



Metropolitan Transportation Authority

# January 2021

MTA Board Action Items



# MTA Board Meeting

2 Broadway  
20th Floor Board Room  
New York, N.Y. 10004  
Thursday, 1/21/2021  
10:00 AM - 5:00 PM ET

## 1. PUBLIC COMMENT PERIOD

## 2. APPROVAL OF MINUTES

### **MTA and MTA Agencies Committee & Regular Meeting Joint Minutes - December 16, 2020**

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA B&T

MTA Construction & Development

*MTA and MTA Agency Joint Committee and Regular Minutes - December 16, 2020 - Page 4*

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

### **LIRR Action Item**

#### **i. Parking Fee Structure at the LIRR Westbury Parking Garage**

*Parking Fee Structure at the LIRR Westbury Parking Garage - Page 32*

### **MNR Procurements Report**

*MNR Procurements - Page 35*

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

#### **ii. Competitive**

*MNR Competitive - Page 38*

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

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

### **MTA C&D Procurements Report**

*MTA C&D Procurements - Page 41*

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

#### **ii. Competitive**

*MTA C&D Competitive - Page 45*

#### **iii. Ratifications**

*MTA C&D Ratifications - Page 47*

## 4. COMMITTEE ON NYCT & BUS

### **NYCT & Bus Procurements Report**

*Procurement Cover, Staff Summary and Resolution - Page 50*

**i. Non-Competitive**

*Non-Competitive - Page 55*

**ii. Competitive**

*Competitive - Page 58*

**iii. Ratifications (no items)**

**iv. C&D Procurements**

*C&D Procurement - Page 61*

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

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

**6. COMMITTEE ON FINANCE**

**MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 67*

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

**ii. Competitive**

*MTAHQ Competitive Procurement - Page 70*

**iii. Ratifications (no items)**

**Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 72*

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

**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, December 16, 2020**

**10:00 a.m.**

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

**Hon. Patrick Foye, Chairman & CEO**

**Hon. Jamey Barbas**

**Hon. Frank Borelli**

**Hon. Victor Calise**

**Hon. Michael Fleischer**

**Hon. Randolph Glucksman**

**Hon. Rhonda Herman**

**Hon. David Jones**

**Hon. Linda Lacewell**

**Hon. Kevin Law**

**Hon. Robert W. Linn**

**Hon. David Mack**

**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 Board member was absent:**

**Hon. Lorraine Cortés-Vázquez**

*\*Board Member Lawrence Schwartz joined the meeting during the Budget presentation.*

The following staff members attended in person or by videoconference:

Mario Pélouin, Chief Operating Officer, Thomas J. Quigley, General Counsel, Robert Foran, MTA Chief Financial Officer, Paul Fama, MTA Chief People Officer, Anthony McCord, MTA Chief Transformation Officer, Carl Hamann, Vice President, NYCT and Deputy Chief Safety Officer, Sarah E. Feinberg, Interim President, NYCT, Craig Cipriano, Acting President, MTA Bus/Senior Vice President, NYCT Department of Buses, 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, Alan Putre, Executive Director, MTA, VP & CRO NYCT, New Fare Payment Program, Patrick McCoy, Director of Finance, David Florio, Director, R.E. Operations, Leasing & Acquisitions, Michael Garner, Chief Diversity Officer, Lamond Kearse, Chief Compliance Officer, Abbey Collins, Chief Communications Officer, Monica Murray, Chief Administrative Officer, NYCT President's Office, Subash Iyer, Special Counsel for Ethics, Risk and Compliance.

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.

Unless noted otherwise, 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 announced that the MTA regular Board meeting is being held jointly with the Joint Metro-North Railroad and Long Island Rail Road Committee, New York City Transit Committee, Bridges and Tunnels Committee, Finance Committee, the Capital Program Oversight Committee, the Corporate Governance Committee, and the Diversity Committee.

Chairman Foye stated that the meeting is being conducted remotely via videoconference. The Chairman explained that Governor Cuomo's Executive Order 202.1, which has subsequently been extended, 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.

Thomas Quigley, MTA General Counsel, conducted the roll-call and confirmed the presence of a quorum.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

Chairman Foye stated that later in the meeting, Agency Presidents and staff will submit their agency's report, procurements and actions for a vote. The Board members' participation in the meeting but 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 indicate that.

Chairman Foye stated that speakers for the public comment period were able to register on Monday, December 14, 2020 and send in their video or voice comments. The Chairman noted that the first 30 minutes of speakers' comments will be delivered at today's meeting and comments made by other speakers will be published on the MTA website.

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 announced that the first thirty minutes of speakers' comments will be delivered at today's meeting and comments made by other speakers will be published to the MTA website. 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.

There were twenty-two (22) registered public speakers, 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, and to MTA.info for comments made by other public speakers.

Assemblyman Robert C. Carroll, NYS Assembly  
Councilman Ydanis Rodriguez, NYC Council  
Congresswoman-elect Nicole Malliotakis, S.I.  
Tony Utano, President, TWU, Local 100  
Andy Pollack, Passengers United  
Jason Anthony, Passengers United  
Matt Kamper, Passengers United  
Charlton D'Souze, President, Passengers United  
Chenxi Wu, AFT, Local #223  
Sean Petty, New York State Nurses Association  
Ilan Berman, private citizen  
Yuki Endo, private citizen  
Aleta Dupree, private citizen  
Lisa Daglian, Executive Director, PCAC  
Andy Quito, Passengers United

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

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

Chairman Foye thanked everyone for joining this month's virtual meeting of the MTA Board.

Chairman Foye, providing an update on the MTA's preparations in advance of the winter storm, stated that the MTA is fully prepared for the storm, personnel and equipment are on stand-by, and the 24/7 command centers are activated. The Chairman stated that, under the leadership of agency presidents, staff has already been hard at work winterizing the system, including installing tire chains on buses, anti-freeze on track switches and much more. Chairman Foye stated that when the snow starts this afternoon staff will be on standby to spread salt and clear snow and ice from platforms, stairs, signals and switches. In addition, a team has been mobilized to remove downed trees that fall across tracks. The Chairman thanked all MTA employees who work hard to provide these services for every storm on a yearly basis.

Chairman Foye stated that, as always, the MTA's highest priority is the safety of its customers and employees. Due to the severity of today's anticipated storm, the Chairman strongly urged all customers to avoid unnecessary travel, if possible, and to use extreme caution if travel is required. The Chairman also suggested that customers stay updated on the latest service changes via the MTA's website and apps.

As has been the protocol at several meetings this year, Chairman Foye began the meeting by observing a moment of silence to acknowledge and remember all members of the MTA family who have passed away from COVID-19.

Chairman Foye stated the observance of silence will continue today to honor members of the New York City Transit ("NYCT") family who have passed in the last month.

Interim NYCT President Sarah Feinberg read their names:

James Arjune,  
John Fernandez

Following the reading of the names, Chairman Foye asked everyone to join him in a moment of silence in honor of the employees.

Chairman Foye stated that the COVID-19 pandemic has made 2020 a uniquely difficult and challenging year. The MTA family has lost 130 of its heroic colleagues as a result of COVID-19, another employee who was murdered in a deliberately set act of arson on a train, and still several others in the MTA family have lost their lives. The Chairman stated that the MTA continues to remember and mourn each of the employees who have lost their lives, and to honor their dedication and service to the system and to the region during this unprecedented health crisis.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

Chairman Foye stated that the MTA's ridership and finances plummeted because of the pandemic to never-before-seen lows, worse even than the Great Depression. However, the agency has proven time and time again just how resilient and heroic its employees truly are, and this year is no different. Chairman Foye stated that he is proud of his colleagues, each of whom have shown tremendous courage and commitment and heroism, and with the lessons learned this year the organization will emerge stronger and more flexible.

Chairman Foye stated that if there was a silver lining to 2020, it would be that the MTA succeeded in its core mission of keeping New York moving through the worst of the pandemic, doing so with heroism on the part on its workforce, and with creativity and innovation. Chairman Foye noted that the MTA's subway cars, trains, buses and stations, and paratransit vehicles have never been cleaner. Mark Dowd, MTA Chief Innovation Officer, working with partners across the agencies, led the effort to test new innovative technologies to combat COVID-19 that the agency will be able to leverage for years to come.

Some of the innovative technology includes new air filtration pilots on the railroads; upgrades to bus and railroad apps to show crowding on vehicles and rolling stock; and the launching of a live subway map. Chairman Foye stated that the MTA is starting a first-of-its-kind study in the U.S., partnering with the federal Department of Homeland Security and MIT to test the best measures to protect customers and employees from the spread of infectious diseases.

Chairman Foye stated that Sarah Meyer, Senior Vice President and Chief Customer Officer, has harnessed the good in all New Yorkers, with staff and citizen volunteers, in the MTA's now-famous Mask Force, to help remind all our customers of the single-most important thing that they can do during this crisis— wear a mask and wear it correctly. Since its inception, the Mask Force has distributed more than 6 million masks to customers. The Chairman stated that he is pleased to be able to share that the MTA's latest mask survey shows a 99% usage on buses and 97% usage on subways. The Chairman stated that these are impressive and important numbers and he thanked the customers and employees for doing their part.

Chairman Foye, focusing on the 2021 budget and federal funding, stated that even with the bright spots that he just mentioned there is no denying the unimaginable difficulty of this year. In addition to the devastating human toll COVID-19 has taken on the agency and the nation, it has devastated the MTA's finances, leaving the agency with hard options that could have lasting consequences on the region for years to come.

Chairman Foye stated that, as he and Chief Financial Officer Robert Foran noted last month, the November Financial Plan was one of the most challenging the MTA has ever had to develop. The Chairman stated that he and Mr. Foran are hopeful for a better 2021, with COVID-19 vaccines being administered and more vaccines on the way, a new administration in the White House, and potentially a change in the U.S. Senate. However, Chairman Foye stated that there are no guarantees. The Chairman congratulated Pete Buttigieg on his nomination for Secretary of Transportation, and he stated that MTA looks forward to working with Mr. Buttigieg in the months ahead.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

Chairman Foye stated that federal funding remains the MTA's best chance at survival, to avoid horrific measures -- like massive service cuts of up to 50% on the railroads and up to 40% on subways and buses; the gutting of the MTA's historic Capital Plan; fare and toll increases above what had been planned; and laying off more than 9,000 of the agency's hardworking colleagues. Chairman Foye stated that these actions, if the MTA is forced to take them, will impair any shot at recovery for the state and national economies.

Chairman Foye stated that the MTA is closely monitoring the bi-partisan negotiations in Washington and is encouraged by media reports and updates from Washington for the potential of near-term federal aid for the MTA. However, the Chairman stated that the MTA must remain vigilant until legislation is passed and signed into law. Chairman Foye stated that the MTA urges Congress to do the right thing and not go home without delivering the funding for mass transit and the MTA. Chairman Foye stated that this issue should be above partisan politics-- this is in the best interest of the economy of the state, the city and nation. Chairman Foye acknowledged the support of Senator Chuck Schumer, Speaker Nancy Pelosi, and the New York Congressional delegation led by Chair Nita Lowey. Chairman Foye noted that Mrs. Lowey is retiring after a long career of honorable and effective public service, and extended to her, on behalf of the MTA, congratulations and sincere thanks.

Chairman Foye stated that CFO Robert Foran will present the MTA's 2021 Budget and Four-Year Financial Plan shortly. The budget will assume the assumption of \$4.5 billion dollars in federal funding for 2021. Chairman Foye stated that he wants to make clear what the Board is being asked to vote on today and, what the Board is not being asked to vote on today, and he wants to make clear the reality of the MTA's financial situation.

Chairman Foye stated that today the Board will be asked to consider and vote on adopting the 2021 Budget and 2021-2024 Financial Plan. However, the Chairman stated that today's vote is not a vote on any fare and toll policy change proposals. The public hearing process to gather input on this round of proposals began in December, and the agency has heard from nearly 200 speakers and has received nearly 1,700 comments to date. The MTA's final virtual hearing takes place next Monday, December 21, 2020, after which the MTA and the Board will review comments and develop final proposals for the Board to consider next year.

Chairman Foye stated that today's vote is also not a vote on potential drastic service cuts of up to 40% on subways and buses and 50% on commuter rail. He stated that if the MTA does not receive \$4.5 billion in federal aid to address the 2021 deficit, the MTA will need to revise its budget and take severe actions early next year to balance the budget. The Chairman reiterated that without the \$4.5 billion in federal funding the Board may be asked to authorize public hearings on service cuts as early as January, for implementation as early as May 2021.

Chairman Foye stated that, were the MTA to receive \$4.5 billion in federal aid, the MTA's 2021 budget will be in balance-- postponing and avoiding the severe service reductions and layoffs for 2021. Chairman Foye stated that, to be clear, the \$4.5 billion will not solve the

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

MTA's total deficit, as there is still a nearly \$8 billion projection in deficits for 2022, 2023 and 2024 that the agency will need to consider and to address. The MTA's total request to the federal government remains to be a total of \$12 billion for 2021, 2022, 2023 and 2024.

Chairman Foye, emphasized that these are choices that no one at the MTA wants to be forced to make but may be forced to make if Washington does not deliver funding.

Chairman Foye stated that the MTA is not alone in this financial crisis: systems across the country are facing the same hard choices and evaluating similar options. Chairman Foye stated that Washington DC's Metro, for instance, recently proposed new bus and train service reductions, while MBTA in Boston has approved and accelerated the implementation of a reduced base service proposal across all their modes of transit. As a result of significant ridership loss, LA Metro and BART are maintaining service reductions for 2021. The Chairman stated that SEPTA and San Francisco Muni are currently proposing significant planning reduction scenarios given the ongoing uncertainty of additional federal aid for public transportation systems.

Chairman Foye stated that the MTA agencies have also been fine-tuning service levels. Over the past several months, based on new travel patterns, crew availability, and continued depressed ridership, LIRR, which has been operating at approximately 90% of normal weekday service since New York City's Phase 1 reopening in June, plans to further adjust its service in January to approximately 75-80% of regular service to better match current and forecasted near-term ridership. The Chairman stated that these are temporary adjustments.

Chairman Foye stated that currently LIRR is serving just a quarter of its average pre-pandemic weekly ridership with a 90% service schedule. These proposed service adjustments are not budget related, will not result in any headcount reductions and require no board action. The Chairman stated that President Phil Eng will provide more details later in the meeting. The Chairman stated that these changes are not a substitute for the worst-case scenario service reductions of up to 50% on the railroads and 40% on subways and buses that may be necessary absent additional federal aid.

Chairman Foye concluded his remarks with a moment of recognition to the MTA's incredible workforce and talented team. The Chairman stated that even in the face of a horrific pandemic, the workforce has still managed to deliver service and to advance major projects this year that will fortify the system for decades to come; like the rollout of the OMNY contactless fare payment system to all subway stations and buses by the end of this month; installation of new elevators to improve subway accessibility; completion of the L Train Tunnel Project; and delivering Positive Train Control on both railroads by the federal deadline.

Chairman Foye stated that, as the organization reflects on this difficult and unusual year, we remember that there is still much to be thankful for, like the incredible essential workers—including the brave women and men of the MTA -- who have kept the city functioning. Chairman Foye stated that we can all take pride in being New York tough.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

Chairman Foye thanked the Board and staff, and he introduced Carl Hamann, Deputy Chief Safety Officer, for a COVID-19 update.

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

**4. DEPUTY CHIEF SAFETY OFFICER' S PRESENTATION.**

Carl Hamann, Vice President, NYCT, Deputy Chief Safety Officer, provided an update on COVID-19.

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

**5. MTA 2021 BUDGET ADOPTION.**

Chairman Foye introduced MTA Chief Financial Officer Robert Foran, who presented the action items for the MTA 2021 Proposed Final Budget and the Proposed MTA Final 2021-2024 Financial Plan for the Board's consideration and approval. Copies of the proposed Budget and Plan, together with the accompanying staff summaries, were distributed to Board Members and are maintained in MTA records.

Chairman Foye proposed a motion to adopt the Proposed MTA 2021 Final Budget and the Proposed Final Financial Plan for 2021-2024 and opened the floor for discussion.

Details of the Board Members' discussion relating to the MTA 2021 Budget and Financial Plan 2021-2024 are included in the video recording of the meeting produced by the MTA and maintained in the MTA records.

Upon motion duly made and seconded, the Board approved the Adoption of the MTA 2021 Final Proposed Budget and 2021-2024 Financial Plan.

The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

## **6. CHIEF DEVELOPMENT OFFICER'S PRESENTATION.**

### **A. MTA Construction & Development Operations and CPOC Action Item.**

Presentation of the 2021 Final Proposed Budget and Financial Plan for 2021 – 2024: MTA Chief Financial Officer (“CFO”) Robert Foran presented the MTA Construction and Development Company (“C&D”) 2021 Final Proposed Budget and 2021-2024 Financial Plan as part of the MTA-wide 2021 Budget and 2021-2024 Financial Plan.

Refer to the MTA 2021 Budget Adoption section in these minutes for the Board’s vote to approve this action item, and to the staff summary and documentation filed with the records of this meeting and the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Foran’s presentation, the Chairman’s and Board’s comments, and the details of the approved actions.

### **B. Report on MTA Construction & Development Operations and CPOC Committee Report.**

MTA Chief Development Officer (“CDO”) and MTA Construction and Development Company (“C&D”) President Janno Lieber provided an update on the status of the Capital Program.

CDO Lieber reported that this month’s materials in the CPOC Committee Book include Capital Program status and updates. CDO Lieber reported the focus this month is on the five integrated capital projects. The CDO noted that there are no updates on two of the projects -- Phase II of the Second Avenue Subway, which has been waiting for federal action for quite some time, and the Penn Station Access Project (a/k/a “Four Stations in the Bronx”), which has been put on hold during the middle of its procurement due to funding issues because its funding is dependent upon non-federal money that has become unavailable due to the COVID-19 crisis. CDO Lieber further noted that the CPOC material contains reports on the other three integrated projects --Third Track (“Long Island Rail Road Expansion Project”), East Side Access and the 42<sup>nd</sup> St. Connector Projects.

CDO Lieber also reported that the CPOC book contains a joint railroad Positive Train Control update, which will be discussed during the joint railroad portion of this meeting and during the Transit portion of the meeting, an update will be provided on the procurement package of eight ADA Stations, which will be funded through existing federal grant programs.

CDO Lieber noted that he and the Independent Engineering Consultant (“IEC”) were on hand to answer any questions on the C&D aspects of these materials.

MTA and Agencies’ Joint Committee and Regular Board Meeting  
December 16, 2020

C. OMNY Update.

Alan Putre, New Fare Payment Program, Executive Director, MTA, V.P. & CRO NYCT, provided an update on the OMNY initiative.

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

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 November 18, 2020, amended to change NYPD Transit Chief of Police O'Reilly's first name from Katherine to Kathleen, as noted by Board member Andrew Albert.

8. **METRO-NORTH RAILROAD AND LIRR JOINT COMMITTEE.**

A. LIRR President Phillip Eng's Report.

President Eng stated that as 2020 comes to an end, with the COVID-19 vaccine distribution underway we are all hopeful for a fresh start in 2021.

President Eng provided an update on LIRR service for the New Year. He stated that service levels are developed to meet ridership demands and to support planned work, both maintenance and capital. At the beginning of this pandemic, LIRR had to be flexible and agile while making decisions about our service in order to provide essential workers, including MTA's own workforce, the service needed while protecting frontline staff.

President Eng reported that LIRR was running about 70% of pre-pandemic service levels as ridership plummeted during the first shutdown. Since that time, we have been constantly monitoring ridership levels and adjusting service as necessary, to 75% and then again to 90%.

President Eng stated that with the second wave upon us, we have seen ridership drop once again to about 24% of normal weekday ridership. Starting January 25<sup>th</sup>, we will be adjusting our service levels to approximately 75% to 80% of pre-pandemic levels to allow critical work to be performed and support the essential workers who form the core LIRR ridership.

President Eng emphasized that these are not budget-related changes and all branches will continue to be served. He stated that these changes will provide adequate service to meet current levels of ridership and as always, LIRR will adjust service levels accordingly if necessary. This is an informational item for the Board and will require no Board action.

President Eng stated that as LIRR embarks on a new set of infrastructure activity for 2021, flowing into the spring months, we are striving for another successful year of delivering

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

critical projects while providing essential service. While this year's pandemic has created new and unimaginable challenges for LIRR and all public transportation agencies across the globe, President Eng assured the public and the Board that he has not lost sight of the commitments he made when he first took the helm in April 2018, to ensure that managers and staff have clear direction, adequate resources and tools in place to accomplish work in a cost-effective, efficient and safe way.

President Eng stated that under LIRR Forward, LIRR continues to instill a sense of urgency that is helping us deliver improved service, reliability and safety, including management oversight in the planning, scheduling and performance of work. He noted that LIRR implements best practices from others while implementing innovative, best practices of our own.

Regarding recently published reports regarding the 2018 overtime of a small number of LIRR employees, President Eng noted that LIRR has taken and will continue to take proactive changes which include the following:

- In January 2019, the LIRR Overtime Task Force created a specialized group which began monthly reviews focused on the planning, approving and scheduling of track maintenance projects.
- In the Second Quarter of 2019, the LIRR Overtime Task Force started reviewing high overtime earners for anomalies, including random audits.
- In July 2019, LIRR implemented third-party work site procedures to better track, approve and pay overtime in advance of Kronos clocks.
- In August 2019, LIRR began installing biometric clocks in offices and in field trailers. To date, 595 biometric clocks have been installed across LIRR territory; by March 2020, all employees were enrolled with a 97% usage rate.

President Eng stated that due to the pandemic, as advised by health experts, LIRR temporarily halted use of the bio scan feature which requires employees to touch a common surface. As an alternative, after testing, LIRR began issuing new identification cards to all employees earlier this month. These new cards allow staff to safely resume full swiping to log time and attendance. President Eng reiterated that LIRR remains laser focused on this effort and recognizes that more work needs to be done.

President Eng stated that throughout 2020, even amid the pandemic, the LIRR workforce has continued to deliver. Some of the many accomplishments and achievements include the following:

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

- LIRR’s workforce helped plan and support 15 weekends of full Main Line shutdowns, each time completing the work on time and on budget, safely restoring service for Monday morning riders;
- LIRR successfully completed unprecedented and vital State of Good Repair work, often piggybacking on Third Track weekends for further cost savings; and
- Engineering crews had an extremely productive year, installing a record 73,000 concrete ties, exceeding the 2001 record of 42,000 ties installed. Crews also installed more than 55 miles of new continuous welded rail, equaling nearly 28 miles of track that was replaced.

President Eng stated that this record amount of work was completed on time and within budget, often using continuous outages for cost efficiencies.

President Eng thanked all LIRR employees for being able to restore service in all LIRR territory in just two days after Tropical Storm Isaias. He stated that it is a testament to our managers and workforce that they were able to get the job done so quickly and efficiently and most importantly, safely.

President Eng stated that there is a tremendous amount of work getting done and that he remains committed to monitoring the measures which have been implemented. He stated that this work helps LIRR run better service for LIRR customers and reduces unplanned overtime expenditures as well. President Eng reported that the efforts taken have resulted in a decrease in overtime compared to 2018. LIRR decreased overtime spending in 2019 by \$19 million. In 2020, the LIRR has continued to further reduce overtime spending by \$13 million, which equates to a total of \$32 million in savings from 2018.

President Eng stated that this proactive approach under LIRR Forward is consistent with these goals. To this end, November On Time Performance (“OTP”) was 95.18%. Improved OTP is a result of performing work in a planned manner, eliminating infrastructure incidents that had been repetitive, costly and directly impacted LIRR ridership.

President Eng stated that as we better control and lower overtime expenditures, everything we have been doing to increase our performance also results in cost savings, resulting in decreased delays and incidents and quicker response times. LIRR is always trying to find innovative and new ways to accomplish critical work more efficiently. President Eng cited the new laser train technology as one example. Even without including December statistics, he noted that this innovation has reduced labor costs associated with wheel truing by 38.4% or a savings of \$102,000, compared to 2019. Wheel truing extends the wheel’s life: it is estimated that for every year of wheel life gained, there is a savings of \$500,000 in shop labor and material costs. President Eng stated that this October/November, LIRR

MTA and Agencies’ Joint Committee and Regular Board Meeting  
December 16, 2020

had 246 or 66% fewer delays due to low adhesion compared to last year and 473 or 79% fewer delays compared to 2018, before we had the laser technology in use. The new technology is paying for itself while reducing costs and improving safety and service. Doing things more efficiently and cost-effectively is paramount to ensuring the best use of public dollars.

Reporting on Positive Train Control (“PTC”), President Eng stated that on December 4, 2020, both Amtrak and LIRR successfully began running trains with PTC through Harold interlocking. There are a few details left to be finalized and the finish line is directly ahead. President Eng thanked the Board for its support, also thanking the PTC Consortium, the PTC team led by Debbie Chin and Andrew Arenth, and the LIRR workforce for their diligence ensuring this project meets the FRA deadline amid a global pandemic.

President Eng observed that this year, arguably the most difficult in LIRR’s history, LIRR has remained committed to finding ways to deliver safe, reliable and essential service. President Eng stated that he is thankful for all that LIRR was able to deliver; that LIRR remains committed to continuous improvement; and that he is proud to be working side by side with his colleagues at LIRR and the MTA.

President Eng expressed his wish that we all find ways to safely enjoy this time of year as we deal with the second wave of COVID-19 across the country. He stated that we should all watch out for each other and have a safe and healthy holiday season and a good start to 2021.

President Eng closed his remarks by wishing happy holidays to everyone and their families. The video recording of the meeting produced by the MTA and maintained in MTA records contains a complete record of President Eng’s report. Additionally, the details of the following LIRR Committee items are contained in reports filed with the records of this meeting.

B. LIRR Action Item.

Presentation of the 2021 Final Proposed Budget and Financial Plan for 2021 – 2024: MTA Chief Financial Officer (“CFO”) Robert Foran presented the MTA Construction and Development Company (“C&D”) 2021 Final Proposed Budget and 2021-2024 Financial Plan as part of the MTA-wide 2021 Budget and 2021-2024 Financial Plan.

Refer to the MTA 2021 Budget Adoption section in these minutes for the Board’s vote to approve this action item, and to the staff summary and documentation filed with the records of this meeting and the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Foran’s presentation, the Chairman’s and Board’s comments, and the details of the approved actions.

MTA and Agencies’ Joint Committee and Regular Board Meeting  
December 16, 2020

C. Joint Information Item.

LIRR/MNR PTC Project Update

D. LIRR Information Items.

- 2021 Proposed Committee Work Plan
- Diversity/EEO Report – 3<sup>rd</sup> Quarter 2020
- Winter Trackwork Programs
- Review of Committee Charter

E. LIRR Procurements.

- Board approval of a contract modification in the amount of \$4,412,000 for the LIRR, and \$2,790,000 for NYCT's requirements, to Frontier Industrial Corp for one year extension, with an LIRR option for a second year, to continue to provide for the removal and disposal of (i) obsolete electric propelled LIRR passenger coaches and (ii) additional LIRR miscellaneous equipment and rolling stock at various yard locations throughout the system.
- Board approval of a contract modification in the amount of \$5,000,000 to Russell Reid Waste Hauling & Disposal Service Co., Inc. for one year extension, with an LIRR option for a second year, to continue to provide essential railcar toilet servicing on its M-3 and M-7 electric and C-3 Diesel Fleet at various yard locations throughout the system.

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

F. Other LIRR Committee Items.

- Minutes of the Joint Metro-North and Long Island Rail Road Committee Meeting held November 18, 2020
- LIRR 2020 Work Plan
- LIRR Safety Report
- MTA Police Report – LIRR
- LIRR Operations, Performance Metrics, Finance, Ridership, and Capital Program Reports

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

A. Metro-North President Catherine Rinaldi's Report.

President Rinaldi began her report by commenting on the advancement of Positive Train Control ("PTC") implementation on several important fronts. On November 25, 2020, Metro-North received conditional approval from the Federal Railroad Administration of its PTC Safety Plan. Earlier this month Metro-North successfully entered PTC operations on the New Haven Line thanks to the hard work of the Metro-North technicians bringing PTC software to the M8 electric cars. Metro-North's dedicated forces are continuing to upload the software on the remainder of the M8 fleet. President Rinaldi reported that Metro-North has also successfully achieved PTC interoperability with Amtrak. Metro-North remains on track to reach the finish line on-time and be at 100% PTC implementation by December 31, 2020, which will be a huge achievement for the MTA and Metro-North despite the unprecedented and catastrophic impacts of the COVID-19 pandemic on finances and the PTC supply chain.

President Rinaldi personally thanked the following dedicated Metro-North team members for achieving these milestones:

- John Kesich
- Dave Melillo
- Dave Kubicek
- Susan Sarch
- Anthony Gardner
- Anish Gandhi
- Tony Chieffo
- Donovan Evans
- John Deptulski
- Dwight Sowden
- John Longobardi
- Chris Taft
- Rashad Ramsey
- Joe Lagana
- Jim Heimbuecher
- Craig Gustavson
- Maurice Divers
- Rahul Nair
- Gerald Winters
- Natasha Wilson
- Andrew George
- Glen Hayden (retired)
- Anthony Forcina (retired)
- Rich Gans (retired)

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

President Rinaldi commented that every step towards completion of PTC is evidence that Metro-North continues its commitment to ensure the safety and reliability of the system. While Metro-North will be operating in full PTC, the work will not end on December 31, 2020. PTC is a new way of operating for all railroads and Metro-North will now turn its focus to maintaining and upgrading this safety enhancement system.

President Rinaldi reported that in November, Metro-North continued to provide a reduced schedule operating at 63% of pre-COVID train service levels. Service delivery operated above goal at 94.7%, with year-to-date service delivery 3.6% better than last year. Metro-North operated well through the fall slip slide season, with on-time performance 2.9% better than last year and had no issues with train car availability. West of Hudson service performed at 90.8% in November and stands at 94.7% year-to-date, which is well above last year's performance at this time of 89.8%.

President Rinaldi reported that ridership is down a little more than 81% and Metro-North is carrying nearly 19% of pre-COVID ridership. Weekend ridership remains stronger than weekday ridership but has decreased as the weather has cooled and the autumn leaves have fallen. Across the system, weekend ridership is down 68.5%, and Metro-North is serving 31.5% of pre-COVID ridership levels. West of Hudson ridership decreases have tracked closely with the East of Hudson. Ridership counts indicate that West of Hudson service is down approximately 82%, carrying approximately 18% of pre-COVID levels.

With respect to COVID-19, President Rinaldi reported that after a summer and early fall that provided something of a respite from the horrors of the spring months, the region is now in a new COVID-19 surge as winter approaches. Weeks went by this summer when no new positive cases were reported at Metro-North. These days, much like the region, Metro-North is seeing new cases almost every day, from locations all around the territory. Despite the negative trends today, there is good reason to be hopeful about tomorrow. By almost every measure, Metro-North is better prepared for this challenge now than earlier in the year. Testing is widely available, contact tracing protocols are in place, treatment is much improved, and we know which behaviors spread the virus and which control it.

Metro-North's message to customers and employees is simple: Metro-North continues to do everything it can to keep you safe. Whether it is an unprecedented program for disinfecting train cars and stations, providing hand sanitizer dispensers at all stations, distributing masks at key stations or rolling out PPE vending machines now at twenty-three (23) stations and in Grand Central Terminal. Metro-North will continue to focus on the safety of customers and employees. President Rinaldi also reminded customers to do their part. Even when social distancing, a face covering is mandatory on all trains and if a customer does not have a face covering or mask, they should ask for one from the conductor.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

Equally important, on the employee front, President Rinaldi reported that Metro-North has implemented enhanced cleaning at work locations, is providing COVID-19 testing, deployed a temperature brigade at key employee locations, and distributes masks or facial coverings for all employees to suit different types of working environments.

President Rinaldi thanked all Metro-North employees for all their tireless and heroic efforts during this extremely challenging and unprecedented year, and expressed her appreciation for their continued dedication to providing safe and reliable service. President Rinaldi also assured customers that their health and safety is Metro-North's number one concern. Metro-North is going the extra mile to make sure they have every protection Metro-North can offer to make their travels safe, especially during the holiday season.

On behalf of the entire Metro-North family, President Rinaldi wished everyone a safe holiday and a healthy and happy New Year.

Chairman Foye and Board Members Brown and Herman expressed their thanks and extended their congratulations to President Rinaldi and the Metro-North team for the successful and timely implementation of PTC.

The video recording of the meeting produced by the MTA and maintained in MTA records contains a complete record of President Rinaldi's report and comments made by Board members. Additionally, the details of the following Metro-North Committee items are contained in reports filed with the records of this meeting:

B. Metro-North Action Item.

Presentation of the 2021 Final Proposed Budget and Financial Plan for 2021 – 2024: MTA Chief Financial Officer (“CFO”) Robert Foran presented the Metro-North 2021 Final Proposed Budget and 2021-2024 Financial Plan as part of the MTA-wide 2021 Budget and 2021-2024 Financial Plan.

Refer to the MTA 2021 Budget Adoption section in these minutes for the Board's vote to approve this action item. Refer also to the staff summary and documentation filed with the records of this meeting and the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Foran's presentation, the Chairman's and Board's comments, and the details of the approved actions.

C. Joint Information Item.

PTC Status Update

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

D. Metro-North Information Items.

- 2021 Proposed Committee Work Plan
- Diversity/EEO Report – 3rd Quarter 2020
- Review of Committee Charter

E. Metro-North Procurement.

- Board approval to award a competitively solicited contract to the firm Siemens Mobility Inc. in the total amount of \$334,873,148. This contract is for the design, manufacture, testing, and delivery of nineteen (19) dual-mode locomotives and related locomotive equipment and for Metro-North to exercise an initial option to purchase eight (8) additional locomotives. Under this contract, Long Island Rail Road, Connecticut Department of Transportation, and New York State Department of Transportation may elect to exercise option orders for additional locomotives. Future Metro-North and Long Island Rail Road options are subject to Board approval. The contract is federally funded by a Federal Transit Administration grant.

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

F. Other Metro-North Committee Items.

- Minutes of the Joint Metro-North and Long Island Rail Road Committee Meeting held November 18, 2020
- Metro-North 2020 Work Plan
- Metro-North Safety Report
- MTA Police Report – Metro-North
- Metro-North Operations, Performance Metrics, Finance, Ridership, and Capital Program Reports

**9. NYCT INTERIM PRESIDENT SARAH FEINBERG'S PRESENTATION.**

A. NYCT President's Report.

Interim President Sarah Feinberg commented on the storm planning and response and the many days of planning NYCT had already undertaken to prepare for the storm. She said it served as a reminder of the caliber and excellence of the NYCT team that has done this so many times and noted that NYCT was prepared for anything that could come with the storm. Interim President Feinberg thanked Frank Jezycki and Craig Cipriano and their teams for being on top of the planning and response and said that while a long day and night was ahead for everyone, NYCT was all hands-on deck. She thanked all of the employees who were missing their regular days off and working up to 24-hour shifts. She

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

also thanked the public for being mindful and urged people to stay home if they could and to think about their travel and planning early.

Interim President Feinberg discussed the excellent mask statistics from the last few days which included a 97-99% compliance rate and 92% of people observed to be wearing them correctly. She said that while the compliance rate is still not 100%, full compliance was close. Ms. Feinberg expressed her gratitude for all the station agents continuing to hand out masks and thanked the riding public who she said remained patient and vigilant about their masks and respectful of others. She said she even saw someone in the system hand their mask to another person who did not have their own. Interim President Feinberg thanked Pat Warren and the OHS team who she said continues to remain vigilant on the COVID-19 front and commended their nearly flawless execution of setting up testing for employees. She also said the team was working to make sure NYCT employees are as close to the front of line in terms of the vaccine as possible.

Interim President Feinberg congratulated the commuter railroads for implementation and installation of a safety technology (PTC) she said was close to her heart. She said that with all the work and the headaches that go into something so significant and expensive, implementing it into everything the commuter rails are doing and doing it on time was a huge lift. Interim President Feinberg said that it is such a hard technology and accomplishment to explain because the fact that it has been done well and implemented well means we probably will never know what the alternative outcome could have been. She said having stood on a railroad track next to an Amtrak train derailment that was a PTC preventable accident, she understands how grateful ridership should be to Phil Eng, Cathy Rinaldi and the members of their teams who executed this so flawlessly.

Interim President Feinberg spoke about the proposed service reductions in the budget and said she appreciated the work done by Chairman Pat Foye and Chief Financial Officer Bob Foran to address the budget. She stated that anything we can do to avoid the dramatic service cuts and layoffs we will do and emphasized that the City and the workforce have paid such a high price already. Ms. Feinberg said that inevitably if we have to do service reductions – even if just a 20% reduction as opposed to 40% reduction – the communities hit hardest by COVID-19 will inevitably be hit hardest by the service cuts as well. Ms. Feinberg remarked that she continues to be grateful to everything that the Chairman and Bob Foran and others have done to make Washington understand our great need for emergency assistance and to make sure we are providing Washington and our congressional delegates with as much time and space as needed to deliver that funding.

Interim President Feinberg acknowledged the retirement of Barry Greenblatt, head of service delivery at NYCT, whose last day was December 31<sup>st</sup>. Feinberg said that Greenblatt started as a Bus Operator and served NYCT for 34 years. She noted that he has been a force for good and a huge figure with an enormous amount of institutional knowledge at NYCT. She said she could not thank him enough for his service, particularly

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

as the agency was moving towards essential service as a result of COVID-19. Feinberg said she was sorry to see him go but very happy for him and his well-deserved retirement.

Interim President Feinberg also acknowledged the resignation of Commissioner Polly Trottenberg who was leaving New York City. She said when she met her in 2004 or 2005, Polly was a legislative director in Chuck Schumer’s office and that she (Feinberg) was nowhere near cool or smart enough to be associated with the legislative director. Feinberg said she was interviewing in the Communications Department and as she was being escorted through the office near where Polly was working, she saw her through a window and watched in awe, noting that Polly was such an awe-inspiring figure in the Senate. Feinberg expressed the joy of being able to work with Polly during that time, and again about 10 years later at the USDOT, and now 5 years later at NYCT. She said she learned so much from Polly every step of the way and is sorry she left and moved onto bigger things but is also grateful to have had the opportunity to work with her again.

Interim President Feinberg then referred to Craig Cipriano to give a few remarks.

Craig Cipriano, President of MTA Bus and Senior Vice President, New York City Transit Department of Buses, thanked Interim President Feinberg for giving him the opportunity to acknowledge George Menduina, Vice President and Chief Facilities Officer, Department of Buses, as he retires at the end of this month. Cipriano noted that George dedicated 43 years of his life to buses and subways, the last 21 years being a part of the Buses family. He thanked Menduina on behalf of the entire Department of Buses family, said they will miss him, and wished him a happy, well-deserved and long retirement.

**B. NYCT Action Item.**

Presentation of the 2021 Final Proposed Budget and Financial Plan for 2021 – 2024: MTA Chief Financial Officer (“CFO”) Robert Foran presented the Metro-North 2021 Final Proposed Budget and 2021-2024 Financial Plan as part of the MTA-wide 2021 Budget and 2021-2024 Financial Plan.

Refer to the MTA 2021 Budget Adoption section in these minutes for the Board’s vote to approve this action item. Refer also to the staff summary and documentation filed with the records of this meeting and the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Foran’s presentation, the Chairman’s and Board’s comments, and the details of the approved actions.

**10. MTA C & D OPERATIONS PROCUREMENT ITEMS.**

CDO Lieber presented C&D’s procurement packages for the New York City Transit Authority (“Transit”) and MTA Bus (“Bus”) Committee and the MTA Bridges and Tunnels Committee.

MTA and Agencies’ Joint Committee and Regular Board Meeting  
December 16, 2020

A. Transit and Bus Committee.

CDO Lieber reported that C&D has three procurement actions being brought through the Transit & Bus Committee for approval this month. There were no non-competitive items.

There were two competitive items:

The first competitive item requested approval to award a competitively solicited design-build contract for accessibility upgrades at eight stations in the five boroughs of New York City in the amount of \$153,225,838 to Judlau Contracting, Inc. (“Judlau”). The contract includes the installation of 17 new elevators that will provide full accessibility to each of the eight stations. The second competitive item requested approval to award a related 15-year elevator maintenance contract for the maintenance of these 17 new elevators to Modern Elevator Installations, Inc. (“Modern”) in the amount of \$8,144,593.

CDO Lieber reported the design-build contract and the maintenance contract for the elevators were procured through a single solicitation in which only the design-builder’s elevator manufacturer or installation subcontractor was eligible for the award of the maintenance contract. CDO Lieber noted that a goal of that procurement was to ensure that the design-builder would work in concert with its elevator subcontractor to select sufficiently robust equipment to not only withstand the rigors of the Transit system, but also to create a strong incentive for the elevator subcontractor to optimize the design and take into consideration the elevator subcontractor’s ultimate responsibility for a performance-based long-term maintenance contract.

CDO Lieber noted both Judlau and Modern were unanimously selected for award based on their proposals offering the best overall value considering the technical strength of their proposals, lowest proposed cost and reductions to schedule. He also noted that Judlau’s and Modern’s prices are both well below the internal estimate and are considered to be fair and reasonable.

CDO Lieber further noted the MTA received criticism for the projected cost of ADA projects in its Capital Program, which was estimated at \$70M per station. The total project cost of this contract equates to \$40 Million per station, which is 20% below C&D’s internal estimate. CDO Lieber further stated that when C&D took over delivery of the ADA program, the agency committed to getting elevators done for less than what was budgeted in the Capital Program and this reflects progress in that direction. CDO Lieber reported that the agency was able to get this done by:

MTA and Agencies’ Joint Committee and Regular Board Meeting  
December 16, 2020

1. Aggressively utilizing the flexibility allowed by using the design/build method which, in this case, C&D used a less than 10% design and left the rest up to the design/build team. C&D is also doing more invasive testing to locate existing utilities so it has fewer surprises that ultimately lead to change orders.
2. Specifying performance requirements and leaving the specific technology up to the proposers, which resulted in the winning proposer using an innovative machine-room-less technology that takes up less space and saves on construction costs and material.
3. Making schedule a variable in the selection process. As a result, C&D was able to receive a schedule that has the stations completed on an average of twenty months instead of the twenty-seven to twenty-nine months it has seen in recent ADA station projects.
4. A tip of the hat goes to Board Member Schwartz as this procurement reflects changes to C&D contracts that were recommended by the Board's Cost Containment Working Group that he chaired. These changes include removing our one-sided dispute resolution procedures and replacing it with a more balanced risk sharing module between C&D and Contractors. The Contract also contains commitments to provide outages and internal staffing to support Contractor's work so Contractors can be surer of their schedule.

CDO Lieber reported that this is only eight stations out of the originally planned seventy in the Capital Program and it is premature to declare victory. That said, CDO Lieber noted that there are some positive signs coming out of this solicitation. He mentioned that the execution is what is key here and that C&D is hoping to realize even more savings. CDO Lieber further noted that C&D has incentivized the contractor quite strongly to cut schedule, which if the agency achieves would have the result of reducing its in-house costs. CDO Lieber further noted that the MTA is an expensive supervisor and manager of construction for numerous reasons that the agency is trying to address. Shortening projects will keep the agency's in-house costs down and obviously provide the public with the benefit.

CDO Lieber reported there is one ratification item this month requesting approval of a retroactive modification for a nine-month extension to an on-call contract with Sovereign-Hydroseal for water remediation services, with a not-to-exceed amount of \$2.2M. This is an on-call contract used frequently to deal with water penetration. CDO Lieber further reported that this modification will allow for continued water remediation services as required until a successor contract is awarded.

Board Member Calise thanked CDO Lieber for trying to limit the amount of change orders and Board Member Schwartz for putting some innovative ideas forward. Board Member Calise further stated that moving forward on accessibility and forcing companies to think about innovative ways to improve elevators and their reliability is a great thing. He also

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

thanked CDO Lieber for his support on moving things forward and he would love to see more of this happen in the future. He further stated that he believes this is the right way to go, cutting costs and getting more elevators installed in a timely manner and he is here to support this in any way.

Upon a motion duly made and seconded, the Board:

1. Approved the award of a competitively solicited contract (A37151) for the design and construction of accessibility upgrades at eight (8) stations in the five Boroughs of New York City to Judlau Contracting Inc., in the amount of \$153,225,838 and a duration of 31 months.
2. Approved the award of a competitively solicited contract for long-term elevator maintenance to Modern Elevator Installations, Inc., in the amount of \$8,144,593 and a duration of 15 years.
3. Ratified the award of a retroactive modification (No. 3) to the Water Remediation at various locations in the Transit contract (A-37658) with Sovereign-Hydroseal for a nine-month extension in the amount of \$2,200,000.

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

B. Bridges and Tunnels Committee.

CDO Lieber reported that C&D had two procurement items being brought through the Bridges and Tunnels Committee this month, both are competitive.

CDO Lieber reported the first item is a modification to a design and construction support services contract with Ammann & Whitney for additional services for prototype barrier fabrication, crash and wind tunnel testing and stringer repairs at the Robert F. Kennedy Bridge in the amount of \$2,832,066. CDO Lieber noted that C&D has stripped this contract modification down to some services that were needed immediately. He further stated that he has made the decision that the balance of the work that was going to be performed under this Modification will be procured competitively.

CDO Lieber reported the second item is a modification to structural steel repairs and painting contract with Ahearn Contracting for additional painting at the Verrazzano-Narrows Bridge in the amount of \$6,982,852. CDO Lieber noted progressing this work as a modification will allow C&D to take advantage of the contractor's existing work platform which will provide considerable savings over a separate solicitation.

Upon a motion duly made and seconded, the Board:

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

1. Approved the award of a modification (No. 8) to the Design and Construction Support Services for Project RK-19/RK-70 and Wind Retrofits and Miscellaneous Structural Repairs at the Robert F. Kennedy Bridge contract (PSC-16-2996) with Ammann Whitney and WSP a Joint Venture, for additional services for the amount of \$2,832,066.
2. Approved the award of a of a modification (No. 3) to the Structural Steel Repairs and Painting contract (VN-32/VN-49X) with Ahearn Painting Contractors, Inc. for additional painting at the Verrazzano-Narrows Bridge in the amount of \$6,982,852.

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

## **11. TBTA ACTING PRESIDENT DANIEL DeCRESCENZO'S REPORT.**

### **A. B&T's President's Report.**

With regard to TBTA employee safety and health, Mr. DeCrescenzo stated that TBTA continues to apply all lessons learned since the beginning of the COVID-19 pandemic to help keep new cases at a minimum, including aggressive employee screening, testing, and contact tracing and reinforcing the practices of wearing personal protective equipment, maintaining social distancing, and hand washing.

Mr. DeCrescenzo described two major customer enhancements to TBTA facilities. First, a new connector ramp from the Manhattan span to the northbound Harlem River Drive (HRD) was constructed at the Robert F. Kennedy Bridge (RFK Bridge), allowing northbound motorists to bypass City streets in East Harlem, by accessing the HRD directly, and reducing traffic congestion and vehicle emissions. The ramp also alleviates traffic queues on the RFK Bridge's East 125<sup>th</sup> St. off-ramp. Second, an important stage of the Verrazzano-Narrows Bridge (VNB) roadway deck reconstruction project was completed, which provides better access to the upper level from the Gowanus Expressway towards Staten Island. It will provide a smoother ride for customers and reduce maintenance costs. Mr. DeCrescenzo acknowledged that these investments in TBTA's facilities will better serve customers now and for many years to come and he recognized the collective efforts and project support provided by MTA Construction and Development, Chief Engineer Joe Keane, and the RFK and VNB Engineering and management teams.

Mr. DeCrescenzo recognized and thanked Patrick J. Parisi, Vice President of Maintenance and Operations Support, and Dore Abrams, Acting Chief Financial Officer, for their dedication and hard work to TBTA upon their retirements. Mr. Parisi represents the third generation of his family to dedicate their careers to TBTA service. He was hired as a maintainer in 1986 and joined management in 1992. He excelled over the years in ever-increasing leadership roles that were essential to improving TBTA's performance, including the complete reorganization of the Maintenance Department to more cost-

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

effectively meet customer needs and responses to crises such as 9/11, Hurricane Sandy, and the COVID-19 pandemic.

Mr. Abrams was hired in 2000 as an Economist and Revenue Analyst in the Planning and Budget Department after working in the New York City Office of Management and Budget. He has had a major role in guiding TBTA's finances since then, which resulted in more than \$10 billion of financial support to the MTA's mass transit network.

Mr. DeCrescenzo also thanked all TBTA employees for their extraordinary work during these unprecedented times and he wished everyone a healthy, safe and happy holiday season.

Commissioner Mack thanked Mr. DeCrescenzo for his leadership.

B. B&T's Action Item.

Presentation of the 2021 Final Proposed Budget and Financial Plan for 2021 – 2024: MTA Chief Financial Officer (“CFO”) Robert Foran presented the Metro-North 2021 Final Proposed Budget and 2021-2024 Financial Plan as part of the MTA-wide 2021 Budget and 2021-2024 Financial Plan.

Refer to the MTA 2021 Budget Adoption section in these minutes for the Board's vote to approve this action item. Refer also to the staff summary and documentation filed with the records of this meeting and the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Foran's presentation, the Chairman's and Board's comments, and the details of the approved actions.

C. B&T's Procurements

Mr. DeCrescenzo stated that there are no procurements or action items.

**12. MTA COMMITTEE ON FINANCE.**

A. Action Items. Patrick McCoy, Director of Finance presented a summary of the following action items for Board approval.

Upon motion duly made and seconded the Board approved the action items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

1. Authorization to Issue New Money Transportation Revenue Bonds and Bond Anticipation Notes, Dedicated Tax Fund Bonds and Bond Anticipation Notes, and Triborough Bridge and Tunnel Authority General Revenue and Subordinate Revenue Bonds and Bond Anticipation Notes. Approved the necessary documentation to issue

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

new money bond anticipation notes (BANs) and bonds to finance up to \$2.0 billion of capital projects set forth in approved transit and commuter capital programs, and to issue up to \$500 million of new money bonds and BANs to finance capital projects set forth in approved MTA Bridges & Tunnels capital programs. The MTA Finance Department will report to the Board on the status of the proposed debt issuance scheduled, the results of each note and bond issue and planned note and bond issues.

2. Authorization to Issue Transportation Revenue Refunding Bonds, Dedicated Tax Fund Refunding Bonds, Triborough Bridge and Tunnel Authority General Revenue Refunding Bonds and Subordinate Revenue Refunding Bonds. Approved the necessary documentation to issue refunding bonds, from time-to-time, subject, if applicable, to the Refunding Policy adopted by the Board in December 2018, as amended from time-to-time, and provided that the MTA Chief Financial Officer or the MTA Director, Finance makes a determination that the refunding of certain bonds or other obligations prior to maturity will be beneficial to the obligors thereof and/or their affiliates and subsidiaries.
3. MTA and TBTA Reimbursement Resolutions for Federal Tax Purposes. Approved the reimbursement resolutions required by Federal tax law to preserve the ability to finance certain capital projects on a tax-exempt basis.
4. Selection of Bond Underwriters. Approved qualified firms for underwriting and investment banking assignments on MTA (including affiliates and subsidiaries) bond and note issues in connection with the MTA financed portion of approved capital programs, as well as special projects outside of the approved capital programs, as set forth in the staff summary, including: (1) a pool of six underwriters to serve as senior managers, (2) a pool of fifteen underwriters to serve as co-managers, and (3) a pool of twenty-one underwriters to serve as selling group members.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. McCoy's summary of the action items.

- B. Real Estate Items. David Florio, Director, R.E. Operations, Leasing & Acquisitions presented a summary of the following 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.

### **Long Island Rail Road**

1. License agreement with Amtrak to relocate certain facilities within the Western Rail Yard ("WRY") portion of the John D. Caemmerer West Side Storage Yard, New York, N.Y.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

2. Permit agreement with The Celebrations Association of Forest Hills Gardens for a seasonal display at LIRR Forest Hills Station, Forest Hills, N.Y.

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

3. License agreement with New Jersey Transit to install and maintain antennae and support facilities, as part of the new Digital Bus Radio system, which will replace the current MTA Bus and NYCT trunked, analog radio/dispatch system., in Kearny, N.J.

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.

## **13. COMMITTEE ON CORPORATE GOVERNANCE.**

- A. Action Item. Lamond Kearse, Chief Compliance Officer presented a summary of the following item for Board approval.

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 Authorities Law Required Policies. Approved revisions to certain existing policies of the MTA and its agencies, in order to comply with Public Authorities Law Section 2824 ("PAL 2824")

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

## **14. COMMITTEE ON DIVERSITY.**

Michael Garner, Chief Diversity Officer, provided an executive summary report on diversity.

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

Chairman Foye acknowledged the retirement of Charles Glasgow, Senior Director of Employee & Labor Relations. The Chairman commended Mr. Glasgow for his work and representing the MTA and the organization on labor matters, working with Anita Miller, Chief Employee Relations and Administrative Officer.

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020

**15. ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:34 p.m.

Respectfully submitted,

\_\_\_\_\_  
Susan Sarch  
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

\_\_\_\_\_  
Julia Christ  
General Counsel and  
Corporate Secretary  
TBTA

\_\_\_\_\_  
Victoria Clement  
Assistant Secretary  
MTAHQ

MTA and Agencies' Joint Committee and Regular Board Meeting  
December 16, 2020



# Long Island Rail Road

**ACTION**

**ITEMS**

# STAFF SUMMARY



|   |                                  |
|---|----------------------------------|
| <b>Subject</b><br>Parking Fee Structure at the LIRR Westbury Parking Garage               | <b>Date</b><br>December 28, 2020 |
| <b>Department</b><br>Stations   | <b>Vendor Name</b>               |
| <b>Department Head Name</b><br>James Compton, Chief Stations Officer <i>James Compton</i> | <b>Contract Number</b>           |
| <b>Department Head Signature</b>  | <b>Contract Manager Name</b>     |
| <b>Project Manager Name</b><br>Mary Catherines  | <b>Table of Contents Ref #</b>   |

| Board Action |           |      |          |      | Internal Approvals |       |           |       |                    |
|--------------|-----------|------|----------|------|--------------------|-------|-----------|-------|--------------------|
| Order        | To        | Date | Approval | Info | Other              | Order | Approval  | Order | Approval           |
| 1            | Finance   |      | X        |      |                    | 2     | President |       | <i>[Signature]</i> |
| 2            | MTA Board |      | X        |      |                    | 1     | VP & CFO  |       |                    |

## Narrative

**Purpose:** The Long Island Rail Road (LIRR) seeks MTA Board approval to establish parking fees for 300 unrestricted daily parking spaces located in the newly constructed Westbury Parking Garage. The State of the art, 4 level, ungated garage is expected to open in March 2021.

### Discussion:

As part of LIRR's Main Line Expansion project, a 667 space parking garage was constructed on the north side of the Westbury station. This parking garage was constructed on a Village of Westbury owned surface lot. As such, the MTA/LIRR entered into a lease agreement with the Village which allows 367 spaces in the garage to be reserved exclusively for Village resident permit holders. The remaining 300 spaces in the garage will be open to all patrons on a first come, first served basis. The Village of Westbury will determine the resident permit fee. The MTA/LIRR is responsible for establishing the fees for the 300 unrestricted daily parking spaces in the garage. LIRR will be maintaining and operating the garage using Allpro Parking, the parking operator that manages LIRR's other 3 parking garages.

LIRR is proposing the same fee structure and pricing plan charged at the Mineola Intermodal Center (MIC). There is no monthly permit parking at the MIC. The Village of Westbury will not require a permit on weekend and holidays, so it is recommended that LIRR not charge fees on weekends and holidays.

The proposed daily rates are as follows:

#### Monday-Friday Rates:

- 0-20 hours: \$6.00
- 20-24 hours: \$12.00 (10-day max)

Prior to the start of construction on the Westbury garage, LIRR owned and operated (via a 3<sup>rd</sup> Party) one surface parking lot at the Westbury station that was fully utilized. LIRR charged a \$5 daily (24 hour) fee in this 300 space lot located on the south side of the station. The lot is currently leased to the Village of Westbury in order to accommodate residents displaced by the garage construction. The lot will no longer be available for parking once the garage opens. The lot is slated for future development, but in the interim, will be used as a staging area for the 3<sup>rd</sup> Track project.

The legal name of MTA Long Island Rail Road is The Long Island Rail Road Company

With respect to parking enforcement at the Westbury Garage, the non-gated system will require administrative enforcement of parking rules, which would be handled by Allpro. The parking violation schedule, which will mirror the parking violation schedule currently used at the MIC, will include the following.

- A \$15 violation will be issued for non-payment of the required parking fee or if a vehicle is not parked head in, parked improperly/taking two spaces, or parked in a snow emergency space.
- All violators will have their license plate entered into a violation database. License plate removal from the database occurs upon satisfying all violations due to a successful appeal.
- Violation payments will be made at the parking pay stations (cash or credit accepted) within 14 calendar days. Failure to pay within 14 days will result in a \$25 late payment fee.
- After the 14-day period, vehicles will be immobilized (booted) if there is a prior outstanding violation. There is a separate \$40 boot removal fee to have the car mobilized. As such, violators pay a total of \$65 (\$40 boot removal fee + \$25 late payment fee).
- A vehicle may be towed if it is parked in a fire lane, handicapped space, drive aisle, or parking in a space with time expired for more than 48 hours.
- Violators have the right to appeal a violation.

The proposed parking rates in the Westbury garage are considered reasonable and, although slightly higher than previously charged at the station, provide the added benefit of a covered and secure parking facility that includes CCTVs and Help Points for LIRR customers. The new garage is conveniently located on the westbound side of the station and will be the primary commuter parking at the station

**Impact on Funding:**

Proposed Westbury Garage expenditures and revenue are budgeted in the current financial plan.

**Alternatives:** The LIRR/MTA may choose to charge the same fees in Westbury as they do in the Ronkonkoma Parking Garage and the Wyandanch Parking Facility. The daily rates at those facilities are as follows:

Monday-Sunday Rates:

0-20 hours: \$5.00

20-24 hours: \$10.00 (10-day max)

Short-Term Parking (up to 6 hours): Flat fee of \$3.00.

**Note: The cost to commute from Westbury (fare zone 7) to City terminals is less than Wyandanch (fare zone 9) and Ronkonkoma (fare zone 10).**

**Recommendation:** The MTA LIRR recommends that the MTA Board approve this request to establish the same parking fees and violation fees at the Westbury Parking Garage as those charged Monday through Friday at the Mineola Intermodal Center.

|   |                                    |              |                 |              |   |                           |                      |              |                 |
|---|------------------------------------|--------------|-----------------|--------------|---|---------------------------|----------------------|--------------|-----------------|
| <b>Subject</b> Request for Authorization to Award Various Procurements    |                                    |              |                 |              | <b>Date</b><br>January 8, 2021          |                           |                      |              |                 |
| <b>Department</b> Procurement and Material Management                     |                                    |              |                 |              | <b>Vendor Name</b><br>Various           |                           |                      |              |                 |
| <b>Department Head Name</b><br>Anthony Gardner, Senior Director <i>AG</i> |                                    |              |                 |              | <b>Contract Number</b><br>Various       |                           |                      |              |                 |
| <b>Department Head Signature</b>  |                                    |              |                 |              | <b>Contract Manager Name</b><br>Various |                           |                      |              |                 |
| <b>Project Manager Name</b>   |                                    |              |                 |              | <b>Table of Contents Ref #</b>          |                           |                      |              |                 |
| <b>Board Action</b>   |                                    |              |                 |              |   |                           |                      |              |                 |
| <b>Order</b>  | <b>To</b>                          | <b>Date</b>  | <b>Approval</b> | <b>Info</b>  | <b>Other</b>                            | <b>Internal Approvals</b> |                      |              |                 |
| 1   | MTA Joint Committee/ Board Meeting | 1-21-21      | x               |              |   | <b>Order</b>              | <b>Approval</b>      | <b>Order</b> | <b>Approval</b> |
|   |                                    |              |                 |              |   | x                         | President <i>CAR</i> |              |                 |
|   |                                    |              |                 |              |   |                           |                      |              |                 |
|   |                                    |              |                 |              |   |                           |                      |              |                 |
| <b>Internal Approvals (cont.)</b>   |                                    |              |                 |              |   |                           |                      |              |                 |
| <b>Order</b>  | <b>Approval</b>                    | <b>Order</b> | <b>Approval</b> | <b>Order</b> | <b>Approval</b>                         | <b>Order</b>              | <b>Approval</b>      | <b>Order</b> | <b>Approval</b> |
|   |                                    |              |                 |              |   |                           |                      |              |                 |

**PURPOSE:**

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

**DISCUSSION:**

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

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

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

| <u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>                                      | <u># of Actions</u> | <u>\$ Amount</u> |
|--|---------------------|------------------|
| Schedule B: Competitive Requests for Proposals<br>(Solicitation of Purchase and Public Work Contracts) | 1                   | TBD              |
| • Request to Use the RFP Process   |                     |                  |
| <u>Schedules Requiring Majority Vote</u>   | NONE                |                  |
| SUB TOTAL:   | 1                   | TBD              |

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

|   |      |     |
|---|------|-----|
| <u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u> | NONE |     |
| <u>Schedules Requiring Majority Vote</u>                          | NONE |     |
| SUB TOTAL:  |      |     |
| TOTAL:  | 1    | TBD |

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

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

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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



# Staff Summary

| Item Number <b>B</b>  |                                       |         |          |      |       |
|---|---------------------------------------|---------|----------|------|-------|
| Dept. & Dept. Head Name:<br>Procurement & Material Management, Anthony Gardner, Senior Director |                                       |         |          |      |       |
| Division & Division Head Name:<br>Executive Vice President, Susan Doering                       |                                       |         |          |      |       |
| Board Reviews   |                                       |         |          |      |       |
| Order   | To                                    | Date    | Approval | Info | Other |
| 1   | MTA Joint Committee/<br>Board Meeting | 1-21-21 | x        |      |       |
|   |                                       |         |          |      |       |
|   |                                       |         |          |      |       |
| Internal Approvals  |                                       |         |          |      |       |
| Order   | Approval                              | Order   | Approval |      |       |
| x   | President <i>CAR</i>                  |         |          |      |       |
|   |                                       |         |          |      |       |
|   |                                       |         |          |      |       |

| SUMMARY INFORMATION   |                        |
|---|------------------------|
| Vendor Name<br>TBD  | Contract Number<br>TBD |
| Description<br>Request to use the RFP Process - Maintenance, Inspection and Repair Services for MNR and LIRR Escalators   |                        |
| Total Amount<br>TBD   |                        |
| Contract Term (including Options, if any)<br>Five years   |                        |
| Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |                        |
| Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |                        |
| Procurement Type<br><input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive  |                        |
| Solicitation Type<br><input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:   |                        |
| Funding Source<br><input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: |                        |

## Narrative

### I. PURPOSE/RECOMMENDATION:

Metro-North Railroad ("MNR") requests that the Board adopt a resolution declaring that competitive, sealed bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal (RFP) process, pursuant to Public Authorities Law Section 1265-a, for solicitation of maintenance, inspection and repair services for a total of 53 escalators for MNR and Long Island Rail Road ("LIRR") combined.

### II. DISCUSSION:

MNR and LIRR collectively the "Railroads", require on-going maintenance, inspection and repair services for MNR's 15 escalators located in Grand Central Terminal and 2 located at the White Plains station; and LIRR's 20 escalators located at various commuter stations and 16 located in Penn Station for a combined total of 53. The selected contractor will provide all labor, materials and equipment necessary to perform equipment assessment, scheduled and unscheduled maintenance, repairs, and planned component replacements to ensure state of good repair, reliability and safety of this critical equipment for customer use.

The current contract for these services will expire the third quarter of 2021. Pursuant to the competitive RFP process, the Railroads will award a contract for a five-year term. The RFP selection process will allow the Railroads the ability to evaluate factors such as the contractor's experience, resources, personnel expertise, safety record and cost for maintaining this critical equipment.

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

The MTA Department of Diversity and Civil Rights (DDCR) has assigned 15% MBE, 15% WBE and 6% SDVOB goals for this contract.

### IV. IMPACT ON FUNDING:

This contract will be funded by the Railroads' Operating Budget.

V. **ALTERNATIVES:**

The alternative is to use the Invitation for Bid process and award to the lowest responsive and responsible bidder; however, the RFP method will allow the Railroads to consider other factors such as experience, resources, personnel expertise, and safety record.

**PROCUREMENT PACKAGE**  
**January 2021**



The above picture shows the view from the Long Island Rail Road Concourse at Penn Station looking up at its new entrance at 7<sup>th</sup> Avenue and 33<sup>rd</sup> Street which was opened to the public on December 31, 2020. The new entrance gives Penn Station a front door identity on Seventh Avenue as well as providing direct access for customers headed from the street level to the LIRR, as well as to NYC Transit's 1, 2, 3 and A, C, E subway lines.

PROCUREMENTS

The Procurement Agenda this month includes two procurement action for a proposed expenditure of \$3.9M

Staff Summary

| <b>Subject</b> Request for Authorization to Award Various Procurement Actions   |                              |         |          |      |       |
|---|------------------------------|---------|----------|------|-------|
| <b>Department</b> Contracts   |                              |         |          |      |       |
| <b>Department Head Name &amp; Title</b><br>Steve Plochochi, Sr. Vice President  |                              |         |          |      |       |
| <b>Department Head Signature</b><br> |                              |         |          |      |       |
| Board Action  |                              |         |          |      |       |
| Order   | To                           | Date    | Approval | Info | Other |
| 1   | MNR and LIRR Joint Committee | 1/21/21 | X        |      |       |
| 2   | Board                        | 1/21/21 | X        |      |       |

| <b>Date:</b> January 11, 2021  |   |   |  |
|--|---|---|--|
| Internal Approvals   |   |   |  |
|  | Approval                                      |   | Approval                                   |
|  | Deputy Chief Development Officer, Delivery    |  | President                                  |
|  | Deputy Chief Development Officer, Development |  | Executive Vice President & General Counsel |

**PURPOSE**

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

**DISCUSSION**

MTA Construction & Development proposes to award a Competitive Procurement in the following category:

Schedules Requiring Majority Vote

|  |   |             |
|--|---|-------------|
| Schedule I Modifications to Purchase and Public Work Contracts | 1 | \$1,510,000 |
| SUBTOTAL   | 1 | \$1,510,000 |

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

Schedules Requiring Majority Vote

|  |   |             |
|--|---|-------------|
| K. Ratification of Completed Procurement Actions | 1 | \$2,363,601 |
| SUTOTAL  | 1 | \$2,363,601 |
| TOTAL  | 2 | \$3,873,601 |

**Budget Impact:**

The approval of these procurement actions will obligate the capital funds in the amounts listed. Funds are available in the capital budget for this purpose.

**Recommendation:**

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

**MTA Construction & Development**

**BOARD RESOLUTION**

**WHEREAS**, in accordance with Sections 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.

JANUARY 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule I. Modification To Purchase and Public Work Contracts  
(Staff Summaries required for all items greater than \$1M)

- |    |   |             |                               |
|----|---|-------------|-------------------------------|
| 1. | E-J Electric Installation Co<br>Contract No. CS084.50 | \$1,510,000 | <u>Staff Summary Attached</u> |
|----|---|-------------|-------------------------------|

MTA Construction and Development seeks Board approval to award a contract modification for furnishing and installing approximately 9,500 feet of 500 MCM (ground) stray current drainage cable for the C04 and C05 Traction Power Substations for the East Side Access Project.

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

Item Number 1

|   |   |                             |               |
|---|---|-----------------------------|---------------|
| <b>Vendor Name (&amp; Location)</b><br>E-J Electric Installation Co. (Long Island City, NY) | <b>Contract Number</b>  | <b>AWO/Modification #</b>   |               |
|   | CS084   | 50                          |               |
|   | <b>Description</b>  |                             |               |
|   | Traction Power Systems Package No. 4  |                             |               |
|   | <b>Contract Term (including Options, if any)</b>  |                             |               |
|   | 52 Months   |                             |               |
|   | <b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A   | <b>Original Amount:</b>     | \$ 71,248,884 |
|   | <b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive  | <b>Prior Modifications:</b> | \$ 19,002,714 |
|   | <b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification                               | <b>Exercised Options:</b>   | \$ -0-        |
|   | <b>Funding Source</b><br><input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: | <b>Current Amount:</b>      | \$ 90,251,598 |
| <b>Requesting Dept/Div &amp; Dept/Div Head Name:</b><br>East Side Access, R. Troup.         | <b>This Request</b>   | \$ 1,510,000                |               |
|   | <b>% of This Request to Current Amount:</b>   | 1.7%                        |               |
|   | <b>% of Modifications (including This Request) to Original Amount:</b>  | 28.8%                       |               |

**Discussion:**

This modification is for furnishing and installing approximately 9,500 feet of 500 MCM (ground) stray current drainage cable for the C04 and C05 Traction Power Substations for the East Side Access (“ESA”) Project.

The CS084 Contract for the ESA project includes furnishing and installing two Traction Power Substations (“TPSS”) located within the 63rd Street Tunnel, TPSS C04, located in Manhattan, and TPSS CO5, located in Queens. However, the design for these substations omitted required stray current drainage cable which is needed to prevent traction power from the electrified third rail and negative return rail from impacting adjacent structures. The omission of this cable from the design is considered to be a design error and omission by the General Engineering Consultant and has been referred to the ESA Cost Recovery Panel for further review.

The Contractor submitted a proposal for this work in the amount of \$2,374,731. Negotiations were held and the parties agreed to a cost of \$1,510,000 which is deemed to be fair and reasonable.

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

JANUARY 2021

**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)

|           |                                 |                    |                                      |
|-----------|---------------------------------|--------------------|--------------------------------------|
| <b>2.</b> | <b>Tutor Perini Corporation</b> | <b>\$2,363,601</b> | <b><u>Staff Summary Attached</u></b> |
|           | <b>Contract No. CS179.403</b>   |                    |                                      |

MTA Construction and Development requests the Board ratify a retroactive modification for revisions to the Building Management, Fire Command Center, and fire detection/suppression systems for the East Side Access Project.

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

Item Number 2



|   |  |  |                           |             |  |
|---|--|--|---------------------------|-------------|--|
| <b>Vendor Name (&amp; Location)</b><br>Tutor Perini Corporation (Peekskill, New York)   | <b>Contract Number</b>   |  | <b>AWO/Modification #</b> |             |  |
|   | CS179  |  | 403                       |             |  |
|   | <b>Original Amount:</b>  |  | \$                        | 333,588,000 |  |
|   | <b>Prior Modifications:</b>  |  | \$                        | 168,667,837 |  |
|   | <b>Exercised Options:</b>  |  | \$                        | 216,800,001 |  |
|   | <b>Current Amount:</b>   |  | \$                        | 719,055,838 |  |
|   | <b>This Request</b>  |  | \$                        | 2,363,601   |  |
|   | <b>% of This Request to Current Amount:</b>                            |  | 0.3 %                     |             |  |
|   | <b>% of Modifications (including This Request) to Original Amount:</b> |  | 51.2 %                    |             |  |
|   | <b>Description</b><br>Systems Facilities Package No. 1                 |  |                           |             |  |
| <b>Contract Term (including Options, if any)</b><br>75 Months   |  |  |                           |             |  |
| <b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A   |  |  |                           |             |  |
| <b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive  |  |  |                           |             |  |
| <b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification                               |  |  |                           |             |  |
| <b>Funding Source</b><br><input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: |  |  |                           |             |  |
| <b>Requesting Dept/Div &amp; Dept/Div Head Name:</b><br>East Side Access, R. Troup  |  |  |                           |             |  |

**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, building management, and, supervisory control and data acquisition (“SCADA”) systems. This retroactive contract modification is for the following:

1. Additional BMS Points for CM014B

This change is to incorporate into the Building Management System (“BMS”) approximately 600 additional monitoring points to monitor components of the Automatic Temperature Control System for the ESA Concourse, including fire dampers, damper switches, and relays, other components of the fire sprinkler system, tunnel ventilation fans, and Variable Frequency Devices. This change appears to be the result of General Engineering Consultant (“GEC”) design omissions.

2. Grand Central Terminal Combined MNR & LIRR Fire Command Center

Metro North Railroad (“MNR”) and the Long Island Rail Road (“LIRR”) have agreed to create a joint Fire/Incident Command Center that will serve the entire Grand Central Terminal (“GCT”) complex, including both the current GCT, which is currently covered by an existing MNR Fire Command Center, and the new LIRR ESA GCT facility, which was originally to be covered by a new separate Fire Command Center. This consolidation of Fire Command Centers will save on duplication of staff and will streamline interaction with first responders and allow for better coordination of emergency response throughout the facility.

To reconfigure MNR’s existing Fire Command Center as the new joint MNR-LIRR Fire Command Center, the CS179 Contractor must provide fiber optic cable and programming of support network switches and ethernet switches to provide an interface between the LIRR public address/variable message sign (“PA/VMS”) servers and the MNR IT room, and install an LIRR Fire Alarm Control Panel in the new command center. As a result of this change, the wayside (Vanderbilt Taxi Stand) fire command post provided for in the Contract is no longer needed and is being deleted from the Contract, as its functions will be carried out by the consolidated Fire Command Center.

3. Monitor Module in GCT Concourse

There are discrepancies between the numbers and locations of sprinkler valve water flow switches, sprinkler valve tamper switches, and smoke detectors installed by the CM014B Contractor and their number and locations as indicated in the CS179 Contract Documents. This modification addresses those discrepancies by changing the number of fire alarm address modules to be programmed, adding some modules and deleting others, to ensure the proper operation of the fire alarm system. This change also appears to be the result of GEC errors and omissions.

4. GCT Concourse Duct Detectors Control Programming

Certain heat and smoke detectors to be installed by the Contractor in a service corridor in the GCT would, if installed at their original locations as shown in the Contract Documents, become inaccessible for future maintenance once adjacent Contractors installed other utilities within the corridor. A prior Contract modification deleted those heat and smoke detectors and replaced them with heat and smoke detectors at different locations throughout the corridor. However, the work to program the added duct smoke detectors was not included in the scope of the prior modification and is therefore being added now under this modification. The need to relocate and reprogram the heat and smoke detectors appears to be caused by a design error by the GEC.

Cost recovery for the apparent design errors and omissions associated with Items 1, 3 and 4 will be pursued against the GEC as appropriate.

To avoid delay to the Contract Schedule, the President approved retroactive memorandums and on July 7, 2020 the Contractor was directed to proceed with the design work, and then proceed to perform the work for each of the changes discussed above up to a combined not-to-exceed value of \$1,000,000.

The Contractor's proposal for the four changes incorporated in this Modification was \$4,035,949. Negotiations were held and the parties agreed to \$2,363,601 for the direct cost of all work under this Modification, which is deemed to be fair and reasonable.

Integrated Testing of the fire alarm system cannot commence until the changes identified above are completed. The duration of the redesign of the fire alarm system and the subsequent work activities to implement these changes is approximately 8 months. The parties have agreed that this Modification will extend Substantial Completion from July 26, 2021 to February 14, 2022. The MTA and Contractor agreed that this is an Excusable but Non-Compensable Delay.

In connection with a previous contract awarded to Tutor Perini Corporation ("TPC"), TPC was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in February 2017. No new SAI has been found relating to TPC and TPC has been found to be responsible.

# Procurement & Supply Chain

Louis Montanti, Acting Senior Vice President



The No. 7 line is equipped with a wayside and carborne CBTC signaling system. Its ongoing support and maintenance are part of a global signaling systems support contract with Thales, the system's manufacturer, for which Board approval is being sought.

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$59.2M.

|  |           |             |                 |             |              |
|--|-----------|-------------|-----------------|-------------|--------------|
| <b>Subject</b> Request for Authorization to Award Various Procurements |           |             |                 |             |              |
| <b>Department</b> Procurement & Supply Chain – NYCT                    |           |             |                 |             |              |
| <b>Department Head Name</b> Louis A. Montanti                          |           |             |                 |             |              |
| <b>Department Head Signature</b><br><i>Louis A. Montanti</i>           |           |             |                 |             |              |
| <b>Project Manager Name</b> Rose Davis                                 |           |             |                 |             |              |
| <b>Board Action</b>  |           |             |                 |             |              |
| <b>Order</b>   | <b>To</b> | <b>Date</b> | <b>Approval</b> | <b>Info</b> | <b>Other</b> |
| 1  | Committee | 01/21/21    |                 |             |              |
| 2  | Board     | 01/21/21    |                 |             |              |
|  |           |             |                 |             |              |
|  |           |             |                 |             |              |

|                                  |                          |   |                        |
|----------------------------------|--------------------------|---|------------------------|
| January 12, 2021                 |                          |   |                        |
| <b>Department</b>                |                          |   |                        |
| <b>Department Head Name</b>      |                          |   |                        |
| <b>Department Head Signature</b> |                          |   |                        |
| <b>Internal Approvals</b>        |                          |   |                        |
|                                  | <b>Approval</b>          |   | <b>Approval</b>        |
| <i>S7</i>                        | President NYCT           | X | Pres. MTA Bus/SVP DOB  |
| <i>PW</i>                        | COO NYCT                 | X | Subways                |
|                                  | Capital Prog. Management |   | Diversity/Civil Rights |
| X                                | Law                      |   |                        |

**Internal Approvals (cont.)**

|              |                 |              |                 |              |                 |              |                 |
|--------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| <b>Order</b> | <b>Approval</b> | <b>Order</b> | <b>Approval</b> | <b>Order</b> | <b>Approval</b> | <b>Order</b> | <b>Approval</b> |
|              |                 |              |                 |              |                 |              |                 |

**PURPOSE**

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

**DISCUSSION**

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

Schedules Requiring Majority Vote:

|   |   |    |        |
|---|---|----|--------|
| Schedule G: Miscellaneous Service Contracts | 1 | \$ | 59.2 M |
| • Thales Transport & Security               |   | \$ | 59.2 M |
| SUBTOTAL                                    | 1 | \$ | 59.2 M |

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

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

| <u>Procurements Requiring Two-Thirds Vote:</u>  | <u># of Actions</u> | <u>\$ Amount</u> |
|---|---------------------|------------------|
| Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts) | 1                   | \$ TBD M         |
| SUBTOTAL  | 1                   | \$ TBD 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**

TOTAL 2 \$ 59.2 M

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

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

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

## **BOARD RESOLUTION**

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

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

**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.

**JANUARY 2021**

**LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- |  |                     |                                      |
|--|---------------------|--------------------------------------|
| <b>1. Thales Transport &amp; Security, Inc</b> | <b>\$59,235,090</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Master Contract# 15645</b>                  |                     |                                      |

A five-year estimated quantity miscellaneous service contract to provide maintenance and support services for various NYC Transit signaling systems.

Item Number: 1

|  |   |  |
|--|---|--|
| <b>Vendor Name (Location)</b><br>Thales Transport & Security, Inc.   | <b>Contract Number</b><br>Master Contract 15645   | <b>Renewal?</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <b>Description</b><br>Thales Signaling Global Maintenance Contract   | <b>Total Amount (including options):</b> \$59,235,090   |  |
| <b>Contract Term (including Options, if any)</b><br>March 8, 2021–March 7, 2026  | <b>Funding Source</b><br><input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: |  |
| <b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a  | <b>Requesting Dept./Div., Dept./Div. Head Name</b><br>MTA IT, Rafail Portnoy<br>NYCT Subways, Frank Jezycki   |  |
| <b>Procurement Type</b><br><input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive                           |   |  |
| <b>Solicitation Type</b><br><input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole-Source |   |  |

**Discussion:**

It is requested that the Board declare, pursuant to the All-Agency Service Contract Procurement Guidelines, that a competitive selection process is inappropriate due to the existence of a single responsible source, and approve the award of a five-year estimated quantity miscellaneous service contract to Thales Transport & Security, Inc. (“Thales”) to provide maintenance and engineering support services for various NYC Transit signaling systems designed and provided by Thales, in the estimated amount of \$59,235,090. Thales is the manufacturer of the hardware and software and does not have any authorized agents to provide the required services.

A global contract agreement with Thales for maintenance and support of existing Thales signaling systems and any other systems designed by Thales in the future at NYC Transit has been requested by the Department of Subways and MTA IT. Current systems to be supported include the following:

- Flushing line Communication-Based Train Control (“CBTC”) System (carborne, Data Communication System (“DCS”), and wayside)
- Flushing line Automated Train Supervision (“ATS”)
- 1st Avenue Solid-State Interlocking (“SSI”)
- Bergen Street SSI
- Queens Boulevard line (“QBL”) CBTC (carborne and wayside)

This contract spans multiple responsibility centers at the MTA and NYC Transit. User departments will include MTA IT divisions of Intelligent Transportation Systems and Internal Device Systems and NYC Transit Subways Division of Maintenance of Way (“MOW”), Division of Car Equipment (“DCE”), and the Electronics Maintenance Division (“EMD”).

The systems to be supported under this contract are critical to NYC Transit’s subway operation and must be properly maintained and supported. Thales is the original equipment manufacturer and the sole source for maintaining its proprietary systems. The bulk of the work under this contract will be for support of the Flushing line CBTC systems, which are scheduled to be out of warranty in March 2021. This contract will provide continued support for the Flushing line systems, including the 1st Avenue SSI beyond the warranty period. This contract will also support the QBL CBTC system upon expiration of its warranty period in Q1 2022 and the Bergen Street SSI upon expiration of its current maintenance contract in September 2021.

This contract includes a monthly fee for ongoing support maintenance services, inclusive of: (1) 24/7 remote on-call assistance with 15-minute response time for technical investigations and resolution of incidents, repeated faults, and identifying the cause of the incident or fault; (2) two-hour response time for on-site emergencies; (3) obsolescence analysis and reporting to identify parts that are obsolete or approaching obsolescence and include recommendations for resolving the obsolescence issues; (4) component-level life cycle analysis to help identify overall performance reliability, recommended maintenance, and potential upgrades; (5) preventative maintenance for support of the ATS system inclusive of regular system health checks, testing and cleaning of workstations; and software verification to ensure cybersecurity and operating systems are up to date; (6) on-site Thales engineering staff at the Corona shop to provide support in troubleshooting and corrective maintenance; and (7) monthly reporting and status meetings. The fees per subsystem and user department are listed in the table below:

| Ongoing Support Maintenance Services |             |              |
|--------------------------------------|-------------|--------------|
| Subsystem                            | User        | Total Cost   |
| 1st Ave SSI                          | MOW         | \$1,122,875  |
| Flushing Zone Controllers            | MOW         | \$1,779,374  |
| Flushing Wayside DCS                 | EMD and MOW | \$4,153,890  |
| Flushing ATS                         | MTA IT      | \$6,805,116  |
| Flushing Carborne Controllers        | DCE         | \$13,920,585 |
| QBL Zone and Carborne Controllers    | MOW / DCE   | \$2,212,695  |
| Bergen St SSI                        | MOW         | \$1,449,025  |
|                                      | Total       | \$31,443,560 |

Thales submitted its initial proposal for ongoing maintenance services in the amount of \$47,757,700. Several rounds of negotiations focusing on staffing, contract terms and conditions, scope of work, and other cost factors took place. After that, Thales submitted its final proposal in the amount of \$31,443,560 for ongoing maintenance services. A savings in the amount of \$16,314,140 was achieved through negotiations of labor allocations, level of effort, and scope reduction.

This contract also includes a provision for additional services in the amount of \$27,791,530 that can be requested on an as-needed basis based upon negotiated pre-priced rates for labor, component repairs, and materials. The additional services include site assessments, refresher training, component repairs, new parts purchases, and task orders for system enhancements and obsolescence resolution. The first task order will cover implementation of upgrades to maximize cybersecurity protection.

Thales final proposal of \$31,443,560 for ongoing maintenance together with the \$27,791,530 for additional services brings the overall value of the contract to \$59,235,090.

Established labor rates for Thales were used to calculate the cost of the ongoing maintenance and the additional services as applicable based on the level of effort for each service provided. Thales' labor rates were reviewed by MTA Audit in 2019 and are subject to annual escalation based on an established Producer Price Index. Through negotiations of the rates in 2019, NYC Transit was able to reduce Thales' rates by an average of 19 percent. Thales' negotiated labor rates are comparable to the labor rates used in other similar maintenance contracts with other providers. It is intended that this global contract with Thales will also be modified to include the provision of support for future Thales signaling systems, where maintenance costs will be secured competitively with the acquisition of the new system and incorporated into this global contract.

The aforementioned pricing has been deemed fair and reasonable.

**JANUARY 2021**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

**B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)**  
(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- |  |              |                                      |
|--|--------------|--------------------------------------|
| <b>1. RFP Authorizing Resolution</b>   | <b>\$TBD</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# B-40673</b>   |              |                                      |
| Procurement of 50 low-floor 40-foot diesel buses for MTA Bus Company with an option for 85 additional buses. |              |                                      |

|  |                  |              |                 |
|--|------------------|--------------|-----------------|
| <b>Item Number</b> 1   |                  |              |                 |
| <b>Department, Department Head Name</b><br>Procurement and Supply Chain, Louis A. Montanti |                  |              |                 |
| <b>Internal Approvals</b>  |                  |              |                 |
| <b>Order</b>   | <b>Approval</b>  | <b>Order</b> | <b>Approval</b> |
| 1  | Materiel         |              |                 |
| 2 X  | Law              |              |                 |
| 3 X  | CFO              |              |                 |
| 4  | EVP, MTABC       |              |                 |
| 5  | President, MTABC |              |                 |

|   |                                 |
|---|---------------------------------|
| <b>SUMMARY INFORMATION</b>  |                                 |
| <b>Vendor Name</b><br>RFP Authorizing Resolution  | <b>Contract Nos.</b><br>B-40673 |
| <b>Description</b><br>Purchase of 50 low-floor 40-foot diesel buses for MTA Bus Company with an option for 85 additional buses  |                                 |
| <b>Total Amount</b><br>TBD  |                                 |
| <b>Contract Term (including Options, if any)</b><br>TBD   |                                 |
| <b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |                                 |
| <b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |                                 |
| <b>Procurement Type</b><br><input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive  |                                 |
| <b>Solicitation Type</b><br><input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:  |                                 |
| <b>Funding Source</b><br><input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: |                                 |

**Purpose**

To request that the Board declare competitive bidding impractical or inappropriate for the procurement of 50 low-floor 40-foot diesel buses for MTA Bus Company (“MTABC”), and that it is in the public interest to issue a competitive Request for Proposal (“RFP”) pursuant to New York State Public Authorities Law, Section 1265-a, subdivision 4(g).

**Discussion**

The Public Authorities Law, Section 1265-a, subdivision 4(g) permits MTABC to use the competitive RFP process in lieu of competitive bidding to award contracts based on a formal evaluation of characteristics such as quality, delivery, and cost against stated selection criteria. MTABC is desirous of utilizing such a procedure with respect to the procurement of 50 low-floor 40-foot diesel buses with an option for an additional 85 buses.

NYC Transit will conduct the procurement of these buses on behalf of MTABC. Utilizing the RFP process will allow NYC Transit to select the proposal that offers the best overall value through negotiations and evaluation based on criteria that reflect the critical needs of MTABC. Upon completion of the RFP process, NYC Transit will obtain Board approval for the actual contract award.

By utilizing the RFP process for the federally funded low-floor 40-foot buses, NYC Transit, on behalf of MTABC, will be able to (1) weigh factors such as overall project price and overall quality of proposer and product including delivery; (2) negotiate specific contract terms, such as warranty and payment terms; (3) negotiate technical matters as deemed appropriate; and (4) include any other factors that MTABC deems relevant to its operation.

These low-floor 40-foot buses will replace aging buses that have reached the end of their 12-year useful life. These buses will be operated out of MTABC depots in Queens.

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

## **Alternative**

Issue a competitive Invitation for Bid. Not recommended given the complexity of this procurement and the advantages offered by the RFP process.

## **Impact on Funding**

The procurement of 25 low-floor 40-foot diesel buses are funded under U7030219/SF02-7927 as part of the approved 2015–2019 Capital Program, and 25 low floor 40-foot diesel buses are funded under U8030202/SF02-8749 as part of the approved 2020–2024 Capital Program. It is anticipated that this project will be 80 percent federally funded and 20 percent locally funded.

## **Recommendation**

That the Board declare competitive bidding impractical or inappropriate for the procurement of 50 low-floor 40-foot diesel buses for MTABC, and that it is in the public interest to issue a competitive RFP pursuant to New York State Public Authorities Law Section 1265-a, subdivision 4(g).

# Contracts Department

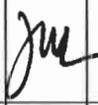
**Stephen Plochochi**, Senior Vice President

## PROCUREMENTS

The Procurement Agenda this month includes one procurement action for a proposed expenditure of \$3.6M

**Staff Summary**

| <b>Subject</b> Request for Authorization to Award Various Procurement Actions   |                      |         |          |      |       |
|---|----------------------|---------|----------|------|-------|
| <b>Department</b> Contracts   |                      |         |          |      |       |
| <b>Department Head Name &amp; Title</b><br>Steve Plochocki, Sr. Vice President  |                      |         |          |      |       |
| <b>Department Head Signature</b><br> |                      |         |          |      |       |
| <b>Board Action</b>   |                      |         |          |      |       |
| Order   | To                   | Date    | Approval | Info | Other |
| 1   | NYCT & Bus Committee | 1/21/21 | X        |      |       |
| 2   | Board                | 1/21/21 | X        |      |       |

|  |   |   |  |
|--|---|---|--|
| <b>Date:</b> January 11, 2021  |   |   |  |
| <b>Internal Approvals</b>  |   |   |  |
|  | <b>Approval</b>                               |   | <b>Approval</b>                            |
|  | Deputy Chief Development Officer, Delivery    |  | President                                  |
|  | Deputy Chief Development Officer, Development |  | Executive Vice President & General Counsel |

**PURPOSE**

To obtain the approval of the Board to award a procurement action and, to inform the New York City Transit Committee of this procurement action.

**DISCUSSION**

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

Schedules Requiring Majority Vote

|  |   |              |
|--|---|--------------|
| K. Ratification of Completed Procurement Actions | 1 | \$ 3,580,000 |
| TOTAL  | 1 | \$ 3,580,000 |

**Budget Impact:**

The approval of this procurement action will obligate the capital funds in the amount listed. Funds are available in the capital budget for this purpose.

**Recommendation:**

The procurement action be approved as proposed. (The item is included in the resolution of approval at the beginning of the Procurement Section.)

**MTA Construction & Development**

**BOARD RESOLUTION**

**WHEREAS**, in accordance with Sections 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.

JANUARY 2021

**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. L.K. Comstock & Company, Inc.<br>Contract No. P-36705.04 | \$3,580,000 | <i><u>Staff Summary Attached</u></i> |
|---|-------------|--------------------------------------|

MTA Construction and Development requests the Board ratify a retroactive modification for the repair of existing ducts and replacing positive feeder cables located between the Central Substation and the 51<sup>st</sup> Street Circuit Breaker House on the 6th Avenue Line.

**Item Number: 1**

|   |
|---|
| <b>Vendor Name (Location)</b><br>L.K. Comstock & Company, Inc. (E. Farmingdale, NY)   |
| <b>Description</b><br>Central Substation Renewal and Rehabilitation of Negative Manholes, in the Borough of Manhattan   |
| <b>Contract Term (including Options, if any)</b><br>December 11, 2019 - October 10, 2022  |
| <b>Option(s) included in Total Amt?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  |
| <b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive   |
| <b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification  |
| <b>Funding Source</b><br><input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: |
| <b>Requesting Dept./Div., Dept./Div. Head Name:</b><br>Delivery/Mark Roche  |

|  |                         |
|--|-------------------------|
| <b>Contract Number</b><br>P-36705                                      | <b>AWO/Mod. #s</b><br>4 |
| <b>Original Amount:</b>  | \$ 23,650,000           |
| <b>Prior Modifications:</b>  | \$ 32,744               |
| <b>Prior Budgetary Increases:</b>                                      | \$ 0                    |
| <b>Current Amount:</b>   | \$ 23,682,744           |
| <b>This Request:</b>   | \$ 3,580,000            |
| <b>% of This Request to Current Amt.:</b>                              | 15.1%                   |
| <b>% of Modifications (including This Request) to Original Amount:</b> | 15.3%                   |

**Discussion:**

This Contract is for the rehabilitation of the Central Substation located on West 53rd Street in the borough of Manhattan. The work includes rehabilitation of the electrical, mechanical and communication systems; installation of new high-tension service and rectifier unit; replacement of the substation DC breaker lineup and associated monitoring and control work. This retroactive modification is for the repair of existing duct banks and replacing positive feeder cables located between the Central Substation and the 51<sup>st</sup> Street Circuit Breaker House on the 6th Avenue Line.

The existing positive feeder cables between the Central Substation and the 51st Street Circuit Breaker House on the 6th Avenue Line are approximately 60 years old and are in a deteriorated state. Temporary cables have been installed to stabilize the system, however, due to the condition of the existing cables and duct banks, it is prudent to accelerate this work and replace these cables now as part of this Contract. The replacement of these cables and associated work is part of the 2020-2024 Five Year Capital Program and includes repair of existing duct banks, replacement of existing lead sheathed positive feeder cables with new copper shielded cables and repair of manholes 32, 34 and 35. The experience of this Contractor, the proximity of the additional work and similarity in scope will allow for the expedited completion of this work during a period of low ridership thereby mitigating inconvenience to passengers.

The Contractor submitted a proposal of \$4,395,757.74. Negotiations resulted in the agreed upon lump sum price of \$3,580,000, which is considered to be fair and reasonable.

Permission was obtained from the President of C&D to process this modification on a retroactive basis and the Contractor was directed to proceed with the work, on December 22, 2020, up to a not-to-exceed amount of \$1 million.

In connection with a previous contract awarded to L.K. Comstock & Company Inc. ("Comstock"), Comstock was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in February 2016. No new SAI has been found relating to Comstock and Comstock has been found to be responsible.

## PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed expenditure of \$ 4M.

# Staff Summary

|   |
|---|
| <b>Subject</b><br>Request for Authorization to Award Various Procurements |
| <b>Department</b><br>MTA Procurement                                      |
| <b>Department Head Name</b><br>Kuvershen Ayer                             |
| <b>Department Head Signature</b>  |
| <b>Division Head Name</b>   |

|   |
|---|
| <b>Date</b><br>January 11, 2021         |
| <b>Vendor Name</b><br>Various           |
| <b>Contract Number</b><br>Various       |
| <b>Contract Manager Name</b><br>Various |
| <b>Table of Contents Ref #</b>          |

| Board Action |         |         |          |      |       |
|--------------|---------|---------|----------|------|-------|
| Order        | To      | Date    | Approval | Info | Other |
| 1            | Finance | 1/21/21 | X        |      |       |
| 2            | Board   | 1/21/21 | 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 G: Miscellaneous Service Contracts

|                 | <u># of</u>    | <u>\$</u> | <u>Amount</u>    |
|-----------------|----------------|-----------|------------------|
|                 | <u>Actions</u> |           |                  |
|                 | 1              | \$        | 4,026,393        |
| <b>SUBTOTAL</b> | 1              | \$        | 4,026,393        |
| <b>TOTAL</b>    | 1              | \$        | <b>4,026,393</b> |

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 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.

JANUARY 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

**G. Miscellaneous Service Contracts**

**(Staff Summaries required for all items greater than \$1M; No Staff Summary required if Sealed Bid Procurement.)**

- |   |  |                                      |
|---|--|--------------------------------------|
| <b>1. LB Technology Inc.<br/>Implementation of MTA Automated<br/>Vehicle Location Monitoring System<br/>Master Contract No. 15646<br/>Competitively negotiated – 14 proposals – 60 months plus two 1-year options</b> | <b>\$4,026,393<br/>(not-to-exceed)</b> | <b><u>Staff Summary Attached</u></b> |
|---|--|--------------------------------------|

Board approval is sought to award a competitively negotiated miscellaneous services contract to LB Technology Inc. ("LB") for implementation of Automated Vehicle Location Monitoring System (AVLM) for all MTA Agencies for up to seven (7) years. This includes delivery and installation of all hardware, cloud-based software, wireless data service, maintenance and support services in the not-to-exceed amount of \$4,026,393.

# Staff Summary

## Schedule G: Miscellaneous Service Contracts

Item Number: 1

|   |   |  |
|---|---|--|
| <b>Vendor Name (&amp; Location):</b><br>LB Technology Inc.  | <b>Contract Number:</b><br>Master Contract No. 0000015646   | <b>Renewal?</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <b>Description:</b><br>Implementation of MTA Automated Vehicle Location Monitoring System   | <b>Total Amount:</b> \$4,026,393.00   |  |
| <b>Contract Term (including Options, if any):</b><br>5 Year Contract with 2 One-Year Optional Years (4/1/21-3/31/28)              | <b>Funding Source:</b><br><input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: |  |
| <b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                    | <b>Requesting Dept/Div &amp; Dept/Div Head Name:</b><br>Various Agency Automotive Departments   |  |
| <b>Procurement Type:</b><br><input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive              | <b>Contract Manager:</b><br>Cinthia Gonzales, MTA Procurement   |  |
| <b>Solicitation Type:</b><br><input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: |   |  |

Board approval is sought to award a competitively negotiated miscellaneous services contract to LB Technology Inc. (“LB”) for implementation of Automated Vehicle Location Monitoring System (AVLM) for the MTA and its affiliated agencies (MTA) for up to seven (7) years. The services include the delivery and installation of all hardware, cloud-based software, wireless data service, maintenance and support services in the not-to-exceed amount of \$4,026,393.

The required system is an enhanced AVLM that not only allows the MTA to locate highway vehicles, high rail vehicles, etc., where required, but also allows the monitoring of vehicle usage and condition online immediately and efficiently track usage and consumption of fuel. This AVLM solution will replace the current AVLM system in its entirety and will create a standard commercial off-the-shelf AVLM system with minimum customization for the MTA agencies. The current non-passenger fleet size is comprised of approximately 2,500 vehicles, of which 650 vehicles are part of Long Island Rail Road (LIRR), 300 vehicles are part of New York City Transit (NYCTA), 650 vehicles are part of Bridge and Tunnels (BRTUN), and 900 vehicles are part of Metro-North Railroad (MNCRR). These non-revenue vehicles are of various types (gasoline, diesel, hybrid and electric).

A Request for Proposal (RFP) was publicly advertised on May 10, 2019 and notices to potential proposers of the RFP’s availability were electronically sent to 25 firms. Fourteen (14) proposals were received (AAT, AT&T, CalAmp, Digital Ally, Fleetistics, GoFleet, LB, MarshallGIS, NexTraQ, Thing Tech, US Fleet Tracking, Verizon, Viianix and VTS).

A Selection Committee, comprised of representatives from five (5) MTA agencies, was tasked with evaluating the proposals. Its evaluation was based on a set of selection criteria established in the RFP that included equipment capabilities, vendor expertise and experience, installation complexity, past performance and costs. Oral interviews were held with six (6) of the 14 proposers, three (3) of which were eliminated from field trials after their oral presentations and system demonstrations. Of the 14 proposals received, the Selection Committee deemed LB, Viianix, and MarshallGIS solutions as the most technically capable. These three (3) firms were then selected as finalists to participate in a three (3) month field trial testing utilizing three (3) vehicles from each agency. Based on the field trials, the Selection Committee determined that LB was the most technically qualified based on it receiving the highest scores. MTA has conducted a responsibility review and other due diligence and LB Technology is deemed responsible for award.

LB’s cost submittal was the lowest of the three (3) finalists. Negotiations further yielded a 7% reduction (\$296,535) from LB’s original proposed cost of \$4,322,928 to \$4,026,393. Under the current contracts for various agencies, MTA is paying \$6.1 million for a 7-year term. Therefore, LB’s price of \$4M is 34% (\$2M) below the existing contracts. LB’s price is also 84% less than that of the highest finalist. The Selection Committee deemed that the pricing submitted by LB to be fair and reasonable.

The MTA Department of Diversity and Civil Rights has established goals of 0% MWBE/SDVOB for this contract due to the insufficient availability of MWBE/SDVOB firms in the marketplace. LB Technology Inc. has not completed any contracts with MWDBE/SDVOB goals; therefore, no assessment of the firms MWDBE/SDVOB performance is available at this time.

Funding will be allocated by each MTA Agency on a task order basis using Operating funds.

**JANUARY 2021**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**MTA METRO NORTH RAILROAD**

Lease with Swarovski Retail Ventures Ltd. for retail space on the Main Concourse, Grand Central Terminal, New York, New York

Lease agreement with Hudson Group (HG) Retail, LLC. for retail space on the Main Concourse in Grand Central Terminal, New York, New York

License agreement with Sammarco Stone & Supply, Inc. for use of vacant land in New Rochelle, New York

# Staff Summary

## FINANCE COMMITTEE MEETING

|  |
|--|
| <b>Subject</b><br><b>LEASE AGREEMENT WITH SWAROVSKI RETAIL VENTURES LTD. AT GRAND CENTRAL TERMINAL</b> |
| <b>Department</b><br><b>REAL ESTATE</b>  |
| <b>Department Head Name</b><br><b>JOHN N. LIEBER</b>   |
| <b>Department Head Signature</b>   |
| <b>Project Manager Name</b><br><b>DAVID FLORIO</b>   |

|  |
|--|
| <b>Date</b><br><b>JANUARY 21, 2021</b> |
| <b>Vendor Name</b>                     |
| <b>Contract Number</b>                 |
| <b>Contract Manager Name</b>           |
| <b>Table of Contents Ref. #</b>        |

| Board Action |                   |         |          |      |       |
|--------------|-------------------|---------|----------|------|-------|
| Order        | To                | Date    | Approval | Info | Other |
| 1            | Finance Committee | 1/21/21 | X        |      |       |
| 2            | Board             | 1/21/21 | X        |      |       |
|              |                   |         |          |      |       |
|              |                   |         |          |      |       |

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

**AGENCY:** Metropolitan Transportation Authority (“MTA”) and MTA Metro-North Railroad (“Metro-North”)

**LESSEE:** Swarovski Retail Ventures Ltd. (“Swarovski”)

**LOCATION:** Retail Space MC-32 on the Main Concourse in Grand Central Terminal (“GCT”)

**ACTIVITY:** Retail operation of tenant branded items containing Swarovski crystals or semi-precious stones or other stones or materials

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

**TERM:** 5 years

**SPACE:** 590 sq. ft. (±)

**COMPENSATION:**

| <u>Year</u> | <u>Guaranteed Annual Minimum Rent</u> | <u>Percentage Rent</u>                           |
|-------------|---------------------------------------|--|
| 1           | \$100,000                             | 30 % of gross sales over breakpoint of \$900,000 |
| 2           | \$150,000                             | 25 % of gross sales over breakpoint of \$900,000 |
| 3           | \$200,000                             | 20 % of gross sales over breakpoint of \$900,000 |
| 4           | \$200,000                             | 20 % of gross sales over breakpoint of \$900,000 |
| 5           | \$200,000                             | 20 % of gross sales over breakpoint of \$900,000 |

# Staff Summary

## FINANCE COMMITTEE MEETING

### LEASE AGREEMENT WITH SWAROVSKI RETAIL VENTURES LTD. (Cont'd)

#### COMMENTS:

In line with the merchandising plan for GCT, a request for proposals ("RFP") was issued in October 2020 seeking offers for the operation of a tenant-branded high-quality retail use that complements the quality and mix of the retail tenants in GCT. In response to the RFP a single proposal was received from Swarovski Retail Ventures Ltd.

Per the Guidelines for Selection of Tenants for GCT approved by the MTA Board in November 2009, the proposal received was independently evaluated by MTA Real Estate's third-party real estate service providers CBRE and JLL, and subsequently evaluated by the Director, Real Estate Transactions and Operations. When evaluating the proposals, two evaluation criteria were taken into account. Selection Criterion A, which accounts for 70% of the score, is designed to evaluate the direct economic value of a proposal. Selection Criterion B, which accounts for 30% of the score, is the evaluators' determination of a proposal's potential indirect benefit to the MTA. Since there was only one proposal, there was no need to convene a selection committee, pursuant to GCT leasing guidelines. The rent proposed by Swarovski is at fair market rental value for the subject space, as determined by an independent appraiser.

Swarovski, a previous tenant in good standing, has successfully served GCT's commuters, tourists and surrounding residential and office workers for the past year. Swarovski was a GCT tenant on a two-year pop-up license and their success has led them to propose for a longer term.

Swarovski will undertake a cosmetic refresh of the space investing +/- \$350,000.

Based on the foregoing, MTA Real Estate requests authorization for MTA and Metro-North to enter into a lease agreement with Swarovski Retail Ventures Ltd. on the above-described terms and conditions.

# Staff Summary

## FINANCE COMMITTEE MEETING

|  |
|--|
| Subject<br><b>LEASE AGREEMENT WITH HUDSON GROUP<br/>RETAIL LLC AT GRAND CENTRAL TERMINAL</b> |
| Department<br><b>REAL ESTATE</b>   |
| Department Head Name<br><b>JOHN N. LIEBER</b>  |
| Department Head Signature  |
| Project Manager Name<br><b>DAVID FLORIO</b>  |

|                                 |
|---------------------------------|
| Date<br><b>JANUARY 21, 2021</b> |
| Vendor Name                     |
| Contract Number                 |
| Contract Manager Name           |
| Table of Contents Ref. #        |

| Board Action |                   |         |          |      |       |
|--------------|-------------------|---------|----------|------|-------|
| Order        | To                | Date    | Approval | Info | Other |
| 1            | Finance Committee | 1/21/21 | X        |      |       |
| 2            | Board             | 1/21/21 | X        |      |       |
|              |                   |         |          |      |       |
|              |                   |         |          |      |       |

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

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

LESSEE: Hudson Group (HG) Retail LLC

LOCATION: Retail Space MC-21 on the Main Concourse in Grand Central Terminal (“GCT”)

ACTIVITY: Operation of a travel/convenience store selling a diverse and wide range of products, retail goods and merchandise

ACTION REQUESTED: Authorization to enter into a lease agreement

TERM: 5 years

SPACE: 2,327 sq. ft. (±)

COMPENSATION:

| Year | Guaranteed Annual Minimum Rent | Percentage Rent                                    |
|------|--------------------------------|--|
| 1    | \$535,000                      | 15 % of gross sales over breakpoint of \$3,566,667 |
| 2    | \$800,000                      | 15 % of gross sales over breakpoint of \$5,333,333 |
| 3    | \$900,000                      | 15 % of gross sales over breakpoint of \$6,000,000 |
| 4    | \$950,000                      | 15 % of gross sales over breakpoint of \$6,333,333 |
| 5    | \$978,500                      | 15 % of gross sales over breakpoint of \$6,523,333 |

## LEASE AGREEMENT WITH HUDSON RETAIL (Cont'd)

Page 1 of 2

### COMMENTS:

In line with the merchandising plan for GCT, a request for proposals ("RFP") was issued in October 2020 seeking offers for the operation of tenant-branded high-quality travel/convenience retail use to complement the quality and mix of the retail tenants. In response to the RFP a single proposal was received from Hudson Group (HG) Retail LLC.

Per the Guidelines for Selection of Tenants for GCT approved by the MTA Board in November 2009, the proposal received was independently evaluated by MTA Real Estate's third-party real estate service providers CBRE and JLL, and subsequently evaluated by the Director, Real Estate Transactions and Operations. When evaluating the proposals, two evaluation criteria were taken into account. Selection Criterion A, which accounts for 70% of the score, is designed to evaluate the direct economic value of a proposal. Selection Criterion B, which accounts for 30% of the score, is the evaluators' determination of a proposal's potential indirect benefit to the MTA. Since there was only one proposal, there was no need to convene a selection committee, pursuant to GCT leasing guidelines. The rent proposed by Hudson is at fair market rental value for the subject space, as determined by an independent appraiser.

Hudson Group, a previous tenant in good standing, has served GCT's commuters, tourists and surrounding residential and office workers since 1997. The pandemic created adverse conditions that necessitated the closure of the store in April 2020, upon its agreement's expiration. Hudson is a travel/convenience retailer with a recognized global brand, operating over 550 stores in 89 airports, tourist destinations and transit terminals.

Hudson Group will undertake a cosmetic refresh of the space investing +/- \$365,000.

Based on the foregoing, MTA Real Estate requests authorization for the MTA and Metro-North to enter into a lease agreement with Hudson Group (HG) Retail LLC on the above-described terms and conditions.

# Staff Summary

|   |
|---|
| <b>Subject</b><br><b>LICENSE WITH SAMMARCO STONE &amp; SUPPLY, INC. AT LISPENARD AVENUE IN NEW ROCHELLE, NY</b> |
| <b>Department</b><br><b>REAL ESTATE</b>   |
| <b>Department Head Name</b><br><b>JOHN N. LIEBER</b>  |
| <b>Department Head Signature</b>  |
| <b>Project Manager Name</b><br><b>NEIL MASTROPIETRO</b>   |

|  |
|--|
| <b>Date</b><br><b>JANUARY 21, 2021</b> |
| <b>Vendor Name</b>                     |
| <b>Contract Number</b>                 |
| <b>Contract Manager Name</b>           |
| <b>Table of Contents Ref. #</b>        |

| Board Action |                   |           |          |      |       |
|--------------|-------------------|-----------|----------|------|-------|
| Order        | To                | Date      | Approval | Info | Other |
| 1            | Finance Committee | 1/21/2021 | X        |      |       |
| 2            | Board             | 1/21/2020 | X        |      |       |
|              |                   |           |          |      |       |
|              |                   |           |          |      |       |

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

**AGENCY:** MTA Metro-North Railroad ("Metro-North")  
**LICENSEE:** Sammarco Stone & Supply, Inc. ("Sammarco")  
**LOCATION:** Vacant land adjacent to Lispenard Avenue in New Rochelle, NY  
**ACTIVITY:** License agreement for use of vacant land for parking of vehicles, and storage and distribution of masonry and non-hazardous building supplies.  
**ACTION REQUESTED:** Authorization to enter into a license agreement  
**TERM:** 10 years  
**SPACE:** 12,000± square feet  
**COMPENSATION:** \$19,000 in year one with 3% annual increases

**COMMENTS:**

In response to a Request for Proposal (RFP), one proposal was received from the current licensee, Sammarco, who has offered an initial annual rent of \$19,000 for year one, with 3% annual increases over the term. Over the ten-year term, their proposed rent is equivalent to a present value of \$150,490.02 (using a 7% discount rate).

Sammarco has occupied the Location since 1966 and operates a stone, masonry and building supply business and their main facility abuts the Location.

Their rent proposal is consistent with our independent brokers opinion of value and they have demonstrated that they have the financial resources to continue to operate and maintain the Location.

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