

May 2020

MTA Board Action Items



MTA Board Meeting
2 Broadway
20th Floor Conference Room
New York, N.Y. 10004
Wednesday, 5/20/2020
10:00 AM - 5:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Committee & Regular Meeting Joint Minutes - April 22, 2020

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA B&T

MTA Construction & Development

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3. MTA OTHER BUSINESS

Action Item

i. MTA Pension Plan Amendments

MTA Pension Plan Amendments - Page 24

4. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL ROAD

MNR Procurements Report (no items)

LIRR Procurements Report

LIRR Procurements - Page 31

i. Non-Competitive (no items)

ii. Competitive

LIRR Competitive - Page 35

iii. Ratifications (no items)

MTA C&D Procurements Report

C&D Procurements - Page 38

i. Non-Competitive (no items)

ii. Competitive (no items)

iii. Ratifications

C&D Ratifications - Page 42

5. COMMITTEE ON NYCT & BUS

NYCT & Bus Procurements Report

Procurement Cover, Staff Summary & Resolution - Page 46

i. Non-Competitive (no items)

ii. Competitive

Competitive Actions - Page 51

iii. Ratification (no items)

6. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS (no items)

7. COMMITTEE ON FINANCE

Action Items

i. Authorization to Amend the RAN Resolution

Authorization to Amend the RAN Resolution - Page 55

ii. MTA Annual Investment Report (Report available in Exhibit book)

MTA Annual Investment Report - Page 57

Information Item

i. Station Maintenance Billing

Station Maintenance Billing - Page 59

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 64

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 67

iii. Ratifications (no items)

Real Estate Action Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 69

8. AUDIT COMMITTEE

Report Cover Page - Page 72

9. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC)

FMTAC Annual Meeting & Investment Performance Report (Report available in the Exhibit book and MTA.Info)

FMTAC Annual Meeting & Investment Performance Report (Report Available in the Exhibit Book and MTA.Info) - Page 73

10. COMMITTEE ON DIVERSITY

Title VI Policy and Complaint Management (Complaint Management and Policy

Statement available in Exhibit book)

Staff Summary Title VI Policy and Complaint Management - Page 74

**Joint Committee and Board Meeting of the Metropolitan Transportation Authority,
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,
MTA Construction & Development, the MTA Bus Company and
the First Mutual Transportation Assurance Company**

Minutes

2 Broadway

New York, NY 10004

Wednesday, April 22, 2020

10:00 a.m.

The following Board Members were present in person or by videoconference:

Hon. Patrick Foye, Chairman & CEO

Hon. Randolph Glucksman

Hon. Rhonda Herman

Hon. David Jones

Hon. Linda Lacewell

Hon. Kevin Law

Hon. Robert W. Linn

Hon. David Mack

Hon. Susan Metzger

Hon. Haeda B. Mihaltses

Hon. Robert F. Mujica

Hon. Lawrence Schwartz

Hon. Vincent Tessitore, Jr.

Hon. Neal Zuckerman

The following alternate non-voting members were present by videoconference:

Hon. Andrew Albert

Hon. Norman Brown

Hon. John Samuelsen

The following staff members attended in person or by videoconference:

Mario Péloquin, Chief Operating Officer, Thomas J. Quigley, General Counsel, Robert Foran, MTA Chief Financial Officer, Patrick Warren, MTA Chief Safety Officer, Sarah E. Feinberg, Interim President, NYCT, Craig Cipriano, Acting President, MTA Bus/Senior Vice President, NYCT Department of Buses, Abbey Collins, Chief Communications Officer, Monica Murray, Deputy General Counsel, Governance and Special Projects, Anthony McCord, Chief Transformation Officer, Janno Lieber, MTA Chief Development Officer, MTA Construction & Development, Phillip Eng, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Daniel DeCrescenzo, Acting President, TBTA, Kuvershen Ayer, Chief Procurement Officer, and David Florio, Director, R.E. Operations, Leasing & Acquisitions.

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 Company, the Metro-North Commuter Railroad Company, MTA Construction & Development, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Votes reflected in these minutes are those of each Committee and that of the MTA Board.

1. CHAIRMAN FOYE'S OPENING REMARKS.

Chairman Foye called the meeting to order and he thanked Board members, staff and the public for being part of the MTA's Board meeting by videoconference.

The Chairman announced that this MTA regular Board meeting is being held jointly with the Joint Metro North Railroad and Long Island Committee, New York City Transit Committee, Bridges and Tunnels Committee, Finance Committee, Capital Program Oversight Committee and the Safety Committee.

Chairman Foye stated that the meeting is being conducted remotely via videoconference. The Chairman explained that Governor Cuomo's Executive Order 202.1 suspends the Open Meetings Law requirements and accordingly any requirements in the MTA By-Laws that meetings are open to in-person attendance by the public and that Board members may participate only in person are also suspended.

Monica Murray conducted the roll-call and confirmed for the Chairman the presence of a quorum.

Chairman Foye stated that later in the meeting, Agency Presidents and staff will submit their agency reports, procurements and actions for a vote, and the Board members' participation in the meeting by silence at the time of a vote will be considered an affirmative vote for the record. The Chairman advised Board members that if any member would like to vote in opposition or abstain from any action, that Board member should state their name and their vote and it will be recorded for the record.

Chairman Foye noted that speakers for the public comment period were able to register on Monday, April 20, 2020 and send in their video or voice comments. He stated that this approach goes above and beyond what is required for public comment according to the suspension of the Open Meetings Law by Executive Order 202.1.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chairman Foye's opening remarks.

2. PUBLIC SPEAKERS SESSION.

The MTA Moderator reminded speakers of the two (2) minute speaking limit and that speakers will be alerted when thirty (30) seconds remain to conclude their remarks.

The following fifteen (15) speakers commented by videoconference during the public speakers session. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, for the content of speakers statements.

Senator Andrea Stewart-Cousins, NYS Senate Majority Leader
Assemblymember Carl E. Heastie, Speaker of the NYS Assembly
Senator Leroy Comrie, 14th District
Senator Timothy M. Kennedy, 63rd District, Chairman of Committee on Transportation
Assemblymember Amy Paulin, District 88
Assemblymember, Jeffrey Dinowitz, District 81
Assemblymember Robert Carroll, District 44
Anthony Simon, General Chairman, SMART Transportation Union
William DeCarlo, V.P. & National Legislative Director, TCU
Carlo A. Scissura, Esq., New York Building Congress
Colin Wright, TransitCenter
Lisa Daglian, PCAC
Rachael Fauss, Reinvent Albany
Brian Fritsch, Regional Plan Association
Andrew Pollack, Passengers United

3. CHAIRMAN FOYE'S REMARKS.

The Chairman stated that this is undoubtedly the toughest time in MTA history, and the MTA and agencies continues to navigate and manage through this unprecedented emergency. Chairman Foye stated that the most devastating blow of this crisis has been the loss of 83 brave colleagues, who tirelessly dedicated their lives to serving the public, and together with the family members and friends of these employees, the MTA family mourns and grieves their loss of life. The Chairman also commended the rest of the MTA's 74,000-strong workforce, the heroes moving heroes of this pandemic.

Chairman Foye stated that he will begin today's meeting by recognizing and honoring those in the MTA family who we have lost to the coronavirus, with a reading of their names. He and asked Interim President Sarah Feinberg to lead by reading the names of the 52 members of the New York City Transit family that we have lost.

Interim NYCT President Sarah Feinberg recognized the following 52 NYCT employees:

Avron Alves, Dimitry Bozhovskiy, Laricter Brown, Hesroni Cayenne, Randolph Christian, Van Christmas, Jacob Credell, Juan Diaz, Scott Eric Elijah, Clarence Facey, Rhonda Garvin, Ferdi German, Anstay Goddard, Lev Golubuv, David Hamilton, Phyllis Susan Holley, Edward Ilginis, Russell Jackson, Alaa Khalil, Jose Lalu, Frank Lee, Sau Lee, Khemraj Mahadeo, Thankachan Mathai, Aristedes Moraitis, Ananda Mooliya, Foster Moore, Darlisa Nesbitt, Martin O'Connell, Patrick Patoir, Milagros Perez, Peter Petrassi, Winston Pratt, Phyllis Robinson, Steve Rybkin, Caridad Santiago, Robert Sarutto, Palwinder Singh, Rodney Sparrow, Darryl Sweeney, Michael Thompson, Peter Voyt, Uraul Watts, Victor Zapana, Salvatore Lombardo, Thomas David, Robert Mobyed, Nathaniel Brown, Yvette John, Daryl Laborde, Emiliano Padilla, Shelly Johnson.

**MTA and Agencies' Joint Committee and Regular Board Meeting
April 22, 2020**

Craig Cipriano, Acting President, MTA Bus, recognized the 30 members of New York City Transit and MTA Bus who lost their life:

Cornell Anderson, Felix Castillo, Henry Castro, Miguel Chumpitaz, Clyde Coburn, Stuart Cohen, Oliver Cyrus, Wayne Fingall, Joseph Fletcher, Erlin Galarza, Harold Germain, Gregory Graham, Hugo Gutierrez, Ramon Gutierrez, Ernesto Hernandez, Lionel Hogan, James Jackson, Emmanuel Jacob, Cuong Luu, Leon McKnight, Julio Mejia, Hanshraj Nankissure, John Philip, Mohammed Rahman, Alex Saint-Fleur, William Scott, Cesar Torres, Sung Truong, Warren Tucker, Kenneth Wright.

Metro-North Railroad President Catherine Rinaldi recognized the following Metro-North Railroad employee:

John Oles

Following the reading of the employees' names, Chairman Foye asked everyone to join him in a moment of silence to honor these employees and their service and sacrifice.

Chairman Foye stated that he is moved daily by the hardworking transportation employees who continue to show up every day, demonstrating the best of New York. The Chairman stated that New York City has been through tough times before, and in each of these cases New York not only survived, but it thrived and came back stronger and more resilient than before. The Chairman stated that he is optimistic that the same will be true after this pandemic. Chairman Foye stated that the MTA cannot get through this crisis without significant additional federal aid, and the agency is looking to its partners in Washington to deliver adequate funding for New York City and New York State.

The Chairman stated that the MTA is doing everything it can to adapt to this unprecedented situation. Safety is of the utmost importance as the MTA forges ahead to keep the city moving so the other essential workers can continue to move around the city to do their jobs and save lives.

Chairman Foye stated that the MTA is leading the nation in developing a proactive response to protect employees' health, from ensuring priority access to testing for symptomatic transportation workers, to installing plexiglass barriers at back-office work locations. The list of actions that the MTA has taken since March 1, 2020 is long and continues to grow. The Chairman stated that MTA Chief Safety Officer Patrick Warren will provide a more comprehensive update on the safety measures taken.

The Chairman thanked Mr. Warren, Chief Operating Officer Mario Péloquin, and the agency Presidents, Sarah Feinberg, Craig Cipriano, Catherine Rinaldi, Phillip Eng and Daniel DeCrescenzo, for their steadfast leadership during this unprecedented and difficult time. The Chairman also acknowledged the rest of the senior leadership team for their continued hard work.

Reporting on some gains made by the MTA, Chairman Foye stated that more than 5,400 employees have returned to work, and the number of quarantined workers is down to roughly 3,800 from a high of approximately 6,000.

Chairman Foye stated that, as the MTA grieves the loss of 83 of its colleagues, the agency wants to make sure that it cares for the families of these fallen heroes. The Chairman stated that today the Board will vote on a first-in-the-nation COVID-19 Family Benefits program for the dedicated and heroic workforce that will ensure that their families receive support. Twenty-six different unions have approved 41 agreements. The MTA is continuing discussions with all labor partners to extend these benefits to all MTA represented employees. The agreement will cover non-represented employees as well. Chairman Foye stated that the MTA appreciates the support of its labor partners in these efforts, and he commended John Samuelsen and Tony Utano, TWU; Anthony Simon and the other LIRR labor leaders, including Matt Mitchell, and Ed Valente and Bill DeCarlo at Metro-North. Chairman Foye noted that the idea began with discussions held with John Samuelsen.

Chairman Foye stated that the MTA is looking forward to Congress following suit by providing all essential workers, including MTA employees, with a form of federally funded hazard pay that recognizes how every frontline employee continues to show up every day, putting their fears aside in recognition of their service to the public. The Chairman stated that the MTA is hoping that the federal government will also recognize the critical role the MTA and the transportation network plays for the region.

Chairman Foye stated that, although it has been suggested that the transit system should have been shut down by now, it is clear that shutting down the system would only have caused more harm, as the system is responsible for transporting the essential workers who are literally saving lives. The Chairman stated that when this health crisis ends, it will be evident that New York's transportation system is vital and necessary, not only during robust times, but during times of crisis as well.

Chairman Foye stated that what the MTA needs now is \$3.9 billion of significant additional emergency aid from Washington. The pandemic has driven ridership down precipitously, decimating fare and toll revenue, and the dedicated revenue sources that support the agency are also in free fall. The Chairman stated that these are extraordinary times that call for extraordinary measures and that the MTA is calling on Congress to deliver a national solution to a national crisis.

Chairman Foye stated that while the MTA is grateful to the New York Congressional delegation, led by Senator Chuck Schumer and Chairwoman Nita M. Lowey, for the nearly \$4 billion directed to the MTA in the CARES Act, it is not sufficient to plug the massive hole in the MTA's operating budget. The Chairman stated that last week, the MTA released the findings of a detailed economic study that was completed by McKinsey & Company in close partnership with Janno Lieber; the study estimated the full impact of the virus on the MTA to be between \$7 and \$8.5 billion. Chairman Foye stated that restoring the MTA's financial health is a matter of national interest. When this crisis is over, the MTA will be there to power the recovery, because mass transportation is the lifeblood of the New York economy, which accounts for 10 percent of the national GDP. Chairman Foye stated that New York State cannot recover without a strong public transportation system and this country cannot recover without a strong New York State. The MTA's Congressional delegation, led by Senator Schumer and Chairwoman Lowey, support this effort. Chairman Foye stated that the MTA was seeing major gains before the pandemic hit and does not want to go backwards when this crisis ends - the MTA needs Congress to act now. Chairman Foye acknowledged the support of the MTA's union partners in the MTA's efforts to secure funding during its

initial requests and stated that the MTA will continue to work closely with the unions in the mission to secure an additional \$3.9 billion.

4. CHIEF SAFETY OFFICER'S PRESENTATION.

Patrick Warren, MTA Chief Safety Officer, provided an update on the MTA's safety initiatives.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Warren's presentation.

5. CHIEF FINANCIAL OFFICER'S PRESENTATION.

Robert Foran, MTA Chief Financial Officer, provided an update on the MTA's financial status and initiatives.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Foran's presentation.

Chairman Foye noted that while the Agency's Transformation initiatives remain on pause, Chief Transformation Officer Anthony McCord will continue to support the agencies initiatives.

6. CHIEF DEVELOPMENT OFFICER'S PRESENTATION

MTA Construction and Development and CPOC Presentation

MTA Chief Development Officer and Construction and Development ("C&D") President Janno Lieber gave a presentation to update the Board on the progress of C&D projects during the COVID-19 crisis and on the Capital Program.

President Lieber, on behalf of himself and the entire C&D Construction team, expressed admiration and appreciation for the employees of the Long Island Rail Road, Metro-North Railroad and New York City Transit. C&D has been able to continue critical work on infrastructure projects because these agency employees have made it possible for construction workers to get to their job sites on a daily basis.

Mr. Lieber also reported that C&D started phasing in telecommuting on March 9, 2020, and by the week of March 16th the entire C&D staff was telecommuting. He noted that the ability to work from home has had a positive impact on the agency's relatively low COVID-19 infection rate. C&D has had nine positive cases reported out of a workforce in excess of 700.

Mr. Lieber then went on to explain how telecommuting was implemented at C&D. He reported that one of the first things the agency did was create an app that allowed for remote management of its projects. Mr. Lieber advised that the agency has in excess of 500 projects reporting their daily status virtually. A total of 50 active projects were partly or completely shut down during this crisis due to manpower issues or other COVID-19 related impacts. Mr. Lieber reported that, as of the date of the Board meeting, that number is down to 24 projects, illustrating that the agency is getting back to full strength.

Mr. Lieber also touted the effectiveness of the app in assisting the agency in its efforts to identify and resolve issues quickly. Examples include situations where personal protective equipment ("PPE") is

needed or where breaks in the supply chain might be occurring, which are situations more easily addressed as a result of the app. He also noted that the app is helpful in disseminating the mandatory protocols for safety and guidance coming from MTA leadership and NY State leadership. Mr. Lieber reiterated that the app has been a key tool in the agency's effectiveness during this period.

Mr. Lieber stressed that safety is C&D's number one priority. Even as projects were deemed to be essential transit infrastructure and allowed to continue progressing, C&D had to implement aggressive safety protocols. The agency completely changed work sequencing on its construction projects to ensure that crews performing the work could accomplish social distancing by limiting crew size and provide appropriate distance among crew members. Equally important was that crews did not interact physically with the other crews, that tools were properly disinfected, that there were controls on the number of workers who are required to work in confined spaces like pump or electrical rooms to allow social distancing to be practiced, and that spaces were disinfected when someone who worked there was identified as having tested positive for COVID-19.

Mr. Lieber also pointed out that C&D published a very effective series of protocol flowcharts depicting different scenarios, which enabled contractors to correctly manage the risk to workers and ensure that the work was being performed properly and in compliance with the medical advice C&D was receiving from the New York State Department of Health and MTA's Office of Health and Safety. C&D also issued to all of the projects a Daily Safety Checklist, which is to be filled out each day and used as a reminder and mechanism to enforce the rules for proper PPE, social distancing, and maintaining safe practices.

Mr. Lieber advised the Board that C&D also created a 24/7 telephone hotline just for contractors and consultants to call with their COVID-19 reports concerning incidents and identification of COVID-19 positives in their work force. Indexes from the hotline indicate that, as of today, out of a contractor and consultant workforce of 5,500, the hotline has almost 100 self-reported COVID-19 cases, all unconfirmed. Mr. Lieber stated that these numbers indicate that, through our practices, we are doing a good job of limiting the spread of COVID-19 through the workforce. Mr. Lieber acknowledged that one of our consultant firms, Hill International, which is providing consultant construction management services on C&D security projects in Staten Island, had a casualty - Construction Manager Phil Pinto, who passed away due to the COVID-19 virus. Mr. Lieber stated that we mourn the loss of Mr. Pinto.

Mr. Lieber further reported that C&D has distributed a ton of supplies and PPE to the projects to keep the workforce safe. He noted that while the agency did suffer a drop in contractor/consultant workforce early on of roughly 25%, in the past few days they have gained back about half of the personnel lost during that time, so they are operating a pretty high level of staffing at this point.

Mr. Lieber emphasized that a lot of the credit for the work continuing goes to the partnership C&D has developed and maintained with the contracting associations and the labor groups around the region. This includes the General Contracting Association ("GCA"), the New York Building Congress, the BTEA and organized labor at the DCTC, along with sister organizations in Long Island, Westchester and the northern suburbs. Mr. Lieber noted that C&D has maintained constant communication with these organizations, and that they have helped the agency disseminate information about worker safety and safe project management, resulting in MTA's ability to maintain progress on the majority of the Capital Program.

Mr. Lieber reported that C&D continues to progress on schedule with the L Train and some of the other projects, and that these accomplishments were due to innovation. Mr. Lieber provided the examples of utilizing Go Pro cameras to allow for remote construction inspections that C&D typically does in-person, using video and Zoom to do factory acceptance tests of equipment or electronic systems when

C&D would normally send MTA personnel to the factories, and, most important, moving this forward with aggressive management from the C&D team.

Mr. Lieber noted that progressing the work also required not burdening the operating agencies, which are focused on maintaining service. Instead, C&D reorganized its work to maximize outages and to minimize flagging resources. Other measures taken by C&D included repositioning work trains to ensure that staff would be in position to load and operate the trains without creating an additional burden on New York City Transit resources. This was a key to C&D's continued success.

Mr. Lieber discussed the progress made on C&D projects during this time. He reported that the Times Square Shuttle Project is actually trending ahead of schedule due to C&D's ability to close the shuttle down and have the No. 7 Line provide the connectivity that the shuttle might otherwise provide. Mr. Lieber also noted that the work on the Third Track Project and many other projects continue to be on schedule. He also cautioned that while C&D is doing well, it is still early, and COVID-19 has caused serious problems in some of the supply chains that has inhibited work progress on some projects. He further noted that a lot of the contractors have submitted force majeure letters that MTA is reviewing. Mr. Lieber said that C&D will look to mitigate any delays and will work closely with the Office of Construction Oversight and the MTA's Independent Engineer to evaluate any schedule impacts and how to mitigate them.

Mr. Lieber reported that one of the other important things that C&D did to ensure that the industry could survive during this tremendously challenging period was to emphasize that timely payments be made to the contractors. Mr. Lieber stated that C&D has been able to continue to make payments to contractors as it did before the crisis and acknowledged the contributions of the MTA's Business Service Center in making that possible while working remotely.

Mr. Lieber reported that the MTA does not have the Capital Program that it had planned, that awards of new contracts are temporarily suspended for at least sixty days and that the \$13 billion in capital contracts that were planned to be awarded in 2020 are currently outstanding. Mr. Lieber noted that some of the projects that C&D had worked hard to set in motion and which are now on hold include the 23 Station ADA Accessibility Project that C&D kicked off so aggressively, the Rutgers Tunnel Project that C&D wanted to get done before the 8th Avenue CBTC Project started, and all of the work on the Flushing Line, especially stations and structures. Mr. Lieber further noted that, despite these holds, C&D is still in a position to kick off that work and accelerate it if and when the federal government deals appropriately with the MTA's request for operating budget relief and also a stimulus program.

Mr. Lieber also recognized the employees at C&D who have been working remotely and have been very productive. As part of the MTA's transformation, C&D is incorporating the Construction Groups from each of the operating agencies, and Mr. Lieber stated his belief that working remotely under these circumstances has allowed the agency to build a cohesive team with a positive team spirit. He noted that a big part of that success is the aggressive communication effort undertaken by C&D, which includes sending out three electronic newsletters a week to keep employees informed and up to date. He further explained that the tremendous amount of electronic and telephone communication, along with the newsletter, makes everyone feel very connected, and, with the use of the new technologies as well with the traditional means of communication, C&D has built something that it can roll into what it hopes will be a more aggressive program in the days to come.

Board Member Albert inquired whether the Rutgers Tube Project delay will mean that the Eighth Avenue CBTC project will also be delayed. Mr. Lieber responded that everything is on hold now, and that C&D needs clarity on where it is “operating budget wise” before the agency starts to make the kind of capital program expenditures that were contemplated in the 2020–24 Capital Program adopted by the Board and approved by the Legislature. Mr. Lieber noted that there are limited exceptions on C&D’s in-house capital construction work where C&D has the forces available and they are being paid for their work and time. He noted that, other than that and maybe a little bit of “use it or lose it funding,” from the federal government, C&D is really at a standstill in terms of making new commitments. Mr. Lieber made clear that all of the good news that he conveyed really has to do with C&D projects that the Board previously authorized and that “going forward projects” have to wait for funding.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for further details of Mr. Lieber’s report.

7. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Minutes of the Joint Committee and Board meeting of the MTA and MTA Agencies held on March 25, 2020.

8. MTA FAMILY BENEFITS.

Chairman Foye stated that it is imperative that the MTA take care of the families of the heroic transportation workers who lost their lives due to COVID-19; these families have suffered a tragic loss, and the sacrifice of their loved ones deserves to be recognized.

Benefits include a payment of \$500,000 from the MTA to the surviving family of any worker who lost his or her life due to COVID-19. The benefits also provide health insurance to the worker’s spouse and dependents to the age of 26 for three years.

Chairman Foye stated that the agency has come to 41 agreements with 26 different unions on this issue, and the agreement extends to non-represented workers as well. The MTA is working with all of its labor partners to extend these benefits to all of the MTA’s represented employees.

Chairman Foye made a motion to adopt and approve the agreements reached with various MTA unions for the COVID-19 Family Benefits program and all other actions presented in the Board materials.

Upon motion duly made and seconded, the Board approved the agreements listed in Attachment A of the staff summary and authorized the Chairman to execute future agreements without further approval on the same terms with any certified representatives of MTA employees that have not yet executed such agreements.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, and to the staff summary for details relating to the action item, copies of which are on file with the records of the Board meeting minutes for MTA.

9. METRO-NORTH PRESIDENT CATHERINE RINALDI’S PRESENTATION.

A. Metro-North President’s Report:

President Rinaldi reported that Metro-North continues to respond to the COVID-19 pandemic and move Metro-North employees and employees of the other MTA agencies, as well as medical providers, police officers, firefighters, grocery store workers, pharmacists, and essential construction workers – all of whom play a critical role during this unprecedented emergency.

On Friday, March 27, 2020, Metro-North began operating a reduced schedule on the Hudson, Harlem, and New Haven Lines while monitoring conditions in the field. With the reduced service, trains were far from crowded, and it is estimated that ridership is down at least 95%. However, at the same time, COVID-19 has had an impact on the availability of Metro-North's train and engine crews. As a result, Metro-North has made further adjustments to schedules (beginning last Monday, April 13, 2020) and started operating all-day hourly service. Normal weekday capacity has been reduced by approximately 60 percent when compared to a normal weekday. The reduced schedule runs 328 trains, down from 713 during a normal schedule.

President Rinaldi reported that Metro-North continues to monitor conditions to ensure customers are still able to maintain social distancing and will layer additional trains into the schedule if conditions warrant. In addition, Metro-North has discontinued ferry service between Haverstraw and Ossining and Newburgh and Beacon and is instead providing substitute bus service. The Hudson Rail Link bus service at Spuyten Duyvil and Riverdale Stations continues to operate. Overall service delivery in March was strong as Metro-North operated above goal at 98.5%. In addition, all service periods operated above goal and year-to-date through the end of March, Metro-North operated 1.9% better than in 2019. For West of Hudson service, the Port Jervis and Pascack Valley Lines performed above goal at 97.5% overall.

President Rinaldi reported that during this difficult time, Metro-North's top priority is keeping customers and employees safe, and Metro-North is taking all measures possible to prevent the spread of COVID-19. Metro-North forces continue to disinfect stations two times a day, sanitize trains daily, and perform a complete cleaning of trains every 72 hours.

Metro-North is also cleaning and disinfecting employee facilities and remains focused on making working conditions as safe as possible. External contractors have been retained to assist with cleaning services, but Metro-North's own cleaning and custodial forces continue to work tremendously hard. Masks have also been distributed to frontline workers and are made available to all employees for social distancing purposes.

President Rinaldi stated that she is very proud of Metro-North's frontline employees who come to work every day to answer an all-important call to duty, by providing essential workers with transportation to their vital workplaces. Metro-North employees are demonstrating amazing dedication to providing service during this unprecedented time, and the essential workers who are doing their part are perhaps the humblest and the least likely to be heralded by the public for their exceptional service.

President Rinaldi remarked that she is truly proud to be working with such a professional work force. The entire team at Metro-North continues to amaze her, and their dedication is

inspiring. She expressed her gratitude to the Metro-North employees who show up every day to keep the region moving and help everyone make it through this difficult time.

In closing, President Rinaldi provided a brief update on Positive Train Control (“PTC”). Metro-North remains on target to fully implement PTC across the territory by December 31, 2020. PTC has been fully implemented along the entire Hudson and Harlem Lines, as well as the Danbury and New Canaan Branches. Metro-North now has 74.5% (182.2) route miles in full PTC functionality and is focused on the next segment that will come on-line between Woodlawn and Stamford on the New Haven Line. Also, during the weekend of March 27, 2020, Metro-North performed the last cut-in segment for the new signal system on the Port Jervis Line. The new signal system is now in fully operational on the Port Jervis Line and is needed to support full PTC implementation.

B. Joint Information Item:

- a. Long Island Rail Road/Metro-North PTC Status Report

C. Metro-North Procurement:

- a. Board approval for a contract modification to an existing miscellaneous service contract with the firm Dayton T. Brown in the not-to-exceed amount of \$1,600,000. The funding will allow Dayton T. Brown to provide additional staffing to support PTC fieldwork and perform additional site visits.

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

D. Other Metro-North Committee Items:

- Minutes of the Joint Metro-North and Long Island Rail Road Committee of March 25, 2020
- Metro-North 2020 Work Plan
- Metro-North Safety Report
- MTA Police Report
- Operations, Performance Metrics, Ridership, Financial, and Capital Program Reports

The details of the above Metro-North Committee items are contained in reports filed with the records of this meeting, and the video recording of the meeting produced by the MTA and maintained in the MTA records contains a complete record of President Rinaldi’s presentation.

10. LIRR PRESIDENT PHILLIP ENG'S PRESENTATION.

A) LIRR President's Report

President Eng stated that his heart goes out to all who have been affected by this pandemic and expressed his deepest sympathies to all the families here at the MTA and across our communities that have lost loved ones to this deadly disease. President Eng asked everyone to please keep the Kenny family in their thoughts and prayers as we mourn the loss of Ray Kenny, former Acting LIRR President, who passed away from this deadly virus on Saturday. His love for the railroad community was unsurpassed and in return, all its members loved him back. President Eng stated that Ray Kenny will be deeply missed but his contributions will be with us forever, not only at the LIRR, but across the industry.

President Eng stated that these tragic losses strengthen our determination to join together and fight the pandemic. He assured LIRR employees and riders to that LIRR is doing everything it can to keep them safe. LIRR teams are hard at work each day, aggressively disinfecting stations, the fleet and employee facilities.

President Eng stated that while continuing to run LIRR's robust Essential Service Plan, they realize that these are some of the most important trips LIRR is making in its 185-year history. LIRR is also making sure that these frontline workers who are helping to save lives in this crisis can get to work and back home safely and reliably.

President Eng stated that over the last two years, LIRR has worked aggressively to address infrastructure needs and improve operations so we could provide a growing ridership with a more reliable commute. The LIRR has always been integral to Long Island, and we take our jobs seriously for every customer we serve. But as we sit here today, even with ridership down more than 95%, our service is more vital than ever. President Eng observed that he couldn't be prouder of how the LIRR workforce has risen to this challenge.

President Eng stated that through all this uncertainty, LIRR continues to run safe and reliable service. Since March 27th, LIRR has been nonstop in delivering its Essential Service plan, carrying critical personnel across Long Island.

President Eng stated that LIRR promised its riders that it would monitor the changes in this service and adjust accordingly. He reported that in the first days of this Service Plan, LIRR promptly added 6 AM peak and 6 PM peak trains, bringing service levels to 70% of a normal weekday schedule, totaling 531 trains each weekday and 516 trains on weekends. This level of service allows essential employees to practice social distancing while traveling on the Railroad. LIRR continues to monitor ridership travel patterns and remain prepared to make further modifications if necessary.

President Eng stated that the LIRR workforce continues to work tirelessly helping New York flatten the curve and overcome this pandemic. Together with their colleagues across the MTA, they are truly heroes moving heroes.

President Eng stated that it is important to note LIRR couldn't be doing what it is doing without the leadership and support from its Labor Partners. As Anthony Simon said during his public comments today, open lines of communication have enabled LIRR to address employee needs in an urgent fashion and provide them with the information and tools to safely perform their jobs.

President Eng stated that with the continued running of the Service Plan, now more than ever, critical infrastructure work is needed. The Railroad's department heads are finding new ways to ensure that the workforce can safely accomplish these key projects. This protects service both today and in the future when LIRR begins to increase service levels to support a reimagined New York that reopens in a smart and disciplined manner.

President Eng reported that in March, LIRR finished a variety of critical work on time and as planned, including platform repairs at St. Albans Station; commissioning of the new employee facility at the Mid- Suffolk Yard; continued support for the installation of a new substation in Freeport; and progress on the Sandy rehab efforts in Long Beach.

President Eng highlighted LIRR's completion of state of good repair concrete tie replacement work on the Ronkonkoma Branch between Farmingdale and Ronkonkoma Stations this past month. This work makes this stretch of the Ronkonkoma Branch even more reliable and safer than before.

President Eng noted that in addition, LIRR's critical inspection and maintenance programs have proceeded without delay, including its aggressive Sperry rail testing, which identifies hidden rail defects so LIRR can proactively address them, avoiding potential issues.

President Eng reiterated that it would be impossible to achieve this work without the diligence of managers and, members of the critical workforce, such as Track, Signal, Power and Structures crews. They are not necessarily public-facing, but just as important in accomplishing LIRR's goals.

President Eng stated that looking toward the day when we get past this pandemic, it is imperative LIRR continues to deliver on key expansion projects and work with MTA Construction and Development on both the Main Line Expansion and East Side Access.

Providing an update on Positive Train Control ("PTC"), President Eng stated that LIRR has adjusted its deployment strategy to maintain operations, and the project remains on schedule to meet the deadline. Additionally, although the System Integrator and their vendors are facing the same challenges as all of us through this pandemic, they have found ways to continue working safely and remain committed and on target to hit the December 2020 deadline.

President Eng stated that despite the pandemic, in March LIRR resubmitted its Safety Plan to the Federal Railroad Administration ("FRA") on schedule, as committed, and LIRR continues to add sections into extended Revenue Service Demonstration. Progress is also being made with Amtrak and the FRA to address Amtrak's proposed alternative

solution and ensure their onboard back-to-back software is interoperable as their trains pass through Harold Interlocking.

President Eng referred to the Committee Book for additional information concerning PTC and for LIRR's other reports, including its On-Time-Performance, which was 95.3% in March.

President Eng reported that to date LIRR has had 236 employees test positive for the virus with a total of 407 in quarantine. There are 116 employees who have overcome the virus and are ready to return to work; 758 have returned to work from quarantine. President Eng stated that we are constantly thinking of them, our colleagues across the MTA and all their families as we pray for their full recovery.

President Eng reaffirmed to the public that the LIRR and its workforce are here for you and that LIRR remains committed to providing the necessary level of service that its essential riders depend on. President Eng stated that he wants LIRR's riders and employees to know that he will do everything in his power to ensure that we support them as they demonstrate courage and determination in this battle against an unprecedented and deadly virus. President Eng stated that we are proud members of our communities and because of that we take this personally as we work to protect our friends, family and colleagues against COVID-19.

President Eng affirmed that we will get through this together and thanked those who can stay home for doing so. To all the essential workers including LIRR's own workforce, managers and Labor Partners, President Eng stated that he is proud to work with you to support our workforce, both frontline employees and those working hard behind the scenes. President Eng stated, addressing employees from the Human Resources, Communications, Safety, Procurement, Signal, Power, Track, Structures and Legal departments and to employees in public-facing crafts such as Conductors, Engineers and Stations personnel, who are all coming together to make this happen every single day -- you are heroes moving heroes.

The details of the above LIRR Committee items are contained in reports filed with the records of this meeting, and the video recording of the meeting produced by the MTA and maintained in the MTA records, contains a complete record of President Eng's presentation.

B. Joint Information Item:

- a. Long Island Rail Road/Metro-North PTC Status Report

C. LIRR Procurements

President Eng reported that for our procurements this month, we have one Non-Competitive sole source procurement which entails exercising two separate options, both of which are Original Equipment Manufacturer ("OEM") contracts for essential OEM replacement parts. One is on behalf of both Metro-North and LIRR for our shared M7

fleet with Bombardier and the other is for the LIRR's DE/DM locomotive fleets with Progress Rail Locomotive.

- The Bombardier contract option is for \$220 million over five (5) years; and
- The Progress Rail Locomotive option is for \$30 million over two (2) years.

Parts would be paid for only upon order and delivery, and only those parts that are necessary for service will be ordered. President Eng noted that approval of this procurement does not commit the MTA to any minimum spending. He also noted that this procurement is necessary and prudent to ensure that both Metro-North and LIRR have the ability to procure essential components and ensure that both fleets can continue to run reliably and safely.

President Eng then submitted this procurement item for Board Approval.

Upon motion duly made and seconded, the Board approved the foregoing procurement. The details of the procurement are contained in documentation filed with the records of this meeting.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of President Eng's report, and to the staff summary for details relating to the procurement, copies of which are on file with the records of the Board meeting minutes for the MTA and LIRR.

D. Other LIRR Committee Items:

- Minutes of the Joint Metro-North and Long Island Rail Road Committee of March 25, 2020
- LIRR 2020 Work Plan
- LIRR Safety Report
- MTA Police Report
- Operations, Performance Metrics, Ridership, Financial, and Capital Program Reports

The details of the above LIRR Committee items are contained in reports filed with the records of this meeting, and the video recording of the meeting produced by the MTA and maintained in the MTA records, contains a complete record of President Eng's presentation.

11. NYCT INTERIM PRESIDENT SARAH FEINBERG'S PRESENTATION.

Interim President Sarah Feinberg opened by stating that the men and women of NYCT are heroes and first responders. She went through the top priorities of the agency and stated that the first priority was continuing to be the heroes who are moving the heroes. Interim

President Feinberg stated that NYCT is continuing to provide safe and reliable service for the essential workers who continue to get New York through this crisis. She noted that since moving to the essential service plan a few weeks ago in order to respond to crew availability issues, service and reliability have steadily improved. She emphasized that even with thousands of employees out with illness or under quarantine, the agency is now hitting about 95% of our essential service on any given weekday. Interim President Feinberg also noted that NYCT is addressing sporadic crowding issues proactively by increasing service on the #2 line despite crew absences and adding bus service. She stated that NYCT has worked closely with the police to address overcrowding.

Interim President Feinberg stated that another priority was doing everything to keep the workforce safe at this time. She explained that NYCT is providing personal protective equipment (PPE) to workers including millions of gloves, hundreds of thousands of masks and thousands of gallons of hand sanitizer. Interim President Sarah Feinberg emphasized how proud she is that we have been the most aggressive transit agency in the country to act quickly and decisively to protect the workforce. She noted that being on the leading edge of this virus and crisis has been a massive challenge, and everyone at MTA, in New York and in the country would agree that we wish the country had been more prepared in terms of PPE availability from manufacturers. However, she expressed how grateful she was for the procurement team for the supplies they have been able to procure and for the teams who have efficiently moved it throughout the system to our workers. She deeply thanked the workers for their patience. Interim President Feinberg stated that there will always be challenges distributing anything to a workforce of tens of thousands of people who report to more than 1,000 reporting locations, but as she has said repeatedly to the agency's workforce, she implored again that if you show up for work and you do not have the PPE you need, raise your hand, tell your manager, tell your supervisor, email her, and they will make sure you get what you need. She stated that each of us hears from a handful of people here and there and in each case, PPE has either been readily available, which is almost always the case, or has been delivered or refreshed. She thanked the team for being able to provide that.

Interim President Feinberg stated that the third priority has been keeping the system safe and secure for our riders. There is no excuse but for our system to be as safe and secure as it could possibly be, and she stated that we have taken and will continue to take all measures to ensure safety.

Interim President Feinberg then addressed the crime that occurred at 110th Street on March 27th, where, she said a horrendous and allegedly intentionally set fire raced through the 110th street station and train. She stated that Operator Garret Goble, Conductor Rigoberto Mendez and officer and off-duty Conductor Collin Beard evacuated passengers safely and Operator Goble attempted to escape the fire and the resulting heavy smoke but lost his life. Interim President Feinberg said this` incident has been devastating for the NYCT family and that we wish comfort and peace for Garrett's wife Delilah, his mother Vicky, his two young sons and everyone who loved him and cared for him.

Interim President Feinberg closed by offering her heartfelt thanks to the entire workforce, the 51,000 people who continue to work on behalf of NYCT and the public, and to their families, their spouses, their parents and children and loved ones who wait for them to return home.

She emphasized that we are grateful to them as well and we know that their sacrifices are very real and deep.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Interim President Feinberg's presentation.

12. TBTA ACTING PRESIDENT DANIEL DeCRESCENZO'S PRESENTATION.

A. TBTA Report.

Committee on MTA Bridges and Tunnels Operations

Mr. DeCrescenzo offered his condolences to the families of MTA employees who have passed away from COVID-19. Mr. DeCrescenzo also recognized TBTA employees for their ongoing efforts: those who are out in the field keeping the public safe and those who are telecommuting. He noted that both groups are ensuring the continuation of TBTA's core business during these challenging times.

B. TBTA Committee Items:

Procurements

Mr. DeCrescenzo stated that there are two (2) procurements totaling approximately \$42.6 million.

Non-Competitive Procurements

Mr. DeCrescenzo stated that there are no non-competitive procurements.

Competitive Procurements

Mr. DeCrescenzo stated that there are two (2) competitive procurements totaling approximately \$42.6 million.

Modifications to Personal Service Contract and Miscellaneous Service Contract Awarded

TransCore, LP	Contract No. PSC-13-2949 TBTA is seeking Board approval under the All-Agency Service Contract Procurement Guidelines to amend this personal service contract with TransCore, LP to: (i) implement cashless tolling at the Verrazzano-Narrows Bridge Eastbound travel lanes and (ii) upgrade TBTA's Travel Time System to serve as an interim Toll Collection System in case of a catastrophic event.	\$16,996,380.00
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Modifications to Purchase and Public Works Contracts Awarded

El Sol Contracting/ES II Enterprises JV	Contract No. VN-84AX TBTA is seeking Board approval under the All Agency Procurement Guidelines to	\$25,610,000.00
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**MTA and Agencies' Joint Committee and Regular Board Meeting
April 22, 2020**

modify this public works contract with El Sol Contracting/ES II Enterprises, a Joint Venture, for work associated with the implementation of Split Tolling at the Verrazzano-Narrows Bridge.

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

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Acting President DeCrescenzo's report, and to the staff summaries for the details relating to the procurement items, copies of which are on file with the records of the Board meeting minutes for MTA and TBTA.

13. MTA COMMITTEE ON FINANCE.

- A. Procurement Item.** MTA Chief Procurement Officer Kuvesh Ayer presented a summary of the procurement item for Board approval.

Upon motion duly made and seconded the Board approved the following procurement item listed below. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

1. International Business Machines Corp (IBM) – Managed Security Services for Cyber Security Operations Center – No. 900000000003412). Approval of a competitively negotiated, personal service contract to IBM to assess, design and implement standardized cybersecurity controls across all operations and informational MTA technology systems. IBM will also provide managed security services to augment the MTA's Cyber Security Operations Center (CSOC).

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Ayer's summary of the procurement item.

- B. Real Estate Items.** David Florio, Director, R.E. Operations, Leasing & Acquisitions, presented a summary of the real estate items for Board approval.

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.

New York City Transit Authority

1. Revocable license agreement with Jamestown OTS, L.P. of a volume of space located at Times Square Station Complex, New York, N.Y.
2. License agreement with National Resources, LLC/Hudson View Associates, LLC, for installation of a roof top antenna pole and equipment for telecommunications as part of the Bus Radio System (BRS) located at a mutually agreed portion of the roof at 29 Wells Avenue, Yonkers, N.Y.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Florio’s summary of the real estate items.

14. SAFETY COMMITTEE. Patrick Warren, Chief Safety Officer, presented the Safety Report and a summary of the action item.

A. Action Item. Upon motion duly made and seconded the Board approved the action item listed below. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

1. Public Transportation Agency Safety Plan (“PTASP”). Approved the 2020 PTASP for NYCT Department of Subways and Department of Buses/MTA Bus.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for further details and to the staff summary, a copy of which is on file with the records of the meeting of the MTA Board.

15. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:44 a.m.

Chairman Foye announced that the next Board meeting will be held on May 20, 2020

Respectfully submitted,

Richard Gans
Vice President,
General Counsel and Secretary
Metro-North Railroad

Paige Graves
Vice President,
General Counsel and Secretary
Long Island Rail Road Company

Mariel A. Thompson
Assistant Secretary
NYCTA

David K. Cannon
Assistant Secretary
MTA C&D

Adana Savery
Assistant Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Staff Summary

Subject MTA Pension Plan Amendments
Department Human Resources
Department Head Name Margaret M. Connor
Department Head Signature
Project Manager Name

Date May 20, 2020
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
	Finance	5/20/20			
	Board	5/20/20	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal
3	Chief Financial Officer	2	Labor Relations

NARRATIVE

I. PURPOSE

To obtain Board approval of the attached resolutions providing for:

- A.** An amendment to the Metropolitan Transportation Authority (“MTA”) Defined Benefit Pension Plan (the “MTA DB Plan”), including Article 21, The Long Island Rail Road Company Pension Plan (“Base Plan”), to provide for a temporary one-day retirement application filing period; and
- B.** An amendment to the Long Island Rail Road Company Plan for Additional Pensions (“Additional Plan”) (collectively, with the Base Plan, the “Closed Plans”), to provide for a temporary one-day retirement application filing period.

II. DISCUSSION

The foregoing Amendments are consistent with the principles of Executive Order 202.18, issued by the Governor on April 16, 2020, as extended by Executive Order 202.29, issued May 8, 2020, temporarily suspending Sections 70(a) and 370(a) of the New York Retirement and Social Security Law (“RSSL”) to allow eligible members of the New York State and Local Retirement System (“NYSLRS”) to file a completed service retirement application, and be retired the next day. Previously, NYSLRS had a fifteen (15) day filing requirement. The MTA plans have a thirty (30) day filing requirement. A retirement window offers an employee the ability to change his/her mind and gives the employer the opportunity to conclude disciplinary proceedings, which might affect other benefits.

The reduced filing period recognizes the health challenges facing pension system members diagnosed with COVID-19. The uncertainty of the prognosis causes members to seek to retire before they die, thus protecting their survivors. In almost all of the MTA DB Plan programs, if a member dies while in active service, his/her survivor would receive a lump sum Ordinary death benefit, which is a multiple of final salary. If the member dies while

retired, the benefit can be paid as a joint and survivor annuity, with continuing monthly payments for the life of the beneficiary. Usually, the joint and survivor annuity is more valuable than the lump sum Ordinary death benefit.

Through Executive Order 202.7, the Governor also has authorized the temporary use of audio-visual technology to make effective notarizations in New York. MTA plans require notarization of retirement applications and other documents. The MTA plans will be authorized to recognize the methods recognized by NYSLRS.

Executive Order 202.18 covers the period April 16 through May 16, 2020. (The provisions relating to retroactivity are not relevant to the MTA DB or the LIRR Closed Plans, as no rejected applications for retirement were filed during that period.) Executive Order 202.29 extends the period for thirty (30) days until June 7, 2020. In the event the Executive Order period is further extended, the MTA plans will automatically be extended.

The attached Resolutions A and B would incorporate these changes into the MTA DB Plan and the LIRR Closed Plans.

III. IMPACT ON FUNDING

No new classes of members are eligible to retire. There should be no impact on funding.

IV. RECOMMENDATION

The Board approve the amendments in accordance with the attached resolutions. Should the Board not adopt the resolutions, the current filing periods will remain in full force and effect.

ATTACHMENT A

**MTA BOARD RESOLUTION
TO AMEND THE
METROPOLITAN TRANSPORTATION AUTHORITY
DEFINED BENEFIT PENSION PLAN**

WHEREAS, pursuant to Section 9.04 of the Metropolitan Transportation Authority (“MTA”) Defined Benefit Pension Plan (the “Plan”), the MTA reserves the right to amend the Plan; and

WHEREAS, the MTA desires to amend the Plan to provide a temporary filing period for service retirements consistent with Executive Orders 202.18 and 202.29 (collectively, the “Executive Order”); and

WHEREAS, the amendment would apply only to members filing service retirement applications between April 16, 2020 and June 7, 2020; and

WHEREAS, in the event that the temporary period set forth in the Executive Order is extended, the temporary period in the Plan shall be extended for the same period described in the Executive Order, as amended;

NOW, THEREFORE, after due consideration be it:

RESOLVED, that the Metropolitan Transportation Authority Defined Benefit Pension Plan shall be amended as follows:

1. New Section 6.08 shall be added, as follows:

6.08 Temporary Filing Rule

- (a) Notwithstanding any provision contained herein to the contrary, a Member, Participant or Employee of any Article hereunder, shall file an application for Service Retirement, Early Retirement or Service-Age Pension with the Board of Managers, on a form acceptable to it, no more than ninety (90) days before the Member or Participant’s termination of Employment. Such Service Retirement, Early Retirement or Service-Age Pension shall be payable, if the Member or Participant filed such application no later than one (1) day prior to such termination, beginning the first day of the month following such termination, otherwise beginning the first day of the month following the thirtieth (30th) day after the date the application is filed.
- (b) A Member, Participant or Employee must be otherwise eligible to retire under the Plan.
- (c) Applications may be notarized under any method accepted by the New York State and Local Retirement System.
- (d) Section 6.08 shall be effective April 16, 2020 through June 7, 2020, or such longer period consistent with the Governor’s Executive Orders 202.18 and 202.29, as in effect or hereinafter amended.

AND FURTHER RESOLVED, that this amendment shall be effective immediately and is retroactive to April 16, 2020.

ATTACHMENT B

**MTA BOARD RESOLUTION
TO AMEND THE
LONG ISLAND RAIL ROAD COMPANY PLAN FOR ADDITIONAL PENSIONS**

WHEREAS, effective July 1, 1971, the Board of Directors of the Long Island Rail Road Company (“LIRR”) approved the Long Island Rail Road Company Plan for Additional Pensions; and

WHEREAS, such Long Island Rail Road Company Plan for Additional Pensions was restated, effective March 22, 1989 (as restated, the “LIRR Additional Plan”); and

WHEREAS, pursuant to Article VII, Section 1 of the LIRR Additional Plan, the LIRR Board reserved the right to amend the Plan; and

WHEREAS, on May 20, 2020, the Board of Directors of the Metropolitan Transportation Authority (“MTA Board”) acting as LIRR’s Board of Directors, amended the Long Island Rail Road Company Pension Plan (“LIRR Base Plan”) to temporarily reduce the filing period for service retirement to one-day; and

WHEREAS, the LIRR Additional Plan is coordinated with the LIRR Base Plan to provide a retirement program for LIRR employees hired prior to January 1, 1988; and

WHEREAS, the MTA desires to amend the LIRR Additional Plan to provide a temporary filing period for service retirements consistent with Executive Orders 202.18, 202.29 and the LIRR Base Plan; and

WHEREAS, the amendment would apply only to employees filing service retirement applications between April 16, 2020 and June 7, 2020; and

WHEREAS, the temporary period shall be extended, in the event the Executive Order is amended;

NOW, THEREFORE, after due consideration, be it:

RESOLVED, that the LIRR Additional Plan shall be amended as follows:

2. New Article III, Section 1A shall be added, as follows:

1A. Temporary Filing Rule

- (a) Notwithstanding any provision contained herein to the contrary, an Employee shall file an application for an Additional Pension with the Board of Managers, on a form acceptable to it, no more than ninety (90) days before the Employee’s termination of Employment. Such Additional Pension shall be payable, if the Employee filed such application no later than one (1) day prior to such termination, beginning the first day of the month following such termination, otherwise beginning the first day of the month following the thirtieth (30th) day after the date the application is filed.

- (b) An Employee must be otherwise eligible to retire under the Plan.
- (c) Applications may be notarized under any method accepted by the New York State and Local Retirement System.
- (d) This Section 1A shall be effective April 16, 2020 through June 7, 2020, or such longer period consistent with Governor's Executive Orders 202.18 and 202.29, as in effect or hereinafter amended.

AND FURTHER RESOLVED, that this amendment shall be effective immediately and is retroactive to April 16, 2020.

LONG ISLAND RAIL ROAD

PROCUREMENTS

FOR

BOARD ACTION

May 20, 2020

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.



Staff Summary

Subject: Request for Authorization to Award Various Procurements						Date May 20, 2020			
Department Procurement and Logistics									
Department Head Name Richard A. Mack, Acting Chief Procurement and Logistics Officer									
Department Head Signature									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Orde	Approval
1	MTA Joint Committee & Board	5/20/2020				X	President		

PURPOSE:

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

DISCUSSION:

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>	<u>None</u>	
Schedule A: Non-Competitive Purchases and Public Works Contracts		

LIRR proposes to award Competitive Procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule C: Competitive Requests for Proposals	1	\$27,120,264
SUBTOTAL:	1	\$27,120,264

LIRR proposes to award Ratifications in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
	<u>None</u>	
TOTAL:	<u>1</u>	<u>\$27,120,264</u>

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.)

MAY 2020

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts) (Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | | | |
|-----------|--------------------------|---------------------|--|--------------------------------------|
| 1. | Hitachi Rail STS | \$26,319,065 | (Base) | <i><u>Staff Summary Attached</u></i> |
| | Competitive RFP | + \$801,199 | (5 Optional 1-Year Hardware Warranties) | |
| | Contract No. 6283 | \$27,120,264 | | |

The Long Island Rail Road (LIRR) requests MTA Board approval to award a Public Works contract to Hitachi Rail STS, USA Inc. (formerly Ansaldo STS USA, Inc.) in the amount of \$27,120,264 (\$26,319,065 (Base) + \$801,199 (5 Optional 1-Year Hardware Warranties)) to design, furnish and deliver an upgraded signal system for LIRR’s Babylon to Patchogue segment of the LIRR Montauk Branch.

The contract requires Hitachi STS USA, Inc. (Hitachi) to design, furnish and deliver materials necessary to install an upgraded signal system for the LIRR from Babylon to Patchogue. The line is approximately fourteen (14) miles of double track and three (3) miles of single track, all within non-electrified territory that operates under automatic block and manual block signal rules. As part of a commitment to the Federal Railroad Administration in LIRR’s Positive Train Control Implementation Plan, work under this contract includes upgrading the existing 1940’s-installed outmoded signal system, from an Automatic Block System (ABS) to new pre-wired signal enclosures required for an Automatic Speed Control (ASC) system. The ASC system will increase safety and train movement efficiency by allowing bidirectional continuous speed enforcement. Hitachi shall be required to complete the following main elements of Work: Signal Design; Manufacture of Signal Equipment and Enclosures; System Integration and Testing; Delivery and Setting of Central Instrument Locations, Huts and associated equipment; and Design and Delivery of Raised Platforms.

The MTA Board granted approval to issue the Request for Proposal (RFP) method to solicit qualified firms that are capable of designing, furnishing and delivering an upgraded signal system at its September 2017 meeting. On May 22, 2018, LIRR publicly advertised the RFP for this project in the New York State Contract Reporter, N.Y. Post, and on the MTA website.

Staff Summary



Item Number: 1					
Dept & Dept Head Name: Procurement & Logistics, Richard A Mack					
Department Head Signature & Date					
Division & Division Head Name: Department of Positive Train Control, Deborah Chin					
Division Head Signature & Date					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MTA Joint Committee & Board Meeting	5.20.2020			
Internal Approvals					
Order	Approval	Order	Approval		
4	President	1	Acting SVP Operations		
3	VP Genl Counsl & Secy				
2	VP CFO				

SUMMARY INFORMATION	
Vendor Name	Contract Number
Hitachi Rail STS	6283
Description:	
Babylon to Patchogue Signalization	
Total Amount: \$27,120,264: \$26,319,065 (Base) + \$801,199 (5 Optional 1 Year Hardware Warranties)	
Contract Term (including Options, if any):	
4 Years 3 Months	
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 type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

I. PURPOSE/RECOMMENDATION

The Long Island Rail Road (LIRR) requests MTA Board approval to award a Public Works contract to Hitachi Rail STS, USA Inc. (formerly Ansaldo STS USA, Inc.) in the amount of \$27,120,264 (\$26,319,065 (Base) + \$801,199 (5 Optional 1-Year Hardware Warranties)) to design, furnish and deliver an upgraded signal system for LIRR’s Babylon to Patchogue segment of the LIRR Montauk Branch.

II. DISCUSSION

The contract requires Hitachi STS USA, Inc. (Hitachi) to design, furnish and deliver materials necessary to install an upgraded signal system for the LIRR from Babylon to Patchogue. The line is approximately fourteen (14) miles of double track and three (3) miles of single track all within non-electrified territory that operates under automatic block and manual block signal rules. As part of a commitment to the Federal Railroad Administration (FRA) in LIRR’s Positive Train Control (PTC) Implementation Plan, work under this contract includes upgrading the existing 1940’s-installed outmoded signal system, from an Automatic Block System (ABS) to new pre-wired signal enclosures required for an Automatic Speed Control (ASC) system. The ASC system will increase safety and train movement efficiency by allowing bidirectional continuous speed enforcement. Hitachi shall be required to complete the following main elements of Work: Signal Design; Manufacture of Signal Equipment and Enclosures; System Integration and Testing; Delivery and Setting of Central Instrument Locations, Huts and associated equipment; and Design and Delivery of Raised Platforms.

The MTA Board granted approval to issue the Request for Proposal (RFP) method to solicit qualified firms that are capable of designing, furnishing and delivering an upgraded signal system at its September 2017 meeting. On May 22, 2018, LIRR publicly advertised the RFP for this project in the New York State Contract Reporter, N.Y. Post, and on the MTA website.

Staff Summary

The LIRR received two (2) proposals in response to the RFP from the following firms: Hitachi STS USA, Inc. and Siemens Mobility, Inc. (Siemens).

A Technical Evaluation Committee (TEC) assessed each firm's technical proposal against the technical evaluation criteria set forth in the RFP, which consisted of technical approach, demonstrated ability to meet contract schedule and qualifications of the firm and project team including key personnel experience. Based upon evaluations, Hitachi was identified as the top ranked proposer, as its technical proposal met the RFP requirements. It was determined that Siemens provided a vital microprocessor system that is not FRA-approved which is a requirement for this contract. In addition, Hitachi's price was significantly less than the prices identified by Siemens in their cost proposal, by approximately twenty five percent (25%).

Following evaluations, the TEC held multiple discussions with Hitachi to discuss technical clarifications and to confirm Hitachi's overall understanding of the project. Following the discussions, LIRR made clarifying modifications to the scope of work consisting of changes to the PTC Integration, Fire Suppression, Interlockings and Reduced Aspect Signal requirements. Overall Hitachi demonstrated a thorough and comprehensive understanding of the project and adequately responded to all of LIRR's questions.

LIRR then held multiple meetings with Hitachi so that LIRR could gain a better understanding of the elements associated with Hitachi's costs proposal (which was higher than LIRR's estimate) and to negotiate its price to one that the LIRR could deem fair and reasonable for the overall project. LIRR entered into negotiations with Hitachi, addressing various cost-savings initiatives and scope clarifications. As a result of the negotiation discussions, Hitachi offered an overall price reduction by lowering the proposed project management/engineering hours and design cost. LIRR performed a cost and scope analysis, and DPM Estimating and LIRR Procurement determined that Hitachi's proposed price is fair and reasonable.

In connection with previous contract awards to Hitachi, they were found to be responsible notwithstanding significant adverse information (SAI) according to the All-Agency Responsibility Guidelines, and such responsibility findings were approved by the MTA in November 2017. A vendor responsibility check was done in December 2019 associated with the subject procurement and returned no new adverse information against Hitachi. In addition, a LexisNexis search did not find any new information that could be deemed AI or SAI. Based upon the foregoing, Hitachi STS USA, Inc. is considered a responsive and responsible firm.

III. D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights (DDCR) has established a 20% DBE goal for this project. Hitachi Rail STS, USA Inc. has submitted its plan for review and approval by DDCR. On previous completed MTA contracts, Hitachi STS, USA Inc has achieved the assigned MWDBE goals.

IV. IMPACT ON FUNDING

Funding for this project is included in the LIRR portion of the MTA's 2015-2019 Capital Program Budget.

V. ALTERNATIVES

There are no alternatives, since LIRR does not have the ability to undertake the design and fabrication of these customized signal huts with in-house forces.

**PROCUREMENT PACKAGE
May 2020**



The picture above depicts the CS084 contractor performing tests on various feeder breakers in the C08 substation in Queens for the East Side Access Project. This month's procurement package includes a procurement action for the CS084 Contract.

PROCUREMENT

The Procurement Agenda this month includes two procurement actions for a proposed expenditure of \$11.7M

Staff Summary

Subject		Request for Authorization to Award Procurements				Date: May 5, 2020			
Department		Contracts							
Department Head Name									
David K. Cannon									
Department Head Signature									
<i>David K. Cannon</i>									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other		Approval		Approval
1	LIRR Committee	5/20/2020	X			2	Executive Vice President & General Counsel, Contracts <i>[Signature]</i>	3	President <i>[Signature]</i> for JL
2	Board	5/20/2020	X			1	Deputy Chief Development Officer, Development <i>[Signature]</i> for TM		

PURPOSE

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

DISCUSSION

MTA Construction & Development proposes to award Ratifications in the following category:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Majority Vote</u>		
Schedule K - Ratification of Completed Procurement Actions	<u>2</u>	<u>\$11,704,000</u>
TOTAL	2	\$11,704,000

Budget Impact:

The approval of these ratifications will obligate MTA Construction & Development Company capital funds in the amounts listed. Funds are available in the capital budget for this purpose.

Recommendation:

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

MTA Construction And Development 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.

MAY 2020

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

- | | | | |
|-----------|---|---------------------|--------------------------------------|
| 1. | E-J Electric Installation Co.
Contract No. CS084
Modification No. 27 | \$10,600,000 | <u>Staff Summary Attached</u> |
|-----------|---|---------------------|--------------------------------------|

In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTA Construction and Development requests that the Board ratify a contract modification for the Contractor to install and test radiating and coaxial cables, and associated conduit and ancillary equipment, for the Positive Train Control (“PTC”) system throughout the East Side Access project.

- | | | | |
|-----------|---|---------------------|--------------------------------------|
| 2. | Tutor Perini Corporation
Contract No. CS179
Modification No. 275 | \$ 1,104,000 | <u>Staff Summary Attached</u> |
|-----------|---|---------------------|--------------------------------------|

In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTA Construction and Development requests that the Board ratify a contract modification for the Contractor to paint exposed steel items installed by the CQ032 Contractor at the Queens Plaza facility, and to fireproof the steel on the Amtrak Bridge. This work is being transferred from Contract CQ032 to Contract CS179.

Schedule K: Ratification of Completed Procurement Actions

Item Number 1

Vendor Name (& Location) E-J Electric Installation Co. (Long Island City, NY)	Contract Number CS084	AWO/Modification # 27
Description Traction Power Systems Package No. 4 for the East Side Access Project	Original Amount: \$ 71,248,884	
Contract Term (including Options, if any) 52 Months	Prior Modifications: \$ 2,940,214	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Exercised Options: \$ -0-	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount: \$ 74,189,098	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request \$ 10,600,000	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount: 14%	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, R. Troup.	% of Modifications (including This Request) to Original Amount: 19%	

Discussion:

Contract CS084 provides the Traction Power System for the East Side Access (“ESA”) Project. In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTA C&D requests that the Board ratify a contract modification for the Contractor to install and test radiating and coaxial cables, and associated conduit and ancillary equipment, for the Positive Train Control (“PTC”) system throughout the ESA Project.

The PTC work is necessary to comply with a Federal Railroad Administration mandate. PTC is a system of functional requirements for monitoring and controlling train movements that can prevent accidents and allow the more efficient operation of trains. The LIRR, in accordance with the Federal mandate, is implementing PTC technology across all systems. The detailed PTC design has been developed over a number of years and specifications specific to the ESA project were issued in the Summer of 2019. Change Proposal Requests were issued to Tutor Perini Civil Group (TPC) under ESA Contract CS179 and to the CS084 Contractor (EJ Electric). The CS084 Contractor’s proposal was the lower of the two. The CS084 Contractor will be responsible for installing the PTC system in ESA Project tunnels. The LIRR will furnish the equipment for installation in the tunnels other than radiating cable. The purchase of the required radiating cable was already addressed under a separate contract (CS179), as a schedule mitigation measure because the cable is a long lead time item.

The CS084 Contractor will be performing this work concurrently with the installation of cellular Wi-Fi cable throughout the tunnels (work it was awarded under a separate MTA HQ contract). There are significant cost efficiencies of performing this work concurrently with the installation of Wi-Fi cable in the tunnels. This also minimizes the time that the CS084 Contractor (or another contractor) is occupying space in the tunnels.

To allow the CS084 Contractor to commence this work concurrently with the installation of cellular Wi-Fi cable throughout the tunnels and capitalize on the associated cost efficiencies, on April 21, 2020, the President authorized a retroactive modification and the Contractor was directed to proceed with the work associated with this change up to a Not-To-Exceed value of \$1,200,000.

The Contractor’s proposal was in the amount of \$15,364,556 and the parties agreed to \$10,600,000 for the costs of all work under this Modification, which is deemed to be fair and reasonable.

In connection with previous contracts awarded, E-J Electric Installation Company (“E-J”) was found to be responsible, notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines, and such responsibility findings were approved by the MTA finding was approved by the MTA Managing Director in consultation with the MTA General Counsel in August 2018. No new significant adverse information has been found relating to E-J. Therefore, E-J has been determined to be responsible.

Vendor Name (& Location) Tutor Perini Corporation (Peekskill, New York)
Description Systems Facilities Package No. 1 for the East Side Access Project
Contract Term (including Options, if any) 75 Months
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: East Side Access, R. Troup.

Contract Number	AWO/Modification #
CS179	275
Original Amount:	\$ 333,588,000
Prior Modifications:	\$ 138,764,767
Exercised Options:	\$ 216,800,001
Current Amount:	\$ 689,152,768.00
This Request	\$ 1,104,000
% of This Request to Current Amount:	0.2%
% of Modifications (including This Request) to Original Amount:	42%

Discussion:

Contract CS179 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, MTA C&D requests that the Board ratify a contract modification for the Contractor to paint exposed steel items installed by the CQ032 Contractor at the Queens Plaza facility, and to fireproof the steel on the Amtrak Bridge. This work is being transferred from Contract CQ032 to Contract CS179.

In 2015 and 2016, there were multiple contracts working simultaneously at the Queens Plaza facility. The Project decided to transfer CQ032’s remaining metal painting and fireproofing scope to the future CS179 Contract to prevent potential damage to completed painting and fireproofing work and to reduce the amount of rework. In addition, the transfer of scope would allow for the close-out of CQ032 and not risk exposure to compensable delays. A credit was taken on the CQ032 Contract of \$245,000 for the deletion of the Work called for in that Contract.

The Work to be performed by CS179 is more expensive than the credit received from CQ032 because a more expensive paint product was specified, and because of costs associated with protecting installed equipment. Contract CQ032 specified interior paint; however, the CS179 Contractor will use exterior paint, which requires 5-6 layers of application compared to the 3 layers of the interior paint. The originally specified paint was found to have performed poorly in similar applications and had to be upgraded. A similar change would have been required had CQ032 done the work, with a consequent increase in cost of the CQ032 Work that is not reflected in the credit taken from CQ032. Additionally, the CS179 Contractor has installed fans and ductwork near the Amtrak Bridge and this equipment restricts how the Contractor can perform the work, which must also be protected. Although additional cost will be incurred as a result, a savings will be realized because the application of the paint at this later stage will prevent the paint being subject to damage and requiring rework at additional cost. As noted above, this was one of the principal reasons for the transfer of this Work from CQ032 to CS179. A small portion of the increased cost of the Work results from an increase in labor rates since 2017 and the mobilization and demobilization costs that CS179 will incur to perform this Work.

To avoid delay to the Contract Schedule, on April 10, 2019, after the Contractor had completed the installation of the equipment that requires protection, the President authorized a retroactive modification and the Contractor was directed to proceed with the full scope of work associated with this change up to a Not-To-Exceed value of \$500,000.

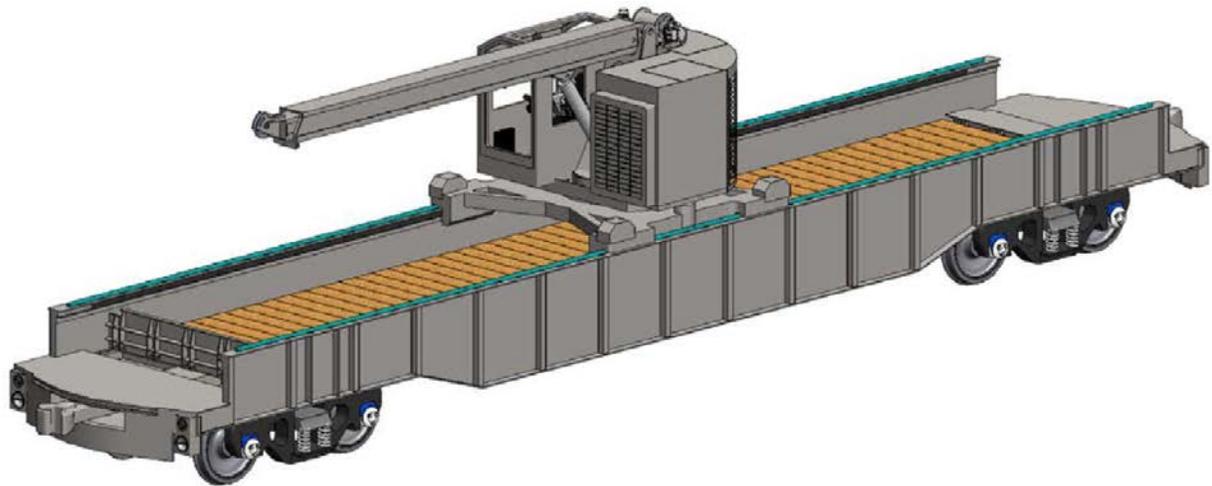
The Contractor’s proposal was in the amount of \$1,150,464 and the parties agreed to \$1,104,000 for the costs of all work under this Modification, which is deemed to be fair and reasonable.

This issue has been marked as a potential design error or omission and is being pursued with the designer of record.

In connection with previous contracts awarded, the Tutor Perini Corporation was found to be responsible, notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines, and such responsibility findings were approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in 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.

Procurement & Supply Chain

Louis Montanti, Acting Senior Vice President



A rendering of the R253 crane car submitted for approval in this month's Board package is pictured above. Crane cars are used to perform lifting and placement of all track components such as rail, ties and other track-related equipment, and are an integral part of the NYCT's Track Maintenance Program.

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$20.7M.

Subject	Request for Authorization to Award Various Procurements				
Department	Procurement & Supply Chain – NYCT				
Department Head Name	Louis A. Montanti				
Department Head Signature	<i>Louis A. Montanti</i>				
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	5/20/20			
2	Board	5/20/20			

May 12, 2020			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
X	President NYCT		Pres. MTA Bus/SVP DOB
X	SVP Operations Support	X	Subways
X	Capital Prog. Management	X	Diversity/Civil Rights
X	Law		

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

PURPOSE

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

DISCUSSION

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

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

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

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 C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$ 19.3 M
<u>Schedules Requiring Majority Vote:</u>		
Schedule I: Modifications to Purchase and Public Works Contracts	1	\$ 1.4 M
SUBTOTAL	2	\$ 20.7 M
TOTAL	2	\$ 20.7 M

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

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

NYC Transit proposes to award Ratifications in the following categories: 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

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.

MAY 2020

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

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

- | | | |
|---|---------------------|--------------------------------------|
| 1. ARVA Industries, Inc.
Five-Year Contract
Contract# R34253 | \$19,349,567 | <u>Staff Summary Attached</u> |
| Purchase of twelve R253 three-ton crane cars. | | |

Procurements Requiring Majority Vote:

I. Modifications to Purchase and Public Work Contracts
(Staff Summaries required for individual change orders greater than \$1,000,000.)

- | | | |
|---|--------------------|--------------------------------------|
| 2. L.K. Comstock & Company
Contract # S-32176.21 | \$1,400,000 | <u>Staff Summary Attached</u> |
| Modification to the contract to provide signal system modernization of Kings Highway interlocking, Culver line/IND 6th Avenue line, Brooklyn; for the costs associated with changes to the girders at and between bents 891 and 892 to address differences in track elevations to ensure proper vertical alignment. | | |

Staff Summary

Item Number 1			
Department, Department Head Name: Procurement & Supply Chain, Louis A. Montanti			
<i>Louis A. Montanti</i>			
Internal Approvals			
Order	Approval	Order	Approval
1 X	Material	6 X	SVP OPS
2 X	Law	7 X	President
3 X	CFO		
4 X	DDCR		
5 X	Subways		

SUMMARY INFORMATION	
Vendor Name ARVA Industries, Inc.	Contract No. R34253
Description Purchase of Twelve R253 3-Ton Crane Cars	
Total Amount: \$19,349,567	
Contract Term (including Options, if any) Five Years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose

It is requested that the Board approve the award of contract R34253 to ARVA Industries, Inc. for the purchase of twelve R253 three-ton crane cars at a total price of \$19,349,567, pursuant to the declaration of an Immediate Operating Need (“ION”), requested by Department of Subways (“DOS”), waiving competitive bidding pursuant to Article III, Paragraph A of the All-Agency Procurement Guidelines and New York State Public Authorities Law, Section 1209, subsection 9(a).

Discussion

Crane cars are used to perform the lifting and placement of all track components, such as rail, ties, and other equipment and are an integral part of the NYC Transit track maintenance program. The 12 new R253 crane cars will replace the existing twelve R113 crane cars that are approximately 30 years old. These new crane cars are needed to support all critical track work in support of the Capital Program and maintenance throughout the subway system.

Utilizing the ION procedure, this project was solicited informally. The contract documents were sent to 23 firms. Following a pre-proposal conference attended by five firms, four firms initially expressed an interest in participating in this project. In October 2019, two firms, ARVA Industries, Inc. (“ARVA”) and Harsco Metro Rail LLC (“Harsco”), submitted proposals. ARVA submitted both a base and alternate proposal, and Harsco submitted an alternate proposal. The other firms that were initially interested advised that they were unable to identify a crane manufacturer that could meet the operational requirements of this project and therefore declined to submit proposals.

Both Harsco’s and ARVA’s proposals were evaluated by the Selection Committee (“SC”) in accordance with the evaluation criteria. The evaluation criteria included experience in relevant areas such as (1) manufacturing crane cars; (2) compliance with technical requirements; (3) provision of the most aggressive and achievable delivery schedule; (4) management approach, ease of maintainability and operation of equipment, quality assurance program, diversity practices, providing quality drawings and manuals; (5) overall project cost and value to NYC Transit; and other relevant matters such as (6) compliance with and acceptance of NYC Transit’s terms and conditions or willingness to negotiate same, and (7) the overall quality of the written proposal.

Staff Summary

Following the review of the technical proposals and subsequent clarifications obtained from both proposers, the SC determined that Harsco's proposal did not meet certain salient requirements for a crane to be able to operate in the NYC Transit environment, and as a result, unanimously recommended that Harsco's proposal be eliminated from further consideration. The SC further recommended that NYC Transit continue with the evaluation of ARVA's base and alternate proposals. ARVA's base proposal was predicated on diesel technology to power the crane; its alternate proposal was based on hybrid technology (diesel engine/battery) for the crane operation. Following an oral presentation given by ARVA, a decision was made by the SC to proceed with negotiations on both proposals.

NYC Transit's negotiation team worked with ARVA from a technical and pricing perspective, in an effort to obtain the most competitive proposal. Negotiations centered on pricing and commercial alternatives with emphasis on achieving the best delivery schedule. (Based on an anticipated award date of June 1, 2020, the first crane car will be delivered in June 2022 and the 12th and final crane car will be delivered in July 2023.) The final negotiated price for the base proposal (diesel engine) is \$15,516,023, which represents a \$241,000 reduction from the initial pricing of \$15,757,023. The final negotiated price for the alternate proposal (hybrid technology) is \$19,349,567, which represents a \$364,000 reduction from the revised price of \$19,713,567. The final negotiated prices compare favorably to the independent cost estimate. Based on the aforementioned, pricing has been found to be fair and reasonable.

The SC reviewed the results of negotiations pertaining to technical issues, terms and conditions, as well as pricing, and unanimously recommended ARVA's alternate proposal for award, with concurrence from the Department of Subways, Maintenance of Way Division, based on the fact that the hybrid technology offers a reduction in emissions exposure, which is in accordance with the MTA goal of maximizing the introduction of green technology into NYC Transit's operating environment, and provides the best overall value to NYC Transit.

ARVA is a Canadian company with extensive railcar engineering experience in the design and manufacture of crane cars and other track utility vehicles, as well as heavy machinery for North American transit agencies and the defense sector. Although ARVA has not done business with NYC Transit before, it has performed successfully on prior contracts with other transit agencies, including Port Authority Trans-Hudson (PATH), and NJ Transit. A review of ARVA's financial documents by the NYC Transit Controller's Office found that ARVA is financially qualified to perform work under this contract.

M/W/DBE Information

Due to the insufficient availability of M/WBE firms in the marketplace, zero goals were recommended. ARVA has not completed any MTA contracts; therefore, no assessment of the firm's M/WDBE performance can be determined at this time.

Impact on Funding

This project is funded from the 2015–2019 Capital Program.

Alternatives

None recommended. A new solicitation is unlikely to result in better pricing and will prolong NYC Transit's ability to replace crane cars in the existing fleet which have exceeded their useful life.

Recommendation

It is recommended that the Board approve the award of contract R34253 to ARVA Industries, Inc. for the purchase of twelve R253 three-ton crane cars at a total price of \$19,349,567.

Item Number: 2

Vendor Name (Location) L.K. Comstock & Company (East Farmingdale, New York)	Contract Number S-32176	AWO/Mod. #s 21
Description Signal System Modernization of Kings Highway Interlocking, Culver line/IND 6th Avenue Line, Brooklyn	Original Amount:	\$ 98,443,000
Contract Term (including Options, if any) October 17, 2016–May 16, 2021	Prior Modifications:	\$ 18,949,033
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	Prior Budgetary Increases:	\$ 0
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	Current Amount:	\$ 117,392,033
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request:	\$ 1,400,000
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	1.19%
Requesting Dept./Div., Dept./Div. Head Name: Capital Program Management, Alok Saha	% of Modifications (including This Request) to Original Amount:	20.67%

Discussion:

This modification is for the costs associated with changes to the girders at and between Bents 891 and 892 to address differences in track elevations to ensure proper vertical alignment.

The base contract provides for the signal system modernization of the Kings Highway Interlocking on the 6th Avenue line (IND) in Brooklyn, and the upgrade of the train tracking system for Staten Island Railway (“SIR”). Work at Kings Highway consists of (1) the removal of existing equipment; (2) furnishing and installing new signal equipment, signal heads, automatic stop machines, switch machines, indication and interlocking control panels, track circuits, code systems, Computer-Based Train Control–ready solid-state interlocking, new switch configuration, fiber-optic, communication; and (3) track and power work.

The base contract calls for the installation of a switch machine between bents 891 and 892, south of Quentin Road and McDonald Avenue. The contract also requires that the contractor perform a survey prior to the commencement of work. This survey revealed differences in the track elevation (from plus 3/4" to negative 3/8") between the north- and southbound track between bents 891 and 892. Upon review of the survey data by NYC Transit Maintenance of Way, it was determined that changes to girders and associated bracing were necessary.

This modification calls for (1) design, assembly and disassembly of temporary support of the elevated structure; (2) adjustment to girder elevations at and between bents 891 and 892 including removal and replacement of cross bracing, clips, and shims as well as field drilling and welding for connection angles and plates; (3) lead abatement of all areas to be disturbed; (4) design and installation of additional structural stiffening members; and (5) structural engineering design and analysis for the raising and lowering of the structure. The work is scheduled to begin during upcoming General Orders.

L.K. Comstock & Company submitted its proposal in the amount of \$1,944,060. The revised in-house estimate is \$1,289,000. Negotiations resulted in the agreed-upon lump sum price of \$1,400,000. Savings of \$544,060 were achieved. Capital Program Management and Procurement found this price to be fair and reasonable.

In connection with a previous contract awarded to Comstock, Comstock was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and Chief Executive Officer 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.

Staff Summary

Subject Transportation Revenue Anticipation Notes
Department Finance
Department Head Name Robert E. Foran, Chief Financial Officer
Department Head Signature
Project Manager Name Patrick J. McCoy, Director of Finance <i>PJM</i>

Date May 20, 2020
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	5/20			
2	Board	5/20			

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		

PURPOSE

The MTA Finance Department is seeking MTA Board approval to conform its existing criteria for financial institutions eligible to provide short-term liquidity under the Series 2013 Transportation Revenue Anticipation Note Resolution (Working Capital Revolving Credit Facility), adopted July 24, 2013 (the “2013 RAN Resolution”), to a 2016 Board-approved criteria to provide new lines of credit for working capital and liquidity and credit facilities.

DISCUSSION

As part of MTA’s overall preparedness efforts and in order to provide operating and financing flexibility, MTA Finance has identified a need to secure ongoing operating liquidity to address unanticipated or crisis events that could impact day-to-day operations. MTA currently has \$1.2 billion of such liquidity in place. In an effort to provide for additional liquidity to address the impact of the COVID 19 Pandemic, the Board recently increased the authorized amount up to \$3 billion.

MTA is in the process of entering into a syndicated liquidity facility with a current provider to act as administrative agent, and it would be helpful to update the 2013 RAN Resolution criteria to the 2016 criteria to attract a broader base of financial institutions willing to participate. The 2016 criteria include commercial banks and financial institutions that have minimum long-term ratings of “A2”, “A” and “A” from Moody’s, S&P and Fitch, respectively (each, an “Approved Lender”). In addition, the new facility would permit the Approved Lender to assign its interests to any entity that is engaged in making, purchasing, holding or investing in bank loans and similar extensions of credit in the ordinary course of its business and that is administered or managed by (a) an Approved Lender, (b) an affiliate of an Approved Lender or (c) an entity or an affiliate of an entity that administers or manages an Approved Lender.

Board approvals are sought as follows:

1. MTA Board approval to authorize the officers listed in paragraph 2 to amend the 2013 RAN Resolution and to take such other actions as may be necessary or desirable to effectuate such amendment.
2. On behalf of the Boards of MTA and its subsidiaries and affiliates, to ratify any prior actions taken by the Chairman and Chief Executive Officer, the Chief Financial Officer or the Director of Finance of MTA and its subsidiaries and affiliates, as appropriate, as were necessary or desirable to effectuate the issuance of the operating liquidity notes.

ALTERNATIVES:

To not amend the 2013 RAN Resolution and to keep in place the current limitations on eligible financial institutions pursuant to the 2013 RAN Resolution, which may make it difficult in this environment to obtain additional liquidity that MTA may need during the COVID 19 Pandemic.

RECOMMENDATION:

The MTA Board approve the above-referenced actions and documents and all other actions described above, including the execution and delivery of such other documents, and the taking of all other actions, from time to time deemed necessary or desirable by such officers in connection therewith.

Staff Summary

Subject 2019 Annual Investment Report and MTA All Agency Investment Guidelines
Department CFO/Treasury
Department Head Name Robert E. Foran
Department Head Signature
Project Manager/Division Head Josiane P Codio

Date May 1, 2020
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	5/20			
2	Board	5/20			

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Financial Officer		
2	Legal		

Purpose:

Pursuant to the requirements of Public Authorities Law Section 2925, provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2019 to 12/31/2019, obtain Board approval of the MTA 2019 Annual Investment Report and obtain Board approval of the MTA All Agency Investment Guidelines (“Investment Guidelines or Guidelines”).

Discussion:

Investment Performance Information

Investment Performance information is presented on the next page by types of funds and by bond resolution. Performance is based on book value.

MTA Annual Investment Report

The separate 2019 MTA Annual Investment Report contains the following additional information:

- The investment income record
- Commissions or other charges paid to each investment banker, broker, agent, dealer and advisor
- Investment Inventory
- Detail Transaction Report
- MTA All Agency Investment Guidelines

Recommendation(s):

It is recommended that the MTA Board re-approve the Board adopted Investment Guidelines and approve the MTA’s submission of the 2019 Annual Investment Report.

**Metropolitan Transportation Authority
Investment Performance by Type of Fund
For the Period Jan. 1, 2019 to Dec. 31, 2019**

<u>Type of Fund</u>	<u>Net Earnings this Period</u>	<u>Average Daily Portfolio Balance</u>	<u>Net Portfolio Yield, 365-day Basis</u>
All Agency Investments	\$20,106,403	\$844,378,578	2.38%
MTA Special Assistance Fund	3,563,459	177,431,067	2.01%
TBTA Investments	4,269,624	165,007,011	2.59%
MTA Finance Fund	11,700,288	566,025,699	2.07%
MTA Transportation Resolution Funds	45,820,692	2,236,460,781	2.05%
MTA Hudson Rail Yards Funds	1,263,323	79,192,679	1.60%
State Service Contract Debt Service Fund	854	39,794	2.15%
MTA Dedicated Tax Fund Resolution Funds	8,025,561	399,422,319	2.01%
TBTA General Purpose Resolution Funds	5,621,941	278,666,327	1.98%
TBTA Subordinate Resolution Funds	730,401	43,134,663	1.69%
Other Restricted Funds	7,785,347	379,443,335	2.05%
Total	\$108,887,895	\$5,169,202,255	2.10%

Average Yield on 3 month Generic Treasury Bill
(1/1/19– 12/31/19) 2.07%

Average Yield on 6 month Generic Treasury Bill
(1/1/19– 12/31/19) 2.08%

Average Yield on 12 month Generic Treasury Bill
(1/1/19 – 12/31/19) 2.03%

Note 1: Table above only includes information on funds actively managed by MTA Treasury in accordance with the Board approved Investment Guidelines. It does not include defeasance investments for tax benefit, lease transactions or insurance set asides, 270 Park Avenue Fund, NYS MOU Fund.

Note 2: MTA Transportation Resolution Funds include TRB Capitalized Interest, MTA TRB BAN (Tax-exempt), and RRIF Loan and RAN LOC

Note 3: 'Other Restricted Funds' include:

MTA Moynihan Train Hall Stab		
Fulton Street Maintenance	Hudson Yard ERY/WRY - From Related	Hudson Yard Infra Corp.
MTA Real Estate and Advertising Revenue	Relocation from Madison Ave.	SIRTOA - Capital

Staff Summary

Subject 2019 – 2020 Station Maintenance Billing	Date May 1, 2020
Department Chief Financial Officer	Vendor Name
Department Head Name Robert E. Foran	Contract Number
Department Head Signature	Contract Manager Name
Project Manager Name Noemi Lopez 	Table of Contents Ref #

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance	5/20		x		1	Legal	2	CFO
2	Board	5/20		x					

Narrative

Purpose:
To advise the Board of submission of the station maintenance billings to New York City and the counties for the period April 1, 2019 to March 31, 2020.

Discussion:
The attached schedule provides the summary of the station maintenance use and operations billing to the counties and New York City for the period April 1, 2019 through March 31, 2020.

Current legislation provides that on or before June first of each year the MTA shall determine and certify to New York City and the counties the cost for station maintenance use and operations for the twelve month period ending the preceding March thirty-first for the stations within the municipality. The MTA bills New York City and the counties each fiscal year based on a statutorily established formula adjusted annually by the CPI-W for the New York, Northwestern New Jersey and Long Island Region. The net increase in the CPI factor for the twelve month period ending March 31, 2020 was 1.767% which results in a \$3,035,383 increase over the prior year's billed amount.

Metropolitan Transportation Authority Station Maintenance, Use and Operations March 31, 2020
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COUNTY BILLED	AMOUNT BILLED 2018 - 2019	% CHANGE IN CPI	\$ INCREASE	AMOUNT BILLED 2019 - 2020
DUTCHESS	\$ 2,509,484	1.767%	\$ 44,336	\$ 2,553,820
NASSAU	30,458,751	1.767%	538,123	30,996,873
NEW YORK CITY	97,460,592	1.767%	1,721,861	99,182,453
ORANGE	519,142	1.767%	9,172	528,314
PUTNAM	981,372	1.767%	17,338	998,710
ROCKLAND	55,194	1.767%	975	56,169
SUFFOLK	18,773,521	1.767%	331,677	19,105,197
WESTCHESTER	21,050,344	1.767%	371,902	21,422,245
	<u>\$ 171,808,400</u>		<u>\$ 3,035,383</u>	<u>\$ 174,843,783</u>

CPI for Urban Wage Earners and Clerical Workers (CPI-W) Original Data Value

Series Id: CWURS12ASA0,CWUSS12ASA0
Not Seasonally Adjusted
Series Title: All items in New York-Newark-Jersey City, NY-NJ-PA,
Area: New York-Newark-Jersey City, NY-NJ-PA
Item: All items
Base Period: 1982-84=100
Years: 2010 to 2020

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2010	234.067	234.153	235.240	235.750	236.144	235.916	236.330	236.820	236.725	237.483	237.606	237.575	236.151
2011	238.396	239.750	241.667	242.697	244.316	244.601	245.265	246.025	246.877	246.297	245.546	244.586	243.835
2012	245.541	246.539	248.152	248.706	248.955	248.488	248.162	249.734	250.980	250.539	250.586	249.535	248.826
2013	250.849	252.317	252.739	252.024	252.259	252.862	253.277	253.633	254.434	252.917	253.013	253.088	252.784
2014	255.477	254.782	255.933	255.937	257.145	257.147	257.309	256.691	256.945	256.022	254.638	253.224	255.938
2015	253.159	254.044	254.358	254.699	255.946	256.383	256.054	256.038	256.386	255.932	255.385	254.441	255.235
2016	254.968	255.246	256.012	257.289	257.721	258.269	258.065	258.374	259.059	258.995	259.348	259.789	257.761
2017	261.409	262.086	262.165	262.486	262.825	263.205	262.577	263.489	265.291	264.578	264.185	264.436	263.228
2018	265.660	267.153	267.077	267.945	268.986	269.348	269.123	269.304	270.298	269.879	269.154	268.369	268.525
2019	269.659	270.250	271.123	271.992	272.726	273.360	273.287	273.903	273.722	273.474	273.627	274.027	272.596
2020	276.077	276.412	275.913										

**STATION MAINTENANCE
FOR THE YEAR 4/1/19 - 3/31/20**

	BILLED AMOUNT 2018-2019	CHANGE IN CPI	INCREASED AMOUNT	BILL AMOUNT 2019-2020
DUTCHESS	2,509,484	0.01767	44,336	2,553,820
NASSAU	30,458,751	0.01767	538,123	30,996,874
NEW YORK CITY	97,460,592	0.01767	1,721,861	99,182,453
ORANGE	519,142	0.01767	9,172	528,314
PUTNAM	981,372	0.01767	17,338	998,710
ROCKLAND	55,194	0.01767	975	56,169
SUFFOLK	18,773,521	0.01767	331,677	19,105,198
WESTCHESTER	21,050,344	0.01767	371,902	21,422,246
GRAND TOTAL	\$ 171,808,400		3,035,383	\$ 174,843,783

MARCH 2019 CPI	271.123
MARCH 2020 CPI	275.913
CHANGE	4.79
	4.79/271.123
% INCREASE	0.017667258

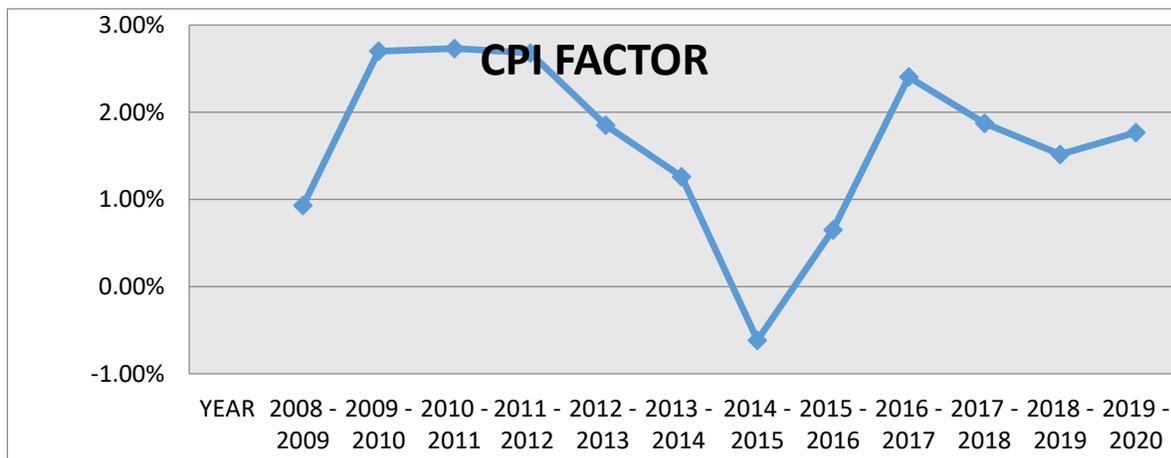
2019 – 2020 STATION MAINTENANCE

- CPI factor used is the Consumer Price Index for Wage Earners and Clerical Workers for the New York, Northeastern New Jersey for twelve month period
All monies due the MTA for 2018-2019 was received

- **CPI FACTOR**

YEAR	CPI FACTOR		YEAR	CPI FACTOR		YEAR	CPI FACTOR
2019 - 2020	1.77%	*	2015 - 2016	0.65%		2011 - 2012	2.68%
2018 - 2019	1.51%		2014 - 2015	-0.62%		2010 - 2011	2.73%
2017 - 2018	1.87%		2013 - 2014	1.26%		2009 - 2010	2.70%
2016 - 2017	2.40%		2012 - 2013	1.85%		2008 - 2009	0.93%

* Current Year



- **BILLING**

YEAR	TOTAL AMOUNT	ANNUAL INCREASE (DECREASE)		YEAR	TOTAL AMOUNT	ANNUAL INCREASE (DECREASE)
2019 - 2020	174,843,783	3,035,383	*	2013 - 2014	162,183,274	2,081,081
2018 - 2019	171,808,400	2,563,917		2012 - 2013	160,165,193	2,909,352
2017 - 2018	169,244,483	3,112,694		2011 - 2012	157,255,958	4,104,460
2016 - 2017	166,131,790	3,898,467		2010 - 2011	153,151,498	4,069,927
2015 - 2016	162,233,323	1,048,123		2009 - 2010	149,081,571	3,919,379
2014 - 2015	161,185,200	-998,076		2008 - 2009	145,162,191	1,337,569

* Current Year

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

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$ 4M.

Staff Summary

Subject Request for Authorization to Award Various Procurements
Department MTA Procurement
Department Head Name Kuvershen Ayer
Department Head Signature
Division Head Name

Date May 13, 2020
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	05/20/2020	X		
2	Board	05/20/2020	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 Competitive procurements in the following categories:

Schedules Requiring Majority Vote:

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

	<u># of</u>	<u>\$ Amount</u>
	<u>Actions</u>	
	2	\$ 4,000,000
SUBTOTAL	2	\$ 4,000,000
TOTAL	2	\$ 4,000,000

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.

MAY 2020

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

H. Modifications to Personal Service and Miscellaneous Service Contracts

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

<p>1-2. Various Life, Long-Term, and Short-Term Disability Benefits Insurance Contract No. 13245, Modification No. 1 Base Amount = \$52,453,000 Current Contract Value = \$52,453,000 Proposed New Contract Value = \$56,453,000</p> <p>a. Metropolitan Life Insurance Company b. Cigna Life Insurance Company</p>	<p>\$4,000,000 (not-to-exceed)</p>	<p><u>Staff Summary Attached</u></p>
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Board approval is sought to extend previously Board-approved, competitively negotiated, all-agency personal services contracts with Metropolitan Life Insurance Company (“MetLife”) and Cigna Life Insurance Company of New York (“Cigna”) that provides life (“Life”), accidental death and dismemberment (“AD&D”), long-term (“LTD”), and short-term disability (“STD”) benefits for non-represented employees and certain represented and retired employees. These five-month extensions run through December 31, 2020 for an additional cost of \$4,000,000 million as itemized \$2,892,759 for MetLife Life, AD&D, and STD, and \$1,107,241 for Cigna LTD.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number: **1-2**

Page 1 of 1

Vendor Name (& Location): 1) Metropolitan Life Insurance Company 2) Cigna Life Insurance Company of New York
Description: Life, Accidental Death & Dismemberment, Long-Term Disability, and Short-Term Disability Benefits Insurance
Contract Term (including Options, if any): August 1, 2015 through December 31, 2020
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Margaret M. Connor, Human Resources

Contract Number: MetLife: 13245-0100 Cigna: 13245-0200	AWO/Modification # 1
Original Amount:	\$ 52,453,000
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 52,453,000
This Request:	\$4,000,000
% of This Request to Current Amount:	8%
% of Modifications (including This Request) to Original Amount:	8%

PURPOSE:

Board approval is sought to extend previously Board-approved, competitively negotiated, all-agency personal services contracts with Metropolitan Life Insurance Company (“MetLife”) and Cigna Life Insurance Company of New York (“Cigna”) that provides life (“Life”), accidental death and dismemberment (“AD&D”), long-term (“LTD”), and short-term disability (“STD”) benefits for non-represented employees and certain represented and retired employees. These five-month extensions run through December 31, 2020 for an additional cost of \$4 million as itemized \$2,892,759 for MetLife Life, AD&D, and STD, and \$1,107,241 for Cigna LTD.

DISCUSSION:

Through the above referenced contracts, the MTA offers Life, LTD, and STD benefit plans to non-represented employees and retirees, and to certain represented employees and retirees. In all, over 88,000 employees and retirees are eligible for the current coverage offerings. The MTA pays the full premiums for the basic life and disability benefits insurance programs, without any premium contribution from participating employees and retirees or their dependents. Certain MTA employees are also offered voluntary life insurance programs which are paid for by the employee.

The current agreements with MetLife and Cigna expire on July 31, 2020. These contract extensions will provide continuity of benefits coverage and accommodate supplier transition (if any) while the MTA completes a new RFP for these services.

MTA engaged AON to assist with the negotiations for these extensions through Plan Year 2020. MetLife and Cigna proposed extending benefit coverage with the existing rates, which were deemed fair and reasonable for award of the base contracts. AON reviewed the MTA’s current claims experience and concluded that a continuation of current rates for the remainder of Plan Year 2020 would result in very competitive rates that are advantageous to the MTA. Based on the foregoing analysis and information, MetLife and Cigna’s rates are considered fair and reasonable.

Responsibility reviews were conducted for both vendors pursuant to the All-Agency Responsibility Guidelines. In connection with a previous contract awarded to MetLife, it was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MTA Interim Executive Director in consultation with the MTA General Counsel in March 2017. No new SAI has been found relating to MetLife and MetLife has been found to be responsible. Cigna has also been deemed a responsible vendor.

MAY 2020
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

MTA NEW YORK CITY TRANSIT

Lease for bus swing room in Brooklyn

Staff Summary

Subject LEASE FOR BUS SWING ROOM IN BROOKLYN
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name MICHAEL DANIELS

Date MAY 20, 2020
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	5/20/20	X		
2	Board	5/20/20	X		

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

AGENCY: MTA New York City Transit (“NYCT”)

LANDORD: Tulip Management, LLC

LOCATION: 2105 Flatbush Avenue, Brooklyn, NY

USE: Swing room for bus operators and dispatchers.

ACTION REQUESTED: Authorization to enter into a lease agreement.

TERM: Five (5) years commencing upon execution of the agreement.

BASE RENT: 1st year: \$22,092, payable in monthly installments of \$1,841.00 (\$26.00 rsf), with annual rent escalations as set forth below.

RENEWAL OPTION: Five (5) years, exercisable by giving Landlord 180-days’ prior written notice.

SPACE: Approximately 850 square feet of retail space.

RENT ESCALATION: Annual 3% per annum rent escalations, starting in the 2nd lease year, and continuing through the renewal term, if applicable.

TAX COMPENSATION: NYCT will pay its proportionate share of the real estate taxes based on the square footage of the Space as a portion of the square footage of the building.

OPERATING EXPENSES: None

ELECTRICITY: At NYCT’s sole cost and expense, directly metered.

WATER & SEWER: At Lessee’s sole cost and expense, sub-metered or directly metered.

ALTERATIONS: At NYCT’s sole cost and expense and with the Landlord’s prior written approval. NYCT may make alterations within the Space that are non-building structural and non-building system.

Staff Summary

FINANCE COMMITTEE MEETING LEASE FOR BUS SWING ROOM (Cont'd)

REPAIRS and
MAINTENANCE:

NYCT is responsible for all routing repairs and maintenance costs within the Space, excluding structural, building components, building systems, slab repairs and maintenance, which are the Landlord's responsibility.

SNOW and ICE REMOVAL:

NYCT will be responsible for snow and ice removal, at its sole cost and expense during the Term. Optionally, Landlord may provide store front cleaning, ice and snow removal, at NYCT's cost.

COMMENTS:

NYCT Department of Buses requested, as outlined in the current Collective Bargaining Agreement (CBA), a swing room at this Location. This swing room will service the operators and dispatchers on the B41 and B41 LTD Bus Lines from the Flatbush Depots as a comfort/relief location at the middle of the route. Operators must have a very short walk from the bus termination to the comfort/relief location which makes this Location ideal.

Currently, bus operators and dispatchers have no designated comfort or relief area at the ends of these routes. This space will be utilized 7 days per week, 365 days per year. Approximately 75 bus operators and dispatchers will be using this Location daily.

The Department of Buses canvassed the area and determined there are no other suitable, alternative spaces in the immediate vicinity. MTA Real Estate performed a search of comparable suitable locations as part of its due diligence by having a Costar survey conducted, however all of such alternative spaces were much larger than required, and the landlords of those spaces were unwilling to sub-divide the spaces to accommodate the NYCT Department of Buses' needs. Therefore, this Location was the only suitable option. MTA Real Estate's due diligence has determined the negotiated rent of this Location to be within market range for this type of space.

Based on the foregoing MTA Real Estate requests authorization for NYCT Department of Buses to enter into a lease on above described terms and conditions.



Draft Financial Statements

(Available in the Exhibit Book and MTA.Info)

Staff Summary

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

Date May 20, 2020
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	5/20/20		X	
2	Board	5/20/20		X	

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Financial Officer	2	Legal

Purpose:

To provide information concerning the First Mutual Transportation Assurance Company’s (FMTAC’s) 2019 activities and operations to board members in connection with the May 20, 2020 annual FMTAC Board meeting.

Discussion and Background:

The monthly MTA board meeting of May 20, 2020 will also be the annual board meeting of MTA’s captive insurer, the First Mutual Transportation Assurance Company. For informational purposes, the FMTAC Board Book is being distributed to board members in advance of the meeting.

The FMTAC Board Book contains the Annual Meeting Newsletter (Section 1), which provides a summary update on the activities of FMTAC for the year ended December 31, 2019; historical comparative balance sheet and income statement summaries (Section 2); a draft of the FMTAC Audited Financial Statements for the years ended December 31, 2019 and 2018 (Section 3); and the Statement of Actuarial Opinion prepared by Oliver Wyman setting forth the independent actuary’s determination that the reserves recorded by FMTAC for the year ended December 31, 2019 meet the requirements of the captive insurance laws of the State of New York and make reasonable provision for unpaid loss and loss adjustment expense obligations of FMTAC (Section 4).

Also included in the FMTAC Board Book is the regulatory compliance checklist for 2020 (Section 5), a Report on Investments (Section 6), and materials describing the captive manager advisers (Marsh Captive Solutions) and FMTAC’s investment managers (BlackRock Financial Management) and actuaries (Oliver Wyman) (Section 7).

Staff Summary

Subject: Title VI Policy Statement and Title VI Policy Directive
Department Diversity and Civil Rights
Department Head Name Michael J. Garner, Chief Diversity Officer
Department Head Signature
Project Manager/Division Head Dr. Rosalyn Green, Acting Deputy Chief Diversity Officer

Date: May 20, 2020
Vendor Name N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Diversity Committee				
2	Board				

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Corporate Compliance		

Purpose:

To obtain Board approval of the Title VI and Related Nondiscrimination Laws Policy Statement and the associated Title VI and Related Nondiscrimination Laws Complaint Management policy directive.

Discussion:

As a recipient of FTA funds, certain of the MTA agencies (listed below) must be in compliance with the requirements of FTA Circulars 4702.1B (Title VI), 4703.1 (Environmental Justice), and 4704.1A (EEO), and related Federal Transit Laws, 49 U.S.C. § 5332. Accordingly, the MTA is required to develop procedures for investigating and tracking Title VI and related discrimination complaints filed against the relevant agencies, and make this process available to the public.

The Title VI and Related Nondiscrimination Laws Policy Statement affirms the MTA's commitment to complying with the requirements of Title VI and related Federal Transit Laws with respect to all of its federally-funded programs and activities.

The associated Title VI and Related Nondiscrimination Laws Complaint Management policy directive establishes a process for managing and resolving complaints of discrimination under Title VI and related Federal Transit laws. The policy directive details the process by which individuals or groups of individuals who believe they have been discriminated against on the basis of race, color, national origin, including limited English proficiency (LEP) access, age, sex, religion, and disability may make a complaint against MTA and certain of its affiliated agencies and subsidiaries including the New York City Transit Authority ("NYCT"), and its subsidiaries, the Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA") and the Staten Island Railway ("SIR"); the Long Island Rail Road Company ("LIRR"); Metro-North Commuter Railroad Company ("MNR"); MTA Bus Company ("Bus Co."); and MTA Construction and Development ("C & D").

Recommendation:

It is recommended that the Board approve the Title VI and Related Nondiscrimination Laws Policy Statement and the associated policy directive, Title VI and Related Nondiscrimination Laws Complaint Management, in satisfaction of the requirements of the above-mentioned FTA Circulars and related Federal Transit Laws.