
 LOCATION: Retail spaces Y-1, Y-2, Y-3, Y-4, Y-5  
 ACTIVITY: The repair, servicing and retail sale of watches and related accessories  
 ACTION REQUESTED: Authorization enter into a lease agreement  
 TERM: 5 years  
 SPACE: Approximately 315 sq. ft.  
 COMPENSATION: Annual Base Rent plus 8% of gross sales over Breakpoint, as follows:

Year	Annual Base Rent	PSF	Breakpoint
1	\$90,423.16	\$287.06	\$1,275,200.77
2	\$93,135.85	\$295.67	\$1,313,456.79
3	\$95,929.92	\$304.53	\$1,352,860.49
4	\$98,807.81	\$313.67	\$1,393,446.30
5	\$101,722.04	\$322.92	\$1,435,249.69

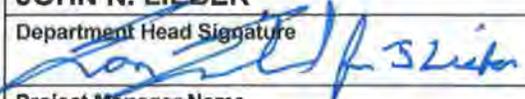
**COMMENTS:**

In response to a recent MTA Request for Proposals for Retail Space Y-1, Y-2, Y-3, Y-4, Y-5 at Grand Central Terminal, a single proposal was received from Central Watch Band Stand, Ltd. dba Central Watch.

Central Watch has been owned and operated by the Kivel family since opening in the Terminal in 1952. Central Watch's primary business is the repair and servicing of watches, however they also carry a full line of watches and watch accessories. Central Watch has maintained a solid reputation in NYC and the loyalty of a wide customer base. The proposed guaranteed minimum rent is at fair market rental value for the Location, as determined by the MTA Real Estate's independent appraiser.

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

# Staff Summary

Subject <b>LEASE RENEWAL AMENDMENT FOR NYCT AT 1 PIERREPONT</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>OCTOBER 22, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/22/18	X		
2	Board	10/24/18	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 LANDLORD: Forrest City Pierrepont Associates ("Landlord")  
 LOCATION: 1 Pierrepont Plaza, Brooklyn, NY  
 ACTIVITY: Renewal of office space  
 ACTION REQUESTED: Authorization to enter into a lease renewal  
 TERM: Approximately 10 years from March 24, 2019 until March 23, 2029  
 SPACE: Entire 6th floor consisting of approximately 47,042 rentable square feet ("RSF")  
 COMPENSATION:

Term	Rent/RSF	Annual Rent
Rent Commencement - Expiration	\$50.00 Increasing 1.25% per annum	\$2,352,100

DISCRETIONARY ALLOWANCE: In lieu of free rent, upon proper written notice, which must occur no later than December 31, 2020, Landlord will provide NYCT an allowance of \$20.75 per sq. ft. (\$976,121.50) which can be utilized at NYCT's discretion and if used to subsidize rent, effectively reduces the annual rent by approximately \$2.08 PSF per annum.

TENANT IMPROVEMENT ALLOWANCE: Landlord will provide NYCT with a tenant improvement allowance of \$41.50 per square foot (\$1,952,243.00) for actual out-of-pocket costs incurred by NYCT for tenant alterations and improvements, up to 50% of which (i.e., \$20.75 per sq. ft./\$976,121.50) can be utilized at NYCT's discretion as a lump sum cash payment rather than to pay for tenant improvements. NYCT has estimated that one-half of the Tenant Improvement Allowance will be sufficient to cover the cost of its planned alterations and improvements which should enable NYCT to use the lump sum cash payment for any purpose (and if used to subsidize rent this would effectively reduce the annual rent by approximately \$2.08 PSF per annum).

LEASE COMMENCEMENT: The renewal term and rent commences March 24, 2019

# Staff Summary

## FINANCE COMMITTEE MEETING

### LEASE RENEWAL AMENDMENT FOR NYCT AT ONE PIERREPONT (Cont'd)

RENEWAL OPTIONS:	One (1) five year renewal option at 95% of fair market value exercised at least 18 months prior to lease expiration.
EXPANSION OPTIONS:	None
REAL PROPERTY TAX ESCALATION:	NYCT will pay its proportionate share of increases over a 2019 calendar base year.
OPERATING EXPENSE ESCALATION:	NYCT will pay its proportionate share of increases in operating expenses over a 2019 calendar base year.
UTILITIES:	Per the existing lease, NYCT 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 (during normal business hours) and building security will be performed by Landlord and included in base rent. Chilled water for NYCT's supplemental air-conditioning will be provided at Landlord's cost.
MAINTENANCE AND REPAIRS:	Landlord will be responsible for repairs and maintenance of the building's common areas and common building systems and structural components. NYCT will be responsible for maintenance and repair of any supplemental air-conditioning and for non-structural repairs within the space.
TERMINATION OPTION:	NYCT will have a one time termination right in the fifth year upon 18 months prior written notice, which notice must include payment of a termination fee equal to 6 months of the then escalated rent and reimbursement of all unamortized transaction costs (i.e., Tenant Improvement Allowance and Landlord's brokerage fees, if any, in connection with the renewal) calculated based upon a 7.5% discount rate, including brokerage commission, rent concessions and any Landlord contribution to alterations and improvements.
SECURITY DEPOSIT:	None

#### COMMENTS:

In 2013, NYCT leased offices at 1 Pierrepont Plaza, Brooklyn, New York (a copy of the original MTA Board Staff Summary is attached for reference) to support Capital Program Management ("CPM") staffing for Super Storm Sandy related projects. It was subsequently determined, due to collaboration needs between other NYCT departments, that the Sandy design team needed to be housed at 2 Broadway, New York, New York. To facilitate this, NYCT Safety Management, Management Services groups and additional construction managers were relocated from 2 Broadway to 1 Pierrepont Plaza. Sandy related projects will continue through 2022, at which time that staff will be reassigned to other NYCT projects, including the "Fast Forward" capital program which, if approved in the next capital plan, is projected to commence in 2020.

Cushman & Wakefield, Inc., as the MTA's broker, was tasked in identifying suitable, cost-effective space alternatives. It provided the following comparables of relatively recent, closed transactions below. These transactions indicate that the proposed transaction is in line with the market.

# Staff Summary

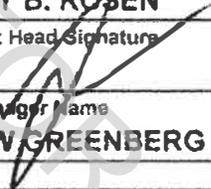
## FINANCE COMMITTEE MEETING LEASE RENEWAL AMENDMENT FOR NYCT AT ONE PIERREPONT (Cont'd.)

Location	Total Square Feet	Rent Per Square Foot
City of NY - 1 Pierrepont, 11 <sup>th</sup> floor	Approx. 45,000 rsf	\$50.00
Private company – 41 Flatbush Ave, 2 <sup>nd</sup> floor	Approx. 26,908 rsf	\$50.50
Private company – 41 Flatbush, 7 <sup>th</sup> floor	Approx. 26,964 rsf	\$55.00

Further, upon analysis of the negotiated renewal proposal from the Landlord, Cushman & Wakefield determined that for NYCT to relocate and incur construction costs, the break-even cost to move would require a starting rent of \$29.30 per square foot. It concluded, based on the parameters for this requirement and current market conditions, that they would not be able to achieve similar terms and conditions at a new location and therefore a renewal in place was the best and most cost-effective solution for this requirement.

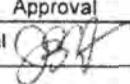
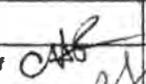
Based on the foregoing, MTA Real Estate requests authorization for NYCT to renew the existing lease based upon the above described terms and conditions.

# Staff Summary

Subject <b>LEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ANDREW GREENBERG</b>

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/3/13	X		
2	Board	6/5/13	X		

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

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

LANDLORD: Forest City Pierrepont Associates

LOCATION: One Pierrepont Plaza, Brooklyn, New York

ACTIVITY: Lease of temporary office space

ACTION REQUESTED: Approval of terms

TERM: Three years

SPACE: Entire 6<sup>th</sup> floor - approx. 44,027 rentable square feet (approx. 34,341 usable sq. ft.)

COMPENSATION: \$35.00 per rentable sq. ft. (\$1,540,945.00 per year, \$128,412.08 per month) commencing three months following Possession.

LANDLORD WORK: The space is to be provided fully built and furnished. Landlord will provide specified base building alterations and improvements at its sole cost and expense, and make additional improvements to "fit-out" the space and contribute up to \$770,472.50 towards the cost. The additional improvements are estimated to cost \$668,443, well within the Landlord's contribution based on current scope.

POSSESSION: Upon substantial completion of Landlord's Work

RENEWAL OPTION: Two one- year renewal options, as follows:  
 1<sup>st</sup> Option Year - \$40.00 per rentable sq. ft. (\$1,761,080.00 per year, \$146,756.66 per month), on 12 months' prior notice;  
 2<sup>nd</sup> Option Year - \$41.00 per rentable sq. ft. (\$1,805,107.00 per year, \$150,425.58 per month), on 9 months' prior notice.

OPERATING EXPENSE ESCALATION: Proportionate share of increases over a calendar 2013 base year with no increase during the initial 12 months from the possession date.

REAL ESTATE TAX ESCALATION: Tenant to pay proportionate share of increases over a fiscal 2013/14 base tax year.

UTILITIES: Tenant to pay for actual cost of submetered electrical consumption. Cost of all other utilities included in the base rent.

SERVICES: Cleaning, HVAC service during normal building hours and building security will be provided at no extra cost to Tenant. Chilled water for Tenant's supplemental air-conditioning will be provided at cost.

## Staff Summary

### FINANCE COMMITTEE MEETING Lease Agreement (Cont'd)

#### REPAIRS AND MAINTENANCE:

Landlord will be responsible for repairs and maintenance of building common areas and common building systems and structural components.

Tenant will be responsible for maintenance and repair of any supplemental air-conditioning and for non-structural repairs within the space.

#### SECURITY DEPOSIT:

None.

#### COMMENTS

The Capital Project Management group of NYCT requires suitable furnished, move-in-condition, downtown Manhattan or Brooklyn offices to house approximately 140 engineers (and associated support staff) on a short-term basis to accommodate emergency hiring and procurements necessitated by reason of NYCT's need to repair and enhance systems damaged during Hurricane Sandy. Following a comprehensive survey of available pre-built space within the specified areas, Cushman & Wakefield identified four downtown Manhattan facilities and three downtown Brooklyn facilities, all in close proximity to public transportation. All seven were inspected and two buildings - 1 Liberty Plaza in downtown Manhattan and 1 Pierrepont Plaza in downtown Brooklyn - were identified as potentially suitable. Requests for proposals were sent to the owners of these properties and following negotiations with such owners it was determined that the least costly alternative was 1 Pierrepont Plaza.

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

# Staff Summary

Subject <b>LEASE AGREEMENT WITH MANHATTAN COLLEGE</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>ARTURO ESPINOZA</b>

Date <b>OCTOBER 22, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/22/18	X		
2	Board	10/24/18	X		

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

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

LESSEE: Manhattan College

LOCATION: 4000 Irwin Avenue, Bronx, New York (portion of Bronx County Block 5776 lot 401)

ACTIVITY: Operation of an athletic field, accessory facilities and parking lots

ACTION REQUESTED: Authorization to enter into a lease

TERM: 10 years, terminable by NYCT on 24 months' notice for corporate purposes. In the event of NYCT termination, NYCT would be required to reimburse the Lessee's unamortized construction costs.

SPACE: Approximately 207,975 square feet

Year	Annual Rent	Monthly Rent	% Increase	PSF Rent
1	\$165,000.00	\$13,750.00	3%	\$0.79
2	\$169,950.00	\$14,162.50	3%	\$0.82
3	\$175,048.50	\$14,587.38	3%	\$0.84
4	\$180,300.00	\$15,025.00	3%	\$0.87
5	\$185,709.00	\$15,475.75	3%	\$0.89
6	\$191,280.20	\$15,940.02	3%	\$0.92
7	\$197,018.60	\$16,418.22	3%	\$0.95
8	\$202,929.20	\$16,910.77	3%	\$0.98
9	\$209,017.10	\$17,418.09	3%	\$1.01
10	\$215,287.60	\$17,940.63	3%	\$1.04

# Staff Summary

## FINANCE COMMITTEE MEETING LEASE WITH MANHATTAN COLLEGE (Cont'd.)

The athletic field used by Manhattan College has been a center for Irish football, hurling, and other Irish sporting events in New York City for decades. The property on which the athletic field, accessory facilities (including a locker room, training room, storage room and storage shed) and parking lots sit (collectively, the "Property") is administered by MTA Real Estate for the City of New York account pursuant to the 1953 master lease between NYCT and the City of New York. The Property is currently licensed to Manhattan College on a short-term basis. Earlier this year, Gaelic Athletic Association ("Gaelic"), a long-time tenant of the premises adjacent to the athletic field and a long-time user of the athletic field and the accessory facilities along with Manhattan College, entered into a new lease with NYCT for said adjacent premises (pursuant to which Gaelic is performing substantial rehabilitation of the existing building on the adjacent premises), and it is anticipated that Manhattan College and Gaelic will continue sharing the athletic field for sporting events.

The Property was offered via a Request for Proposals ("RFP") for a 10-year lease term requiring the replacement of the adjacent sidewalk along West 240<sup>th</sup> Street and extensive repairs to its facilities (collectively, the "Required Improvements"). In response to the RFP, Manhattan College was the sole proposer. The present value of the rent proposed is \$1,306,887 (calculated at a 7% discount rate). Such rent is in line with the appraised value of the Property, as estimated by MTA Real Estate's independent appraiser.

Manhattan College is committed to undertaking the Required Improvements and it possesses the financial resources and wherewithal to do so.

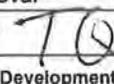
Based on the foregoing, MTA Real Estate requests authorization for NYCT to enter into a lease agreement with Manhattan College on the above-described terms and conditions.

# Staff Summary

Subject <b>LEASE AMENDMENT WITH GENERAL NUTRITION CORPORATION</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>OCTOBER 22, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/22/18	X		
2	Board	10/24/18	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"), as agent for MTA Long Island Rail Road, MTA Metro-North Railroad, New York City Transit Authority, and Tri-borough Bridge and Tunnel Authority (collectively, the "MTA Parties")

**LESSEE:** General Nutrition Corporation ("GNC")

**LOCATION:** 2 Broadway, New York, NY

**ACTIVITY:** Amendment to extension option

**ACTION REQUESTED:** Authorization to enter into a lease amendment

**REVISED OPTION TERM:** Second option term modified from five-year to one two-year option and one three-year option

**SPACE:** Approximately 1,800 square feet

**COMMENTS:**

In August 2003, the MTA entered into a lease agreement with GNC to lease ground floor retail space at 2 Broadway. The agreement provided for a ten year term with two 5 year extension options with an original expiration date of September 30, 2013. GNC exercised the first extension option in January 2013, which extended their term to September 30, 2018.

In March 2018, GNC notified MTA Real Estate that sales for this store were declining and that GNC corporate was contemplating not exercising its second 5 year renewal option. MTA Real Estate has since reviewed GNC's gross receipts in order to validate their claims. Should GNC decide to vacate the premises, MTA Real Estate will be required to issue an RFP. From the time of issuance, through construction and rent commencement, it could take up to 12-18 months, resulting in a loss of revenue of up to \$351,000.

GNC corporate ultimately agreed to exercise a 2 year option in order to improve sales. Maintaining a national brand in the retail portfolio of 2 Broadway is a priority for MTA Real Estate. As such, MTA Real Estate has agreed to negotiate a modification of the second option term, such that the second option term will remain at 5 years in total but will be split into one two-year option and one three-year option. The original agreed upon compensation increase, approximately 16% at the beginning of the renewal term, will remain unchanged.

Based on the foregoing, MTA Real Estate requests authorization for the MTA to enter into a lease amendment with General Nutrition Corporation based on the above-described terms and conditions.

# Staff Summary

Subject <b>LEASE RENEWAL</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>ROCO KRSULIC</b>
Department Head Signature 
Project Manager Name <b>JENNIFER COLON</b>

Date <b>FEBURARY 24, 2003</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	P/RE Committee	02/24/03	X		
2	Board	02/27/03	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	
3	Director of B&FM		

**Narrative**

AGENCY: Metropolitan Transportation Authority ("MTA")

LESSEE: General Nutrition Corporation ("GNC")

LOCATION: 2 Broadway, New York, NY

ACTION REQUESTED: Approval of Lease Renewal Terms

TERM: Ten year Lease with two five-year options

RENT COMMENCEMENT: Non-interruption of rent

SPACE: Approximately 1,800 square feet on the ground floor

COMPENSATION:

Term	Per Year	Per Month	Per SF
1-2	\$ 135,000	\$ 11,250	\$ 75.00
3-5	\$ 144,000	\$ 12,000	\$ 80.00
6-10	\$ 171,000	\$ 14,250	\$ 95.00
11-15	\$ 201,600	\$ 16,800	\$ 112.00
16-20	\$ 234,000	\$ 19,500	\$ 130.00

Real Estate Brokers: Greco Associates, LLC. (Compensation paid by tenant pursuant to separate agreement.)

Tenant Improvements: Tenant will effect the complete renovation of the store interior, including new flooring, lighting, trade fixtures, display units, and the installation of its new "Smoothie Bar" concept at an estimated cost of \$100,000.

Landlord Improvements: Landlord will provide a new sign band and reconfigure the storefront at an estimated cost of approximately \$50,000. Tenant will be provided with a two-month construction allowance to be apportioned over the first year of the Lease Term.

COMMENTS:

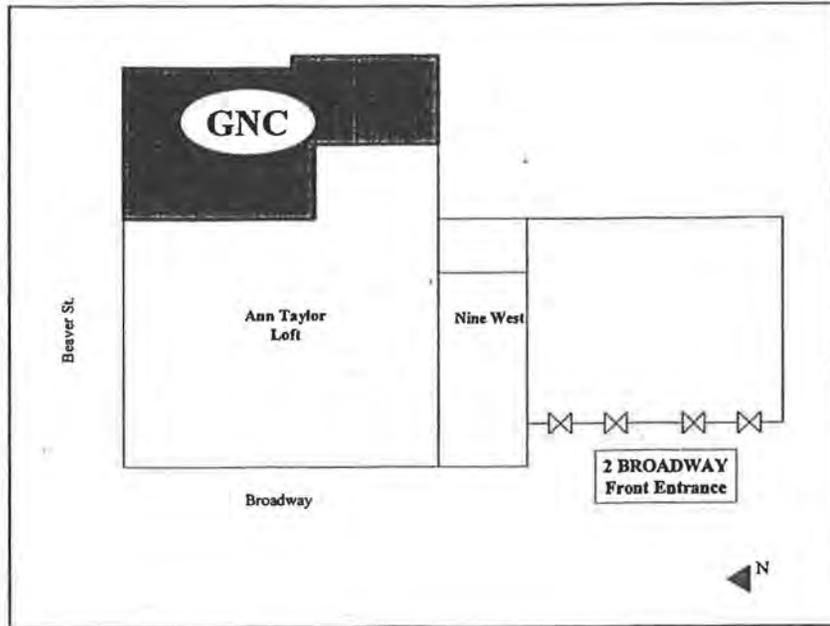
GNC has been a retail tenant at 2 Broadway since 1991. They are in good standing with a current monthly rent of approximately \$64 per square foot. They will receive an initial rent increase of 15 percent and have agreed to completely renovate the store interior to support MTA's efforts to maintain 2 Broadway as a class "A" office building. MTA will be reconfiguring the storefront to accommodate modifications to the interior layout, including provision of a second means of egress, which is a requirement of the building code.

**PLANNING/REAL ESTATE COMMITTEE MEETING**

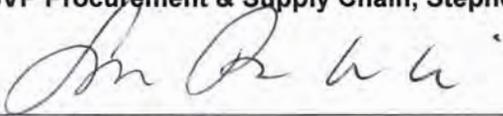
**Lease Renewal with General Nutrition Corporation at 2 Broadway, New York, NY**

Although located on the less visible Beaver Street side of 2 Broadway, the negotiated rent per square foot is consistent with the compensation paid by Ann Taylor Loft and Nine West for the retail space fronting Broadway.

Based on the above, we recommend entering into a lease agreement under the above-stated terms and conditions.



# Staff Summary

<b>Item Number</b> 1			
<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		
2 X	Law		
3 X	Subways		
4	SVP OPS		
5	President		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name:</b> N/A	<b>Contract No.</b> R34211
<b>Description</b> Expedited Change Order Procedure for the R211 Train Procurement	
<b>Total Amount:</b>	
<b>Contract Term (including Options, if any)</b>	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type: Action Item</b>	
<input type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b>	
<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

### Purpose

To obtain authorization from the Board to use the expedited change order procedure developed pursuant to the All-Agency General Contract Procurement Guidelines ("Guidelines") for the R211 Train Procurement with Kawasaki Rail Car, Inc. ("Kawasaki"), including base and option cars. This change order procedure will be the same as those previously authorized by the Board for the R142 and all subsequent train procurements including the R179.

### Discussion

The R211 Train Procurement is for a base quantity of 535 cars. As work progresses on the contract, changes may be required for legal, safety, design, or maintenance concerns or requirements. The need for these changes can be raised by either NYC Transit or the contractor. Once the need for the change is recognized, it is critical that an additional work order ("AWO") be finalized and issued as quickly as possible. Delivery of these cars to NYC Transit is paramount, and due to the rapid rate of production, any delay in the issuance of AWOs will result in additional costs associated with retrofit of already-manufactured equipment. The greater the delay in issuance of AWOs, the greater likelihood of increased costs and potential delays to the delivery of the cars.

A specific expedited change order procedure was developed, Board approved, and subsequently utilized for each of the R142, R142A, R143, R160, R188, and R179 train procurements. In July 1997, the Board first authorized the use of the expedited change order procedure as developed pursuant to the Guidelines for the R142 and R142A train procurements and most recently in November 2012 for the R179 train procurement. The same rationale that applied to the aforementioned train procurements also applies to the R211 train procurement.

The expedited change order procedure establishes specific, consistent approval thresholds depending on the dollar value of the change order. For all change orders with a total value of \$50,000 or more (or credits of \$50,000 or more), approval is required from the VP, Materiel before the change order can be issued. Change orders of less than \$50,000 (or credits of less than \$50,000) can be approved by the Assistant Chief Procurement Officer.

Proper fiscal controls over the issuance of AWOs exist in the form of the already-established 1.5 percent budgetary contingency for R211 AWOs. Capital Budget approval would be necessary to exceed this contingency amount. Maximum hourly personnel rates for AWO work performed by the contractor are set forth in the R211 contract and each AWO will comply with the rules for conducting cost/price analyses. Cost estimates related to each proposed AWO will be provided by NYC Transit's independent engineering consultant, who has extensive experience in railcar manufacturing and NYC Transit train procurements.

## Staff Summary

Under normal AWO procedures, all change orders exceeding \$750,000 that do not meet the Guidelines' expedited approval requirement must be submitted to the Board through its regular processing cycle. As the R211 base order quantity is 535 cars, each R211 change order for as little as \$1,402 per car would require Board action, potentially causing a more lengthy approval process. As time is of the essence with regard to delivery of the R211 cars, any delay in issuance of a change order could result in additional costs and delay delivery of the cars. However, the Guidelines permit the Authority President or his designee to enter into AWOs without Board action if there exists the risk of substantial increase of cost or delay if prompt action is not taken.

Whenever possible, a lump-sum price will be negotiated for an AWO prior to its issuance. When advance negotiations cannot be concluded, NYC Transit will issue a Change Order Directive, which obligates the contractor to commence the work. Negotiations would continue to be conducted with a goal of reaching an agreed-upon price prior to completion of work under the AWO.

Use of this expedited change order procedure will also standardize the AWO process by keeping the existing administrative process and will avoid confusion of having separate administrative AWO programs for all train procurements. The Board will be apprised of the status of the R211 Train Procurement in regular presentations to the Capital Program Oversight Committee by the MTA, NYC Transit, and the MTA oversight consultant as was the case for the R142, R142A, and R143 train procurements and is currently performed for the R160, R188, and R179 train procurements.

### **Impact on Funding**

No impact on funding.

### **Recommendation**

It is recommended that the Board adopt the attached resolution to authorize the use of the expedited change order procedure developed pursuant to the Guidelines for all change orders under the R211 Train Procurement with Kawasaki, including base and option cars.

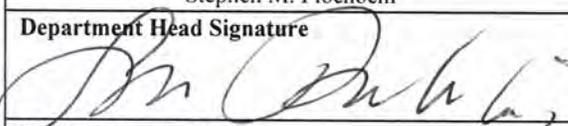
## RESOLUTION

WHEREAS, in a Staff Summary dated October 16, 2018, the Senior Vice President, Procurement & Supply Chain, has recommended that the Authority be authorized to use the expedited change order process developed pursuant to the All-Agency General Contract Procurement Guidelines for the R211 Train Procurement; and

WHEREAS, the expedited process is the same as that authorized by the Board for each of the R142, R142A, R143, R160, R188 and R179 Train Procurements. In July 1997, the Board first authorized the use of the expedited change order procedure for the R142 and R142A train procurements, and then most recently in November 2012 for the R179 train procurement; and

WHEREAS, as time is of the essence with regard to delivery of the R211 cars, and any delay in the issuance of a change order could result in additional costs and delay delivery of the cars, the Authority has determined that it is in the public interest to authorize the expedited process for the R211 Train Procurement as recommended in the said Staff Summary;

NOW, THEREFORE, BE IT RESOLVED, effective immediately, that the Authority is authorized to use the expedited change order process developed pursuant to the All-Agency General Contract Procurement Guidelines for all change orders under the R211 Train Procurement.

<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Procurement & 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	10/22/18			
2	Board	10/24/18			
<b>Internal Approvals (cont.)</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>

October 16, 2018			
<b>Department</b>			
<b>Department Head Name</b>			
<b>Department Head Signature</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT		President MTACC
	Operations Support	X	President MTA Bus/Buses
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>

**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: Non-Competitive Purchases and Public Work Contracts	2	\$ 14.0 M
• Knorr Brake Corporation	\$ 10.0 M	
• Prevost Parts (US) Inc.	\$ 4.0 M	

Schedules Requiring Majority Vote:

Schedule H: Modifications to Personal/Miscellaneous Service Contracts	3	\$ 56.1 M
• Arro, Inc.	\$ 56.1 M	
• Curb Mobility		
• LimoSys LLC		
<b>SUBTOTAL</b>	<b>5</b>	<b>\$ 70.1 M</b>

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

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

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

<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)	1	\$ TBD M
<u>Schedules Requiring Majority Vote:</u>		
Schedule F: Personal Service Contracts	26	\$ 800.0 M
SUBTOTAL	27	\$ 800.0 M
TOTAL	32	\$ 870.1 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**

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

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

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

**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.

**OCTOBER 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. | <b>Knorr Brake Corporation</b><br>Sole Source – Three-year omnibus<br>Purchase of inventory and non-inventory replacement air brake parts for subway cars. | <b>\$10,000,000 (Est.)</b> | <b><u>Staff Summary Attached</u></b> |
| 2. | <b>Prevost Parts (US) Inc.</b><br>Sole Source – Three-year omnibus<br>Purchase of inventory and non-inventory replacement bus parts.                       | <b>\$4,000,000 (Est.)</b>  | <b><u>Staff Summary Attached</u></b> |

**Procurements Requiring Majority Vote:**

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

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

- |    |                          |                            |                                      |
|----|--------------------------|----------------------------|--------------------------------------|
| 3. | <b>Arro, Inc.</b>        | <b>\$56,081,429 (Est.)</b> | <b><u>Staff Summary Attached</u></b> |
| 4. | <b>Curb Mobility</b>     |                            | ↓                                    |
| 5. | <b>LimoSys LLC</b>       |                            | ↓                                    |
|    | Contract# 6%20838 (Arro) |                            | ↓                                    |
|    | Contract# 6%21852 (Curb) |                            | ↓                                    |
|    | Contract# TBD (LimoSys)  |                            | ↓                                    |
- Modifications to the contracts for Paratransit E-Hail services under NYC Transit’s E-Hail Pilot program, in order to extend the term by six months, add funding, and change scope requirements. This also includes an award to an additional E-hail company.

Item Number: 1

<b>Vendor Name (Location)</b> Knorr Brake Company LLC (Westminster, Maryland)
<b>Description</b> Purchase of inventory and non-inventory replacement air brake parts for subway cars
<b>Contract Term (including Options, if any)</b> December 1, 2018–November 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 type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole-Source Approval

<b>Contract Number</b> NONE	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$10,000,000 (Est.)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Procurement & Supply Chain, Stephen M. Plochochi	

**Discussion**

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

There are approximately 2,785 items covered by this approval for the purchase of replacement air brake parts supplied by Knorr. These items are identified as obtainable only from Knorr for the following reasons: sole pre-qualified item on the Qualified Products List and not available from any distributors or other sources, publicly advertised within a 12-month period without an acceptable alternate supplier, or proprietary to Knorr. These items are advertised a minimum of once every 12 months to seek competition. A list of Knorr’s sole-source items, as well as NYC Transit’s intention to purchase items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole-source replacement parts will be used by the Division of Car Equipment (“DCE”) for Scheduled Maintenance System (“SMS”) and normal maintenance for 3,031 subway cars (752 R46, 824 R62A, 425 R68, and 1,030 R142) in the NYC Transit fleet.

The existing Knorr omnibus approval for \$5,000,000 was approved by the Board in December 2016, and expires on December 14, 2019. There is a remaining balance of \$532,025 in unexpended funds on the existing omnibus approval, which is insufficient to support the requirements through the end of the existing omnibus approval; therefore, Board approval is being sought early.

Procurement performed an analysis on the 13 contracts issued during the term of the existing omnibus approval that exceeded the small purchase threshold, which represents a total contract value of \$3,805,357. Of the 13 contracts, eight items have comparative price history and represent 54.89 percent, or \$2,088,665, of the total dollar value of the contracts. A comparative price analysis of six items (two outliers were excluded) revealed an annual weighted average price increase of 0.66 percent, which compares favorably with the Producer Price Index over the same time period, which shows an annual average price increase of 1.4 percent. Had these two outliers been included in the analysis, the annual weighted average price decrease would have been 1.59 percent. NYC Transit’s Cost Price Analysis Unit reviewed the comparative price analysis and concurred that pricing offered by Knorr is fair and reasonable.

Based on the current forecasts as well as projections for 2019 through 2021, it is anticipated that DCE will require approximately \$10,000,000 for the purchase from Knorr of sole-source items exceeding the small purchase threshold. During the term of the new omnibus approval, 304 R46, 324 R62A, 245 R68, and 230 R142 subway cars will undergo a six-year overhaul and 45 R142 subway cars will undergo a 12-year overhaul.

Procurement, with the concurrence of DCE, believes that the amount requested will be sufficient to procure all sole-source materials that exceed the small purchase threshold from Knorr for the next three-year period. Procurement and DCE will continue to research alternate sources of supply wherever possible. Pricing for any noncompetitive procurement is established by a request for quotation for each item from Knorr on an as-required basis, and each individual procurement is subject to a cost and/or price analysis and a determination that the price is fair and reasonable.

Item Number: 2

<b>Vendor Name (Location)</b> Prevost Parts (US) Inc. (Elgin, Illinois)
<b>Description</b> Purchase of inventory and non-inventory replacement bus parts
<b>Contract Term (including Options, if any)</b> December 17, 2018–December 16, 2021
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole-Source Approval

<b>Contract Number</b> NONE	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$4,000,000 (Est.)	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Procurement & Supply Chain, Stephen M. Plochochi	

**Discussion**

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

There are approximately 13,405 items covered by this approval for the purchase of replacement bus parts for Nova Bus (“Nova”) and Prevost such as cooling system components, hydraulic components, panels, and door assemblies used on NYC Transit buses. These items are identified as obtainable only from Prevost for the following reasons: sole pre-qualified item on the Qualified Products List and not available from any distributors or other sources, publicly advertised within a 12-month period without an acceptable alternate supplier; or proprietary to Prevost. These items are advertised a minimum of once every 12 months to seek competition. A list of Nova and Prevost sole-source items, as well as NYC Transit’s intention to purchase items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole-source parts will be used by NYC Transit’s Department of Buses (“DOB”) for normal maintenance and replenishment of inventory and non-inventory bus parts identified as sole source and/or proprietary to Prevost. NYC Transit operates a fleet of 1,265 Nova buses (757 forty-foot and 508 sixty-foot Articulated) and 389 Prevost 45-foot Over-the-Road buses for a combined total of 1,654 Nova and Prevost buses, which represents approximately 36.9 percent of 4,477 buses in the NYC Transit fleet.

The existing Prevost omnibus approval for \$9,000,000 was approved by the Board in December 2015, and expires on December 16, 2018. There is a remaining balance of \$1,674,370 of unexpended funds on the existing omnibus approval as of August 21, 2018.

Procurement performed an analysis on the 60 contracts issued during the term of the existing omnibus approval that exceeded the small purchase threshold, which have comparative history. A price analysis of the 60 sole-source contracts revealed an annual weighted average price increase of 1.18 percent. These 60 contracts amount to a total of \$4,127,598, which represents 56.35 percent of the total dollars spent as of August 21, 2018. The 1.18 percent annual weighted average price increase compares favorably to the corresponding Producer Price Indexes that showed a combined annual weighted average price increase of 1.68 percent. NYC Transit’s Cost Price Analysis Unit reviewed the comparative price analysis and concurred that pricing offered by Prevost is fair and reasonable.

Based on an analysis of the fleet composition, it is anticipated that NYC Transit will require approximately \$4,000,000 for sole-source items from Prevost during the term of this new omnibus approval request. Procurement believes that the amount requested will be sufficient to procure all sole-source materials from Prevost for the next three-year period. Procurement and DOB will continue to research alternate sources of supply wherever possible. Pricing for any noncompetitive procurement is established by a request for quotation for each item from Prevost on an as-required basis and each individual procurement is subject to a cost and/or price analysis, and a determination that the price is fair and reasonable.

Item Number: 3-5

<b>Vendor Names (Locations)</b> Arro Inc. (Long Island City, New York) Curb Mobility, LLC, formerly VeriFone Transportation Systems (Long Island City, New York) <sup>1</sup> LimoSys (Englewood Cliffs, New Jersey)
<b>Description:</b> Pilot contract for E-Hail services for Paratransit
<b>Contract Term (including Options, if any)</b> Arro: May 1, 2018–October 26, 2018 Curb: October 11, 2017–October 26, 2018 LimoSys: 6 months
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input 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> Department of Buses, Darryl C. Irick

<b>Contract Numbers:</b> Arro: 6%20838 Curb: 6%21852 LimoSys: TBD	<b>AWO/Mod #s</b> Mod. #1 Mod. #2 New Award
<b>Original Amount:</b> Arro: \$2,458,470 Curb: \$11,627,562	\$ 14,086,032 (Est.)
<b>Prior Modifications:</b> Arro: \$350,000 Curb: \$0	\$ 350,000
<b>Prior Budgetary Increases:</b> (Curb)	\$ 47,384,178
<b>Current Amount:</b> Arro: \$2,808,470 Curb: \$59,011,740	\$ 61,820,210
<b>This Request:</b> (Estimated Aggregate Arro, Curb, and LimoSys)	\$ 56,081,429
<b>% of This Request (Estimated Aggregate) to Current Amount:</b>	90.7%
<b>% of Modifications (including This Request) to Original Amount:</b>	N/A%

**Discussion**

To extend the Paratransit E-Hail Pilot (“Pilot”), NYC Transit is requesting Board approval to modify the existing contracts with Arro, Inc. (“Arro”) and Curb Mobility, LLC (“Curb”). Extension of the term of both contracts is sought from October 27, 2018 through April 30, 2019, with sufficient funding. In addition, Board approval is sought to award a new contract to LimoSys, LLC (“LimoSys”) for the same time period. Under this phase of the Pilot, Access-A-Ride (“AAR”) customers will be afforded a choice of E-Hail companies for service. The aggregate value of these awards will be pooled for distribution among the three contractors as the AAR customers will be able to select the contractor that will arrange an E-Hail trip. The estimated aggregate value of these modifications and the recommended new contract award is approximately \$56.1 million.

Three E-Hail companies will now be participating in the extension of the Pilot: Arro, Curb, and LimoSys. In addition to the AAR customer being provided a choice of E-Hail companies, the new scope adds a requirement that each of the E-Hail contractors provide a call center for handling customer reservations, complaints, and inquiries, as well as a requirement for the E-Hail contractors to provide additional reporting capabilities on a daily basis.

In October 2017, NYC Transit began a 12-month Pilot to test and evaluate whether E-Hail companies could be utilized to electronically disseminate trips to NYC Taxi and Limousine Commission (“TLC”) licensed drivers using an E-Hail company’s web-based application. E-Hail companies are technology companies that have developed web-based applications intended to match individuals in need of transportation with vehicles located within the individual’s immediate geographical area. The drivers of these vehicles are TLC-licensed independent contractors. Within the five boroughs of New York City, Arro operates an application that disseminates trips to approximately 7,800 affiliated yellow and green metered taxicabs, Curb operates an application that disseminates trips to approximately 13,500 affiliated yellow and green metered taxicabs, and LimoSys operates an application that disseminates trips to approximately 25,000 affiliated, livery type, for-hire vehicles.

<sup>1</sup> The contract was originally awarded to VeriFone Transportation Systems (“VeriFone”) on October 11, 2017. Thereafter, VeriFone was acquired by Curb. After a thorough evaluation of Curb, including a responsibility background check, the Authority executed a contract assignment to Curb.

Since the E-Hail Pilot's inception, Paratransit has provided over 1.4 million trips (approximately 6,500 daily trips) utilizing Arro and Curb. The E-Hail Pilot has been well received by AAR customers and paratransit advocates. It is anticipated that the Pilot will continue to deliver improved customer service to AAR customers by providing additional transportation options and continue testing of on-demand same-day service.

E-Hail pricing is a fixed price per trip based on distance; pricing differs slightly from contractor to contractor. The average per-trip price for the three is approximately \$36.05 (with averages per company of \$35.63 for Arro, \$35.91 for Curb, and \$36.60 for LimoSys). Pricing for Arro, Curb, and LimoSys is deemed fair and reasonable. During this period, it is anticipated that approximately 1,555,656 AAR trips will be performed at an estimated cost of \$56,081,429 (accounting for averaging and rounding) at an average per-trip price of approximately \$36.05.

It should be noted that in April 2018, an Immediate Operating Need ("ION") was declared to increase the capacity of trips being performed under the initial E-Hail contract and to expedite the awards made to other E-Hail companies in support of the Pilot and beyond. The purpose of the ION was to allow NYC Transit the ability to evaluate multiple contractors during the Pilot and continue improvements to customer service. This action is being processed under the existing ION. Due to the established ION, this action is not subject to prior approval by the Office of the New York State Comptroller.

**OCTOBER 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.)

1. **Contractor To Be Determined**                      **Cost To Be Determined**                      **Staff Summary Attached**  
**Contract Term To Be Determined**  
**Contract# S-48013**  
RFP Authorizing Resolution for R179/R211 Carborne Equipment for the CBTC 8th Avenue Line.

**Procurements Requiring Majority Vote:**

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

- 2-27. **Various Contractors**                      **\$800,000,000 (Est. Aggregate)**                      **Staff Summary Attached**  
**Fourteen Proposals – 60-month contract**  
**Contract#s CM-1600/1601/1602/1603/1604/1605/1606/1607, CM-1626/1627/1628/1629/1630**  
**(Federally funded)**  
**Contract#s CM-1608/1609/1610/1611/1612/1613/1614/1615, CM-1631/1632/1633/1634/1635 (State funded)**  
Indefinite Quantity Consultant Construction Management and Inspection Services for Miscellaneous Construction Projects.

# Staff Summary

<b>Item Number 1</b>			
<b>Department Head Name:</b> SVP Procurement & Supply Chain, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
Order	Approval	Order	Approval
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> S-48013
<b>Description</b> R179/R211 Carborne Equipment for the CBTC 8th Avenue Line	
<b>Total Amount</b> TBD	
<b>Contract Term:</b> TBD	
<b>Option(s) included in Total Amount?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> 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 a contract(s) to provide Carborne Communication-Based Train Control ("CBTC") equipment for the R179 and R211 subway cars that will operate on the 8th Avenue line, and that it is in the public interest to issue a competitive Request for Proposal ("RFP") pursuant to Public Authorities Law, Section 1209, subdivision 9(f). This project will be managed by NYC Transit Capital Program Management.

As a result of a competitive process, there are currently two companies whose systems have been pre-qualified to participate on this project: Siemens Mobility, Inc. ("Siemens") and Thales Transportation, Inc. ("Thales"). Siemens' CBTC system is currently in use on the Canarsie line, and Thales is in the process of completing the installation of its system on the Flushing line. Both companies successfully demonstrated the feasibility of achieving interoperability between their CBTC systems under the Culver Test Track project and are providing equipment for the Queens Boulevard Line ("QBL") Signal System Modernization project.

### Discussion

NYC Transit has been moving toward a state-of-the-art train control system with the installation of CBTC along with an Auxiliary Wayside Signaling System on various subway lines. Since late 2006, CBTC has been operational along the full length of the Canarsie line. The Flushing CBTC project is nearing completion. The Culver Test Track CBTC project was awarded to a Siemens/Thales consortium to achieve interoperability between their systems in a test environment, which was accomplished. The QBL CBTC project was awarded to both Siemens and Thales to demonstrate interoperability and integration of two distinct CBTC systems on a revenue line. CBTC operational benefits to NYC Transit include enhanced train control capabilities, improved safety, and shorter headway between trains, allowing for more efficient use of track capacity and car fleet. This can provide for an increase in service and number of trains per hour so that customers can experience improved and more reliable service.

Contractors under the Canarsie and Flushing projects were not required to achieve full interoperability, as these are the only two stand-alone lines in the system. All future CBTC projects, starting with the QBL project, will be on lines where a train with one manufacturer's equipment can ride on a wayside system installed by another manufacturer, requiring full interoperability.

# Staff Summary

Rather than issue a formal RFP that would result in a new negotiated contract, NYC Transit will utilize a streamlined acquisition strategy similar to what was done this year for the CBTC train simulator for QBL. NYC Transit will be competing the requirements between the only two qualified CBTC suppliers, Siemens and Thales, using a condensed RFP for the R179 and R211 CBTC carborne equipment that requires both Siemens and Thales to submit technical and price proposals.

The RFP will be based on the terms and conditions of the QBL contract to purchase CBTC carborne equipment for installation on R179 cars and on the new R211 cars (base and options). The resulting procurement is expected to be in the form of a supplemental agreement to the QBL contract, incorporating that contract's terms. The CBTC carborne equipment purchase for the R179 cars will provide CBTC carborne equipment to outfit 73 (four- and five-car) operating units that will be installed by NYC Transit personnel in NYC Transit facilities. CBTC carborne equipment will be installed on the first and last car of each train's two operating units. The original R179 car delivery specification required only that the cars be prepared to later accommodate CBTC installation. The R211 carborne equipment purchase will furnish CBTC equipment to outfit 92 (five-car) operating units under the base contract, 128 (five-car) operating units under Option 1, and 89 (four- and five-car) operating units under Option 2 to the carbuilder, Kawasaki Rail Car, Inc. ("Kawasaki"). The R211 cars are being designed to have CBTC equipment installed by Kawasaki at its manufacturing facilities. The CBTC contractor(s) will conduct training for installation personnel and will support installation of all the purchased units. Long-term maintenance provisions for CBTC equipment will also be included.

In order to achieve project objectives and be consistent with the competitive procurement requirements to obtain a fair and reasonable price, it is advantageous to NYC Transit to have these two CBTC suppliers, whose equipment can fully interoperate, compete for these requirements. Utilizing this condensed RFP process is the best way to solicit this contract. Given the complex nature of CBTC, it is in the best interest of NYC Transit to be able to consider, in addition to price, factors such as technical expertise, design, fabrication and integration approaches to the work, delivery schedule and maintenance provisions, as well as past performance and experience on similar projects and other relevant matters to determine which proposal offers the best overall value. In addition, unlike a bid, the RFP process will allow NYC Transit the flexibility to negotiate alternative contract terms and conditions that could potentially result in a lower overall cost for the project while still achieving NYC Transit's requirements. Depending on the results of the RFP, it is anticipated that the contract(s) will be awarded for one or both car types.

## Alternatives

The use of a sealed-bid process, in which factors other than price cannot be comparatively considered, is not recommended as it does not provide the best flexibility in assessing the alternative means toward accomplishing this complex project. An RFP is a better means to evaluate different technical approaches to meet the project schedule and to enable the best consideration of alternative proposals. A negotiated procurement in the context of a complex project would better serve the public interest and offer NYC Transit the best overall value.

## Impact on Funding

This project is funded by the MTA and will be managed by NYC Transit under the MTA Capital Program. Additional funding for R211 options will be available in the future. Long-term maintenance will be funded by the Operating budget.

## Recommendation

That the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate in order to award a contract to provide R179/R211 Carborne equipment for the CBTC 8th Avenue line, and that it is in the public interest to issue a competitive RFP pursuant to Public Authorities Law, Section 1209, subdivision 9(f).

# Staff Summary

<b>Item Number 2-27</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	SVP OPS
2 X	Law	7	President
3 X	Budget		
4 X	DDCR		
5 X	CPM		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract Nos.</b>
Various	CM-1600 – CM-1607 (Federal) CM-1608 – CM-1615 (State) CM-1626 – CM-1630 (Federal) CM-1631 – CM-1635 (State)
<b>Description</b>	
IQ Consultant Construction Management and Inspection Services for Miscellaneous Construction Projects	
<b>Total Amount</b>	
\$800,000,000 Est. Aggregate	
<b>Contract Term (including Options, if any)</b>	
60 months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Purpose**

To obtain Board approval to award 26 competitively solicited Indefinite Quantity (“IQ”) consultant contracts for Consultant Construction Management (“CCM”) and Inspection Services for a total estimated aggregate amount of \$800 million. This contract series is both federally and state funded. Each contract duration is 60 months. These will be zero dollar based contracts with no minimum guarantee of any assignments. The 13 firms and their respective contracts are:

**Consultants**

- |  |                             |
|--|-----------------------------|
|  | <b><u>Contract Nos.</u></b> |
| 1. AECOM USA, Inc. (“AECOM”)   | CM-1600 / CM-1608           |
| 2. Henningson, Durham & Richardson Architecture and Engineering, P.C. (“HDR”)                                | CM-1601 / CM-1609           |
| 3. Hill International, Inc./Parsons Transportation Group of New York, Inc. Joint Venture (“Hill/Parsons JV”) | CM-1602 / CM-1610           |
| 4. HNTB New York Engineering and Architecture, P.C. (“HNTB”)   | CM-1603 / CM-1611           |
| 5. Jacobs Civil Consultants, Inc. (“Jacobs”)   | CM-1604 / CM-1612           |
| 6. LiRo Engineers, Inc. (“LiRo”)   | CM-1605 / CM-1613           |
| 7. Mott MacDonald NY, Inc. (“Mott”)  | CM-1606 / CM-1614           |
| 8. Naik Consulting Group, P.C. (“Naik”) M/DBE  | CM-1607 / CM-1615           |
| 9. STV Incorporated (“STV”)  | CM-1626 / CM-1631           |
| 10. Systra Engineering, Inc./MCSS, Inc. Joint Venture (“Systra/MCSS JV”) M/DBE                               | CM-1627 / CM-1632           |
| 11. Tectonic Engineering & Surveying Consultants, P.C. (“Tectonic”)  | CM-1628 / CM-1633           |
| 12. T.Y. Lin International (“TYL”)   | CM-1629 / CM-1634           |
| 13. WSP USA, Inc. (“WSP”)  | CM-1630 / CM-1635           |

**Discussion**

These contracts are for CCM and Inspection Services, on a task-order basis. A total of 26 contracts will be awarded: 13 contracts will be federally funded, and 13 contracts will be state funded. These services will be performed at various sites throughout New York City. Various architectural and engineering disciplines such as civil, electrical and power, track and signals, historic preservation, signage and graphic design, contract administration, and landscape architecture, will be utilized in the performance of the CCM and Inspection Services during a project life cycle including pre-construction, construction, and closeout phases. Specific scope requirements for a project will be defined in the scope of work for each Task Order that, in general, will be competed among the consultants.

# Staff Summary

A two-step Request for Proposal (“RFP”) was utilized for this procurement. For Federal contracts, the Brooks method was utilized whereby cost is not a factor in the evaluation. Cost was considered for evaluative purposes for the State contracts only. In Step 1, 27 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 and selected the following 14 firms to receive the RFP and submit proposals: AECOM; HAKS Engineers, Architects and Land Surveyors, P.C. (“HAKS”); HDR; Hill/Parsons JV; HNTB; Jacobs; LiRo; Mott; Naik; STV; Systra/MCSS JV; Tectonic; TYL; and WSP. The other 13 firms were not selected due to inadequate staff resources and/or insufficient relevant experience.

Fourteen proposals were received in response to the RFP. During the evaluation process, HAKS withdrew its Technical and Cost proposals. The SC evaluated the remaining 13 technical proposals utilizing the selection criteria set forth in the RFP and all 13 consultants were invited to make oral presentations. Selection Criteria included: Plan of Approach, Experience in Relevant Areas, Experience of Key Personnel, Current Workload of Key Personnel, Past Performance on Similar Projects, Diversity Practices (evaluated for state-funded contracts only), Management, Quality Assurance, Risk Management, and Construction Support. After review of technical proposals and participation in the oral presentations, the SC recommended negotiations to be conducted with all 13 firms. All 13 consultants have prior relevant experience either as a Prime or a Subconsultant in either the Public or Private sector.

Negotiations were conducted, focusing on direct labor rates, overhead and fixed fees. The total hours and out-of-pocket expenses were provided to all proposers by NYC Transit to ensure a fair and equitable evaluation of the cost. The overhead rates were reviewed and approved by MTA Audit. The initial cost proposal’s average hourly rates ranged from \$112.05 to \$171.66. The average hourly rate for the in-house estimate was \$136.07.

Best and Final Offers (“BAFOs”) were received from each firm and evaluated against NYC Transit’s in-house budget estimate based on hours distributed among various titles, overhead, and fixed fees. BAFOs were received, and the average hourly rates ranged from \$118.86 to \$148.92. Based on the expanded needs of the capital program and to facilitate the requirements of Fast Forward, the original estimated budget was increased from \$500 million to \$800 million. Accordingly, the SC unanimously recommended that all 13 firms be awarded contracts so that NYC Transit can have the maximum amount of resources available when needed. Based on an analysis of the components of the initial and revised cost proposals, the in-house estimate, and the competitive nature of the RFP, all BAFOs were determined to be fair and reasonable.

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

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

## M/W/DBE Information

The MTA Department of Diversity and Civil Rights (“DDCR”) has established 20 percent DBE goals for the federally funded contracts and 15 percent MBE, 15 percent WBE, and 6 percent SDVOB goals for the state-funded contracts. No awards will be made until DDCR approves the utilization plans. The following summarizes the consultants’ past performance on previous MTA contracts: (1) Has achieved previous M/W/DBE goals on previous MTA contracts: (AECOM, HNTB, Jacobs, LiRo, Mott, STV and WSP); and (2) Has not completed any MTA contracts with goals; therefore, no assessment of the firm’s M/W/DBE performance can be determined at this time: (HDR, Hill/Parsons JV, Naik, Systra/MCSS JV, Tectonic, and TY Lin).

## 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.

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<sup>1</sup> While Jacobs has no direct SAI, its acquisition of CH2M Hill Companies Ltd. (CH2M) in December 2017 mandates reporting of CH2M’s SAI. CH2M, notwithstanding its SAI, was found responsible by Senior Management in December 2013 – this approval may be relied upon by Jacobs.

# Staff Summary

## **Capital Program Reporting**

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

## **Impact on Funding**

These contracts will be funded with state and federal funds, and 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.

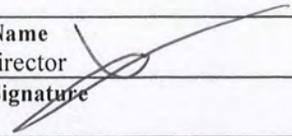
## **Recommendation**

That the Board approve the award of 26 competitively solicited IQ Consultant contracts for CCM and Inspection Services for a total estimated aggregate amount of \$800 million. The contract duration for each contract will be 60 months.



**Metro-North Railroad**

# Procurements

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

<b>Date</b>	October 12, 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.	10-22-18	X		
2	MTA Board Mtg.	10-24-18	X		

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

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

**PURPOSE:**

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

**DISCUSSION:**

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

	# of Actions	\$ Amount
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$722,700
• National Railroad Passenger Corp. (Amtrak) \$722,700		
<b>SUB TOTAL:</b>	<b>1</b>	<b>\$722,700</b>

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

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

SUB TOTAL: \_\_\_\_\_

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>	NONE	

SUB TOTAL: \_\_\_\_\_

TOTAL:            1            \$722,700

The contractors noted above and on the following Staff Summary Sheets have been found in all respects responsive and responsible, and are in compliance with State laws and regulations concerning procurements.

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

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.

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

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

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

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

OCTOBER 2018

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

**G. Miscellaneous Service Contracts**

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

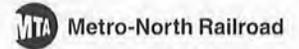
**1. National Railroad Passenger Corp.(Amtrak) \$722,700(not-to-exceed) Staff Summary Attached  
Lease of two P42 Locomotives**

Metro North seeks Board approval to award a non-competitive miscellaneous service contract to National Railroad Passenger Corporation (Amtrak) for the lease of two P42 Locomotives in the not-to-exceed amount of \$722,700 for a period of six months with an option for extending the lease period up to and including September 30, 2019. These Locomotives will be placed into service and used for MNR's Fall Rail Washing program and to provide Wassaic-Southeast train service. The addition of these two locomotives will allow MNR to use two BL-20's to support Danbury and Waterbury Branch service and provide switcher locomotive service.

The Amtrak lease price of \$1800 per calendar day per locomotive is fair and reasonable based on their certification of offering that the daily rate for the P42 locomotive is consistent with the commercial equipment rental rate that Amtrak charges for private car movement. These locomotives are highly sought after by Railroads given the versatility of the P42 Locomotive. Optional lease months will be mutually agreed upon and negotiated prior to the end of the six-month base lease. A 10% contingency has been included in this recommendation for any possible Amtrak material or services that may be needed but are unknown at this time.

This procurement is to be funded by the MNR Operating Budget.

**Schedule G: Miscellaneous Service Contracts**



Item Number: **G**

<b>Vendor Name (&amp; Location)</b> National Railroad Passenger Corporation (Amtrak) Washington, D.C.
<b>Description</b> Lease of two P42 Locomotives
<b>Contract Term (including Options, if any)</b> Six months
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source

<b>Contract Number</b> TBD	<b>AWO/Modification #</b> N/A
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$722,700(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:**

Metro North seeks Board approval to award a non-competitive miscellaneous service contract to National Railroad Passenger Corporation (Amtrak) for the lease of two P42 Locomotives in the not-to-exceed amount of \$722,700 for a period of six months with an option for extending the lease period up to and including September 30, 2019. These Locomotives will be placed into service and used for MNR's Fall Rail Washing program and to provide Wassaic-Southeast train service. The addition of these two locomotives will allow MNR to use two BL-20's to support Danbury and Waterbury Branch service and provide switcher locomotive service.

Due to MNR's unique track and infrastructure characteristics, there is limited availability for these types of Locomotives that can operate on MNR's territory without significant modification. MNR located this equipment, and will perform inspection and testing to confirm they are compliant with FRA 49 CFR and in a ready state of operation. In addition, this equipment has been operated in the Northeast corridor by Amtrak and has proven compatibility with MNR's infrastructure. These locomotives are ACSES PTC equipped.

Under this lease agreement, MNR is responsible for all routine repairs and maintenance, in accordance with the original equipment manufacturer's standards, including normal running repairs. MNR currently has an inventory of materials that can support the temporary addition of these locomotives.

Leasing this equipment is cost effective as it enables MNR to meet the current demand for its branch line service and addresses the additional locomotive need during the track leaf season, while avoiding long term fleet investments under current budgetary constraints. MNR's long term locomotive needs are currently being addressed in a new locomotive procurement anticipated to be awarded in the first quarter of 2019.

The Amtrak lease price of \$1800 per calendar day per locomotive is fair and reasonable based on their certification of offering that the daily rate for the P42 locomotive is consistent with the commercial equipment rental rate that Amtrak charges for private car movement. These locomotives are highly sought after by Railroads given the versatility of the P42 Locomotive. Optional lease months will be mutually agreed upon and negotiated prior to the end of the six-month base lease. A 10% contingency has been included in this recommendation for any possible Amtrak material or services that may be needed but are unknown at this time.

This lease agreement is exempt from MBE/WBE goals as there are no opportunities to subcontract work.

This procurement is to be funded by the MNR Operating Budget.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**October 24, 2018**



# Staff Summary

Subject : Request for Authorization to Award Various Procurements						Date October 24, 2018			
Department Procurement and Logistics									
Department Head Name Dennis L. Mahon, Chief Procurement and Logistics Officer									
Department Head Signature 									
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	10.22.18				2	President		
2	MTA Board	10.24.18				1	Executive VP		

**PURPOSE:**

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

**DISCUSSION:**

**LIRR proposes to award Non-Competitive Procurements in the following categories:**

# of Actions	\$ Amount
None	

**LIRR proposes to award Competitive Procurements in the following categories:**

	# of Actions	\$ Amount
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule C: Competitive Requests for Proposals	1	\$7,250,000
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$25,000,000
<b>SUBTOTAL:</b>	<b>2</b>	<b>\$32,250,000</b>

**LIRR proposes to award Ratifications in the following categories:**

	# of Actions	\$ Amount
Schedule K: Ratification of Completed Procurement Actions Involving Schedule E-J	1	\$3,165,000
<b>SUBTOTAL:</b>	<b>1</b>	<b>\$3,165,000</b>
<b>TOTAL:</b>	<b>3</b>	<b>\$35,415,000</b>

**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

OCTOBER 2018

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

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

(Staff Summaries only required for items requiring Board approval)

1. **Ronald E. Dowdy** **\$7,250,000** Staff Summary Attached  
**Competitive**  
**Contract No. TBD**

The Long Island Rail Road Company (LIRR), on behalf of itself and Metro-North Commuter Railroad Company (MNR) (collectively, the “Railroads”), request MTA Board approval to award a contract to Ronald E. Dowdy (Dowdy) in an amount of \$7,250,000 to purchase a license for additional Radio Spectrum which will minimize potential interference issues and address contingency and future growth needs in furtherance of the Railroads’ implementation of the federally mandated Positive Train Control (PTC) Project.

Procurements Requiring Majority Vote

**Schedule G: Miscellaneous Service Contracts**

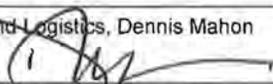
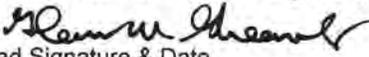
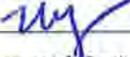
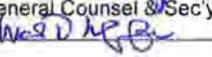
(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if Sealed Bid Procurement)

2. **Fifteen Bus Companies** **\$25,000,000** Staff Summary Attached  
**Competitive** **Not-to-Exceed**  
**Contract No. 6313**

LIRR requests MTA Board approval to award a five year competitively negotiated, miscellaneous service, estimated quantity contracts to fifteen bus companies, who will provide LIRR with Scheduled and Emergency Bus Services. Firms will be awarded separate contracts for scheduled and emergency services, with the aggregate not-to-exceed amount of all contracts totaling \$25,000,000.00. Under these contracts, LIRR will order services on an as-needed basis, with no minimum obligation or expenditures. Each company will be called out using established protocols based on available resources that differ by location, vehicle type and quantity.

Staff Summary



Item Number:					
Dept & Dept Head Name: Procurement and Logistics, Dennis Mahon					
Department Head Signature & Date 					
Division & Division Head Name: Chief Engineer (Acting) Glenn Greenberg					
Division Head Signature & Date  10/17/18					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	LI Committee	10.22.18			
2	MTA Board	10.24.18			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
6	President 	3	SVP Engineering (Acting) 		
5	Executive VP 	2	VP & CFO 		
4	SVP Operations (Acting) 	1	VP, General Counsel & Sec'y 		

SUMMARY INFORMATION	
Vendor Name Ronald E. Dowdy	Contract Number TBD
Description Procurement of Radio Frequencies in support of Positive Train Control Project	
Total Amount \$7,250,000	
Contract Term (including Options, if any) N/A	
Options(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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION:**

The Long Island Rail Road Company (LIRR), on behalf of itself and Metro-North Commuter Railroad Company (MNR) (collectively, the "Railroads"), request MTA Board approval to award a contract to Ronald E. Dowdy (Dowdy) in an amount of \$7,250,000 to purchase a license for additional Radio Spectrum which will minimize potential interference issues and address contingency and future growth needs in furtherance of the Railroads' implementation of the federally mandated Positive Train Control (PTC) Project.

**II. DISCUSSION:**

On October 16, 2008, Congress passed the Rail Safety Improvement Act of 2008 (the "PTC Act") which as amended requires, among other things, the implementation by December 2018 of a Positive Train Control ("PTC") system on all non-exempt commuter railroad main-line tracks. In this regard, the Federal Railroad Administration ("FRA") has promulgated regulations by amendments to Part 236 of the Code of Federal Regulations (the "FRA Regulations"). The PTC Act and the FRA Regulations impose certain requirements for interoperability between rail carriers.

The implementation of PTC by railroads requires an extensive communications infrastructure to support the transmission of train control based data communications. Critical to these communications needs is sufficient radio spectrum to support the wireless radio needs. Because of the aforementioned interoperability requirements, the Railroads must utilize a data radio common to the freight railroads and to Amtrak. These radios work within a range of frequencies from a low of 217 MHz to a maximum of 222 MHz.

## Staff Summary

On or about February 11, 2011, the Railroads issued a Request for Proposals (RFP) seeking to acquire certain radio spectrum in support of their efforts to meet the Federal mandate to install and implement PTC. Pursuant to that RFP, the Railroads acquired a license which will meet their needs with respect to a specific geographic area of their operations (Call Sign KIVD0002 covering the B Block in Market IVM0001 in the 218-219 MHz Service).

Subsequently, the Federal Communications Commission (“FCC”) issued an Order, dated August 10, 2016 whereby 250 KHz of spectrum in five (5) New Jersey Counties were removed from the License, and the MTA was granted 250 KHz of spectrum in two (2) New York Counties and two (2) Connecticut Counties, to better align with Metro-North’s service territory.

The Railroads are now purchasing additional bandwidth for their service territories, for the purpose of providing additional buffer from interference and to address contingency needs and future growth needs. The number of channels needed and other specifics of the Railroads’ requirements for the purchase of additional spectrum are set forth in the Technical Scope of Work (TSOW) included in the RFP.

The Railroads advertised this RFP on April 26, 2018 in the New York State Contract Reporter and on May 11, 2018 in the New York Post. The RFP was sent to three (3) firms known to possess spectrum in the interoperable range of the PTC radios, and three (3) proposals were received -- (i) Ronald E. Dowdy (Dowdy), (ii) Select Spectrum LLC (Select) and (iii) Choctaw Telecommunications, LLC (Choctaw). The submittal deadline for proposals was May 31, 2018.

The following criteria in descending order of importance were used by the Railroads as a basis for their selection:

- A. Conformity of the offered spectrum licenses with the requirements of the Railroads as stated in the RFP. This shall include geographical and technical factors, as well as the total number and configuration of channels offered.
- B. Price and other commercial terms offered by a proposer.
- C. Likelihood that the licenses offered may be transferred to the Railroads expeditiously and without impediment.
- D. Compliance with all the other requirements of this RFP.

The Select spectrum proposal is technically inferior to the Dowdy proposal, from a frequency planning and interference perspective. Under Select’s proposal, there is not enough separation between the spectrum used by Amtrak and the freight railroads to avoid interference. Although less expensive on a Megahertz/population (MHz/pop) basis, it would likely require the purchase of additional channels from the site based licensee, Choctaw, to avoid interference and in the long run, the total purchase price for all of the necessary licenses would likely be more expensive, without meeting all the Railroads’ requirements. There are also significant interference issues that would need to be worked out with other nearby users. Finally, there are potential legal impediments to a successful and timely transfer given the fact that this spectrum is held by a Receiver, and any sale would need to be approved by both the Alameda Superior Court of the State of California and the FCC.

## Staff Summary

Although the Choctaw proposal is less expensive on a MHz/pop basis than the Dowdy proposal, it is technically inferior. Since the Choctaw spectrum is a site based license, the Railroads would likely also need to acquire spectrum from the geographic license holder to mitigate interference, and in the long run, it would likely cost more to acquire the needed spectrum from both the site based and geographic license holders. There is also greater potential for interference from other railroads and non-railroad users of the adjacent spectrum with this spectrum band. Finally, there are also potential legal risks to a successful and timely transfer given that there has been significant litigation surrounding this license, as the spectrum in question was previously licensed to an entity which was in bankruptcy, before it was assigned to Choctaw.

The radio spectrum License owned by Dowdy meets the Railroads' technical needs for PTC, in terms of compatibility with the spectrum already purchased and acquired via the "swap" from the FCC. It is in the same band and contiguous to the B Block of IVDS Spectrum the Railroads now have. For purposes of interference mitigation and frequency planning it is also superior to the spectrum offered by the two other proposers. Although the price is more expensive than the other proposals, given the technical advantages offered by use of IVDS and considering that the spectrum offered by the two other proposers would require the Railroads to buy additional spectrum from other license holders to mitigate interference, the Dowdy proposal was determined to be both technically superior and the best value. The purchase price of \$7,250,000 (reduced from \$8,500,000 through best and final offer (BAFO) negotiations) is less than the Railroads' estimate for the additional spectrum needed and the same price the Railroads paid for the comparable IVDS B block of spectrum acquired in 2012. The purchase price on a MHz/pop basis is also comparable to the lease price the MTA charged New Jersey Transit for IVDS B Block spectrum leased to NJT in seven New Jersey Counties, which lease was approved by the Board on October 26, 2016. The above spectrum purchase and lease transactions both support the conclusion that Dowdy's offered price is fair and reasonable.

The purchase and sale of the Dowdy License is conditioned on FCC approval of the transfer of the license and the necessary waiver related to the use of the spectrum to support PTC. It is anticipated that the FCC will approve this transfer and the required waiver in the normal course. Following the transfer of the Dowdy spectrum to MTA, the Railroads will petition the FCC for an additional spectrum exchange, whereby 250 kHz of spectrum in five New Jersey counties will be removed from the License in exchange for an additional grant of 250 kHz of spectrum in MNR's four northern trackage counties: Orange and Dutchess in New York and Fairfield and New Haven counties in Connecticut, thus further supporting PTC operations throughout the LIRR and MNR service territories.

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

No Goals were assigned to this contract.

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

This contract will be funded by each agency's Capital Budget, apportioned evenly.

### **V. ALTERNATIVES:**

Acquiring additional spectrum further ensures interference-free implementation of PTC throughout the MNR and LIRR trackage territory and provides for contingency and future growth needs. Other passenger and freight railroads in the region do not have spectrum sufficient for the Railroads' spectrum needs. If the Railroads do not purchase the complementary IVDS block at this time, the spectrum may be acquired by another party for non-

## Staff Summary



PTC purposes, which may be detrimental to the Railroads' future operations.

**Schedule G: Miscellaneous Service Contracts**

**Staff Summary**



Item Number: 2

<b>Vendor Name (&amp; Location)</b> Various Bus Companies (Eastern & Western Suffolk, Nassau, Queens, and Kings Counties)
<b>Description</b> Scheduled & Emergency Bus Services
<b>Contract Term (including Options, if any)</b> November 1, 2018 – October 31, 2023
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contact Number</b> 6313	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$25,000,000.00 Not To Exceed	
<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> Charles McKiernan – General Manager, Service Planning Dept. James Compton – Chief Stations Officer, Stations Dept.	
<b>Contract Manager:</b> Richard Mack	

**Discussion:**

LIRR requests MTA Board approval to award a five year competitively negotiated, miscellaneous service, estimated quantity contracts to fifteen bus companies, who will provide LIRR with Scheduled and Emergency Bus Services. Firms will be awarded separate contracts for scheduled and emergency services, with the aggregate not-to-exceed amount of all contracts totaling \$25,000,000.00. Under these contracts, LIRR will order services on an as-needed basis, with no minimum obligation or expenditures. Each company will be called out using established protocols based on available resources that differ by location, vehicle type and quantity.

The proposed contracts are renewals of existing contracts, which were advertised in the New York Contract Reporter, the MTA Website, and in the New York Post on May 24, 2018. Copies of the RFP were mailed to thirty-seven bus companies. LIRR received fifteen proposals. The RFP established minimum vendor requirements and, to increase the pool of bus providers, proposers were given the opportunity to propose on one or more of the regions identified in the RFP.

All fifteen firms demonstrated: 1) understanding of LIRR’s operating needs, and regions, 2) commitment to responding to scheduled, and emergency requests, including availability of bus fleet, and qualified operators and dispatchers to perform services, 3) hourly rates by region. As a result of the evaluation, all fifteen bus companies met the criteria of the RFP by demonstrating their technical expertise, and capabilities to perform the required services and are therefore being recommended for award.

Academy Express, LLC	Paradise Transportation
Red Carpet Coach	Huntington Coach Corp.
McCarney Tours	Suffolk Transportation
Hampton Jitney Inc.	Veterans Transportation
Suburban Trails, Inc.	Bus Around Town dba Coachman
Coastal Charter Service Corp	US Coachways Inc.
A Yankee Line, Inc.	White Plains Bus Company
M&V Corporate Transportation Inc.	

## **Staff Summary**



As with the previous contracts, LIRR will make call-outs for scheduled service in sequence starting with the company with the lowest price for the required type of service by region. If the lowest-priced company is not available to provide the services, LIRR will call other companies in ascending order of price, until a company confirms that it can provide service. This strategy will mitigate the impact on customers if service outages and disruptions occur. For emergency services, lowest price and proximity to the emergency will determine who will be awarded the service. In some instances, such as a winter storm, several companies may be required to provide services for the same emergency. Some bus companies may be selected more than others due to more favorable availability and/or pricing. As a result, LIRR will reallocate money between the blanket purchase orders over the contract term, as required and determined by actual usage. However, the total funding over the contract term will not exceed the total approved amount without further Board approval.

The total estimated not-to-exceed amount is based on LIRR's estimated expenditures for the five-year term for scheduled, and emergency services. Extensive planned service outages will be required for projects such as the Annual Track Program, and the Main Line Expansion Project. LIRR will need to consistently provide alternate or supplemental bus service, week after week during the term of the bus contract. The increased use of busses is necessary to minimize the impact of service disruptions.

The scheduled and emergency bus service prices offered in the proposals were, on average, 15.8% higher than prices in the current contracts awarded in 2013 mainly due to the increase in fuel costs. Through negotiations, this increase was reduced by 2.5%. Services to be provided will be paid based on the agreed hourly labor rates for buses and operators, and for dispatchers if required. The firms' rates are within industry standards and are therefore fair and reasonable. All fifteen bus companies who submitted proposals were found to be responsive and responsible and are being awarded as-needed, requirements type contracts.

All standard databases (VENDEX, Vendeval, SAM, repository, etc.) were checked, including Lexis/Nexis as per All Agency SAI Best Practices Guidelines. Upon completion of responsibility reviews of all firms, thirteen firms yielded no significant adverse information. Suburban Trails submitted a "clean" questionnaire, despite there being a previous SAI with their parent company (Coach USA). The previous SAI was addressed in the July Board EO 168 award and Suburban was found to be responsible notwithstanding such significant adverse information and such responsibility finding was subsequently approved by the LIRR President in consultation with LIRR's Vice President and General Counsel. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible.

White Plains Bus Company submitted a "clean" Contractor Responsibility Form (questionnaire) except for Part III. C 7. where they answered "yes" to having their safety practices/procedures ruled less than satisfactory which pertained to several administrative federal violations like record keeping. Additionally, White Plains' parent affiliate (National Express LLC.) has several OSHA violations. A letter submitted by the vendor affirms that all penalties were paid, and the cases have been closed or have been settled, in addition to the fact that the OSHA findings were not related to work performed by White Plains Bus Co. In light of this information, LIRR has accepted the vendor response and proceeded to find them responsible.

This contract will be funded by LIRR's Operating and Capital Budgets and in some instances Federal funding may also be utilized.

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

Staff Summary



Item Number: 3

<b>Vendor Name (&amp; Location)</b> Various Contractors
<b>Description</b> Scheduled Rubbish Removal & On-Call Container Services
<b>Contract Term (including Options, if any)</b> October 1, 2013 through September 30, 2019
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Ride
<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> Eileen Rodriguez – General Manager – MofE Mary Gandolfo - MW - Engineering

<b>Contact Number</b> 000004217-1025524	<b>AWO/Modificaiton #</b>
<b>Original Amount:</b>	\$11,057,785-NTE
<b>Prior Modifications:</b>	\$0
<b>Prior Budgetary Increases:</b>	\$0
<b>Current Amount:</b>	\$11,057,785-NTE
<b>This Request:</b>	\$3,165,000-NTE
<b>% of This Request to Current Amount:</b>	28.62%
<b>% of Modifications (including This Request) to Original Amount:</b>	28.62%

**Discussion:**

LIRR requests MTA Board ratification of a modification to a Miscellaneous Service contract to add funds to extend the period of performance of various firms for scheduled rubbish removal, and on-call container services in the not to exceed amount of \$3,165,000.00. The period of performance shall be extended for a period of six months with a six months' option, from October 1, 2018 through September 30, 2019. The contract modification will ensure that trash, and construction debris pick-up services are performed on a continuous and expedited basis.

In 2013, pursuant to a sealed competitive bidding process, the MTA Board approved the award of six miscellaneous service contracts; Royal Waste, Atlas Roll-Off, Jet Sanitation, National Waste, Jamaica Ash, and Winter Brothers for scheduled rubbish removal, and on-call container services. A scheduled service consists of a defined number of pick-ups of specific size containers located at listed stations, facilities, and yards. On-call container services include the delivery and removal of 10, 20, and 30 cubic yard containers, as requested, in support of Engineering Department grade crossing work along the right-of-way. The solicitation allowed contractors to bid on any or all of the regional groupings. All awardees are licensed to operate in their respective regions.

This contract modification is required to continue trash and debris removal services for an additional six months with a six months option in order to allow sufficient time to (i) complete the follow-on renewal contract award subsequent to MTA Board approval; and (ii) to allow a transition period to new suppliers, if required. Each vendor funding increase is detailed below:

Contractor	2013-2018	Revised NTE 12 Months	Revised New Total
Royal Waste	\$5,807,619	\$1,450,000	\$7,257,619
Atlas Roll-Off	\$1,547,050	\$500,000	\$2,047,050
Jet Sanitation	\$733,699	\$208,000	\$941,699
Jamaica Ash	\$532,769	\$137,000	\$669,769
Winter Bros.	\$653,338	\$170,000	\$823,338
National Waste	\$1,783,310	\$700,000	\$2,483,310
<b>Total</b>	<b>\$11,057,785</b>	<b>\$3,165,000</b>	<b>\$14,222,785</b>

All appropriate due diligence has been performed revealing no significant adverse information. These Contracts will be funded by the LIRR's Operating Budget. It is recommended that the MTA Board ratify the contract extension and the addition of funds to all contractors listed above in the aggregate NTE amount of \$3,165,000.00.

**PROCUREMENT PACKAGE**  
**October 2018**

**Staff Summary**

<b>Subject</b>		Request for Authorization to Award Various Procurements			
<b>Department</b>		Procurement			
<b>Department Head Name</b>		David K. Cannon			
<b>Department Head Signature</b>					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	MNR and LIRR Joint Committee	10/22/18	X		
2	Board	10/24/18	X		

<b>Date:</b> October 15, 2018			
<b>Vendor Name</b> Tutor Perini Corporation			
<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 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 category:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Majority Vote</u>		
Schedule I Modifications to Purchase or Public Work Contracts	2	\$ 3,792,185
<b>TOTAL</b>	<b>2</b>	<b>\$ 3,792,185</b>

**Budget Impact:**

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

**MTA Capital Construction Company**

**BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

October 2018

**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)**

1. **Tutor Perini Corporation** **\$ 2,560,000** **Staff Summary Attached**  
**Contract No. CS179**  
**Modification No. 132**

In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification that will compensate the Contractor for costs it has incurred and will incur in reconfiguring the Internet Protocol (IP) addresses for various ESA networks that were previously configured with different IP addresses.

2. **Tutor Perini Corporation** **\$ 1,232,185** **Staff Summary Attached**  
**Contract No. CQ033**  
**Modification No. 24**

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 two stormwater hydrodynamic separators, connecting pipe and a service manhole in the Mid-Day Storage Yard.



Item Number 1

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (Peekskill, New York)	
<b>Description</b> Systems Facilities Package No. 1	
<b>Contract Term (including Options, if any)</b>  75 Months	
<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, Rob Troup	

Contract Number	AWO/Modification
CS179	132
<b>Original Amount:</b>	\$ 333,588,000
<b>Prior Modifications:</b>	\$ 25,975,157
<b>Exercised Options:</b>	\$ 216,800,001
<b>Current Amount:</b>	\$ 576,363,158
<b>This Request</b>	\$ 2,560,000
<b>% of This Request to Current Amount:</b>	.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	9%

**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 approve a contract modification that will compensate the Contractor for costs it has incurred and will incur in reconfiguring the Internet Protocol (IP) addresses for various ESA networks that were previously configured with different IP addresses.

In order to manage and provide for security and communication between and among the equipment on ESA networks, unique IP addresses must be assigned to the equipment. For the ESA networks to operate in conjunction with the LIRR networks with which they must communicate, the IP addresses used on the ESA networks must not conflict with existing LIRR network IP addresses. Consequently, MTACC was provided IP address schemes to be utilized by the ESA project, which were then provided to and implemented by the Contractor.

In early 2017, after the Contractor had performed a substantial amount of work using these IP addresses, it was discovered that a number of the addresses that MTACC had been provided with conflicted with the IP addresses in the LIRR’s existing legacy network operations. Also, in some cases, in order to progress work necessary to meet Contract milestones before IP addresses were available, MTACC authorized the Contractor to configure certain equipment with “mock” IP addresses that would have to be replaced with permanent, approved IP addresses later. Consequently, the LIRR, MTACC and the General Engineering Consultant for the project developed a master ESA network IP address plan which revised the IP addresses to be utilized by ESA and included IP addresses for equipment configured with “mock” IP addresses. Under the master plan, approximately 4,000 IP address changes, in total, are required.

The MTACC’s estimate to reconfigure the network with the new IP addresses was in the amount of \$1,063,143. The Contractor’s proposal was in the amount of \$6,020,978. Negotiations were held and the parties agreed to \$2,560,000 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.

Item No. 1

Page 2 of 2

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 2

Page 1 of 2

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

<b>Contract Number</b> CQ033	<b>AWO/Modification #</b> 24
<b>Original Amount:</b>	\$ 291,503,430
<b>Prior Modifications:</b>	\$ 13,930,482
<b>Exercised Options:</b>	\$ 1,873,570
<b>Current Amount:</b>	\$ 307,307,482
<b>This Request</b>	\$ 1,232,185
<b>% of This Request to Current Amount:</b>	.40%
<b>% of Modifications (including This Request) to Original Amount:</b>	5.2 %

**Discussion:**

This Contract is for the demolition and removal of existing catenary structures, railroad buildings and the Montauk Cutoff Bridge and Ramp and the construction of the Mid-Day Storage Yard (“Yard”) in the Harold Interlocking. In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC requests that the Board approve a modification to the Contract to furnish and install two stormwater hydrodynamic separators, connecting pipe and a service manhole in the Mid-Day Storage Yard.

The New York State Stormwater Management Design Manual (“SMDM”) requires that construction projects meet certain requirements for the handling of stormwater. New development sites are required to meet standard stormwater management practices. However, Redevelopment Sites, which involve disturbance and reconstruction of previously impervious surfaces, are subject to different and more stringent requirements. The Yard was initially designed to meet the requirements for a new development site. During review by the General Engineering Consultant (GEC) in connection with an application for a discharge permit for the site, it was determined that the Yard was previously used for industrial purposes and contains highly compacted soil that blocks the infiltration of stormwater, making the site subject to the SMDM standards for a Redevelopment Site.

To meet the requirements for a Redevelopment Site, the GEC revised the CQ033 Contract Documents to add two hydrodynamic separators to treat water leaving the project. The installation of the separators also requires the installation of ductile iron pipe to connect the separators to the system and the installation of a service manhole for maintenance of the separators.

The Contractor submitted a cost proposal of \$1,490,371. The MTACC project estimate was \$1,435,063. After negotiations, both parties agreed to a cost of \$1,232,185, which is considered to be fair and reasonable. The work is not expected to cause any delay to Substantial Completion of CQ033.

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.

Item No. 2

Page 2 of 2

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 Interim Executive Director 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.



# Bridges and Tunnels

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## Procurements October 2018



# Staff Summary

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

<b>Date:</b> 10/15/2018
<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	10/15/2018			
2	MTA B&T Committee	10/22/2018			
3	MTA Board	10/24/2018			

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

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

**PURPOSE:**

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

**DISCUSSION:**

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

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

<u>Schedules Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Request to Use RFP Procurement of Purchase & Public Works in lieu of Sealed Bid	1	\$20.000M
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Works Contracts)	1	\$35.093M
<b>SUBTOTAL</b>	<b>2</b>	<b>\$55.093M</b>

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

<b>TOTAL</b>	<b>2</b>	<b>\$55.093M</b>
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**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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

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

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

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

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

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

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

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

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

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

**B: Request to Use RFP Procurement of Purchase & Public Works in lieu of Sealed Bid**  
(Staff Summaries only required for items estimated to be greater than \$1 million)

- |    |                             |                 |                               |
|----|-----------------------------|-----------------|-------------------------------|
| 1. | N/A<br>Contract No. GFM-525 | \$20,000,000.00 | <u>Staff Summary Attached</u> |
|----|-----------------------------|-----------------|-------------------------------|

4yr. Contract- Competitive RFP

B&T is seeking Board approval under the All-Agency General Procurement Guidelines to declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal (RFP) process for Contract GFM-525 to obtain Miscellaneous Cleaning & Painting Services on an As-Needed Basis at Various Authority Facilities.

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

- |    |   |                 |                               |
|----|---|-----------------|-------------------------------|
| 2. | Kiewit Infrastructure Co.<br>Contract No. VN-89/VN-30 | \$35,093,252.00 | <u>Staff Summary Attached</u> |
|----|---|-----------------|-------------------------------|

2yr. Contract- Competitive RFP

B&T is seeking Board approval under the All-Agency General Procurement Guidelines to award a competitively solicited public work contract for design-build services for rehabilitation of the tower pedestals, mooring platforms and elevators at the Verrazzano-Narrows Bridge.

# Staff Summary

Item Number: 1 (Final)					
Dept & Dept Head Name: Engineering and Construction, <i>Joe Keane, P.E.</i> <i>[Signature]</i>					
Division & Division Head Name: Engineering and Construction, Aris Stathopoulos, P.E. <i>[Signature]</i>					
<b>Board Reviews</b>					
Order	To		Approval	Info	Other
1	President	10/8/18			
2	MTA B&T Committee	10/22/18			
3	MTA Board	10/24/18			
<b>Internal Approvals</b>					
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				

SUMMARY INFORMATION	
Vendor Name N/A	Contract Number GFM-525
Description Miscellaneous Cleaning & Painting on an As-Needed Basis at Various Authority Facilities	
Total Amount \$20,000,000 (estimated)	
Contract Term (including Options, if any) Four (4) years	
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 checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All-Agency General Procurement Guidelines to declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal (RFP) process for Contract GFM-525 to obtain Miscellaneous Cleaning & Painting Services on an As-Needed Basis at Various Authority Facilities.

**II. DISCUSSION**

In accordance with the All-Agency Procurement Guidelines, B&T is requesting that the Board declare competitive bidding to be impractical for this solicitation and authorize B&T to enter into a competitive RFP process to award contracts for miscellaneous cleaning & painting services. These contracts will be awarded to multiple contractors who would provide competitive bids for various cleaning and painting projects. The budget for these as yet undefined projects is \$20,000,000. The duration of these contracts will be four (4) years.

The selected contractors are invited to bid on specific cleaning & painting projects throughout all Authority facilities which are awarded to the lowest bidders. Funds from the aggregate amount are allocated to individual contracts to pay contractors for the work they perform. The Authority, in operating and maintaining its facilities, will need to conduct cleaning and painting, and incidental works on an as-needed basis, at the various facilities which includes buildings of various types, tunnels, bridges, and their associated facilities. Categories of work to be undertaken under these contracts include but may not be limited to cleaning and painting of structural members, lead paint removal and disposal and miscellaneous repairs incidental to painting works.

## Staff Summary

The scopes of these miscellaneous as-needed cleaning and painting projects cannot be readily determined at this time. During the contract term, the Scope of Work for each miscellaneous work order will be identified. Each of the contracted firms will then be given the Scope of Work for the prospective work order. Subsequent to a site tour, bids will be submitted. The contractor submitting the lowest responsive bid price shall be awarded that specific work order.

This competitive RFP method of selection is in the public's interest and provides the Authority with the following benefits:

- i) Immediate response and resolution to potential emergency and other unforeseen situations with a responsible contractor performing the work;
- ii) Price competition between selected contractors for each work order;
- iii) Reduces the need for and is an alternative to amendments to existing painting or construction contracts.
- iv) It is impractical and inefficient to procure cleaning and painting services discussed herein through a separate competitive contract bidding process for each work order.

Therefore, B&T deems it to be in the public's interest to request that the Board adopt a resolution to declare competitive bidding impractical in favor of contract award by means of a competitive request for proposal process.

### III. D/M/WBE INFORMATION

MTA DDCR will assign applicable goals prior to issuance of the Request for Proposal.

### IV. IMPACT ON FUNDING

Funding under Contract GFM-525 will be provided from the Operating Budget, G/L 711101, in the amount of \$20,000,000 for a period of four (4) years (2019-2022).

### V. ALTERNATIVES

Utilize a standard competitive bidding process to award each as-needed cleaning and painting project. This process is impractical due to potential delays in obtaining these services from responsible firms for immediate or unanticipated/emergency needs and would not be in the best interest of B&T.

# Staff Summary

Item Number: 2 (Final)					
Dept. & Dept. Head Name: <i>Joe Keane</i> Engineering and Construction, Joe Keane, P.E., V.P. & C.E.					
Division & Division Head Name: <i>Aris Stathopoulos</i> Engineering and Construction, Aris Stathopoulos, P.E.					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	10/08/18			
2	MTA B&T Committee	10/22/18			
3	MTA Board	10/24/18			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>BB</i>	4	Vice President & Chief of Staff <i>SK</i>		
2	General Counsel <i>MMT</i>	5	President <i>MMT for CTF</i>		
3	Chief Procurement Officer <i>BB</i>				

<b>SUMMARY INFORMATION</b>	
Vendor Name Kiewit Infrastructure Co.	Contract Number VN-89/VN-30
Description: Design-Build for Rehabilitation of the Tower Pedestals, Mooring Platforms and Elevators at the Verrazzano-Narrows Bridge	
Total Amount \$35,093,252	
Contract Term (Including Options, if any) 24 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 design-build services for rehabilitation of the tower pedestals, mooring platforms and elevators at the Verrazzano-Narrows Bridge to Kiewit Infrastructure Co. for a period of 24 months in the negotiated amount of \$35,093,252. The Work is necessary to: (i) maintain the tower pedestals in a state of good repair by addressing deficiencies and seal the pedestals to stop water infiltration; (ii) rehabilitate the Brooklyn mooring platform and replace the Staten Island platform to accommodate new larger FDNY vessels and (iii) rehabilitate and modernize the tower elevators to meet current code requirements and provide durable and reliable service. In accordance with the MTA Design-Build Best Practice Guidance, and in order to enhance competition and defray proposal costs, this solicitation included stipends to be paid to each unsuccessful proposer in the amount of \$40,000 whose proposal met a defined standard. Accordingly, approval is also requested to pay stipends totaling \$80,000 to the two unsuccessful shortlisted firms.

### 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 rehabilitation of the tower pedestals, mooring platforms and elevators at the Verrazzano-Narrows Bridge. The Work requires the design, construction and construction management of: (i) rehabilitation of the tower pedestals which

## Staff Summary

includes resetting and resealing of granite and; (ii) rehabilitation and modernization of four (4) tower elevator systems including associated lighting in the elevator cabs, landings and hallways and new ventilation for the machine room and (iii) replacement of the Staten Island mooring platform with the lateral fire standpipe runs and modification of the Brooklyn Tower mooring platforms to accommodate current FDNY firefighting apparatus at the Verrazzano-Narrows Bridge.

The service requirements were publicly advertised; four firms submitted qualification information and based on a review of their qualifications, those four firms were deemed qualified to receive the RFP. Three of the four firms submitted proposals: Kiewit Infrastructure Co. (Kiewit) (\$34,886,000), Tully Cleary JV, LLC (Tully Cleary) (\$41,355,650), and WeDeBuBett, LLC (WeDeBuBett) (\$47,462,000). The proposals and oral presentations were evaluated against established criteria set forth in the RFP, including proposed price, design-build technical approach, key personnel, schedule and management approach.

In accordance with the MTA Design-Build Best Practice Guidance, Technical Proposals were evaluated by a Selection Committee (SC) prior to evaluation of the cost proposals. The SC recommended Kiewit as the highest rated firm based on several factors. Kiewit's proposal demonstrated successful past experience on comparable bridge projects of similar complexity including that of their proposed designer, AECOM USA. Kiewit: (i) had the best understanding of the specifications and the overall project, (ii) submitted the most thorough proposal with innovative and cost effective approaches for the staging and construction plan, paver mounting and waterproofing system for the pedestals and elevator modernization (iii) proposed highly qualified personnel. These factors in combination with the lowest proposed price, compared to other proposers, made Kiewit's proposal the most advantageous to the Authority.

Although Tully Cleary and WeDeBuBett provided strong technical proposals demonstrating extensive bridge experience and viable technical solutions, their price proposals were higher and the SC unanimously considered the Kiewit proposal to offer the best value for the Authority.

Kiewit submitted a proposal of \$34,886,000. Negotiations were conducted with Kiewit which included discussion of technical requirements, design assumptions, and construction approach. During the detailed technical discussion, it was agreed to add a provision for anticipated additional joint work for the pedestals below the water line that was not included in the original specifications. Based on these scope clarifications, the parties agreed to a revised value of \$35,093,252, which is 7.2% above the Engineer's revised estimate of \$32,730,700 and is fair and reasonable. Upon review of final technical scope and the negotiated fee, the SC recommended the Kiewit team for award, determining that they proposed the best technical solution, and based on the reasons listed above, will provide the best value to the Authority.

In connection with a previous contract awarded to the Contractor, Kiewit 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 Interim MTA Chairman/CEO in consultation with the MTA General Counsel on February 26, 2013. No new SAI has been found related to the Contractor and Kiewit has been deemed responsible.

### III. D/M/WBE INFORMATION

MTA Department of Diversity and Civil Rights has assigned goals of 0% MBE, 0% WBE and 0% SDVOB to this contract.

### IV. IMPACT ON FUNDING

Funding is available in the 2015-2019 Capital Program under projects: D701VN89/D03774 (\$29,910,952), D704VN30/D03737 (\$4,832,300) and in the Operating Budget VNM-390 (\$350,000). The two Design-Build Stipends totaling \$80,000 are funded under the 2015-2019 Capital Program project D701VN89/D04234 and D04235.

### V. ALTERNATIVES

There are no recommended alternatives. The Authority does not possess the resources required to perform these services.