



Metropolitan Transportation Authority

November 2021

MTA Board Action Items



MTA Board Meeting

**2 Broadway
20th Floor Board Room
New York, NY 10004**

**Wednesday, 11/17/2021
10:00 AM - 5:00 PM ET**

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Board Meeting Joint Minutes - October 20, 2021

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA Triborough Bridge and Tunnel Authority

MTA Construction & Development

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3. PROCUREMENT SUMMARY REPORT

Procurement Summary Report - Page 21

4. CFO PRESENTATION ON MTA 2022 FINAL PROPOSED BUDGET AND NOVEMBER FINANCIAL PLAN 2022-2025 (Materials distributed separately)

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

LIRR Procurements Report (no items)

MNR Procurements Report (no items)

MTA C&D Procurements Report

MTA C&D Procurement - Page 27

i. Non-Competitive (no items)

ii. Competitive

MTA C&D Competitive - Page 31

iii. Ratifications (no items)

6. COMMITTEE ON NYCT & BUS

NYCT & Bus Procurements Report

Procurement Package Cover, Staff Summary, and Resolution - Page 38

i. Non-Competitive (no items)

ii. Competitive

Competitive - Page 43

iii. Ratifications (no items)

iv. C&D Procurements

C&D Procurements - Page 48

7. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

B&T Procurements (no items)

8. COMMITTEE ON FINANCE

Action Item

i. Approval of Municipal and Swap Advisors

Approval of Municipal and Swap Advisors - Page 58

ii. Adoption of Advertising Guidelines and Revised Advertising Standards

Adoption of Advertising Guidelines with Revised Advertising Standards - Page 60

Information Item

i. 2020-2021 Station Maintenance Receivable

Station Maintenance Billing Update - Page 70

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 73

i. Non-Competitive

MTAHQ Non-Competitive Procurements - Page 77

ii. Competitive

MTAHQ Competitive Procurements - Page 80

iii. Ratification (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 84

9. CORPORATE GOVERNANCE COMMITTEE

Action Item

i. Charters Staff Summary (Charters available in the Exhibit Book)

Staff Summary Charters - Page 94

10. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)

11. EXECUTIVE SESSION

**Joint Minutes 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
Regular Board Meeting
2 Broadway
New York, NY 10004
Wednesday, October 20, 2021
10:00 a.m.**

The following Board Members were present:

**Hon. Janno Lieber, Acting Chair & CEO
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Frank Borelli
Hon. Victor Calise
Hon. Lorraine Cortés-Vázquez
Hon. Michael Fleischer
Hon. Rhonda Herman
Hon. David Jones
Hon. Kevin Law
Hon. Robert W. Linn
Hon. David Mack
Hon. Haeda B. Mihaltses
Hon. Robert F. Mujica
Hon. Harold Porr, III
Hon. Lawrence Schwartz**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann
Hon. Norman Brown
Hon. Randolph Glucksman
Hon. Vincent Tessitore, Jr.**

The following Board Members were absent:

**Hon. John Samuelsen
Hon. Neal Zuckerman**

Thomas J. Quigley, General Counsel, Robert Foran, MTA Chief Financial Officer, Paul Fama, MTA Chief People Officer, Patrick Warren, Chief Safety Officer, Craig Cipriano, Interim President, NYCTA, Frank Annicaro, Acting President, MTA Bus Company, Phillip Eng, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Daniel DeCrescenzo, President, TBTA, Lucille Songhai, Assistant Director Government Affairs, State and Local Affairs, NYCT, also attended the meeting.

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

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, and the First Mutual Transportation Assurance Company.

Acting Chair Lieber called to order the October 2021 Board meeting.

General Counsel Thomas Quigley confirmed a quorum of the Board members in attendance, for the record.

A recorded audio public safety announcement was played.

1. PUBLIC SPEAKERS' SESSION.

The MTA Moderator announced that the following public speakers will speak both live virtually and in-person.

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

The following public speakers commented (*live virtual comments):

Steve Chesler, Friends of Bushwick Inlet Park*
Charlton D'Souza, President, Passengers United*
Owen Atkins, private citizen
Lisa Daglian, Executive Director, PCAC
Jean Ryan, President, Disabled in Action, Metropolitan N.Y.*
Sasha Blair-Goldensohn, Elevator Action Group*
Jason Anthony, Amazon Labor Union
Deborah Elliot-Bloodman, private citizen

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Norbert Giesse, CURES*
Andy Pollack, private citizen*
Rachael Fauss, Reinvent Albany
Alberto Alamo, Progressive Action
Miriam Fisher, private citizen*
Eriq Lundy, private citizen*
Alexander Kemp, Progressive Action
Tramell Thompson, TWU, Local 100
Aleta Dupree, private citizen*
Valerie Joseph, BCID*
Michael Howard, private citizen
Alexandra Leflair, CIDNY
Katherine Thompson, Co-Chair, Friends of Bushwick Inlet Park*
Mawuli Olivierre, NYC Teacher
Phillip Dominguez, private citizen

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers' statements.

2. ACTING CHAIR LIEBER' S REMARKS.

Chair Lieber thanked the public speakers who spoke in person, and the first-time live virtual public speakers.

The Acting Chair announced that unfortunately there are four COVID-related deaths in the MTA family this month to report:

Phillip Eng, President, Long Island Rail Road, read the name of the following LIRR employee:

Anthony Shiu

Frank Annicaro, Acting President, MTA Bus Company, read the names of the following NYCT Buses / MTA Bus employees:

Maqueda Lewis
Michael Creary

Jaibala Patel, Deputy Chief Financial Officer, read the name of the following Capital Program employee:

Angelito Balina

Following the reading of the names, Chair Lieber asked everyone to join him in a moment of silence in honor of the named employees.

Chair Lieber thanked the public, the Board Members, and staff for joining today's meeting. The Chair noted that Governor Hochul announced last Friday that the MTA had another record-breaking week in terms of ridership—with more than 3.2 million riders on the subways this past Thursday, October 14th and collectively, the MTA agencies carried more than 5 million customers. The Chair stated that more information on ridership and crossings will be presented by the agency Presidents later in the meeting.

Chair Lieber stated that earlier this month, the MTA rolled out a “Vax or Test” policy for all employees. The MTA's goals are simply to keep employees and customers safe and make sure that the agency continues to provide customers with the best service possible.

Chair Lieber stated that since the policy went into effect, there has been a major drop—over 45%, in COVID cases among employees. The Chair stated that the best way to achieve the MTA's goals is to get as much of the MTA workforce vaccinated as possible, and thanks to the hard work by the MTA communications team, and other initiatives, the agency has made a lot of progress. Chair Lieber stated that the MTA has proof of vaccination from almost 70% of its workforce and based on thousands of contacts with employees who have not registered on the website, the MTA is confident that the actual number of employees vaccinated is upwards of 75%—a more than 20% increase since taking on this new role. The MTA has been able to make this type of progress while maintaining partnership with its labor partners, who overwhelmingly support vaccination and testing. The testing program was rolled out earlier this month, giving staff a couple of weeks to adapt before pushing forward with enforcement, which will take effect in coming weeks. Chair Lieber reiterated that the agency is seeing positive results, and for now, this system is working and will be reevaluated if progress starts to slow.

Chair Lieber stated that over the last couple of weeks, a range of major retailers have begun carrying OMNY cards and by the end of this month customers should be able to get a card at nearly 1,000 locations. The MTA has accelerated the issuance of the OMNY cards sooner than planned—much like the acceleration of the installation of the OMNY readers throughout the system during COVID, because of customers' and Board Members' request for OMNY options beyond their smart devices. The MTA is now looking forward to installing OMNY card vending machines in stations this year.

Chair Lieber stated that as of today roughly 25% of the MTA fares captured come through OMNY. The technology behind OMNY gives the MTA a chance to reimagine fare structures in ways that have not been thought of yet. Chair Lieber noted that the change from tokens to MetroCards gave life to the monthly and unlimited fares, which resulted in a long-term financial benefit. Chair Lieber stated that OMNY offers the MTA the same opportunity to rethink fares and it will be done in partnership with the Board.

Chair Lieber reported that on October 7th, the New York City Council passed into law Zoning for Accessibility (“ZFA”), a proposal that was discussed earlier in the summer, which is landmark legislation worked on by the MTA team for years, together with the City's Department of City Planning and with the Mayor's Office for People with Disabilities.

Chair Lieber stated that the zoning change incentivizes New York City developers building near the MTA stations to incorporate elevators into their designs, and it also expands the incentives to a much larger area of the city—a bonus available to developers who improve train stations as part of their project.

Chair Lieber stated that three years ago, the MTA developed a capital plan to fund a record 70 new ADA stations, as mentioned by several public speakers this morning. Last year during the COVID pandemic, the MTA accelerated ADA projects and managed to get 11 stations completed. Chair Lieber stated that this year the MTA pushed hard for ZFA, signifying that that the MTA is committed, in an unshakeable way, to ADA accessibility.

Chair Lieber commended Board Member Calise for doing an amazing job, not just advocating for the disability community and ADA accessibility, but for using the MTA system and helping to make the system more ADA compliant. Chair Lieber thanked Board Member Calise, Robert Paley, Director, Transit Oriented Development, who pioneered the zoning initiative, and the Department of City Planning partners.

Chair Lieber stated that last week the MTA completed the last of 13 initial meetings with the public and environmental justice communities relating to congestion pricing. Chair Lieber stated that after hearing from close to 400 speakers collectively, and the review of over 5,000 comments received on the website to date, he is happy to report that supporters of the MTA's first-in-the-nation congestion pricing plan outnumbered opponents.

The next step is to incorporate the public comments received into the plan, finish all the complex modeling, and incorporate it into the actual draft Environmental Assessment, which the MTA expects to present to the public for review in the spring of 2022.

Chair Lieber stated that the public outreach, although complicated and time-consuming, is not only required by the federal environmental laws and by the U.S. Department of Transportation, but is also an insurance policy that will protect the MTA against legal challenges to this first-in-the-nation initiative. Chair Lieber stated that short cuts are dead ends when it comes to the environmental process of this report and justified congestion pricing.

Chair Lieber stated that, in addition to congestion pricing, the MTA is also hoping to receive another boost from the federal government, as part of the infrastructure debate underway in DC. The bill, passed by the Senate includes more formula money, as well as some discretionary and competitive programs that fit with the MTA's priorities.

The MTA expects to receive \$3.5 billion more in formula funds over five years and billions more in the competitive new programs that are focused on ADA accessibility, zero emissions buses, and large nationally significant projects. Chair Lieber thanked Senate Majority Leader Schumer and the entire New York delegation who are working hard to get the bill passed, hopefully by the end of this year.

Chair Lieber emphasized that the money that the MTA receives is allocated to capital funding and will not address the major crisis the MTA has looming in its operating budget. Chair Lieber stated that the only way to plug the operating budget holes is to get ridership back and identify new sources of recurring revenue. Chair Lieber stated that all signs seem to be pointing to expectations that work from home will have some impact on ridership, and it is going to be years before the system works its way back to 100%. Chair Lieber stated that finding new sources of revenue, in tandem with the MTA partners in the Legislature and other major stakeholders, is critical.

Chair Lieber stated that he advised staff in early September that the MTA's timeline was winding down for the transformation efforts. Chair Lieber noted that the MTA has made significant progress on the six recommendations outlined in the Alix Partners Plan that the Board approved some time ago, however, he stated that there is no question that some elements of the plan remain problematic.

The central premise of the transformation plan was to allow the MTA's operating agencies to focus on operations, safety, and maintenance by relieving the agencies of responsibilities or activities that somehow diluted that focus. Chair Lieber stated that whether the MTA accomplished that goal is not clear because it is not obvious that the operating agencies are yet able to fully rely on those consolidated operating support functions.

Chair Lieber stated that, while the MTA has technically completed the consolidation of the centralized support functions—the communications operation, legal, finance, procurement, DDCR, the MTA has not necessarily yet created fully functional new structures as those new organizations have been created.

Chair Lieber stated that while employees have been lifted out of the operating agencies and created new operating functional departments at HQ, the process of making sure those consolidated functions are fully effective is still a work in progress. The heads of each of these functions are working hard on developing the organizations, staffing structures and other policies that will leverage their reach and deliver benefits for all the agencies inside MTA and many of them have made significant headway.

Chair Lieber stated that under General Counsel Thomas Quigley, the legal operation of the MTA seems to be working extremely smooth. The finance operation under CFO Robert Foran has not lost a step even though the consolidation occurred. Chair Lieber stated that this is not a universal story of success yet, the MTA must make sure that the operating agencies can prioritize service and safety above all, and for that reason, the new consolidated organizations need to be strengthened.

Chair Lieber stated that two functional integrations that are reasonably far along are C&D and Customer Communications. Centralizing all the capital functions at C&D was a core recommendation of the Alix Report. Chair Lieber stated that nearly 2,000 employees were integrated into new team structures over the course of nine months and kept the capital program going during the pandemic while maintaining schedule on all the major signature projects.

Along the way C&D instituted many recommendations from the Board's working groups on cost containment, changing procedures relating to the bid process, the contracts, and how it managed projects, and over time C&D expects these changes to lead to better and more efficient results.

Chair Lieber stated that another success story that he wanted to mention is the creation of a new central Customer Communication function. Over the last year, under Sarah Meyer's leadership, the MTA has totally changed the approach to how it communicates with its customers. Chair Lieber stated that because bringing back customers is the MTA's number one priority, he announced that the MTA has reorganized the managerial structure of headquarters by switching Customer Communications to be an additional direct report to the Chair because it is very important. Chair Lieber stated that transformation is wrapping up, and he has accepted Anthony McCord's resignation. The Chair stated that the MTA must focus on its mission, which is transportation, not transformation—bringing back riders and delivering service has to be the MTA's top priority right now.

Chair Lieber stated that one of the main challenges in carrying out transformation is that the MTA's People function was not set up to perform the thousands of human resource transactions that were needed to move employees between agencies or hire and promote employees into the new leadership positions, which created a fair amount of disarray in the wake of the hiring freeze where the organization became short-staffed. Chair Lieber stated that hiring in the organization needs to be done quickly, and the sudden surge of empty positions has caused the entire MTA organization to suffer from attrition in the last three years. The People function has been particularly hard hit, with a 30% smaller team today than it was just two years ago.

Chair Lieber stated that at the same time the standardized HR procedures, that are very time-consuming to develop and must be thorough, were not modified, even temporarily, to ease the backlog of work in this now agency-wide personnel function. Chair Lieber stated that he witnessed this first-hand at C&D, and at this time the personnel side of C&D is less than optimal.

Chair Lieber stated that the capital operation of the MTA has had a 30% attrition in the last three years, even as the Capital Program exploded in size. Efforts have been made to convert the projects to Design-Build, which is a lot more demanding in a managerial expertise and involvement than in the past, and the People operation was just not ready to respond. Chair Lieber stated that, in fairness, the lack of response was partly because they were undergoing attrition during the time the consolidation was taking place.

Chair Lieber stated that he has asked Chief People Officer Paul Fama to make sure his team is adequately staffed to process all the HR transactions that are needed to build out the MTA after a four-year freeze on hiring and promoting. Chair Lieber stated that he has also asked the Chief People Officer to identify which HR policies need to be modified to make the organization more competitive in the marketplace.

Chair Lieber stated that the MTA has historically aimed to be at the 20th percentile in terms of compensation. Over time, because the MTA has not adjusted its compensation for the managerial workforce and the non-represented workforce, Chair Lieber stated that the MTA is probably south of the 10th percentile, which means that 90% of the employers for similar jobs are compensating people better than the MTA—kind of hard to compete in that kind of situation.

Chair Lieber stated that he has asked Lisette Camilo, who is currently the Commissioner of NYC Department of Citywide Administrative Services (DCAS), to join the MTA in the new role of Chief Administration Officer. Chair Lieber stated that Ms. Camilo is a very talented public sector professional, and the MTA is excited to have her join the organization. Chair Lieber stated that he has asked Lisette Camilo to really focus on, together with Chief People Officer, how to make the People function and the entire HR function of the MTA much more effective and faster.

Chair Lieber acknowledged the retirement of Thomas J. Quigley, General Counsel and Corporate Secretary, effective October 30, 2021. Chair Lieber stated that Mr. Quigley, who had a distinguished career at one of the big law firms, came to the MTA because he wanted to work in public services. Chair Lieber commended Mr. Quigley for being a great partner through very difficult times and thanked him for his services and contributions to the MTA.

Chair Lieber acknowledged Ken Lovett, who joined the MTA as Senior Advisor a couple years ago, who is leaving for opportunities in the private sector. Chair Lieber stated that Ken Lovett, was effective on the MTA's behalf in terms of communications, handling the press side and working closely with stakeholders through COVID. Chair Lieber thanked Ken Lovett for his services.

Chair Lieber acknowledged Mark Dowd, Chief Innovation Officer, who is leaving the MTA to pursue opportunities in DC, where he can be closer to his two children. Chair Lieber stated that Mark Dowd did important work on the technology front and helped the MTA develop a robust and science-based response, especially in the cleaning area, in the initial stages of COVID. Chair Lieber thanked Mark Dowd for his service.

Chair Lieber stated that fortunately the MTA will be welcoming new leaders to the organization over the next several weeks, and he looks forward to introducing them, maybe at the next Board meeting.

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

3. RIDERSHIP AND CROSSINGS UPDATE.

New York City Transit Authority:

Craig Cipriano, Interim President, NYCT, reported that ridership continued to rise this month, with around 4.7 million combined daily subway, bus and paratransit riders, compared to 8 pre-pandemic. He reported that with the reopening of schools, the two-week rolling week-day
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average of subway ridership rose from a summer high of 2.48 million to 3.02 million customers at the end of September, and a new high of 3.2 million reached this past Thursday, which he said represents 54% of pre pandemic ridership. Cipriano reported that bus ridership is surpassing 1.5 million on the busier days, which is about 63% of pre-pandemic levels, and that Paratransit is surpassing 24,000 daily, which represents more than 77% of pre-pandemic levels.

Interim President Cipriano reported that as reopening has continued in New York City, recent gains in ridership have been concentrated in peak hours, shifting relative time of day ridership patterns closer to pre-pandemic patterns. He said there has been some shifting in peak hours though and noted as an example that the subways AM peak shifted earlier to 7am-9am from 8am-9am, mainly due to school related trips. He reported that in the afternoon, 5pm continues to be busiest hour, but that 2pm, 3pm and 4pm all have higher relative shares compared to pre-pandemic levels.

Cipriano also noted that travel on the weekends on subways, which is called “discretionary travel”, or travel for reasons other than work, has come back more quickly than weekday travel. He reported that weekend subway ridership is at about 63% of pre-pandemic levels, compared to weekday levels, which are at about 53% of pre-pandemic levels. Cipriano said what this information indicates is that subway customers are comfortable riding the trains but not yet being asked to come back to the office.

Cipriano reported that on the bus side, the re-opening of schools has clearly reshaped travel patterns, with 7am representing by far the heaviest hour. He said in the afternoon, peak hours have shifted to 3pm from the traditional 5pm prior to the pandemic. He reported that Paratransit rides are only about 20% below normal, and that only a small shift in demand has been observed about an hour earlier in the day.

Cipriano said that the NYCT team is continuing to build on this momentum and help New York in it’s recovery and assured that NYCT would continue to monitor ridership trends and do everything possible to return to pre-pandemic ridership levels. He thanked the riders for returning to the system and encouraged everyone to come back to the bus, subway and transit system.

Long Island Rail Road:

Phillip Eng, President, Long Island Rail Road reported that, pre-pandemic or during the height of the pandemic and now as we strive to help New York rebound, the Rail Road’s goal has been to keep the public informed as we provide safe and reliable train service that serves the needs of the riders, including their changing travel patterns. President Eng stated that he is pleased to report that the ridership on the LIRR continues to exceed projections. For October, LIRR regularly carried over 50% of pre-pandemic weekday ridership and discretionary travel remain strong, often exceeding 80% on weekends. President Eng stated that as new or past riders return, he wants them to know that they can safely ride the trains and they have the power to control their trips in a manner that did not exist pre-pandemic. The LIRR Train-Time application, platform signs and announcements contain real-time information, train loading information, as well as historical train loading information.

President Eng stated that by using the application, a rider can better plan their trip and position themselves in a train or a car that has more room. The application allows riders to position themselves on the platform as the train is arriving or view available capacity in other cars after boarding. President Eng stated that this information is important to LIRR as well, knowing that the Rail Road monitors ridership continuously in real-time. President Eng stated that the Rail Road is running 638 trains daily on weekdays—85% of pre-pandemic levels. On weekends, the Rail Road is running 523 trains—100% of pre-pandemic levels. While many of the trains operate on similar schedules to what riders remember, the Rail Road has also shifted some trains to time periods that did not exist previously to support changing ridership, which now leave earlier than traditional peak windows, both in the early morning and early afternoons. Day-to-day ridership vary slightly consistent with work or flexibility due to teleworking but looking at one of the Rail Road’s heaviest days, 580 of the 638 trains have over 50% capacity available and of the 50 trains carrying over 50%, all but 6 trains have over 40% capacity available. Of the six trains, where we have observed to be carrying between 70-74% capacity, two are being addressed, as two Port Washington trains are being added to the schedule on November 9th. One Ronkonkoma train has already been addressed by adding a pair of cars this past Monday, and the remaining three trains are being evaluated for opportunities to address those ridership needs.

President Eng stated that, with the development of real-time loading information being provided to the public, the LIRR Operations and Service Planning staff are using the same data to plan and adjust schedules where possible if necessary. All feedback and comments are invaluable to the Rail Road, as we are committed to providing safe and reliable service.

President Eng stated that, as expected, LIRR is seeing some traditional peak ridership patterns returning, but it is also seeing changing ridership travel patterns, and looking ahead, service levels and schedules will be based on the new patterns as the Rail Road continues to provide service and continues to run the best on-time performance schedule in modern times—currently for the year over 96%, exceeding last year’s record on-time performance.

President Eng thanked Charlie McKiernan, Chief Service Planning Officer and the Service Planning team for their efforts in developing schedules that support ridership, which is not an easy task given fluid travel patterns and the record work being performed on the Rail Road.

Metro-North Railroad:

Metro-North President Catherine Rinaldi stated that overall, Metro-North ridership has been steadily climbing from April 1, 2021 to October 14, 2021. Ridership climbed from 17% to 44% of pre-COVID levels. As of last Thursday, Metro-North surpassed 120,000 weekday riders, which is a new COVID record. Metro-North had eight business days in a row with ridership above 120,000. Last week’s ridership through last Thursday averaged 126,601 riders per day. Yesterday, Metro-North served 129,994 riders.

Weekend travel is coming back faster than weekday travel. From early August to mid-October, weekends show an increase from 45%-50% to 50%-60% of pre-COVID ridership. Metro-North returned to a full weekend schedule on August 29, 2021. The beautiful fall weather and activities in the Hudson Valley have brought riders back. Saturday, October

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9, 2021 saw 80,946 riders, which was the third highest Saturday ridership since COVID began. Sunday was 13.2% higher than a month ago and 22.8% higher than two months ago in August. Bicycle ridership is returning as well. Additionally, the morning and afternoon peak periods are getting more pronounced, and patterns are remarkably similar to what was seen in 2019.

Triborough Bridges and Tunnels Authority:

TBTA President DeCrescenzo stated that while TBTA continues its focus on back-to-school-and-office traffic trends, it appears that there has been a shift back to more traditional rush hour travel patterns as the region continues its recovery from the COVID-19 pandemic. In August 2021, paid vehicle traffic increased to 28.1 million vehicles, which is 4.6% lower or 1.35 million fewer vehicles, as compared to the same month in 2019. Traffic was 15% higher than it was in August of 2020, which saw about 24.4 million paid crossings. Preliminary figures indicate that traffic declined by 2.0% in September 2021 as compared to the same month in 2019 and was 8.0% lower year-to-date as compared to 2019. E-ZPass market share remains high at 94.2% of TBTA's total traffic, which is consistent with 2020 but slightly lower than 2019.

With regard to customer outreach, President DeCrescenzo stated that the *Tolls NY* mobile app, which received the International Bridge, Tunnel and Turnpike Association's (IBTTA) prestigious 2021 President's Award in addition to being awarded the IBTTA's 2021 Toll Excellence Customer Service Award, provides customers with a fast and convenient way to manage their E-ZPass accounts and pay their tolls. Customers can save up to 40% on tolls by signing up for E-ZPass at mta.info and clicking on Bridges and Tunnels or by going to the zpassny.com website.

MTA Financial Report

Jaibala Patel, Deputy Chief Financial Officer, stated that the positive trends in ridership are indeed worth noting. The MTA hired the McKinsey Group in the Spring of 2020 to help the agency better understand the long-term impacts of the pandemic on the operating budget. As part of the exercise, McKinsey projected how and when riders would come back over the next several years. Ms. Patel stated that she is happy to report that actual ridership has trended a little ahead of McKinsey's mid-point scenario. Overall, the MTA's ridership for the first nine months of 2021 is 44% of pre-pandemic levels, when McKinsey was projecting around 40%. Ms. Patel stated that, in terms of budget, what this means is that farebox revenue is projected to be \$2.8 billion in 2021—down from \$6.4 billion in 2019. In 2019, farebox revenue represented 38% of all revenue and in 2021 farebox revenue is anticipated to make up only 16% of all revenue, leaving the operating budget with a 20% shortfall for a year-end, or approximately \$3.5 billion. Ms. Patel stated that the only reason the MTA has been able to balance its 2021 budget is thanks to the federal support, but those aid packages were one-time deals.

Ms. Patel stated that next month the Financial Plan will be presented to the Board, which will provide further updates to both the revenues and expenses.

Acting Chair Lieber reminded the Board that the difference between the McKinsey’s best-case and worse-case scenario was the issue of whether there would be a second surge of COVID in the Fall, and the Delta variant was the second surge. Acting Chair Lieber stated that the fact that the MTA is at a mid-point, notwithstanding the second surge, and the suppression of the trajectory of the return-to-work that it resulted in, is maybe a positive sign. However, the MTA is tracking according to the McKinsey projections for now.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for the details of the presentations.

4. CHIEF SAFETY OFFICER’ S PRESENTATION.

Safety and Security Report. Patrick Warren, MTA Chief Safety Officer, provided an update on COVID-19 and security.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Warren’ s presentation and Board Members’ comments and discussion.

5. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Minutes of the MTA Regular Board meeting held on September 15, 2021, as amended.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for the details.

6. MTA OTHER BUSINESS.

A. Action Item.

Paul Grether, Executive Director East Side Access Rail Activation, Special Projects/ESA, LIRR, presented a summary of the following action item for Board approval.

1. East Side Access Special Purpose Entity. Upon motion duly made and seconded, the Board approved (i) the creation of a new public benefit corporation subsidiary of the Metropolitan Transportation Authority (the “MTA”) pursuant to Public Authorities Law Section 1266(5) for the purpose of operating and maintaining the new East Side Access terminal and concourse; and (ii) authorized the Chair, or the Chair’s respective designees, to carry out the purposes and functions of the new subsidiary agency. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

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

7. TRIBOURGH BRIDGE AND TUNNEL COMMITTEE

A. Procurements.

Upon a motion duly made and seconded, the Board approved one competitive procurement totaling \$21.5 million recommended to it by the Committee on MTA Bridges and Tunnels Operations:

Miscellaneous Procurement Contract

Electronic Transaction Consultants, LLC	Contract No. 19-IAG-2975 TBTA is seeking Board approval to award one competitively solicited miscellaneous procurement contract to Electronic Transaction Consultants, LLC to design, build, operate and maintain an E-ZPass Interoperability (EZIOP) Hub.	\$21,543,452.00
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The details of the approved procurement are contained in a staff summary and documentation filed with the records of this meeting.

8. JOINT RAILROAD LONG ISLAND RAILROAD/METRO-NORTH RAILROAD COMMITTEE.

Committee on LIRR.

A. Procurements: None

Committee on Metro-North Railroad.

A. Procurements:

Upon a motion duly made and seconded, the Board:

1. Approved a contract modification in the not-to-exceed amount of \$1,760,000 for KS Engineers, PC, a certified Minority Business Enterprise, to provide additional inspection services throughout Metro-North’s Harlem, Hudson, and New Haven Lines. The additional services will include the inspection of retaining walls and transmission poles/towers. The original 36-month contract was competitively solicited and awarded to KS Engineers, PC in April 2021 in the not-to-exceed amount of \$2,991,792.

The details of the approved procurement are contained in a staff summary and documentation filed with the records of this meeting.

MTA Construction and Development Company (“C&D”).

A. Procurements:

Upon a motion duly made and seconded, the Board:

1. Approved the award of a competitively solicited and negotiated design-build contract (6375) to Railroad Construction Company, Inc. for the removal and replacement of the Cherry Valley Avenue Bridge located in Garden City on the Long Island Rail Road’s (“LIRR”) Hempstead Branch in the amount of \$16,663,538.40 and for a duration of 720 days.
2. Approved the award of a contract modification (No. 51) to the Program Management Consultant contract (98-0001-01) for the East Side Access project to AECOM USA, Inc. d/b/a URS Corporation New York for the not-to-exceed amount of \$27,966,042 for:
 - Additional funding in the not-to-exceed amount of \$20,466,042, to cover the anticipated costs associated with the remaining fourteen months (November 1, 2021 – December 31, 2022) of a two-year option that was previously exercised by MTA Construction & Development Company.
 - The inclusion of an option for the period commencing on January 1, 2023 until final close-out of all East Side Access contracts for the not-to-exceed amount of \$7,500,000.

The details of the approved procurements are contained in the staff summaries and documentation filed with the records of this meeting.

9. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. C&D Procurement.

Upon a motion duly made and seconded, the Board:

1. Ratified the award of a modification (No. 6) to the 207th Street Maintenance and Overhaul Shop Roof Repair in the Borough of Manhattan contract (C-34849) with D’Onofrio General Contracting Corp. to repair the roof on the nearby Boiler House at the 207th Street Yard for the amount of \$1,198,000.

The details of the approved procurement are contained in a staff summary and documentation filed with the records of this meeting.

10. MTA COMMITTEE ON FINANCE.

A. Action Items.

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 Notes for Working Capital Purposes Secured by Federal Grants Under CRRSAA and ARPA. Approved the resolution and necessary documentation to issue notes for working capital purposes in an amount not to exceed \$4.0 billion in anticipation of the receipt of Federal operating grants expected to be received under the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (“CRRSAA”) and the American Rescue Plan Act of 2021 (ARP”).
2. Authorization to File for and Accept Federal Grants. Approved the resolution authorizing (i) the filing of grant applications for FFY 2021 Federal appropriations in FFY 2022; (ii) the Chairman or any of his designees to make required certifications; and (iii) the acceptance of FFY 2021 Federal appropriations in FFY 2022.

B. Procurement Item.

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

1. Guardian Service Industries, Inc. (New York, New York). Approved the Change Order to the miscellaneous services contract with Guardian Service Industries Inc. in order to increase the contract funding needed to (i) fund Guardian’s increased labor costs due to the new 32BJ SEIU collective bargaining agreement with Guardian, which costs were expressly excluded from the negotiations and were addressed in the contract with Guardian by allowing Guardian to pass such costs on to TMA; and (2) fund the unanticipated additional porters needed to provide enhanced cleaning due to the COVID-19 pandemic as directed by the NYS Department of Health.

C. Real Estate Items.

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

Metro-North Railroad

1. License agreement with Fleetwood Café, LLC for retail space in the Fleetwood Station overpass in Mount Vernon, N.Y.

2. Disposition of property to New York State Parks, Recreation & Historic Preservation located at Breakneck Ridge in Fishkill and Philipstown, N.Y.
3. Acquisition of real property interests for various locations for Penn Station Access in the Bronx, Queens, and Westchester, N.Y.
4. License extension with LovePop, Inc. for retail space in the Main Concourse of Grand Central Terminal in New York, N.Y.

New York City Transit Authority

5. Ground lease of NYCT Property at 40 Quay Street to the Gotham Organization, and ground lease of 208 Varick Avenue to NYCT, Brooklyn, N.Y.

Board Member Kevin Law, on behalf of the Board, thanked Thomas Quigley for his services and wished him well.

Acting Chair Lieber announced that Paige Graves, General Counsel, LIRR, will assume the role of MTA Acting General Counsel beginning November 1, 2021.

Board Member Harold Porr noted that two weeks ago there was a ribbon cutting ceremony at a new train station in Port Jervis and he thanked President Catherine Rinaldi and the Metro-North team for doing an excellent job. Board Member Porr thanked Board Member Glucksman for attending the ceremony and he stated that he is sure that the community is happy with the results.

Board Member Lorraine Cortes-Vazquez thanked Chair Lieber and applauded him on the appointment of Lisette Camilo, who she stated is an incredible worker. Board Member Cortes-Vazquez stated that she requested data on the employee breakdown, particularly related to women and women of color, and she was not surprised to see that the employment numbers for this group are so low. Board Member Cortes-Vasquez stated that she will be meeting with Chief People Officer Paul Fama soon, and with the addition of Lisette Camilo, she hopes they can come up with strategic approaches to make sure that the numbers improve, and the gap is narrowed, because it currently does not reflect the population.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Acting Chair Lieber's and Board Members' comments.

11. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:49 a.m.

Respectfully submitted,

Susan Sarch
Vice President,
General Counsel and Secretary
Metro-North Railroad

Stephen N. Papandon
Acting 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 R. Christ
General Counsel and
Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Board Procurement Items Summary for November 2021

1) C&D:

Short Description:	Award of a publicly advertised competitively solicited and negotiated contract to construct Phase 3B of the Long Island Rail Road's Sandy Restoration and Resiliency Project for the Long Island City Storage Yard.	Request Value:	\$37,868,248
Contractor:	Posillico Civil, Inc.	Base Term:	670 Days (Base) 479 Days (Options)
		Competitive:	Yes

The LIRR LIC Storage Yard (the "Yard") is located in western Queens, east of Second Street, west of Vernon Boulevard and south of Borden Avenue. The Yard suffered damage during Superstorm Sandy and a Project has been undertaken to restore damaged Yard components and to increase the Yard's storm resiliency to avoid such damage in the future. Due to operational limitations, the construction work for the Project was divided into two phases, Phase 3A (completed in July 2020) and Phase 3B. This Contract provides for construction of Phase 3B which includes a new floodwall, pumping system, yard lighting and restoration of Tracks 11 and 12.

2) C&D:

Short Description:	Modification to the Consultant Construction Management Contract for the East Side Access Project for additional funding for a current option and inclusion of a Close-Out Option	Request Value:	\$14,272,889
Contractor:	Jacobs/LiRo Joint Venture (""), a joint venture consisting of Jacobs Civil Consultants Inc. and LiRo Engineers, Inc.)	Base Term:	January 28, 2008 – December 31, 2022
		Competitive:	Yes

This Modification to the contract is for:

1. Additional funding to cover the anticipated costs associated with the remaining thirteen months (i.e., December 1, 2021 – December 31, 2022) of a two-year option ("Current Option") that was previously exercised by C&D;
2. The inclusion of an option ("Close-Out Option") for the period commencing on January 1, 2023 until final close-out of all East Side Access contracts.

As a result of additions to the original Current Option scope of services, the approved funding was drawn down much faster than originally anticipated. Thirteen months currently remain in the Current Option period and only \$10,277,989 left remains in funding. This amount is not enough to fund the remainder of the Current Option period and terminating this Contract would have a detrimental effect on the East Side Access project. The inclusion of the Close-Out Option will be for the period commencing on January 1, 2023 until final close-out of all ESA contracts.

Board Procurement Items Summary for November 2021

3) C&D:

Short Description:	Modification to the Project Management Consulting Services for the New York Penn Station LIRR Train Hall Renovation Project	Request Value:	\$6,355,431.31
Contractor:	WSP USA, Inc.	Base Term:	July 23, 2019 – January 22, 2023
		Competitive:	Yes

This modification is to extend the contract term for an additional twelve month period. The Project consists of two major improvements to the LIRR Train Hall at Penn Station. Phase 1 (completed), added a new entrance at West 33rd Street and 7th Avenue directly down to the 33rd Street Concourse. Phase 2, widens the 33rd Street Concourse and constructs other improvements in all the concourses in the LIRR Train Hall, including new lighting, refreshed floor, wall and ceiling finishes, new wayfinding signage, rehabilitated and expanded electrical and HVAC systems and greatly expanded back-of-house facilities. At the time of the award of this Contract, it was anticipated that Phase 1 and Phase 2 would overlap and the Project would be completed and closed out by the end of 2022. However, the development and award of the Phase 2 construction package took longer than anticipated. As a result, Phase 2 work did not begin until February 2021 and is scheduled for substantial completion in March 2023 and, anticipated close out by December 2023. Accordingly, the Contract term requires an extension of twelve (12) months (from January 23, 2023 to January 22, 2024) to align it with the Project schedule.

4) C&D:

Short Description:	Board adoption of a resolution, pursuant to Public Authorities Law Section 1265-a.4.d and Article III(B)(4)(b) of the All Agency General Procurement Guidelines, declaring that competitive bidding is impractical and it is in the public's best interest to utilize a non-competitive procurement process to evaluate the Communications Based Train Control ("CBTC") equipment supplied by newly approved CBTC Supplier, Mitsubishi Electric Power Products Inc. ("Mitsubishi"), in revenue service, on the Queens Boulevard Line East Project	Request Value:	\$ Not Applicable
Contractor:	Mitsubishi Electric Power Products Inc.	Base Term:	To Be Determined
		Competitive:	No

C&D requests authorization to procure this Contract through a non-competitive process at this time, so that if negotiations with Mitsubishi Electric Power Products Inc. ("Mitsubishi") is successful, C&D can request the Board's approval of the Contract award in December and immediately issue a Notice to Proceed to Mitsubishi. In April 2020, Mitsubishi was qualified as a third CBTC supplier after successfully demonstrating its CBTC equipment at the MTA's Integrated Test Facility and Culver Test Track. This Contract will provide an opportunity to evaluate Mitsubishi's production quality and performance as well as Mitsubishi's ability to efficiently validate and commission its CBTC Equipment in a revenue service environment. The QBL East Project was selected for Mitsubishi as it is the first CBTC project to be procured after Mitsubishi's qualification and is an ideal environment for the evaluation of Mitsubishi's CBTC Equipment. The entire Project consists of four stations at the tail-end of the F line, with no intersecting or adjacent lines. In addition, trains with existing CBTC carborne equipment already run on the F line so the wayside CBTC equipment to be supplied by Mitsubishi under this Contract can be easily tested.

Board Procurement Items Summary for November 2021

5 & 6) C&D:

Short Description:		Award a publicly advertised, competitively solicited and negotiated contract for the Design and Construction of Accessibility Upgrades at the 14 th Street Complex in the Borough of Manhattan and a Long Term Maintenance Contract	Request Value:	\$192,972,000 \$5,202,085 (Maintenance)
Contractor:	Citnalta-Forte JV Mid-American Elevator Company, Inc (Maintenance)	Base Term:	32.5 Months 15 Years (Maintenance)	Competitive: Yes

This contract includes the installation of nine (9) new elevators that will provide full accessibility at the 14th Street Stations Complex in the Borough of Manhattan. The following stations will be made ADA accessible and will receive state of good repair improvements as a result of this Project: the Sixth Avenue Station at 14th Street (“L Line”); the 14th Street Station on the Sixth Avenue Line (“F/M”) and; the 14th Street Station on the 7th Avenue Line (“1/2/3”). In addition, state of good repair work will also be performed at the 8th Avenue Station and 14th Street Station, where the A/C/E Line intersects with the Canarsie Line (“L”). C&D will also enter into a separate long-term Elevator Maintenance Contract for all maintenance, repairs, tests and inspections, callbacks and emergency services required to ensure optimum performance and longevity of the elevators and ancillary equipment installed under this Contract. In order to ensure long-term optimum performance of the elevators, the procurement was structured to require continuity between the design and installation of the elevator equipment, and the subsequent maintenance thereof and only the elevator manufacturer or installer is eligible for an award of the Maintenance Contract. The goal is to ensure that the Design-Builder works in concert with its elevator subcontractor to choose sufficiently robust equipment that would not only withstand the rigors of the New York City Transit (“NYCT”) system, but that would also take into consideration the elevator subcontractor’s ultimate responsibility for a performance-based long-term maintenance contract.

November 2021 Procurement Executive Summary

1) NYC Transit/MTA Bus:

Short Description:	Furnish and Deliver 60 Low-Floor 40-Foot All-Electric Buses (AEBs)	Request Value:	\$64,536,289
Contractor:	New Flyer	Term:	93 months from Notice of Award (inclusive of delivery of the buses and provision of warranty support)
		Competitive:	Yes

Purchase of 60 low-floor 40-foot all-electric buses (AEBs) as well as related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training from New Flyer of America, Inc. in the total estimated amount of \$64,536,289 for NYC Transit.

Four AEB manufacturers, New Flyer of America, Inc. (“New Flyer”), Nova Bus (“Nova”) a Division of Prevost Car (US) Inc., BYD Inc. (“BYD”), and Proterra Inc. (“Proterra”) attended the pre-proposal conference held on April 7, 2021. Initial proposals were received on June 11, 2021, from New Flyer and BYD. Proterra and Nova indicated they did not propose because they were unable to meet the structural qualification requirements.

Negotiations centered on pricing, delivery, alternate proposals, exceptions/deviation/clarifications to the technical specifications, and the terms and conditions. The SC unanimously recommended an award of the 60 AEBs to New Flyer.

The award to New Flyer will consist of \$62,976,407 (\$1,049,607 per bus) for 60 AEBs; \$586,732 for qualification testing, diagnostic tools and manuals, \$501,856 for an estimated forty -two (42) training classes; and \$471,294 for capital spares for a total award amount of \$64,536,289 which is \$154,794 or 0.24 percent below New Flyer’s initial proposal of \$64,691,082 and \$676,671 or 1.04 percent lower than DOB’s estimate of \$65,212,960. Procurement, DOB, and NYC Transit’s Cost Price Analysis Unit have determined the final price to be fair and reasonable.

New Flyer will build five pilot buses in order to expedite delivery of the production buses. Pilot buses are scheduled to be provided to NYC Transit by September 2022. The pilot buses will be used for configuration audit and qualification testing.

2) NYC Transit/MTA Bus:

Short Description:	2-Year Option - Staten Island Broker Car Service for Paratransit	Request Value:	\$3,528,144
Contractor:	Bel-Linda, Inc. d/b/a Islander Transportation	Term:	Three years with a two-year option
		Competitive:	Yes

The base term of this contract is three years (March 1, 2019–February 28, 2022) and the subject option to extend is for up to an additional two years. The estimated expenditure of this two-year option is \$7.2M, however, only \$3.5M in additional funding is being requested as approximately \$3.7M is expected to remain on the contract at the end of its base term in February 2022.

AAR service is provided through two different approaches: dedicated service and non-dedicated service. Dedicated service providers are known as Primary Carriers whose only business is to transport NYC Transit AAR customers using NYC Transit–owned vehicles. Non-dedicated service providers, such as Brokers, perform AAR service in concert with their existing operations. The use of non-dedicated service provides cost and operational benefits to NYC Transit in that Paratransit does not directly bear the total responsibility for maintenance and operating costs, as is the case with dedicated service. The Broker

model is also a fully Americans with Disabilities Act–compliant mode of paratransit transportation that utilizes contractor(s) to schedule and dispatch prearranged trips for AAR customers through the use of the contractor’s own vehicles and/or its non-dedicated subcontractor network of taxi, livery, and black car service providers.

In April 2019, a competitively solicited Request for Proposal (“RFP”) was issued to gain Broker service capacity through expanding the pool of Broker providers, including a Broker contract for Staten Island service only. The RFP also increased the use of shared rides and includes power lift–equipped vehicles for oversized and motorized wheelchairs. Islander uses its own wholly owned and operated fleet of vehicles and drivers for approximately 90 percent of its AAR trips and uses network service providers on Staten Island to perform remaining 10 percent of the AAR trips. The RFP ultimately resulted in the award of three Broker contracts, one of which was made to Islander for Staten Island AAR service only. Through the addition of Islander as a Broker, AAR trips for Staten Island customers are now performed by drivers who are subject to random federal drug and alcohol testing, are able to be tracked via GPS, and include access to wheelchair-accessible vehicles. Staten Island AAR customers previously used an older mode of paratransit transportation called Voucher Car Service, which did not offer these amenities. Throughout the base term of its contract, Islander has performed well, either meeting or exceeding key performance metrics each month. Customers report Islander’s personnel and drivers to be helpful, knowledgeable, and extremely professional.

In December 2019, Islander agreed to provide a monthly discount of 2.5 percent for the duration of the contract, which resulted in a contract reduction of \$254,088 for the base years. The 2.5 percent discount will result in an estimated savings of \$181,364 during the option period. In addition to this discount, Islander has agreed to a discount of \$0.10 off all intraborough trips and \$1 off all interborough trips during the option period. The anticipated savings associated with the intraborough trip discount is approximately \$29,799. No savings have been calculated for interborough trips as Islander only performs interborough trips in times of emergency. Together, the total estimated savings for the option period is \$211,163. Based on the abovementioned, Islander’s pricing remains fair and reasonable.

Under RFP SSE177567, no goals were established for this contract due to a lack of available M/WBE firms in the marketplace. However, Procurement encouraged Islander to become a NYS certified WBE firm during the initial RFP process and worked closely with them throughout the certification process. Islander became certified in early 2021. It should be noted that Islander is the second M/WBE firm to hold a prime Paratransit Broker contract to date, the first being the firm Sentry, who received an award in August 2021. Cumulatively, the MTA will receive credit for approximately \$170M in prime contract awards made to M/WBE firms under the Broker program.

3) MTA HQ:

Short Description:	Custodial and Engineering Services for Grand Central Terminal	Request Value:	\$15,014,428
Contractor:	Guardian Services Industries Inc.	Term:	December 1, 2021–November 30, 2026 (three years plus a two-year option)
		Competitive:	Yes

This is a contract with Guardian Services Industries Inc. (“Guardian”) to provide Grand Central Terminal (“GCT”) custodial services and an option for engineering services. The period of performance is five years (three years plus a two-year renewal option), commencing December 1, 2021, with janitorial services in the amount of \$5,678,723 and engineering services in the amount \$3,061,391 for the initial three-year period. The estimated total for option years four and five, for both custodial and engineering services, is \$6,274,314 for a total contract amount of \$15,014,428. The estimated contract value for option years four and five are based on a projected annual 3 percent increase in the NYS Prevailing Wage rates from year three.

Note that through a contract with MTA, Jones Lang LaSalle (JLL) manages all facets of retail management at GCT including maintenance, cleaning, security and safety, maintenance and operation of building systems, landscaping, and capital project implementation. The contract with Guardian is the result of a competitive Request for Proposal (“RFP”) conducted by JLL as MTA’s agent under the supervision of MTA Procurement. The Selection Committee comprised representatives from the following: MTA Construction & Development, MTA Real Estate, and Metro-North Railroad’s Grand Central Maintenance of Way.

4) MTA HQ:

Short Description:	Modification to All-Agency Master Broker Services	Request Value:	\$8,606,470
Contractor:	Marsh USA, Inc.	Term:	October 1, 2017– September 30, 2022
		Competitive:	Yes

An amendment to a competitively negotiated contract to replenish funds in the amount of \$3 million to cover master broker core services; substantial recovery claims/Federal Emergency Management Agency (“FEMA”) services including but not limited to forensic accounting; and other professional and expert services arising from the Superstorm Sandy, Covid-19, and hurricanes Isaias and Ida. Upon settlement of the recovery claims, some of the administrative costs will be credited back to the MTA.

The MTA Risk and Insurance Management Department (“MTA RIM”) is responsible for acquiring insurance and administering the insured and self-insured programs of the MTA agencies, as well as programs insured by First Mutual Transportation Assurance Company, MTA’s wholly owned captive insurance company. The utilization of a master broker is necessary for MTA RIM to place specialty coverages as well as other insurance programs on behalf of the agencies. In addition to the acquisition of insurance, Marsh performs core services such as coverage monitoring, claims services, risk management information system services, safety and loss control services, and captive management services. Estimates do not include actual insurance coverages.

In September 2017, the Board approved a contract negotiated for a five-year period at a cost of \$8,606,470, of which \$6,356,470 is for core services plus a contingent amount of \$2,250,000 for unanticipated services. The approved funds have been depleted due to unanticipated forensic accounting; and other professional and expert services arising from the Superstorm Sandy, Covid-19, hurricanes Isaias and Ida, and FEMA recovery claims. Previous funding of \$1 million was added to the contract for unanticipated work due to Covid-19 and other recovery claims. Additional funding of \$3 million is required to cover further expenses until the end of the contract term.

PROCUREMENT PACKAGE
November 2021

PROCUREMENTS

The Procurement Agenda this month includes three procurement actions for a proposed expenditure of \$58.7M

Staff Summary

Subject Request for Authorization to Award Procurement Actions					
Department Contracts					
Department Head Name & Title David K. Cannon, Vice President, Contracts					
Department Head Signature <i>David K. Cannon</i>					
Board Action					
Order	To	Date	Approval	Info	Other
1	MNR & LIRR Joint Committee	11/15/21	X		
2	Board	11/17/21	X		

Date: November 10, 2021			
Internal Approvals			
	Approval		Approval
<i>MK</i>	Deputy Chief Development Officer, Delivery	<i>M</i>	President
<i>ND</i>	Deputy Chief Development Officer, Development	<i>EE</i>	Executive Vice President & General Counsel

PURPOSE

To obtain the approval of the Board to award two procurement actions and, to inform the Metro-North and Long Island Rail Road Committees of these procurement actions.

DISCUSSION

MTA Construction & Development proposes to award Competitive Procurements in the following categories:

Schedules Requiring Two-Thirds Vote

	<u># of Actions</u>	<u>\$ Amount</u>
C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)	<u>1</u>	<u>\$38,092,008.00</u>
SUBTOTAL	1	\$38,092,008.00

Schedules Requiring Majority Vote

	<u># of Actions</u>	<u>\$ Amount</u>
H. Modifications to Personal and Miscellaneous Service Contracts	<u>2</u>	<u>\$20,628,320.31</u>
SUBTOTAL	2	\$20,628,320.31
TOTAL	3	\$58,720,328.31

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 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.

NOVEMBER 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

**Schedule C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)
(Staff Summaries required for all items greater than \$1M)**

- | | | | |
|-----------|---|------------------------|--------------------------------------|
| 1. | Posillico Civil, Inc.
Contract No. 6356
670 Days (Base) 479 Days (Options) | \$38,092,008.00 | <u>Staff Summary Attached</u> |
|-----------|---|------------------------|--------------------------------------|

MTA Construction and Development requests Board approval to award a publicly advertised, competitively solicited and negotiated contract to Construct Phase 3B of the Long Island Rail Road's Sandy Restoration and Resiliency Project for the Long Island City Storage Yard.

Procurements Requiring Majority Vote:

**Schedule H. Modifications to Personal and Miscellaneous Service Contracts
(Staff Summaries required for all items greater than \$1M)**

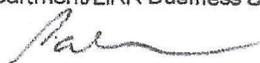
- | | | | |
|-----------|--|------------------------|--------------------------------------|
| 2. | Jacobs/LiRo Joint Venture
Contract No. PS819.26 | \$14,272,889.00 | <u>Staff Summary Attached</u> |
|-----------|--|------------------------|--------------------------------------|

MTA Construction and Development requests Board approval to award Modification No. 26 to the contract for:

1. Additional funding to cover the anticipated costs associated with the remaining thirteen months (December 1, 2021 – December 31, 2022) of a two year option that was previously exercised;
2. The inclusion of an option ("Close-Out Option") for the period commencing on January 1, 2023 until final close-out of all ESA contracts.

- | | | | |
|-----------|---|------------------------|--------------------------------------|
| 3. | WSP USA, Inc.
Contract No. PS877.1 | \$ 6,355,431.31 | <u>Staff Summary Attached</u> |
|-----------|---|------------------------|--------------------------------------|

MTA Construction and Development requests Board approval to award Modification No. 1 to the contract to extend the contract term for an additional twelve month period from January 23, 2023 to January 22, 2024.

Dept & Dept Head Delivery Department/LIRR Business Unit, Paul Dietlin 						SUMMARY INFORMATION	
Contracts Department Ian Goldrich, LIRR Tower Lead 						Vendor Name Posillico Civil, Inc.	Contract Number 6356
Board Reviews						Description Construct Phase 3B of Long Island Rail Road's ("LIRR") Sandy Restoration and Resiliency Project for the Long Island City ("LIC") Storage Yard	
Order	To	Date	Approval	Info	Other	Total Amount \$38,092,008	
1	MNR & LIRR Joint Committee	11/15/21	X			Contract Term 670 Days (Base) + Options 470 Days for Substantial Completion	
2	Board	11/17/21	X			Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
						Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Internal Approvals						Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
	Approval		Approval				
	Deputy Chief, Development		President				
MR	Deputy Chief, Delivery		Executive Vice President & General Counsel	Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:			
						Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Sandy	

PURPOSE/RECOMMENDATION

MTA Construction & Development ("C&D") requests the Board approve the award of a publicly advertised, competitively solicited and negotiated Public Works contract to Posillico Civil, Inc. (the "Contract") to construct Phase 3B of Long Island Rail Road's ("LIRR") Sandy Restoration and Resiliency Project for the Long Island City ("LIC") Storage Yard (the "Project") for the lump sum price of \$38,092,008. The negotiated lump sum price consists of the Base Contract in the amount of \$34,138,543, four options (Nos. 1, 5, 6 and 8) totaling \$3,729,705 that will be exercised at time of award and \$223,760 for four options (Nos. 2, 3, 4 and 7) which may be exercised at C&D's sole discretion on or before April 11, 2022. The design for Phase 3B was completed in 2019 and LIRR applied for and was granted a waiver from the requirement to procure Phase 3B as a design-build project.

DISCUSSION

The LIRR LIC Storage Yard (the "Yard") is located in western Queens, east of Second Street, west of Vernon Boulevard and south of Borden Avenue. The Yard serves two critical purposes: (i) it serves as the midday storage location primarily for the LIRR diesel fleet where vehicles and equipment are inspected, repaired and cleaned prior to afternoon/evening service; and (ii) it provides a location from which to position train equipment to service the LIRR stations at Long Island City and Hunterspoint Avenue, which act as one of the three LIRR Western Terminals from which trains arrive at the termination of, or depart at the inception of, New York City service. The Yard consists of thirteen (13) tracks running east/west for storage and cleaning of LIRR passenger trains as well as peak AM and PM passenger service. The northern portion of the Yard (Tracks 0 - 8) services primarily diesel powered trains while the southern portion (Tracks 7 - 12) services primarily electric MU equipment. Tracks 7 and 8 can service both diesel and electric MU equipment.

Staff Summary

Item No. 1

The Yard suffered damage during Superstorm Sandy and the Project has been undertaken to restore damaged Yard components and to increase the Yard's storm resiliency to avoid such damage in the future. Due to operational limitations, the construction work for the Project was divided into two phases. Phase 3A (completed in July 2020) included the restoration of Tracks 9 and 10, replacement of fuel lines, and construction of a fuel interlock system for Tracks 7 and 8.

The Contract provides for construction of Phase 3B including a new floodwall, pumping system, yard lighting and restoration of Tracks 11 and 12. Phase 3B includes further work that will protect other Yard components including tracks, substations, fuel tanks and the Phase 3A improvements. The Contract also includes the following eight options:

- Option 1: Installation of rail and electrification of Tracks 11 and 12
- Option 2: Graffiti-resistant coating on the yard side of the flood wall
- Option 3: Stage 1 Precast Decorative Panels along an adjacent private parking lot and an adjacent New York City Department of Transportation lot
- Option 4: Stage 6 Precast Decorative Panels
- Option 5: Stage 7 Precast Decorative Panels along 2nd Street
- Option 6: Laser Cut Metal Panels for Decorative Panel Sections
- Option 7: Flood Gate #7 and Security Gate SWG-7
- Option 8: Flood Gate #8 and Security Gate SWG-8

A one-step Request for Proposal ("RFP") was used to solicit the Contract. The requirements were publicly advertised in the New York State Contract Reporter, N.Y. Daily News, and on the MTA website. In response to the RFP, proposals were received from the following eleven (11) entities:

- ECCO III Enterprises, Inc. ("ECCO")
- EE Cruz Co. Inc. ("EE Cruz")
- Forte Construction Corp.
- John Civetta & Sons, Inc.
- J-Track, LLC. ("J-Track")
- Judlau Contracting, Inc. ("Judlau")
- Navillus Tile Inc. d/b/a Navillus Contracting
- Paul J. Scariano, Inc.
- Posillico Civil, Inc. ("Posillico")
- Skanska USA Civil Northeast Inc. ("Skanska")
- Tully Construction Co. Inc.

The proposals were evaluated and scored by a Selection Committee consisting of representatives from C&D and LIRR, utilizing pre-established selection criterion considering the following factors: Technical Approach; Planning and Scheduling; Qualifications and Experience; and Cost. Based upon the technical evaluations and scores, the following six (6) firms, ECCO, EE Cruz, J-Track, Judlau, Posillico and Skanska, were identified as the top ranked proposers.

The Selection Committee invited the six (6) top ranked proposers for oral presentations and to discuss technical clarifications and confirm each firm's overall understanding of the Project. ECCO, Posillico and Skanska demonstrated a thorough and comprehensive understanding of the Project and adequately responded to all questions. The remaining firms displayed deficiencies that removed them from a competitive range. Following the oral presentations, "Best and Final Offers" (BAFOs) were requested from ECCO, Posillico and Skanska, requesting clarifications of technical items and pricing, and revised pricing based on the current (post-orals) understanding of the Project. The results of the BAFOs, which includes the Base Contract and all 8 Options, were as follows:

ECCO	\$39,624,450
Posillico	\$38,839,688
Skanska	\$41,508,400

Staff Summary

Item No. 1

After review of the BAFOs, the Selection Committee determined that the proposal submitted by Posillico provided the best value to the MTA. Posillico, ECCO and Skanska each proposed technical approaches that met the Project requirements. However, Posillico's unique approach to key weekend outage work mitigated potential schedule risk and community impacts while simultaneously reducing flagging and railroad protection costs. Skanska's and ECCO's proposals did not provide comparable value despite their higher pricing. In addition Posillico has extensive experience with the heavy civil construction work required for the Project and has a track record of completing similar projects for LIRR on time and within budget.

C&D entered into post BAFO negotiations with Posillico with an eye towards reducing Posillico's BAFO pricing of \$38,839,688. Posillico submitted a revised BAFO of \$38,092,008 (Base \$34,138,543, all eight Options \$3,953,465) which is \$747,680 less than its initial BAFO and is 4% and 6% less than the BAFOs submitted by ECCO and Skanska respectively. A cost and price analysis was performed and it was determined that the negotiated price is fair and reasonable.

Posillico has been found to be responsible.

D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights (DDCR) has established 20% DBE goals for this contract. Posillico Civil, Inc. is committed to meet the 20% DBE requirement. Posillico Civil, Inc has achieved its MWDBE goals on previous completed contracts.

IMPACT ON FUNDING

Federal funding for this Project is included in the MTA's 2015-2019 Capital Program Budget.

ALTERNATIVES

There are no alternatives, since C&D does not have the in-house resources to construct the Project.

Schedule H Modifications to Personal and Miscellaneous Service Contracts

Item Number 2

Page 2 of 2

- Jacobs/LiRo was entitled by contract to a 2-3% yearly escalation on salaries. Jacobs/LiRo has agreed to no escalation for 2021 and 2022.
- Jacobs/LiRo was entitled by contract to an 8% fixed fee for all labor costs and has agreed to a reduction to 5% for 2021 and 2022.
- Jacobs has agreed that it will not be entitled to any additional compensation for closeout related activities beyond what's included in the Close-Out option.

These concessions have result in savings to the MTA in excess of \$4.5M over the course of this contract.

Jacobs/LiRo submitted a cost proposal in the not-to-exceed amount of \$7,729,832 for the additional funding needed for the remainder of the Current Option period and the not-to-exceed amount of \$7,154,542 for the additional Close-Out Option period. Negotiations were held and the parties agreed to a not-to-exceed cost of \$7,118,347 for the remainder of Current Option and a not-to-exceed amount of \$7,154,542 for the Close-Out Option. Notably, \$1M of the Current Option amount is allocated to an incentive which will only be paid if certain agreed-to milestones leading to timely revenue service is achieved. In addition, failure to timely achieve revenue service will lead to a credit to the MTA in the amount of \$1.9M. The funding for this modification is available in the East Side Access project budget.

In connection with a previous contract awarded to Jacobs Civil Consultants Inc. ("Jacobs"), one of the Jacobs/LiRo joint venture partners, Jacobs was found to be responsible notwithstanding significant adverse information ("SAI") pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Managing Director in consultation with the MTA General Counsel in October 2018. No new SAI has been found relating to Jacobs and Jacobs has been found to be responsible.¹

¹ While Jacobs has no direct SAI, its acquisition of CH2M Hill Companies Ltd. (CH2M) in December 2017 mandates reporting of CH2M's SAI. CH2M, notwithstanding its SAI, was found responsible by the MTA Chairman in December 2013 – this approval may be relied upon by Jacobs.

Schedule H Modifications to Personal and Miscellaneous Service Contracts

Item Number 3

Vendor Name (& Location) WSP USA, Inc., One Penn Plaza, 5 th Fl., New York, NY	Contract Number PS877	AWO/Modification # 1
Description Project Management Consulting Services for the New York Penn Station LIRR Train Hall Renovation Project	Original Contract Amount:	\$ 24,488,427.00
Contract Term (including Options, if any): July 23, 2019 – January 22, 2023	Prior Modifications (includes exercised Options):	\$ -0-
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Prior Budgetary Increases:	\$ -0-
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$ 24,488,427.00
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request	\$ 6,355,431.31
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	25.9%
Requesting Dept/Div & Dept/Div Head Name: Jolyon Handler, East End Gateway Project	% of Modifications (including This Request) to Original Amount:	25.9%

Discussion:

This Contract is for program management consultant (“PMC”) services for administering and overseeing the New York Penn Station Long Island Rail Road (“LIRR”) Train Hall Renovation Project (the "Project"). MTA Construction and Development (“C&D”) requests Board approval to award Modification No. 1 to the contract to extend the contract term for an additional twelve month period from January 23, 2023 to January 22, 2024 for a not-to-exceed cost of \$6,335,431.31.

Under this Contract, WSP USA, Inc. (“WSP”), works as part of an integrated project management team with C&D, LIRR and other consultants to manage the Project. WSP provides services and resources including commercial and project management, design and construction compliance oversight, quality, safety and security oversight and other support services as needed.

The Project consists of two major improvements to the LIRR Train Hall at Penn Station. Phase 1, which achieved substantial completion at the end of 2020 and is now proceeding through close out, added a new entrance at West 33rd Street and 7th Avenue directly down to the 33rd Street Concourse. Phase 2, which is under construction, widens the 33rd Street Concourse and constructs other improvements in all the concourses in the LIRR Train Hall, including new lighting, refreshed floor, wall and ceiling finishes, new wayfinding signage, rehabilitated and expanded electrical and HVAC systems and greatly expanded back-of-house facilities.

The PMC contract term is forty-two (42) months, from July 23, 2019 through January 22, 2023. At time of the award of this Contract, it was anticipated that Phase 1 and Phase 2 would overlap and the Project would be completed and closed out by the end of 2022. However, the development and award of the Phase 2 construction package took longer than anticipated due to the lack of as-built data, required coordination with other projects at Penn Station, and redesigns necessary to reduce Phase 2 costs to meet the available budget. As a result, Phase 2 work did not begin until February 2021 and is scheduled for substantial completion in March 2023 and anticipated close out by December 2023. Accordingly, the Contract term requires an extension of twelve (12) months (from January 23, 2023 to January 22, 2024) to align it with the Project schedule.

The Consultant’s proposal proposed \$7,535,467 for the extension. Negotiations were held and the parties agreed to a not-to-exceed cost of \$6,355,431.31, which is deemed to be fair and reasonable.

In connection with a previous contract awarded to The Louis Berger Group, Inc. (“LBG”)^[1], LBG was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by MTA Chairman and Chief Executive Officer in consultation with the MTA General Counsel in November 2015. No new SAI has been found relating to LBG or WSP. WSP has no SAI except that stemming from its acquisition of LBG. WSP has been found to be responsible.

^[1] LBG was acquired by WSP in December 2018 and that acquisition carries with it LBG’s SAI.



New York City Transit Procurements

Louis A. Montanti, MTA Deputy Chief Procurement – Operations



With the purchase of 60 low-floor 40-foot all-electric buses from New Flyer on this month's Board agenda, NYC Transit emphasizes its commitment to transition to a zero-emission bus fleet by 2040. Representing a lot of firsts for the MTA including our first set of standard all-electric 40 foot buses, first overhead-pantograph based charging at depots and the beginnings of a long partnership with NYPA and ConEd, our commitment towards a zero-emissions future remains as strong as ever.

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$68M.

Subject	Request for Authorization to Award Various Procurements				
Department	Procurement & Supply Chain – NYCT				
Department Head Name	Louis A. Montanti				
Department Head Signature	<i>Louis A. Montanti</i>				
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	11/15/21			
2	Board	11/17/21			

November 9, 2021			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President NYCT		Pres. MTA Bus/SVP DOB
	SVP Operations Support		Subways
	Capital Prog. Management	X	Diversity/Civil Rights
X	Law		

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

PURPOSE

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

DISCUSSION

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

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

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

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$ 64.5 M
<u>Schedules Requiring Majority Vote:</u>		
Schedule G: Miscellaneous Service Contracts	1	\$ 3.5 M
SUBTOTAL	2	\$ 68.0 M

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

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

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

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

TOTAL 2 \$ 68.0 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 regarding 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.

NOVEMBER 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

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

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

1. **New Flyer of America, Inc.** **\$64,536,289** **Staff Summary Attached**
Contract# B40676R
Furnish and deliver 60 low-floor 40-foot all-electric buses and related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training.

Procurements Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

2. **Bel-Linda, Inc. d/b/a** **\$3,528,144** **Staff Summary Attached**
Islander Transportation
Three years with an option to extend up to two years
Contract# 6%23299.2
Provision of Broker Car Service for Paratransit Access-A-Ride customers in Staten Island.

Staff Summary

Item Number 1			
Department, Department Head Name: Office of MTA Deputy Chief Procurement, Louis A. Montanti			
<i>Louis A. Montanti</i>			
Internal Approvals			
Order	Approval	Order	Approval
1	Materiel	6 	President
2	Law		
3 	CFO		
4	DCCR		
5 	Buses		

SUMMARY INFORMATION	
Vendor Name New Flyer America, Inc.	Contract No. B40676R
Description Furnish and Deliver 60 Low-Floor 40-Foot All-Electric Buses	
Total Amount: \$64,536,289	
Contract Term (including Options, if any) 93 Months from Notice of Award (inclusive of delivery of the buses and provision of warranty support)	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose

To request that the Board, pursuant to Public Authorities Law, Section 1209, subdivision 9(g), approve the federally funded purchase of 60 low-floor 40-foot all-electric buses as well as related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training from New Flyer of America, Inc. ("New Flyer") in the total estimated amount of \$64,536,289 for NYC Transit.

Discussion

On June 17, 2019, the Board adopted a resolution authorizing the use of the competitive Request for Proposals ("RFP") in lieu of competitive bidding to award a contract for the purchase of 45 low-floor 40-foot all-electric buses ("AEB") for NYC Transit. On October 21, 2019, the Board adopted a revised resolution authorizing the addition of options for up to 30 additional AEBs to be added the original RFP.

The solicitation was originally advertised as contract B40676 in September 2019. However, it was cancelled in January 2021 because the pool of vendors was unable to meet the technical specifications. The solicitation was readvertised in March 2021 under B40676R, at which time nine bus manufacturers were directly contacted. Pursuant to the statutory framework, the selection criteria, listed in descending order, were as follows: Overall Project Cost, Delivery, Overall Quality of Proposer and Product, and Other Relevant Matters. Selection Committee ("SC") members were drawn from NYC Transit Department of Buses ("DOB"), Procurement, Office of Management & Budget, and Operations Planning.

Four AEB manufacturers, New Flyer of America, Inc. ("New Flyer"), Nova Bus ("Nova") a Division of Prevost Car (US) Inc., BYD Inc. ("BYD"), and Proterra Inc. ("Proterra") attended the pre-proposal conference held on April 7, 2021. Initial proposals were received on June 11, 2021, from New Flyer and BYD. Proterra and Nova indicated they did not propose because they were unable to meet the technical requirements in time to respond to the solicitation.

Staff Summary

Oral Presentations and negotiations were conducted on a series of dates spanning from August 2021 through September 2021. Negotiations centered on pricing, delivery, alternate proposals, exceptions/deviation/clarifications to the technical specifications, and the terms and conditions. During this process, the SC reviewed BYD's proposal and unanimously recommended that BYD be eliminated from further consideration because its proposal did not meet the minimum structural qualification requirements contained in the RFP. A Best and Final Offer ("BAFO") for 60 AEBs was received from New Flyer on November 1, 2021. The SC reviewed the BAFO in accordance with the evaluation criteria and unanimously recommended an award of the 60 AEBs to New Flyer because it affords the Best Value.

The award to New Flyer will consist of \$62,976,407 (\$1,049,607 per bus) for 60 AEBs; \$586,732 for qualification testing, diagnostic tools and manuals, \$501,856 for an estimated forty-two (42) training classes; and \$471,294 for capital spares for a total award amount of \$64,536,289 which is \$154,794 or 0.24 percent below New Flyer's initial proposal of \$64,691,082 and \$676,671 or 1.04 percent lower than DOB's estimate of \$65,212,960. Procurement, DOB, and NYC Transit's Cost Price Analysis Unit have determined the final price to be fair and reasonable.

New Flyer will build five pilot buses in order to expedite delivery of the production buses. Pilot buses are scheduled to be provided to NYC Transit by September 2022. The pilot buses will be used for configuration audit, qualification testing and in-service evaluation.

The balance of 55 buses is scheduled to begin being delivered in June 2023 and be completed in September 2023, for an overall period of 21 months from Notice of Award. The above delivery schedule is based on the assumption that Notice of Award will be issued on or before December 31, 2021.

New Flyer will comply with the Federal Transit Administration's ("FTA") Buy America requirement of 70 percent. The Pre-Award Buy America Audit to confirm compliance will be completed prior to award.

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

M/W/DBE Information

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

Impact on Funding

This contract will be funded with 80 percent FTA funds and 20 percent New York City funds. Funds for this procurement have been approved in the MTA 2015–2019 and 2020–2024 Capital Programs. A WAR certificate will be secured prior to award.

Alternatives

There are no alternatives. There is no reason to believe that conducting another solicitation will result in a better outcome.

Recommendation

It is recommended that the Board, pursuant to Public Authorities Law, Section 1209, subdivision 9(g), approve the federally funded purchase of 60 low-floor 40-foot all-electric buses as well as related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training from New Flyer in the total estimated amount of \$64,536,289 for NYC Transit.

Schedule G: Miscellaneous Service Contracts



Item Number: 2

Vendor Name (Location) Bel-Linda, Inc. d/b/a Islander Transportation (Staten Island, New York)
Description: Staten Island Broker Car Service for Paratransit
Contract Term (including Options, if any) Three years with a two-year option
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other
Requesting Dept./Div., Dept./Div. Head Name: Department of Buses, Frank Annicaro

Contract Numbers: 6%23299	AWO/Mod #s Modification 2
Original Amount:	\$ 10,163,549
Prior Modifications: Modification 1	\$ (\$254,088.73)
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 9,909,460.27
This Request:	\$ 3,528,144
% of This Request (Estimated Aggregate) to Current Amount:	35.6%
% of Modifications (including This Request) to Original Amount:	34.7%

Discussion:

NYC Transit is seeking Board approval to exercise the option years of contract 6%23299 with Bel-Linda Inc. d/b/a Islander Transportation (“Islander”) for the provision of Broker Car Service (“Broker”) for Paratransit Access-A-Ride (“AAR”) customers in Staten Island. The base term of this contract is three years (March 1, 2019–February 28, 2022) with an option to extend for up to an additional two years. The estimated expenditure of this two-year extension is \$7.2 million, however, only \$3.5M in additional funding is being requested as approximately \$3.7M is expected to remain on the contract at the end of its base term in February 2022.

AAR service is provided through two different approaches: dedicated service and non-dedicated service. Dedicated service providers are known as Primary Carriers whose only business is to transport NYC Transit AAR customers using NYC Transit–owned vehicles. Non-dedicated service providers, such as Brokers, perform AAR service in concert with their existing operations. The use of non-dedicated service provides cost and operational benefits to NYC Transit in that Paratransit does not directly bear the total responsibility for maintenance and operating costs, as is the case with dedicated service. The Broker model is also a fully Americans with Disabilities Act–compliant mode of paratransit transportation that utilizes contractor(s) to schedule and dispatch prearranged trips for AAR customers through the use of the contractor’s own vehicles and/or its non-dedicated subcontractor network of taxi, livery, and black car service providers.

In April 2019, a competitively solicited Request for Proposal (“RFP”) 177567 was issued to gain Broker service capacity through expanding the pool of Broker providers, including a Broker contract for Staten Island service only. The RFP also increased the use of shared rides and includes power lift–equipped vehicles for oversized and motorized wheelchairs. Islander uses its own wholly owned and operated fleet of vehicles and drivers for approximately 90 percent of its AAR trips and uses network service providers on Staten Island to perform remaining 10 percent of the AAR trips. The RFP ultimately resulted in the award of three Broker contracts, one of which was made to Islander for Staten Island AAR service only. Through the addition of Islander as a Broker, AAR trips for Staten Island customers are now performed by drivers who are subject to random federal drug and alcohol testing, are able to be tracked via GPS, and include access to wheelchair-accessible vehicles. Staten Island AAR customers previously used an older mode of paratransit transportation called Voucher Car Service, which did not offer these amenities. Throughout the base term of its contract, Islander has performed well, either meeting or exceeding key performance metrics each month. Customers report Islander’s personnel and drivers to be helpful, knowledgeable, and extremely professional.

Through negotiations and the competitive nature of RFP 177567, pricing for Islander's base and option years was considered fair and reasonable. In December 2019, Islander agreed to provide a monthly discount of 2.5 percent for the duration of the contract, which resulted in a contract reduction of \$254,088 for the base years. The 2.5 percent discount will result in an estimated savings of \$181,364 during the option period. In addition to this discount, Islander has agreed to a discount of \$0.10 off all intraborough trips and \$1 off all interborough trips during the option period. The anticipated savings associated with the intraborough trip discount is approximately \$29,799. No savings have been calculated for interborough trips as Islander only performs interborough trips in times of emergency. Together, the total estimated savings for the option period is \$211,163. Based on the abovementioned, Islander's pricing remains fair and reasonable.

The NYC Transit Controller's Office performed an updated financial analysis of Islander and found the contractor to be financially qualified to perform the work.

Under RFP SSE177567, no goals were established for this contract due to a lack of available M/WBE firms in the marketplace. However, Procurement encouraged Islander to become a NYS certified WBE firm during the initial RFP process and worked closely with them throughout the certification process. Islander became certified in early 2021. It should be noted that Islander is the second M/WBE firm to hold a prime Paratransit Broker contract to date, the first being the firm Sentry, who received an award in August 2021. Cumulatively, the MTA will receive credit for approximately \$170M in prime contract awards made to M/WBE firms under the Broker program.

The Broker Car Service contract has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

Contracts Department

David K. Cannon, Vice President

PROCUREMENTS

The Procurement Agenda this month includes three procurement actions for a proposed expenditure of \$198.2M

Staff Summary

Subject Request for Authorization to Award Procurement Action					
Department Contracts					
Department Head Name & Title David K. Cannon, Vice President, Contracts					
Department Head Signature <i>David K. Cannon</i>					
Board Action					
Order	To	Date	Approval	Info	Other
1	NYCT & Bus Committee	11/15/21	X		
2	Board	11/17/21	X		

Date: November 10, 2021			
Internal Approvals			
	Approval		Approval
<i>MR</i>	Deputy Chief Development Officer, Delivery	<i>ML</i>	President
<i>Q</i>	Deputy Chief Development Officer, Development	<i>ONE</i> <i>EE</i>	Executive Vice President & General Counsel

PURPOSE

To obtain the approval of the Board to adopt a resolution/declaration and to award two procurement actions and, to inform the New York City Transit and Bus Committee of these procurement actions.

DISCUSSION

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

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
A. Non-Competitive Purchases & Public Work Contracts	1	\$TBD
	SUBTOTAL 1	\$TBD

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

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)	2	\$198,177,085
	SUBTOTAL 2	\$198,177,085
	TOTAL 3	\$198,177,085

Budget Impact:

The approval of these procurement actions will obligate capital and operating funds in the amounts listed. Funds are available in the capital and operating budgets for these purposes.

Recommendation:

The procurement actions be approved as proposed. (The items 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.

NOVEMBER 2021

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule A. Noncompetitive Purchases and Public Work Contracts

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

- | | | | |
|-----------|---|---------------------------------|--------------------------------------|
| 1. | Mitsubishi Electric Power Products Inc.
Contract No. S-48017 | \$ Cost To Be Determined | <u>Staff Summary Attached</u> |
|-----------|---|---------------------------------|--------------------------------------|

MTA Construction and Development requests that the Board adopt a resolution, pursuant to Public Authorities Law (“PAL”) Section 1265-a.4.d and Article III(B)(4)(b) of the All Agency General Procurement Guidelines, declaring that competitive bidding is impractical and it is in the public’s best interest to utilize a non-competitive procurement process to evaluate the Communications Based Train Control (“CBTC”) equipment supplied by a newly approved CBTC Supplier in revenue service on the Queens Boulevard Line East Project.

Schedule C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)

(Staff Summaries required for all items greater than \$1M)

- | | | | |
|--------------|--|----------------------|---|
| 2 -3. | Citnalta-Forte JV
Contract No. A37129
Thirty-Five and a Half Months | \$192,972,000 | <u>Staff Summary Attached</u>

↓ |
| | Mid-American Elevator
Contract No. To Be Determined
Fifteen Years | \$ 5,205,085 | ↓ |

MTA Construction and Development requests Board approval to award a publicly advertised, competitively solicited and negotiated contract for the Design and Construction of Accessibility Upgrades at the 14th Street Complex in the Borough of Manhattan and the award of a long-term elevator maintenance contract.

Dept & Dept Head Contracts/David K. Cannon					
<i>David K Cannon</i>					
Div & Div Head					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	NYCT & Bus Committee	11/15/21	X		
2	Board	11/17/21	X		
Internal Approvals					
	Approval		Approval		
<i>one for EA</i>	EVP & General Counsel	<i>Jul</i>	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Mitsubishi Electric Power Products Inc.	S-48017
Description	
Communication Based Train Control ("CBTC") Equipment Contract for the Queens Boulevard Line "East" ("QBL East") Project	
Total Amount	
To Be Determined	
Contract Term	
To Be Determined	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE/RECOMMENDATION

MTA Construction & Development ("C&D") requests that the Board adopt a resolution, pursuant to Public Authorities Law ("PAL") Section 1265-a.4.d, declaring that competitive bidding is impractical so that the MTA can evaluate Communications Based Train Control ("CBTC") equipment supplied by newly approved CBTC Supplier, Mitsubishi Electric Power Products Inc. ("Mitsubishi"), in revenue service, on the Queens Boulevard Line East ("QBL East") Project (the "Contract"). PAL Section 1265-a.4.d expressly provides the Board with the authority to adopt such a resolution for the evaluation and testing of new products and technology.

DISCUSSION

This Contract is for designing, manufacturing, testing, and commissioning of new CBTC wayside zone controllers (the "CBTC Equipment") at four (4) stations on the Queens Boulevard F line. The signal systems at the four stations, (Jamaica -179th St., 169th St., Parsons Blvd., and Briarwood) will be upgraded from a fixed block relay-based system to a CBTC system with solid state interlockings. The upgrade of the signal system to CBTC will allow trains to run at a greater speed and at closer distances, providing more efficient and responsive service to NYCT passengers on the F line. The CBTC Equipment furnished under this Contract will be supplied to a CBTC installation contractor that will be solicited under a separate competitively bid contract.

Prior to April 2020, New York City Transit ("NYCT") had only two approved suppliers of CBTC equipment, Thales Ground Transportation Systems ("Thales") and Siemens Mobility, Inc. ("Siemens"). In April 2020, Mitsubishi was qualified as a third CBTC supplier after successfully demonstrating its CBTC equipment at the MTA's Integrated Test Facility and Culver Test Track. This Contract will provide NYCT an opportunity to evaluate Mitsubishi's production quality and performance as well as Mitsubishi's ability to efficiently validate and commission its CBTC Equipment in a revenue service environment.

The QBL East Project was selected for Mitsubishi because it is the first CBTC project to be procured after Mitsubishi's qualification as a CBTC supplier and because QBL East is an ideal environment for the evaluation of Mitsubishi's CBTC Equipment. The entire Project consists of four stations at the tail-end of the F line, with no intersecting or adjacent lines. In addition, trains with existing CBTC carborne equipment already run on the F line so the wayside CBTC equipment to be supplied by Mitsubishi under this Contract can be easily tested.

In addition to providing NYCT with an opportunity to test and evaluate Mitsubishi's performance on a revenue service line, this Contract will also provide Mitsubishi with the engineering, project management and track training experience to be able to compete with Siemens and Thales for future NYCT CBTC projects, lowering the cost of future CBTC equipment contracts.

C&D requests authorization to procure this Contract through a non-competitive process at this time, so that if the negotiation with Mitsubishi is successful, C&D can request the Board's approval of the Contract award in December and immediately issue a Notice to Proceed to Mitsubishi.

ALTERNATIVES

This project represents the ideal opportunity and location to evaluate Mitsubishi and its newly approved product with the goal of increasing competition by introducing a third supplier into the mix. The alternative is the use of a competitive Request for Proposal process, however, without previous experience with this product on NYCT facilities and because of various non-recurring start-up costs, Mitsubishi would incur be unable to reasonably compete with Siemens and Thales, both of whom have decades of experience on NYCT CBTC projects. That said, C&D will not award a Contract to Mitsubishi without a negotiated price that compares favorably with our estimate.

Dept & Dept Head Stations Business Unit/Barney Gray						SUMMARY INFORMATION					
Contracts Department David K. Cannon, Vice President 						Vendor Name 1. Citnalta-Forte JV 2. Mid-American Elevator Company, Inc. (Elevator Maintainer)		Contract Number 1. A37129 2. TBD (Maintenance)			
Board Reviews						Description Design-Build Services for the 14th Street ADA Complex					
						Total Amount 1. A37129 Award: \$192,972,000 2. Maintenance Award: \$ 5,205,085 3. Stipend Payments: \$ 750,000					
Order	To	Date	Approval	Info	Other	Contract Term 1. A37129: 32.5 Months 2. Maintenance Contract: 15 Years					
1	NYCT & Bus Committee	11/15/21	X			Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A					
2	Board	11/17/21	X			Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Internal Approvals						Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive					
	Approval		Approval			Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:					
	Deputy Chief, Development		President			Funding Source <input checked="" type="checkbox"/> Operating** <input checked="" type="checkbox"/> Capital* <input checked="" type="checkbox"/> Federal* <input type="checkbox"/> MTA					
	Deputy Chief, Delivery		Executive Vice President & General Counsel								

*Design-Build Contract **Maintenance Contract

PURPOSE/RECOMMENDATION

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised, competitively solicited and negotiated contract for the Design and Construction of Accessibility Upgrades at the 14th Street Complex in the Borough of Manhattan to Citnalta-Forte JV in the amount of \$192,972,000 and a duration of 32.5 months. Board approval is also sought to award a long-term elevator maintenance Contract to Mid-American Elevator Company, Inc. in the amount of \$5,205,085 and a duration of 15 years. In accordance with MTA policy regarding the use of design-build, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$250,000 to be paid to each of the three unsuccessful proposers for a total amount of \$750,000.

DISCUSSION

Contract A37129 is one of a series of Americans with Disabilities Act (“ADA”) projects in support of the MTA’s commitment to make stations accessible. The contract will provide full accessibility, including nine new elevators, and state of good repair improvements, at three stations, the Sixth Avenue Station at 14th Street (L), the 14th Street Station on the Sixth Avenue Line (F/M), and the 14th Street

Station on the 7th Avenue Line (1/2/3). The Contract also includes state of good repair improvements at the 8th Avenue and 14th Street Station, where the A/C/E Line intersects with the Canarsie Line (this Station is already ADA accessible) and other state of good repair work along the Canarsie Line within Manhattan.

In addition, C&D will enter into a separate long-term Elevator Maintenance Contract for all maintenance, repairs, tests and inspections, callbacks and emergency services required to ensure optimum performance and longevity of the elevators and ancillary equipment. In order to ensure long-term optimum performance of the elevators, the procurement was structured to require continuity between the design and installation of the elevator equipment, and the subsequent maintenance thereof. Only the elevator manufacturer or installer is eligible for an award of the Maintenance Contract. The goal is to ensure that the Design-Builder works in concert with its elevator subcontractor to choose sufficiently robust equipment that would not only withstand the rigors of the New York City Transit (“NYCT”) system, but that would also take into consideration the elevator subcontractor’s ultimate responsibility for a performance-based long-term maintenance contract. The term of the Maintenance Contract includes a “ramp-up” period during which elevators placed in service prior to Substantial Completion of the Design/Build Contract will be maintained; a fifteen-year maintenance period, commencing with Substantial Completion of the Design/Build Contract; and finally, two 5-year option periods, exercisable at MTA’s discretion.

A 2-Step procurement process was conducted for these contracts. In Step 1, a Request for Qualifications (RFQ) was advertised resulting in the submission of seven (7) Statements of Qualifications which were evaluated against preestablished selection criteria addressing past performance, schedule compliance, diversity compliance, responsibility, financial strength, and understanding of the Project. The following four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- Citnalta-Forte JV (“CFJV”)
- Judlau Contracting, Inc. (“Judlau”)
- MLJ Contracting Corp./TC Electric JV (“MLJTC2”)
- Skanska USA Civil Northeast, Inc. (“Skanska”).

In response to the RFP, four proposals were received: CFJV - \$194,525,000 (Maintenance: \$9,223,955), Judlau - \$249,940,000 (Maintenance: \$9,684,683.55), MLJTC2 - \$226,300,000 (Maintenance: \$5,676,270), and Skanska - \$219,500,000 (Maintenance: \$9,670,702.68)

The proposals were evaluated by a Selection Committee (“SC”) consisting of representatives from C&D and NYCT, utilizing pre-established selection criteria addressing the proposers’ design and construction approach, overall project schedule, maintenance approach, management plan, experience, record of performance, safety and quality control/quality assurance plans, diversity practices, and other relevant matters.

For the installation and the long-term maintenance of the elevators, CFJV proposed Mid-American Elevator Company, Inc. Each of the other three teams proposed Modern Elevator Installations, Inc.

The SC reviewed the technical proposals, observed the oral presentations, and subsequently reviewed the price proposals submitted by each proposer. All four technical proposals were deemed to include qualified design and construction teams, and Judlau, MLJTC2 and Skanska included pre-approved Alternate Technical Concepts (“ATC”) providing equal or better solutions to the technical requirements of the Contract designed to expedite the work and provide cost savings while still achieving project requirements. Although all four teams submitted comprehensive technical proposals with various strengths, CFJV’s and MLJTC2’s proposals presented a superior combination of technical approach, cost, schedule, and long-term elevator maintenance. After review and consideration of all proposals, the SC unanimously recommended that CFJV and MLJTC2 be invited for negotiations.

Negotiations were held with both CFJV and MLJTC2, including discussions of the proposed design and construction approach, project schedule, overall cost, clarification of the design/build requirements and elevator maintenance specifications. Negotiations were also held with the Elevator Maintainers from each Design-Build Team. A Post-Proposal Addendum was issued to both CFJV and MLJTC2 clarifying certain areas of the project requirements and design criteria as well as revising the Elevator Maintenance Specifications and Terms and Conditions to address risk sharing. Following negotiations, Best and Final Offers (BAFO) were requested and received from both CFJV and MLJTC2. The BAFOs were as follows:

- CFJV - \$192,972,000 (Maintenance: \$5,205,085)
- MLJTC2 - \$209,242,011 (Maintenance: \$5,037,540)

CFJV provided further schedule reductions resulting in an overall reduction of approximately 3.5 months to Substantial Completion and cumulative intermediate milestone reductions of approximately three months. The agreement includes incentives for the early completion of work as well as liquidated damages for contractor delays for each milestone and Substantial Completion. C&D and CFJV agreed on a lump sum price of \$192,972,000 for the Design-Build Contract and \$5,205,085 with Mid-American for the long-term Maintenance Contract. The agreed upon price for the Design-Build Contract takes into consideration reduced overhead costs associated with schedule reductions.

The Selection Committee unanimously recommended Citnalta-Forte JV for award of the Design-Build Contract and Mid-American Elevator Company, Inc. for the award of the long-term maintenance contract. The SC determined that CFJV's proposal offered the best overall value considering the strength of their technical proposal, their lowest proposed cost and reductions to schedule and Railroad Supplied Services, which will minimize the impact of the work on MTA's customers. CFJV and Mid-American's prices are considered fair and reasonable.

Citnalta-Forte JV is deemed to be responsible.

DBE/MBE/WBE/SDVOB INFORMATION

The MTA Department of Diversity and Civil Rights ("DDCR") has established a 22.5% DBE goal for the Design/Build Contract. CFJV, in joint venture and individually, has achieved established MWDBE goals on previously completed contracts.

DDCR has established a 0% MBE/WBE/SDVOB goal for the Maintenance Contract due to the lack of MWBE/SDVOB firms in the marketplace. Meetings are being coordinated with the MWBE/SDVOB community to establish certified firms in the area of elevator and escalator maintenance. Mid-American Elevator Company, Inc. has not completed any MTA contracts with MBE/WBE/SDVOB goals; therefore, no assessment of their performance can be determined at this time.

IMPACT ON FUNDING

Funding for the design and construction of accessibility upgrades at the 14th Street Station Complex and stipends for the three unsuccessful proposers are included in the NYCT portion of MTA's 2015-2019 and 2020-2024 Capital Programs. This Contract will be funded with Federal and MTA Local funds. Funding for the maintenance contract is included in the NYCT operating budget.

ALTERNATIVES

None recommended. Currently, MTA lacks available in-house technical personnel to perform the scope of work associated with the Design/Build Contract.

Staff Summary

Subject Approval of Municipal and Swap Advisors
Department Finance
Department Head Name Robert E. Foran, Chief Financial Officer
Department Head Signature
Project Manager Name Patrick McCoy, Deputy Chief, Financial Services

Date November 15, 2021
Vendor Names Public Resources Advisory Group, and Mohanty Gargiulo LLC
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance Comm.	11/15	X			1	Legal		
2	Board	11/17	X			2	Chief Financial Officer		

PURPOSE:

To obtain MTA and TBTA Board approval of contracts with each of the following firms to provide financial advisory services to MTA:

1. The advisory team of Public Resources Advisory Group together with Backstrom McCarley Berry & Co., LLC, a New York State certified MBE, and Sycamore Advisors, LLC a New York State certified WBE for general financial advisory services, (collectively, “the PRAG Team”) in connection with the issuance of MTA and TBTA bonds and other capital markets activities. The PRAG Team will act as Municipal Advisor to MTA, and will serve as MTA’s Independent Registered Municipal Advisor (IRMA),
2. Mohanty Gargiulo for swap advisory services and to serve as MTA’s Qualified Independent Representative (QIR) with respect to all derivative matters. Mohanty Gargiulo is a State certified Women Business Enterprise (WBE), as well as a Minority Business Enterprise (MBE).

DISCUSSION:

The Municipal Advisor is responsible for providing expert market advice on the timing, structure, and execution of capital market activity by MTA and TBTA. The PRAG Team will act as MTA’s IRMA and will provide MTA with advice on its capital markets activities as a fiduciary service provider. PRAG specializes in advising governmental entities and public benefit corporations on capital market activities and is a registered municipal advisor with the Municipal Securities Rulemaking Board. The PRAG Team includes Backstrom McCarley Berry & Co., LLC, a registered broker dealer, and Sycamore Advisors, LLC, a registered municipal advisor. These firms will provide critical market data and pricing information to enable MTA to achieve optimal pricing on bonds, notes and other debt obligations.

The Swap Advisor is responsible for providing expert advice on the timing, structure, terms and conditions and on-going monitoring of the MTA’s (including TBTA) outstanding portfolio of interest rate derivatives and fuel hedges. Mohanty Gargiulo specializes in advising governmental municipalities and public benefit corporations on structuring and managing derivatives exposure and providing financial advisory services. Mohanty Gargiulo is registered QIR and maintains necessary regulatory filings to serve in this role. Mohanty Gargiulo is a fiduciary service provider.

The incumbent Municipal Advisor is PRAG which has served in this role since December of 2016. The incumbent Swap Advisor is Mohanty Gargiulo which has served as Swap Advisor since January of 2013.

BACKGROUND:

The Finance Department issued a formal Request for Proposals from qualified firms to serve as Municipal Advisor and Swap Advisor on September 1, 2021.

A total of 12 proposals were received by the submission deadline of September 24, 2021.

After initial screening and review by the selection committee, the selection committee was unanimous in its recommendation of the PRAG Team as general municipal advisor. PRAG has a large and diverse practice as an advisor to large issuers, including transportation and transit agencies nationally, and has previous experience working with the MTA and TBTA particularly during difficult financial times at the MTA. In addition, they are prepared to work with two MWBE partners on this engagement: Backstrom McCarley Berry & Co., LLC and Sycamore Advisors, LLC.

Based on the written proposals, the selection committee unanimously recommended Mohanty Gargiulo for swap advisor services. Mohanty Gargiulo, the incumbent provider, specializes in advising governmental municipalities and public benefit corporations on structuring and managing derivatives exposure as well as providing general municipal advisory services. In addition, Mohanty Gargiulo is a State certified WBE, and MBE.

The recommendations are based upon the quality of the written proposals, the experience and expertise of the key members of the respective advisory teams, and the fee proposals.

COST:

MTA held pricing negotiations with the recommended providers. The PRAG Team agreed to an annual fee of \$980,000, which is a 26.8% increase over the last year of service in the prior incumbent advisor's contract. The increase in fee reflects the significant increase in time and effort expected to be provided over the term of the contract by PRAG given the MTA's funding needs going forward as well as a review of the time the incumbent has spent during its prior engagement relative to their compensation, justifying the increase. The resulting fee was negotiated lower by 18.4% than their proposal. Also, note that 30% of this annual fee will be allocated equally between Backstrom McCarley Berry & Co., LLC, a New York State certified MBE, and Sycamore Advisors, LLC a New York State certified WBE, to meet the New York state mandated MWBE diversity goals. MTA also agreed to a 2% increase for each year of the term of the agreement. Mohanty Gargiulo agreed to an annual fee of \$185,000 for the next five-year engagement, which represents no change or increase over the prior contract period.

ALTERNATIVES:

There is no alternative for the MTA to not use a Municipal Advisor or Swap Advisor.

RECOMMENDATION:

After considering each firm's qualifications and price proposal, the selection committee recommends the appointment of the PRAG Team as general financial advisor relating to the issuance of MTA and TBTA bonds and other capital market activities, and Mohanty Gargiulo LLC to serve as an advisor on derivative transactions for a period of five years each. Recommendation is also made to include up to two annual renewals for each of the contracts.

Staff Summary

Subject Revised Advertising Standards
Department C&D Planning
Department Head Name
Department Head Signature
Project Manager Name Fredericka Cuenca

Date November 11, 2021
Vendor Name
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
	Finance	11/15/21	X		
	Board	11/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
2	Chief Development Officer		
3	Chief Financial Officer		
1	General Counsel		

Purpose:

To obtain Board approval of the revised MTA Advertising Policy annexed hereto that includes revisions to the MTA’s Advertising Standards.

Discussion:

The proposed revised MTA Advertising Policy would continue to set uniform, reasonable, and viewpoint-neutral standards for the display of advertising in and on the facilities, vehicles and other property (together “Property”) of the Metropolitan Transportation Authority and its affiliated and subsidiary agencies (together “MTA”). The proposed revised Advertising Policy is also intended to maintain the attractiveness of the MTA Property and its services to a multi-cultural, multi-ethnic, religiously diverse and otherwise diverse ridership and workforce, including a ridership that includes minors, and to maintain the MTA’s Property as a non-public forum by limiting the range of expression permitted in the forum, including but not limited to by excluding advertising of a political nature, as defined in the proposed Policy.

The MTA’s mission is to provide safe, reliable, and efficient public transportation and crossings within its service area. The MTA’s transportation operations are funded by a combination of federal, state, and local funds, including grants and taxes, as well as farebox and toll revenue. Advertising revenues are an important supplemental source of revenue that supports the MTA’s transportation operations. The MTA’s purpose in allowing paid advertising to be displayed in and on the Property is to maximize such supplemental revenue to support transportation operations. By accepting paid advertising for display in and on the Property, the MTA is acting in a proprietary capacity as a provider of public transportation seeking to maximize advertising revenue to support its transportation operations. Consistent with the Advertising Policy that was adopted effective April 29, 2015, the MTA intends to maintain the Property as a non-public forum.

The changes from the current Advertising Policy contained in the proposed revised Advertising Policy are intended to address recent developments in the legal landscape, as well as experience gained through several years of application of the current Advertising Policy. In particular, there are several recent court decisions on the constitutionality of advertising policies of other transit systems, and related First Amendment issues. In

Staff Summary

FINANCE COMMITTEE MEETING Advertising Concession (Cont'd.)

In addition, the recommended changes respond to the increasingly explicit nature of advertisements being regularly submitted to the MTA and lawsuits filed against the MTA since the last substantial revision of the Policy in 2015, including a lawsuit alleging that the provisions governing sexually oriented products and services were unconstitutionally vague and being applied in a discriminatory fashion. The proposed Advertising Policy also responds to recent developments in the decriminalization of cannabis in New York.

In establishing and enforcing these revised Advertising Standards, the MTA seeks to fulfill the following goals and objectives:

- Maximize advertising revenue
- Maximize ridership and fare revenue, including by adopting an advertising policy that will create an attractive environment for a diverse MTA ridership, including minors
- Maintain a secure and orderly operating environment
- Maintain a safe and welcoming environment for all MTA employees and customers, including minors, who use MTA's subways, buses, commuter trains and crossings
- Minimize the resources and attention that have been expended to resolve disputes relating to the permissibility of certain political advertisements and advertisements of a sexual nature, thus unnecessarily diverting the organization from performing its mission
- Avoid identification of MTA with, and the appearance of MTA endorsement of, the advertisements of non-MTA parties displayed in or on the Property, including the associated messages, products, services, or events being proposed or promoted.

The effective date of this revised Advertising Policy shall be the date it is approved by the MTA Board. The revised Advertising Policy will not apply to any advertisement that was contracted for display on MTA property before the effective date. No additional advertisements that violate the revised Advertising Policy will be contracted for display on MTA property as of and after the effective date, including renewals of previously run advertisements.

Recommendation:

It is recommended that the Board approve and adopt the annexed MTA Advertising Policy.

MTA ADVERTISING POLICY

I. PURPOSE

- A. To establish uniform, reasonable, and viewpoint-neutral standards for the display of advertising in and on the facilities, vehicles and other property (together “Property”) of the Metropolitan Transportation Authority and its affiliated and subsidiary agencies (together “MTA”).
- B. To maintain the attractiveness of the MTA Property and its services to a multi-cultural, multi-ethnic, religiously diverse and otherwise diverse ridership, including a ridership that includes minors.
- C. To maintain the MTA’s Property as a non-public forum by limiting the range of expression permitted in the forum, including but not limited to by excluding advertising of a political nature as defined below.

II. SCOPE

This policy applies to all advertisements proposed to be displayed in and on the Property on or after the Effective Date set forth below.

III. OBJECTIVE

The MTA’s mission is to provide safe, reliable, and efficient public transportation and crossings within its service area. The MTA’s transportation operations are funded by a combination of federal, state, and local funds, including grants and taxes, as well as fare box and toll revenue. Advertising revenues are an important supplemental source of revenue that supports the MTA’s transportation operations. The MTA’s purpose in allowing paid advertising to be displayed in and on the Property is to maximize such supplemental revenue to support transportation operations.

By accepting paid advertising for display in and on the Property, the MTA is acting in a proprietary capacity as a provider of public transportation and crossings seeking to maximize advertising revenue to support its transportation operations. The MTA does not intend that the advertising permitted to be displayed in and on the Property be created, designated, or used as a public forum for expressive activities or general discourse or opinions. In furtherance of the MTA’s purpose of maximizing advertising revenue, the MTA in its proprietary capacity is limiting advertisements it will accept for display in and on the Property to paid commercial advertising, certain public service announcements that will help build goodwill for the MTA among its riders and the public, and governmental messages, and prohibiting certain advertisements described below. The MTA retains control over the advertising that it will allow to be displayed in and on the Property by subjecting all proposed advertisements to the Advertising Standards below. MTA expressly intends that the advertising permitted to be displayed in and on the Property be a non-public forum.

In establishing and enforcing these Advertising Standards, the MTA seeks to fulfill the following goals and objectives:

- Maximize advertising revenue
- Maximize ridership and fare revenue, including by adopting an advertising policy that will create an attractive environment for a diverse ridership in the MTA transportation operations, including minors
- Maintain a secure and orderly operating environment
- Maintain a safe and welcoming environment for all MTA employees and customers, including minors, who use MTA's subways, buses, commuter trains, and crossings
- Minimize the extraordinary resources and executive attention that have been expended to resolve disputes relating to the permissibility of certain political advertisements and advertisements of a sexual nature, thus unnecessarily diverting the organization from performing its mission
- Avoid identification of MTA with, and the appearance of MTA endorsement of, the advertisements of non-MTA parties displayed in or on the Property, including the associated messages, products, services, or events being proposed or promoted.
- Preventing government property from being used to promote invidious discrimination against constitutionally and statutorily recognized protected classes, including to MTA customers who are captive audiences.

Further, this Advertising Policy contains additional restrictions for Large Format Advertisements on MTA Property, as defined herein. Because of their much larger size, Large Format Advertisements have a stronger, more visceral impact than other advertising on MTA Property, especially as the graphics become larger and often more detailed. Further, Large Format Advertisements on buses and subways on outdoor tracks travel through communities whose members may not have affirmatively chosen to use the MTA's services. For these reasons, Large Format Advertisements must satisfy both the standards for all advertisements and the additional requirements.

IV. ADVERTISING STANDARDS

A. Permitted Advertising

The MTA will only display advertisements that fall under one or more of the following categories of permitted advertising:

1. Commercial advertising. Paid advertisements that propose, promote, or solicit the sale, rent, lease, license, distribution, or availability of, or some other commercial transaction concerning, goods, products, services, or events for the advertiser's commercial or proprietary interest, or more generally promote an entity that engages in such activities.

2. Governmental advertising. Notices or messages from the MTA that promote the MTA or any of its functions or programs, and paid notices or messages of the United States government, the States of New York, New Jersey and Connecticut and their agencies and counties, the City of New York and its departments, or of any of the County governments within the Metropolitan Commuter Transportation District that advance specific governmental purposes.

3. Public service announcements. Public service announcements not otherwise prohibited under Section IV.B of this Policy, which are sponsored by a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, and which are directed to the general public and relate directly and exclusively to:

- (i) Prevention or treatment of illnesses;
- (ii) Promotion of safety or personal health;
- (iii) Education or training programs (e.g., colleges, graduate school programs, or vocational training programs);
- (iv) Art or culture programs;
- (v) Provision of children and family services;
- (vi) Provision of services and programs that provide support to low income citizens, senior citizens, or people with disabilities; or
- (vii) Public education that solely informs the public of the existence of current New York City, New York State or national laws or constitutional provisions and that contains only a quotation from and citation to such provision and/or explanatory graphics accurately reflecting the law, and the identity of the advertiser.

B. Prohibited Advertising

Even if an advertisement qualifies as permitted advertising under Section IV.A of these Advertising Standards, the MTA will not accept any advertisement for display in or on the Property if it falls within one or more of the following categories of prohibited advertising:

1. Promotes or opposes a political party, a ballot referendum, any proposed or contemplated legislation or regulation, or the election of any candidate or group of candidates for government offices.
2. Prominently or predominantly supports, opposes, or comments on any action, inaction, prospective action, or policies of a government entity, except for advertisements that (i) qualify as permitted advertising under Section IV.A.2 of these Advertising Standards; (ii) are limited to providing public education regarding the existence of current government programs and services under Section IV.A.3(i) through Section IV.A.3(vi) of these Advertising Standards; or (iii) are limited to providing public education regarding existing laws under Section IV.A.3(vii) of these Advertising Standards.

3. Prominently or predominantly supports, opposes, or comments on a matter of public policy, except for advertisements that (i) qualify as permitted advertising under Section IV.A.2 of these Advertising Standards; (ii) are limited to providing public education regarding the existence of current government programs and services under Section IV.A.3(i) through Section IV.A.3(vi) of these Advertising Standards; or (iii) are limited to providing public education regarding existing laws under Section IV.A.3(vii) of these Advertising Standards. Public policy is defined as a system of laws, regulatory measures, courses of action or inaction, and funding priorities concerning a given issue or topic promulgated, proposed to be promulgated, administered, or effectuated by a government entity or its representatives, and can relate to issues that are political, economic, cultural, religious, or social in nature, among other issues.

4. Prominently or predominantly supports, opposes or comments on any international dispute or warfare among nations or religious, ethnic, or other similar groups.

5. Prominently or predominantly supports, opposes or comments on a matter of religious policy. Religious policy is defined as the doctrines, practices, belief systems, or edicts promulgated or proposed to be promulgated by a religious entity or religious group or their respective representatives. This subsection IV.B.5 is not intended to prohibit advertisements that inform the public of the existence of a religious or atheist group or institution or the availability of their services if such advertisements otherwise comply with these Advertising Standards.

6. Is false, misleading, or deceptive.

7. Promotes unlawful or illegal goods, services, or activities, or involves other unlawful conduct.

8. The advertisement (i) depicts or describes in a patently offensive manner sexual or excretory activities so as to satisfy the definition of obscene material as contained in New York Penal Law § 235.00, as such provision may be amended, modified, or supplemented from time to time; or (ii) contains material that, if sold or loaned to a minor for monetary consideration with knowledge of its character and content, would give rise to a violation of New York Penal Law § 235.21, which prohibits the dissemination of indecent material to minors, as such provision may be amended, modified, or supplemented from time to time; or (iii) contains material that, if displayed with knowledge of its character and content, would give rise to a violation of New York Penal Law § 245.11, which prohibits the public display of offensive sexual material, as such provision may be amended, modified, or supplemented from time to time.

9. Advertises a film, publication or other content, including but not limited to an Internet website, that (i) satisfies the definition of obscene material contained in New York Penal Law § 235.00, Law § 235.00, as such provision may be amended, modified, or supplemented from time to time; (ii) if sold or loaned to a minor for monetary consideration with knowledge of its character and content, would give rise to a violation of New York Penal Law § 235.21, which prohibits the dissemination of indecent material to minors, as such provision may be amended, modified, or supplemented from time to time; or (iii) that, if displayed with knowledge of its character and content, would give rise to a violation of New York Penal Law § 245.11, which

prohibits the public display of offensive sexual material, as such provision may be amended, modified, or supplemented from time to time.

10. Implies or declares an endorsement by the MTA of any service, product, or point of view.

11. Encourages or depicts unsafe behavior with respect to MTA's transportation operations, such as failure to comply with normal safety precautions in awaiting, boarding, riding upon, or disembarking from MTA vehicles, depicts conduct which violates the Rules of Conduct of the MTA or one of the MTA's constituent agencies, or is otherwise directly adverse to the commercial, administrative or operational interests of the MTA as a business. This prohibition includes advertisements that incidentally portray the MTA, MTA employees, or MTA services in advertisements which primarily promote an unrelated product or service.

12. Contains an image of a person who is or appears to be a minor in sexually suggestive dress, pose, or context, or contains sexually explicit material that appeals to the prurient interest in sex, as judged by contemporary community standards relevant to MTA Property.

13. Promotes an escort service, strip club, or a Sexually Oriented Product or Service. A Sexually Oriented Product or Service as employed herein is any good, product, or service primarily related to or used for the purposes of sexual activity by persons of any gender or orientation, including but not limited to genital intercourse, oral sex, anal sex, masturbation, sadomasochism, erotic touching of covered or uncovered genitals, pubic area, buttocks, anus, or breasts, obtaining or maintaining an erection, or experiencing an orgasm ("Sexual Activity"). Sexually Oriented Products or Services include but are not limited to sex toys, sexual enhancement products, sexual dysfunction medications and supplements, genital or anal lubricants, libido enhancing medications and supplements, surgical procedures for the enhancement of sexual activity or sexual pleasure, and surgical procedures for the enlargement of breasts or genitals. Sexually Oriented Products or Services do not include contraceptives or reproductive or family-planning services, gender affirming surgery, or post-operative breast reconstruction surgery, and advertisements that promote these topics are not prohibited so long as they comply with all other provisions of this Advertising Policy.

14. Contains profanity, including words, symbols or gestures commonly understood as profanity even if they are mis-spelled or do not contain all their letters, or slang terms for the genitals, pubic area, buttocks, anus or breasts. Examples of profanity include: fuck, shit, asshole, bitch, and cunt.

15. Depicts, references, or contains symbols or images reasonably understood to represent or evoke feces, urine, semen, orgasms, erections or Sexual Activity, excluding kissing.

16. Promotes tobacco, nicotine, or any tobacco-related or nicotine-related product; any alcohol product; cannabis or any cannabis-related product; or hallucinogenic mushrooms or hallucinogenic mushroom-related product.

17. Contains material the display of which the MTA reasonably foresees would result in harm to, disruption of or interference with the normal operations of the transportation system

operated by the MTA, or imminently incite or provoke violence or other immediate breach of the peace and so harm, disrupt, or interfere with safe, efficient, and orderly transit operations.

18. Contains material that demeans, disparages, praises, or promotes an individual or group of individuals on the basis of race, national origin, sex, sexual orientation, gender identity, disability, age, alienage, or religion. For purposes of determining whether an advertisement “demeans or disparages” an individual or group on this basis, the MTA will determine whether a reasonably prudent person, knowledgeable of the MTA’s ridership and using prevailing community standards, would believe that the advertisement contains material that is abusive to, or debases the dignity of, an individual or group of individuals on the basis of the listed classes.

19. Portrays graphic violence; sexual violence; human body parts, animal parts, or fetuses in states of mutilation, dismemberment, decomposition or burning; or the purposeful infliction of pain to a human being or animal.

C. Additional Provisions Relating to Advertisements

To avoid identification of the MTA with messages or images contained within advertisements displayed in and on the Property and to avoid the appearance of MTA endorsement of goods, products, services, or events by advertisers, advertisements shall readily and unambiguously identify the person, corporation, or entity paying for the advertisement. An advertiser may, at the MTA’s discretion, be required to include in the advertisement a statement explicitly identifying the person, corporation, or entity paying for the advertisement. An advertiser may also, at the MTA’s discretion, be required to incorporate additional language to avoid the appearance of MTA endorsement.

V. LARGE FORMAT ADVERTISING

Large Format Advertising is defined to include (i) advertising that physically “wraps” and so covers all or nearly all of the exterior surfaces of subway cars, train cars, or buses and (ii) any other advertisement in any medium that appears on the Property that is an equivalent or greater size.

In addition to the prohibited categories of advertising set forth in Section IV.B.15 of this Policy, the MTA will not accept Large Format Advertising that depicts or explicitly references lingerie, underwear, or swimsuits, or promotes any brand that prominently promotes itself in its marketing materials as a company selling Sexually Oriented Products or Services.

The MTA may, from time to time, implement further restrictions on Large Format Advertising as part of short-term pilot projects to test what standards are appropriate for these advertising spaces.

VI. REVIEW OF ADVERTISING PROPOSED FOR DISPLAY IN OR ON THE PROPERTY

1. Before accepting an advertisement for display in or on the Property, the advertising contractor shall review such proposed advertisement to determine whether the advertisement potentially may not comply with the Advertising Standards.

2. If the advertising contractor determines that a proposed advertisement may not comply with the Advertising Standards, it shall promptly notify the MTA Advertising Review Committee (or a designee) in writing. The advertising contractor has no authority to reject an advertisement on behalf of the MTA and any statements by the advertising contractor to the advertiser regarding an advertisement are not binding on the MTA.

3. In reviewing an advertisement for compliance with the Advertising Standards, the Advertising Review Committee (or its designee) may consult the advertiser's website, marketing and promotional materials, government filings, materials regarding the nature or content of advertised products or services, or any other material that would inform its judgment. The Advertising Review Committee also may request additional facts or materials from the advertiser to determine whether the advertisement complies with Advertising Standards.

4. In reviewing a commercial advertisement promoting a book, film, television show, audio program (such as a radio show, album or podcast), live event, or other similar form of entertainment (collectively, "Media Products"), the MTA will distinguish between ads where the title of the Media Product and advertising copy merely identify the topic of the Media Product, on the one hand, and ads where the title of the Media Product and advertising copy advocate a position of the advertiser on the issues identified in Section IV.B.1-5 of this Policy, on the other hand. In determining whether a proposed advertisement is not permitted under Section IV.B.1-5 of this Policy, one factor among others that the MTA may consider is whether the advertiser is a media or entertainment company whose business is to regularly engage in the distribution of Media Products.

5. The promotion in an advertisement of the sale of bumper stickers, t-shirts, buttons or other similar products with slogans, symbols, images, or logos shall not render an otherwise non-commercial advertisement a commercial advertisement.

6. If the Advertising Review Committee determines that a proposed advertisement does not comply with the Advertising Standards, the advertiser shall be notified by the advertising contractor. If the MTA so desires, the advertising contractor, in consultation with the Advertising Review Committee (or a designee), or the Advertising Review Committee, may discuss with the advertiser revisions to the advertisement to try to bring the advertisement into compliance with the Advertising Standards, and the advertiser may submit a revised advertisement to the advertising contractor for review. This procedure is optional and in the MTA's sole discretion.

7. If the advertiser has received notice that the Advertising Review Committee has determined that a proposed advertisement does not comply with the Advertising Standards, the advertiser may request a final determination from the MTA Chief Development Officer. The MTA Chief Development Officer, in reaching a final determination, may consult with the advertising contractor, or with the Advertising Review Committee, the MTA General Counsel or other in-house counsel, MTA Chair (or a designee), or with any other individuals, and may consider any materials submitted by the advertiser or relevant to the determination. The MTA Chief Development Officer shall advise the advertiser and the advertising contractor of the final determination in writing.

8. The MTA may from time to time issue Frequently Asked Questions regarding the Advertising Policy, to assist the public with respect to the Advertising Policy.

VII. SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this Policy is, for any reason, declared invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such invalidity shall not affect the validity of the remaining portions of this Policy, which remaining portions shall continue in full force and effect.

VIII. EFFECTIVE DATE

This Advertising Policy is effective as of _____, 2021.

Staff Summary

Subject 2020-2021 Station Maintenance Receivable						Date November 1, 2021			
Department Chief Financial Officer						Vendor Name			
Department Head Name Robert E. Foran						Contract Number			
Department Head Signature						Contract Manager Name			
Project Manager Name James McGovern						Table of Contents Ref #			
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance Com.	11/15/21				1	Legal		
2	Board	11/17/21							

Narrative

The MTA billed the counties and the City of New York for station maintenance for the period 04/01/20 – 03/31/21 based on a statutory formula, which incorporates an annual CPI adjustment factor.

Under Section 1277 of the Public Authorities Law, if a municipality fails to make a full payment of the amounts owed the MTA, the Chief Executive Officer of the MTA or such other person as the Chairman shall designate and shall certify to the State Comptroller for the collection of the amount due and owing.

The attached schedule shows the Station Maintenance billings and collections as of September 30, 2021.

METROPOLITAN TRANSPORTATION AUTHORITY
STATION MAINTENANCE RECEIVABLE AS OF 9/30/21

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	<u>AMOUNT BILLED</u>	<u>AMOUNT RECEIVED</u>	<u>BALANCE DUE</u>
NEW YORK CITY	\$101,284,634	\$101,284,634	\$ 0
NASSAU	31,653,855	31,653,855	0
SUFFOLK	19,510,134	19,510,134	0
WESTCHESTER	21,876,292	21,876,292	0
DUTCHESS	2,607,948	2,607,948	0
PUTNAM	1,019,878	1,019,878	0
ORANGE	539,511	539,511	0
ROCKLAND	57,360	57,360	0
TOTAL	<u>\$178,549,612</u>	<u>\$178,549,612</u>	<u>\$ 0</u>

Metropolitan Transportation Authority
 Station Maintenance Period Ending September 30, 2021

2021	New York	Nassau	Suffolk	Westchester	Rockland	Dutchess	Orange	Putnam	Total
Date	City	County	County	County	County	County	County	County	Total
Billed Amount	\$ 101,284,634	\$ 31,653,855	\$ 19,510,134	\$ 21,876,292	\$ 57,360	\$ 2,607,948	\$ 539,511	\$ 1,019,878	\$ 178,549,612
Billed %	56.73%	17.73%	10.93%	12.25%	0.03%	1.46%	0.30%	0.57%	100.00%
Receipts:									
July 2021		\$ 31,653,855			\$ 57,360				\$ 31,711,215
August 2021	\$ 101,284,634		\$ 19,510,134			\$ 2,607,948	\$ 539,511		\$ 123,942,227
September 2021				\$ 21,876,292				\$ 1,019,878	\$ 22,896,170

Balance due									
September 30, 2021	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

PROCUREMENTS

The Procurement Agenda this month includes 3 actions for a proposed expenditure of \$24.2M.

Staff Summary

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

Date November 2, 2021
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	11/15/21	X		
2	Board	11/17/21	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 Noncompetitive procurements in the following categories:

Schedules Requiring Majority Vote:

Schedule H: Modifications to Personal & Miscellaneous Service Contracts	1	\$	6.2 M
SUBTOTAL	1	\$	6.2 M

Staff Summary

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote:

Schedule G: Miscellaneous Service Contracts	1	\$	15.0 M
Schedule H: Modifications to Personal & Miscellaneous Service Contracts	1	\$	3.0 M
	<u>2</u>	<u>\$</u>	<u>18.0 M</u>
	SUBTOTAL		
	2	\$	18.0 M
	TOTAL		
	3	\$	24.2 M

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 noncompetitive 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 noncompetitive 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.

NOVEMBER 2021

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

**H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services
(Staff Summaries required for items estimated to be greater than \$1,000,000.)**

- | | | |
|---|---------------------------|--------------------------------------|
| 1. KD Analytical LLC
PROTECT Chemical Detection System
Contract No. 1000076648 | \$6,165,163 (Est.) | <u>Staff Summary Attached</u> |
|---|---------------------------|--------------------------------------|

Board approval is sought to modify a noncompetitive miscellaneous services contract with KD Analytical, LLC for continuous maintenance, support, and related services for MTA's PROTECT Chemical Detection System. This modification extends services for five years (three-year base + two 1-year options) at the estimated cost of \$6,165,163.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 1

Vendor Name (Location): KD Analytical LLC (Alexandria, Virginia)
Description: PROTECT Chemical Detection System Maintenance, Support, and Related Services
Contract Term (including Options, if any): February 1, 2022–January 31, 2027
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type: <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
Solicitation Type: <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole-Source
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept./Div., Dept./Div. Head Name: Patrick Warren, MTA Chief Safety Officer / NYC Transit Acting Chief Operating Officer

Contract Number: 1000076648	AWO/Modification # 3
Original Amount:	\$ 1,975,000
Prior Modifications:	\$ 1,580,915
Prior Budgetary Increases:	0.00
Current Amount:	\$ 3,555,915
This Request:	\$ 6,165,163
% of This Request to Current Amount:	173%
% of Modifications (including This Request) to Original Amount:	392%

Purpose:

Board approval is sought to modify a noncompetitive miscellaneous services contract with KD Analytical, LLC (“KD”) for continuous maintenance, support, and related services for MTA’s PROTECT Chemical Detection System. This modification extends services for five years (three-year base + two 1-year options) at the estimated cost of \$6,165,163.

Discussion:

The MTA uses an advanced chemical detection system, PROTECT, in select locations throughout the network. PROTECT is an early warning and crisis management system used to detect chemical warfare agents, toxic industrial chemicals, and an array of other airborne chemicals. It is continually updated and improved in conjunction with the Department of Homeland Security (“DHS”) and has served as a benchmark for DHS research and development programs. Continuing the current established maintenance programs is critical as the effectiveness of this chemical detection system relies on PROTECT to be in its optimal state.

In 2012, KD performed upgrade services to replace the previously installed sensor sets (2004). KD has since performed the preventative and general maintenance on both the sensors and software used in this important homeland security program. This system is designed for the safety of millions of passengers and is a central communication hub for responders in the event of a chemical-related incident. Under this agreement, KD provides preventative maintenance that covers all aspects of operational maintenance to ensure the system’s state of good repair including regularly scheduled system review to demonstrate the system availability level to be at or above 98.5 percent. KD also performs routine and emergency maintenance of all aspects of the detection system.

In December 2016, the Board approved a three-year noncompetitive contract totaling \$1,975,000, covering services from January 2017 through December 2019. A change order was issued to extend these services through January 2022 totaling \$1,580,915 yielding current aggregate contract value of \$3,555,915. The PROTECT System is proprietary to KD, the only authorized service provider for the necessary maintenance, support, and related services.

The modification amount of \$6,165,162 includes the addition of upcoming installations in other areas of the system. All unit pricing negotiated and approved by the Board in 2016 were within the unit rates established under an existing Federal General Administration Services contract and shall remain fixed and firm throughout the duration of the extension period. The established pricing schedule also allows for increasing amounts of repair parts needed for the sensors for the new locations. The MTA Office of Security and MTA Procurement reviewed all established pricing and terms, which have been deemed fair and reasonable.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Cont'd

This modification is funded by the MTA Office of Security's Operating funds and is divided as follows:

Year 1 (2022–2023)	\$746,362
Year 2 (2023–2024)	\$1,216,559
Year 3 (2024–2025)	\$1,243,977
1st Optional Year (2025–2026)	\$1,294,080
2nd Optional Year (2026–2027)	\$1,664,185

This contract has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

Pursuant to the All-Agency Responsibility Guidelines, a responsibility review of KD was conducted, which revealed no significant adverse or adverse information for this firm within the Responsibility Guidelines. The MTA's Department of Diversity and Civil Rights has assigned zero percent goals to this agreement.

NOVEMBER 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.)

1. **Guardian Service Industries, Inc.** **\$15,014,428** **Staff Summary Attached**
Custodial Services for Grand Central Terminal
Contract No. 20211201

It is requested that the Board approve this competitively negotiated, miscellaneous service contract for Guardian Services Industries Inc. to provide Grand Central Terminal custodial services with an option for engineering services (currently provided by Jones Lang LaSalle [“JLL”] employees).

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

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

2. **Marsh USA, Inc.** **\$3,000,000** **Staff Summary Attached**
All-Agency Master Broker Services
Contract No. 16365

It is requested that the Board approve an amendment to the Board-approved competitively negotiated personal services contract 16365 with Marsh USA, Inc. (“Marsh”) to replenish funds in the amount of \$3 million to cover master broker core services; substantial recovery claims / Federal Emergency Management Agency (“FEMA”) services including but not limited to forensic accounting; and other professional and expert services arising from the Superstorm Sandy, Covid-19, and hurricanes Isaias and Ida until the expiration date of the contract. Upon settlement of the recovery claims, some of the administrative costs will be credited back to the MTA.

Staff Summary

Schedule G: Miscellaneous Service Contracts

 Item Number: **1**

Vendor Name (Location): Guardian Services Industries Inc. (New York, New York)
Description: Custodial and Engineering Services for Grand Central Terminal
Contract Term (including Options, if any): December 1, 2021–November 30, 2026 (three years plus a two-year option)
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

Contract Number: 20211201	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	\$15,014,428
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept./Div., Dept./Div. Head Name: MTA Construction & Development/Real Estate, David Florio	
Contract Manager: Gustavo Pardo	

Discussion:

Board approval is sought for this competitively negotiated, miscellaneous services contract for Guardian Services Industries Inc. (“Guardian”) to provide Grand Central Terminal custodial services and an option for engineering services (currently provided by Jones Lang LaSalle [“JLL”] employees). The period of performance is five years (three years plus a two-year renewal option), commencing December 1, 2021, with janitorial services in the amount of \$5,678,723 and engineering services in the amount \$3,061,391 for the initial three-year period. The estimated total for Option years four and five, for both custodial and engineering services, is \$6,274,314. The overall total contract amount is \$15,014,428. The estimated contract value for Option years four and five is based on a projected annual 3 percent increase in the NYS Prevailing Wage rates from year three.

Pursuant to the JLL contract with the MTA, JLL manages all facets of retail management at GCT including maintenance, cleaning, security and safety, maintenance and operation of building systems, landscaping, and capital project implementation. Tasks are completed by a combination of personnel on JLL’s payroll, JLL subcontractors, and MTA contractors procured through MTA Procurement or JLL acting as MTA’s agent. As prescribed in the MTA-JLL contract, when conducting a procurement as MTA’s agent, JLL is required to follow MTA’s procurement guidelines under the oversight of MTA procurement. The custodial and engineering services are essential for GCT’s retail operations. The contract with Guardian is the result of a competitive Request for Proposal (“RFP”) conducted by JLL as MTA’s agent under the supervision of MTA Procurement. The Selection Committee comprised representatives from the following: MTA Construction & Development, MTA Real Estate, and Metro-North Railroad’s Grand Central Maintenance of Way.

The Request for Proposal (“RFP”) was publicly advertised; proposals from 10 firms were received: Synergy Development Limited; ATALIAN US Northeast, LLC (“ATALIAN”); LN Pro Services LLC; Guardian; TUCS Cleaning Services (“TUCS”); Modern Facilities Services; Pritchard Industries; Baly Cleaning Services; ACJ Luxury Maintenance; and County Cleaners Corporation. The proposals were evaluated based on the evaluation criteria in the RFP document: (1) responsiveness to the RFP, (2) experience and qualifications of supervisory and back-office personnel, (3) prior experiences providing similar services, (4) cost, and (5) compliance with M/WBE requirements. After initial/technical reviews, the Selection Committee determined that Guardian, ATALIAN, and TUCS submitted the most qualified proposals.

Three of the 10 proposers were shortlisted: Guardian, ATALIAN, and TUCS. Guardian and ITALIAN currently have MTA contracts. The Selection Committee therefore requested an oral presentation only with TUCS. Concluding the presentation, the Selection Committee met and unanimously voted for procurement to enter negotiations with Guardian, TUCS, and ATALIAN, and making an award to the firm offering at the best cost.

Negotiations with the shortlisted firms focused on the staffing costs without any change in staffing levels. Shortlisted Firm’s Original Proposals for janitorial and engineering the three-year term ranged from \$8,883,578 to \$10,572,402. As a result of negotiations, the lowest proposer was identified as Guardian in the amount of \$8,740,113. Guardian’s BAFO is \$143,465 less than its original proposal, and \$63,950, or 1 percent less, than ATALIAN’s BAFO in the amount of \$8,804,063. The third shortlisted firm, TUCS, was the highest in cost. Based on competitive negotiation, Guardian’s BAFO of \$8,740,113 is fair and reasonable.

Staff Summary

Schedule G: Miscellaneous Service Contracts

The contract price is approximately \$45,000 per month lower in comparison to the current GCT custodial services contract, a total savings of \$2.7 million over the 60-month maximum term.

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. The Authority is working with the vendor to include applicable cybersecurity requirements prior to issuance of notice of award.

MBE/WBE Information:

MTA's Department of Diversity and Civil Rights established 15 percent MBE, 15 percent WBE, and 6 percent SDVOB goals. Guardian will submit an MWBE/SDVOB utilization plan to meet the 30 percent MWBE goal and 6 percent SDVOB goals.

Recommendation:

It is recommended that the Board approve the award of the GCT custodial and engineering services contract to Guardian.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 2

Vendor Name (Location): Marsh USA, Inc. (New York, New York)
Description: All-Agency Master Broker Services
Contract Term (including Options, if any): October 1, 2017–September 30, 2022
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept./Div., Dept./Div. Head Name: Finance / Risk and Insurance Management; Robert E. Foran / Phyllis Rachmuth

Contract Number: 16365	AWO/Modification # 2
Original Amount:	\$ 8,606,470
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 1,000,000
Current Amount:	\$ 9,606,470
This Request:	\$ 3,000,000
% of This Request to Current Amount:	31.2%
% of Modifications (including This Request) to Original Amount:	46.5%

Discussion:

It is requested that the Board approve an amendment to the Board-approved competitively negotiated personal services contract 16365 with Marsh USA, Inc. (“Marsh”) to replenish funds in the amount of \$3 million to cover master broker core services; substantial recovery claims / Federal Emergency Management Agency (“FEMA”) services including but not limited to forensic accounting; and other professional and expert services arising from the Superstorm Sandy, Covid-19, and hurricanes Isaias and Ida until the expiration date of the contract. Upon settlement of the recovery claims, some of the administrative costs will be credited back to the MTA.

The MTA Risk and Insurance Management Department (“MTA RIM”) is responsible for acquiring insurance and administering the insured and self-insured programs of the MTA agencies, as well as programs insured by First Mutual Transportation Assurance Company, MTA’s wholly owned captive insurance company. The utilization of a master broker is necessary for MTA RIM to place specialty coverages as well as other insurance programs on behalf of the agencies. Those coverages include, but are not limited to, All-Agency Excess Liability, All-Agency Property, Comprehensive and Paratransit Automobile Liability, Environmental Liability, Fiduciary Liability, and Crime, as well as the commuter rails’ station liability and force account insurance. In addition to the acquisition of insurance, Marsh performs core services such as coverage monitoring, claims services, risk management information system services, safety and loss control services, and captive management services. Estimates do not include actual insurance coverages.

In September 2017, the Board approved a contract negotiated for a five-year period at a cost of \$8,606,470, of which \$6,356,470 is for core services plus a contingent amount of \$2,250,000 for unanticipated services. The approved funds have been depleted due to unanticipated forensic accounting; and other professional and expert services arising from the Superstorm Sandy, Covid-19, hurricanes Isaias and Ida, and FEMA recovery claims. Previous funding of \$1 million was added to the contract for unanticipated work due to Covid-19 and other recovery claims. Additional funding of \$3 million is required to cover further expenses until the end of the contract term. Marsh’s experience in forensic accounting and knowledge of FEMA practices and protocols are needed to support and assist MTA’s ongoing FEMA all-agency cost recovery applications.

These additional funds are necessary for MTA RIM to maximize insurance and FEMA recovery, and to continue to provide master broker services for the MTA and its agencies. Fees will remain the same as negotiated under the base contract, which are the lowest rates Marsh offers any other state, federal, or private firm(s).

NOVEMBER 2021
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

MTA METRO-NORTH RAILROAD

Extension of the Board Policy Suspending the Fee Schedule for Events in Vanderbilt Hall, Grand Central Terminal, New York, NY

License with Walks LLC for retail space to provide tours in Grand Central Terminal, New York, NY

METROPOLITAN TRANSPORTATION AUTHORITY

Lease Amendment with SLG Graybar Mesne Lease LLC in support of MTA Police Department training at 420 Lexington Avenue, Suite 616, New York, NY

MTA LONG ISLAND RAIL ROAD

Elmont Station renaming, Elmont, NY

Staff Summary

Subject EXTENSION OF TEMPORARY MODIFICATIONS TO THE GCT VANDERBILT HALL EVENT RATE SCHEDULE
Department REAL ESTATE
Department Head Name FREDERICKA CUENCA
Department Head Signature
Project Manager Name DAVID FLORIO

Date NOVEMBER 15, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/15/21			
2	Board	11/17/21			

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

AGENCY: MTA Metro-North Railroad (“Metro-North”)
LOCATION: Vanderbilt Hall, Grand Central Terminal
PURPOSE: To obtain MTA Board approval for an extension of the temporary modification to the Vanderbilt Hall policy governing event rates and charges
COMMENTS:

By staff summary dated September 23, 2020 (attached), the MTA Board approved the temporary suspension of the Vanderbilt Hall rental rate schedule, authorizing MTA Real Estate to negotiate rates for events and offer discounts when necessary.

With the advent of COVID-19, the overall event business has suffered tremendously. So far in 2021, only 4 events have rented the space. MTA Real Estate's consultant, JLL, has advised that businesses continue to lack the budgets to market their brands and products. Coupled with the decline in foot traffic in Grand Central and the COVID requirements and restrictions for indoor events, Vanderbilt Hall, as with other indoor venues, is not as desirable as it was pre-COVID. Events in Vanderbilt Hall are valuable drivers of revenue and provide the necessary foot traffic to our retail tenants.

The goal of this extension to the temporary modification is to provide maximum flexibility, to remain competitive in the current market and increase Vanderbilt Hall activations by drawing more short and long-term engagements to drive increased foot traffic in support of the Terminal's retail tenants.

MTA Real Estate proposes the extension of the temporary modification of the rate schedule until December 31, 2022, unless otherwise extended by Board approval or rescinded by MTA Real Estate based upon improved market conditions.

Staff Summary

Subject TEMPORARY AND PERMANENT MODIFICATIONS TO THE GCT VANDERBILT HALL EVENT RATE SCHEDULE
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name DAVID FLORIO

Date SEPTEMBER 23, 2020
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/23/2020	X		
2	Board	9/23/2020	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North")
LOCATION: Vanderbilt Hall, Grand Central Terminal
PURPOSE: To obtain MTA Board approval for a temporary modification to the Vanderbilt Hall policy governing event rates and charges

COMMENTS:

By staff summary dated April 23, 2018, the MTA Board approved the attached Vanderbilt Hall rental rate schedule authorizing MTA Real Estate to negotiate rates for events and offer discounts of up to twenty percent. On July 24, 2019, the Board approved a further modification to the rate schedule to provide, among other things, the additional categories of discounted rates for: (1) government agencies; and (2) events that are 30+ days in length.

With the advent of COVID-19, the overall event business has suffered tremendously with all previously booked Vanderbilt Hall events being cancelled indefinitely. MTA Real Estate's consultant, JLL, has advised that businesses no longer have the budgets to market their brands and products. Coupled with the decline in foot traffic in Grand Central, Vanderbilt Hall, as with other venues, is not as desirable as it was pre-COVID. Events in Vanderbilt Hall are valuable drivers of revenue and provide the necessary foot traffic to our retail tenants.

The goal of this temporary modification is to provide maximum flexibility in negotiating event fees to remain competitive in the current market, and increase Vanderbilt Hall activations by drawing more short and long-term engagements to drive increased foot traffic in support of the Terminal's retail tenants.

MTA Real Estate proposes to temporarily suspend the rate schedule through December 31, 2021 unless otherwise extended by Board approval, or rescinded by MTA Real Estate based upon improved market conditions.

One permanent modification to the policy is to add a charge for the "bridge" between the Main Concourse and Vanderbilt Hall for separate smaller exhibits.

Staff Summary

**FINANCE COMMITTEE MEETING
TEMPORARY AND PERMANENT MODIFICATION TO GCT VANDERBILT HALL EVENT FEE SCHEDULE
(Cont'd.)**

**Existing Vanderbilt Hall Rental Rates
New Event Location in Red**

Type of Vanderbilt Hall Duration Rental Fee	Daily Rate	Notes
February through June & September through December		
1+ Day(s)	\$15,000	Full day rate
30+ Days	\$10,000	Daily rate for events that are 30+ days
Tenant Produced Events	\$7,500	Tenants have the opportunity to host an event in Vanderbilt Hall at a 50% discount for the first event day. All subsequent days are full rate
Non-Profit rate	\$11,250	Client must submit a 501c3 for domestic non-profits and appropriate documentation for international clients to receive this rate
Government Agency Rate	\$11,250	Client must submit proof of government agency
Bridge Space	\$5,000	Includes both sides of the Bridge between Vanderbilt Hall and the Main Concourse
Load in/Load out Hourly Rate in addition to at least 1 full day room rental	\$625 per hour	Maximum of 6 hours for load in and load out only Maximum notice of 30 days before the event
January, July, and August		
1 - 6 Days	\$7,500	Daily rate during January, July, and August
7+ Days	\$6,500	Daily rate for events that are 7+ days long
Non-Profit rate 1 - 6 Days	\$7,500	Client must submit a 501c3 for domestic non-profits and appropriate documentation for international clients to receive this rate
Non-Profit rate 7+ Days	\$6,500	Client must submit a 501c3 for domestic non-profits and appropriate documentation for international clients to receive this rate
Government Agency Rate 1 - 6 Days	\$7,500	Client must submit proof of government agency
Government Agency Rate 7+ Days	\$6,500	Client must submit proof of government agency
Tenant Produced Events	\$6,000	Daily rate for tenants of Grand Central
Bridge Space	\$3,000	Includes both sides of the Bridge between Vanderbilt Hall and the Main Concourse
Load in/Load out Hourly Rate in addition to at least 1 full day room rental	\$625 per hour	Maximum of 6 hours for load in and load out only Maximum notice of 30 days before the event
<i>Rates do not include production costs and additional services fees. These rates are strictly room rental fees.</i>		

Based upon the foregoing, MTA Real Estate recommends adoption of the (i) temporary suspension of the above fee schedule which will sunset on December 31, 2021, unless extended by Board approval; and (ii) the permanent modification.

Staff Summary

Subject GRAND CENTRAL TERMINAL LICENSE AGREEMENT WITH WALKS LLC
Department REAL ESTATE
Department Head Name FREDERICKA CUENCA
Department Head Signature
Project Manager Name DAVID FLORIO

Date NOVEMBER 15, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/15/21	X		
2	Board	11/17/21	X		

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

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

LICENSEE: Walks LLC

LOCATION: Westernmost ticket window in the Main Concourse across from Track 30 at Grand Central Terminal (“GCT”)

ACTIVITY: The Licensee, as sole proprietor or as a joint venture with another operation, shall organize, operate and maintain a self-guided audio walking tour and provide the entire infrastructure for a guided tour program.

ACTION REQUESTED: Authorization to enter into a license agreement for tour operator space and tour operations at GCT

TERM: Five (5) years, plus one three (3) year renewal option, subject to termination on 60 days’ notice at no cost

SPACE: 77 sq. ft. (±)

BASE RENT COMPENSATION: From License Commencement Date through the third anniversary of operating, Licensee’s Base License Fee shall be \$24,000 per year.

In years 4 and 5, Licensee’s Base License Fee shall be \$48,000 per year.

PERCENTAGE RENT COMPENSATION: In addition to Licensee’s Base License Fee, in years 1-3, Licensee shall pay 8% of gross sales above a \$300,000 breakpoint. In years 4 and 5, Licensee shall pay 8% of sales over a \$600,000 breakpoint.

Staff Summary

FINANCE COMMITTEE MEETING GRAND CENTRAL TERMINAL LICENSE WITH WALKS LLC (Cont'd.)

COMMENTS:

Pursuant to MTA Real Estate's merchandising plan for GCT, a request for proposals ("RFP") was issued on June 18, 2021 seeking offers from guided tour operators to lease space in the westernmost ticket window of the Main Concourse of GCT. Upon expiration of the RFP submission deadline in July 2021, Orpheo, Walks LLC, and Turnstile submitted proposals. However, the Turnstile proposal did not meet all criteria and was ultimately disqualified.

The qualifying proposals from Orpheo and Walks LLC were vetted and evaluated, and the net present value ("NPV") of each proposal was calculated.

Orpheo previously provided tours at GCT under a previous agreement. Their current proposal included an aggregate total of \$62,816 (NPV) in Guaranteed Base Rent over the Term.

Walks LLC, a subsidiary of City Experiences by Hornblower, is a well-established tour company, with offerings at premier tourist attractions across the country. Their proposal included an aggregate total of \$133,826 (NPV) in Guaranteed Base Rent over the Term.

Both tour operators proposed guided and audio tours, but Walks LLC also proposed a secondary sales kiosk (at the discretion of the MTA and Metro-North), which would add an extra revenue opportunity to the offering. The kiosk will enhance visibility of the GCT tours and will include sales of their other offerings around New York City; this concept has proven successful in other destinations.

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

Staff Summary

Subject LEASE AMENDMENT WITH SL GREEN REALTY CORP. FOR AN MTAPD TRAINING FACILITY AT 420 LEXINGTON AVENUE, NEW YORK
Department REAL ESTATE
Department Head Name FREDERICKA CUENCA
Department Head Signature
Project Manager Name CHRISTOPHER NESTERCZUK

Date November 15, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/15/21	X		
2	Board	11/17/21	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")
LANDLORD: SLG Graybar Mesne Lease LLC, an entity controlled by SL Green Realty Corp. ("Landlord")
LOCATION: 420 Lexington Avenue, Suite 616, New York, NY
ACTIVITY: Amendments to the (i) existing lease between the MTA and Landlord and (ii) the Condominium Declaration adding the Premises
ACTION REQUESTED: Authorization to enter into a lease amendment
TERM: 5 Years from the Rent Commencement Date plus two (2), six (6) year renewal options
PREMISES: 7,537 rentable square feet ("RSF") previously occupied by MTA Metro-North ("Metro-North")

BASE RENT:	Rent/RSF	Annual Rent
September 17, 2021 - 5 th anniversary of Rent Commencement	\$46.89	\$353,409.93

LEASE EFFECTIVE DATE: September 17, 2021

RENT COMMENCEMENT DATE: January 17, 2022

RENEWAL OPTION BASE RENT: 100% of the fair market rental value, taking into consideration all relevant factors.

Staff Summary

LEASE AMENDMENT WITH SL GREEN REALTY CORP. FOR AN MTAPD TRAINING FACILITY AT 420 LEXINGTON AVENUE, NEW YORK (Cont'd.)

Page 2 of 2

REMAINING LEASE TERMS: Except as may be modified by the Amendment, all other terms of the existing lease remain in full force and effect.

COMMENTS:

The MTAPD is currently experiencing a significant shortage of space for training to support the projected increase of 500 new officers which will increase the MTA PD's roster to approximately 1,400. The MTA PD's training unit has increased their staffing levels to provide continual training to members. A classroom located in close proximity to MTA PD headquarters in 420 Lexington Avenue allows the training unit to conduct multiple classes simultaneously. Furthermore, having a centrally located training environment allows for greater flexibility without depleting coverage in the metropolitan area.

To address these operational needs, the MTA PD inspected space at 420 Lexington Avenue and determined that the MTA Metro-North's ("Metro-North") existing space at Suite 616, which lease expired on September 16, 2021, will meet its immediate and long-term needs. This location provides excellent connectivity to the police headquarters in 420 Lexington Avenue as well as Grand Central Terminal and since the Premises was constructed to support Metro-North's training needs, no alterations are required. Although Metro-North's lease expired on September 16, 2021, the Landlord agreed to hold the space while the MTA PD completed its due diligence and MTA RED surveyed the market for potential other locations. MTA RED determined that there were no other locations that met the MTA PD's aforementioned needs based on the frequency of training room usage and the need for consolidated operations.

Given that the MTA PD needed a bridge of time from Metro-North's expiration until its own use, the Landlord agreed to four months free rent. The Premises will be incorporated into the existing lease and Condominium Declaration permitting the MTA to avail itself of its statutory exemption from real property taxes which saves \$12.11 per rentable square foot, thereby establishing an effective rent of \$46.89 which is substantially below office rents in the mid-town market.

MTA Real Estate reviewed current market data and conferred with its vendor broker, CBRE, and it was determined that the rental rate and concession package negotiated are below market for this area of Manhattan.

Based on the foregoing MTA Real Estate requests authorization for the MTA PD to execute a lease amendment on the above described terms and conditions.

Staff Summary

Subject ELMONT STATION RENAMING
Department C&D PLANNING
Department Head Name FREDERICKA CUENCA
Department Head Signature
Project Manager Name LUCY ZACHMAN

Date November 17, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	11/15/21	X		
2	Board	11/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Development Officer		
2	Chief Financial Officer		
3	General Counsel		

AGENCY: MTA Long Island Rail Road (“LIRR”)
 DEVELOPER: New York Arena Partners
 ACTIVITY: Elmont LIRR Station Renaming
 ACTION REQUESTED: Board approval of station name(s)
 TERM: 10-years

PURPOSE/RECOMMENDATION

MTA C&D Planning requests authorization to enter into an agreement with New York Arena Partners to rename the Elmont LIRR station to Elmont -- UBS Arena.

BACKGROUND

The new UBS Arena is scheduled to open as planned in November 2021 for the 2021-2022 NHL season. On event days, concert goers and sports fans will benefit from LIRR train service to two existing train stations—Belmont Park and Queens Village—and to a new Elmont station which is currently under construction. Service will be available immediately before and after games or events at UBS Arena. Customers will have the option to take a free shuttle bus or walk to and from Elmont station and the arena.

UBS Arena and the developer are requesting that the Elmont station reflect the arena name and that the MTA add permanent signage reflecting “Elmont Station -- UBS Arena”. Naming rights would be for a 10-year period, October 1, 2021-September 30, 2031.

New York Arena Partners agrees to pay \$1,750,000 over the 10-year term. New York Arena Partners would pay a fee of \$175,000 per year, plus pay for all costs associated with the creation of new station signage at Elmont and the cost to revert signage back to the original station names at the end of the term. New York Arena Partners would also put up temporary station signage via banners (“Welcome to UBS Arena”) at Belmont station, which would be acquired by the developer and the arena via Outfront Media (advertising concessionaire).

All digital and static signage throughout the MTA system, during the 10-year period noted, would reflect “Elmont Station – UBS Arena”. MTA will change the names in printed materials as they come up for reprint.

CONSIDERATIONS

- As required, the MTA had a third-party assess the value of this station name. The valuations for a 10-year period was: \$4,679,925

Staff Summary

FINANCE COMMITTEE MEETING Elmont Station Renaming (Cont'd.)

- Proposal is less than the external evaluation, but developer has paid for 90% of the cost of the Elmont Station development.
- Since the Arena is new, having the station reflect proximity to the arena will help with wayfinding so that riders know how to get there for an event.
- Initially requested 100-year term, but MTA is recommending 10-year term with possible extension, at which time the cost may be renegotiated.

RECOMMENDATION

New York Arena Partners believe that their significant contribution to building this station should be weighed in considering their offer. While the offer is less than the third-party evaluation, in the current environment, it is unlikely that any other entity would pursue naming rights at this station and adding the name of the arena does support wayfinding. We believe it is in the MTA's best interest is to agree to the naming rights proposal to help offset operating expenses at the new station.

MTA C&D Planning requests authorization to execute a Naming Rights Agreement with New York Arena Partners. These actions are consistent with the Board approved naming guidelines

Staff Summary

Subject Revisions to Board Committee Charters
Department Corporate Compliance
Department Head Name Lamond W. Kearse
Department Head Signature
Project Manager Name Lamond W. Kearse

Date November 17, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Corporate Governance	11/15/21			
2	Board	11/17/21			

Internal Approvals			
Order	Approval	Order	Approval
1	Corporate Compliance		
2	Legal		

Purpose:

To seek Board approval of proposed revisions to the MTA Committee Charters for Capital Program Oversight (“CPOC”), New York City Transit/MTA Bus, Metro-North Railroad, Long Island Rail Road and Bridges and Tunnels. These proposed revisions will create increased efficiency and minimize redundancies by having all MTA Construction and Development (“C&D”) procurement contracts, that require Board approval, be approved by CPOC instead of separately by each operating committee.

Discussion:

Currently, procurement actions for C&D contracts that require Board approval are submitted to the various operating agency committees. In line with the consolidation of all construction work under C&D, it is proposed to submit all C&D procurement actions to the CPOC. This will provide a single focal point for all capital construction-related procurement actions.

The proposed revisions to the Charters: (1) eliminate language in the operating committee’s charter that refer to monitoring capital projects; (2) limits the committee’s responsibility to non-capital contracts; and (3) removes oversight of C&D. These responsibilities will be assumed by CPOC. C&D will present its procurement actions to CPOC for review and referral to the Board for approval.

These charter revisions will become effective January 2022.

Recommendation:

It is recommended that the Board adopt the revisions to each of the Committee Charters.