



Metropolitan Transportation Authority

January 2022

MTA Board Action Items



MTA Board Meeting

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

Wednesday, 1/26/2022
10:00 AM - 5:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Board Meeting Joint Minutes - December 15, 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. COMMITTEE ON CAPITAL PROGRAM

C&D Procurements

C&D Procurement - Page 23

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

Action Item: MNR

i. NYSDOT Grant for Connecting Services

NYSDOT Grant for Connecting Services - Page 30

LIRR Procurements Report (no items)

MNR Procurements Report

MNR Procurements - Page 31

i. Non-Competitive (no items)

ii. Competitive

Competitive Procurements - Page 35

iii. Ratifications (no items)

5. COMMITTEE ON NYCT & BUS

NYCT & Bus Procurements Report (no items)

6. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

B&T Procurements

B&T Procurements - Page 38

i. Non-Competitive (no items)

ii. Competitive

B&T Competitive - Page 41

iii. Ratifications (no items)

7. COMMITTEE ON FINANCE

Action Item

i. New NYPA Master Cost Recovery Agreement

Board Approval for a New NYPA Master Cost Recovery Agreement - Page 46

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 49

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 52

iii. Ratification (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 57

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

**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, December 15, 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. John Samuelsen
Hon. Lawrence Schwartz
Hon. Neal Zuckerman**

The following alternate non-voting members were present:

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

***Attended remotely**

Paige Graves, Acting General Counsel, Robert Foran, MTA Chief Financial Officer, Jaibala Patel, Deputy Chief Financial Officer, Lisette Camilo, Chief Administrative Officer, Paul Fama, MTA Chief People Officer, Patrick Warren, Chief Safety Officer, Craig Cipriano, Interim President, NYCTA, Frank Annicaro, Acting President, MTA Bus, Robert Free, Senior Vice President - Operations, LIRR, Catherine Rinaldi, President, Metro-North Railroad, Daniel DeCrescenzo, President, TBTA, Jamie Torres-Springer, President, MTA C&D, and Larry Gallegos, Assistant Director Government and Community, 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 Company, 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 Company, 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 December 2021 Board meeting.

Acting General Counsel Paige Graves confirmed a quorum of the Board members in attendance, for the record and reminded everyone of MTA's mask mandate and protocol.

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 rules of conduct, 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):

Lisa Daglian, Executive Director, PCAC
Bradley Brashears, PCAC
Matt Kamper, Advocate*

Felicia Park Rogers, Director, Regional Infrastructure Projects, Tri-State Transportation Campaign*
Jason Anthony, Amazon Labor Union*
John Ferretti, Train Conductor, TWU, Local 100
Canella Gomez, Train Operator
Tramell Thompson, Progressive Action, TWU, Local 100
Rachael Fauss, Reinvent Albany*
Mr. X, private citizen
David Kupferberg, private citizen
Chris Parker, private citizen*
Eman Rimawi Doster, NYLPI*
Ben Fried, Communications Director, Transit Center
Setina Robinson, private citizen
Michael Howard, private citizen
Michael Ring, Disabled In Action
Krista Simeone, private citizen*
CN, private citizen
Jonathan Beatrice, TWU, Local 100
Joe Kunzler, private citizen*
Tamara Morgan, Adaptive Design Association, Inc.*
Jennifer Bartlett, Rise & Resist, Elevator Action Group
Nakia Butler, TUW Local 100
Valerie Joseph, BCID
Sasha Blair-Goldensohn, Rise & Resist, Elevator Action Group
Aleta Dupree, private citizen*
Jessica Murray, Chair, ACTA
Jennifer Van Dyck, Rise & Resist, Elevator Action Group
Joseph Rappaport, Executive Director, BCID
Charlton D'Souza, President, Passengers United

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

2. ACTING CHAIR LIEBER' S REMARKS.

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

Chair Lieber stated that the MTA is coming back, and so is New York City. The Chair stated that the initiatives that have been discussed—improving service, bringing back riders, stabilizing MTA finances, executing on the Capital Plan's core priorities, are beginning to come together.

Chair Lieber stated that the MTA has made much progress bringing riders back, and at the outset of 2021 MTA ridership on the subway, buses, and commuter railroads was roughly 2.2 million riders per day total—compared to last week when ridership reached a new pandemic-high of 3.4 million just on the subway. Chair Lieber stated that last Thursday, ridership reached over 5

million people—more than double what it was a year ago, and the Chair stated that to keep up the momentum, the MTA must provide the best possible service.

Chair Lieber stated that reaching the current level of reliability and efficiency has taken heroic efforts on the part of the workforce and management, as discussed by Interim President Craig Cipriano and Demetrius Crichlow, Senior Vice President, Subways, at Monday’s Committee meeting, wherein they explained how subway OTP and other metrics are stronger now than they were pre-pandemic. Train speeds are up compared to 2019—riders are getting where they need to faster, even though due to crew shortages wait time on the platform is a little longer. However, Chair Lieber stated that service delivery increased for the third straight month in November to 92% because of NYCT’s success in reducing the impact of the crew shortages.

Chair Lieber stated that, with the number of crew-related delays diminishing, the agency could be looking forward to a dramatic improvement in all subway performance metrics very soon once all the trainees are ready to start work as bus drivers, train operators and conductors. For example, discounting crew shortages, OTP in November would have been 88%—which would have been the best month since MTA began recording OTP. Chair Lieber stated that the MTA is facing new challenges now—an upsurge of delays caused by what is categorized as “external” factors, things like unruly passengers, police response to crime, and incidents involving people on the tracks, which is tragic and dangerous. Chair Lieber stated that he has directed C&D President Jamie Torres-Springer to lead a new task force, which will include the operating agencies, with the purpose of studying options to address the problems with track trespassing.

Chair Lieber stated that he has appealed to the NYPD and to the City of New York to deploy officers onto platforms and into other areas where riders feel vulnerable, and, apropos to the last speaker’s comments, to assign more trained professionals to help with what appears to be a growing number of people experiencing mental health issues, who are in the transit system.

Chair Lieber stated that increasing NYPD visibility in the system is not just good policing, it is central to the MTA’s efforts to bring back customers. Based on the MTA’s latest survey of 123,000 riders, the overwhelming majority, which is particularly true of lapsed riders as discussed by Sarah Meyer, are concerned first and foremost about their personal safety.

Chair Lieber stated that safety and security have several different aspects. First there are high-profile crimes against customers and employees, and Chair Lieber expressed his support of the union and the workforce’s demand and appeal to the Legislature to increase the penalty for attacks on transit workers. Chair Lieber stated that he intends to continue to speak up on this issue, as he did in the last legislative session.

Chair Lieber stated that recent reports about incidents relating to people being pushed onto the subway tracks and the increase in track trespass incidents are unsettling to the MTA and to New Yorkers, although statistics show crime in the long run has gone down in the subway system. The Chair stated that the agency is also keeping an eye on things like fare evasion, smoking and mask compliance—the small stuff that adds up and has a negative effect on riders, making people feel uneasy about their security as they return to the system.

Chair Lieber stated that he is looking forward to working with the Adams administration, especially working with newly appointed Police Commissioner Sewell, with the goal of making the system safe and inviting to all New Yorkers.

Chair Lieber stated that, as announced last month, there will not be any fare increases in 2021, and he thanked the Governor and her team for their support on this initiative—as business logic says it does not make sense to increase fares just as the MTA is trying to rebuild back its customer base. Chair Lieber stated that, for now, the fares will not be increased, and instead the MTA will roll out a slate of new pilot fare promotions that were developed by the Board-Staff Fare Strategies Working Group, that will be presented by Senior Vice President & Chief Customer Officer Sarah Meyer later in the meeting. Chair Lieber thanked the Board Members for their work on this initiative, especially co-leads Board Member David Jones and Board Member Rhonda Herman, and his Chief of Staff, Laura Wiles, for amazing work on this initiative.

Chair Lieber stated that great progress was made this year on the Capital Program. Despite COVID, the agency has not missed a beat on its two biggest projects—East Side Access and Third Track, both projects remain on schedule to be completed in 2022. Chair Lieber, questioning the number of megaprojects subject to supply chain realities that have not had their scheduled impacted by COVID, stated that the Capital Program is not just about megaprojects, but it is also about advancing key priorities like expanding ADA accessibility systemwide, modernizing the subway signal system, and bringing the MTA’s \$1 trillion in assets into a state of good repair.

With respect to system accessibility, Chair Lieber stated that the agency has completed 14 brand-new ADA stations since the onset of the pandemic, and as discussed by C&D President Torres-Springer at the Committee meeting on Monday, this month’s agenda includes plans for ADA improvements at another 26 stations.

Chair Lieber stated that the MTA is working hard to accelerate the accessibility upgrades and beginning to benefit from the recently enacted Zoning For Accessibility provisions, which was passed by the City Council and originated with the MTA—the agency’s first ADA upgrades under the new law. Chair Lieber stated that the MTA will go to market, with the Board’s approval today, for a new first-in-the-nation public-private partnership that will both add eight new ADA stations to the accessibility map and rehabilitate elevators at many other stations.

Chair Lieber stated that, when it comes to subway signals, the MTA is making progress on the 8th Avenue and Culver line Central Business Tolling Center (“CBTC”) projects and is nearly done with Queens Boulevard Line West (“QBLW”). The Chair stated that today the agency is awarding a contract for CBTC signal upgrades for Queens Boulevard Line East (“QBLE”)—the eastern portion of that incredibly important line.

Chair Lieber stated that, more broadly, the agency is hitting top speed on new Capital Program awards, after forced to take a temporary pause due to the pandemic. Next month, C&D is scheduled to present a full accounting of the capital procurements. Chair Lieber stated that the agency is trying to get ahead of what will certainly be a mad rush for project management talent

and construction capacity once money from President Biden’s Infrastructure program starts to flow.

Chair Lieber stated that the Metro-North Penn Station Access Project—MTA’s new megaproject, is probably the best example of the upsurge in Capital Program activity. The Chair stated that today the Board will be asked to approve the award of a Design-Build contract for four new stations in the East Bronx, as well as 20 miles of track, new substations, new power systems, new interlockings, new communication systems, new signal systems—everything to turn the existing Amtrak two-track railroad into a modern four-track railroad, and ready to accommodate the people of the East Bronx, and Westchester County and Connecticut residents, who want to go to the West Side as well.

Chair Lieber stated that the project will transform the East Bronx from a true transit desert into a model transit-oriented community and it is going to give the Metro-North Railroad New Haven line commuters direct access to Penn Station for the first time. Chair Lieber stated that, like the ESA project that allows LIRR customers to travel directly to East Midtown, the Penn Station Access project will allow Metro-North customers on the New Haven line to save up to 40 minutes per day if they are headed from the West Side to Grand Central.

Chair Lieber stated that the funding plan for this project, which was brokered with help from Senator Chuck Schumer, calls for Amtrak to contribute \$500 million to the Penn Station Access project. In exchange, the MTA agreed to formalize its long-negotiated contribution to Amtrak’s Sandy-related East River tunnel repairs. Chair Lieber stated that all of this requires an amendment to the MTA 2020-2024 Capital Plan, and the details of the plan are included in the December Board book.

Chair Lieber noted that this is not necessarily the final news about funding for this project. With Senator Schumer’s support and the support of the entire Bronx Congressional delegation, the MTA and Amtrak have committed to jointly apply for one of the new programs created by the Biden infrastructure plan—a \$24 billion funding category bill that was expressly purposed for projects on the Northeast rail corridor. Chair Lieber stated that, if approved, this initiative would further reduce MTA’s contribution to the project by millions of dollars, and once the USDOT starts accepting applications, the MTA will be the first to submit its application.

Chair Lieber stated that the MTA is picking up its pace on many initiatives, which has been helped by the recent return to in-person work at all MTA facilities. Chair Lieber noted that the frontline workers never stopped showing up, but for now everyone, including the office workforce, is officially back and there has been a great collaboration happening—new faces are joining the team all the time, and the overall energy at 2 Broadway has gotten a real boost.

Chair Lieber noted that safety continues to be the MTA’s top priority—vaccinations are the pillar of the agency’s public health strategy. The Chair stated that the MTA was the first transportation agency in the country to offer vaccinations on-site for its employees, which started in February. In addition, the MTA has also set up vaccination centers in subway stations systemwide—vaccinating more than 36,000 MTA workers and customers. Vaccination numbers among the MTA workforce continues to grow, and the agency has cards for 73% of its

workforce, and extensive sampling indicates that the number is north of 80%. Chair Lieber stated that, as part of the MTA's 'Vax or Test' program, the agency is making it easy for employees to test—working closely with partners in labor, the MTA set up more than 700 testing locations across the system, and the results of the program are impressive. Last week the MTA tested 14,000 employees, and compliance with the 'Vax or Test' programs—the employees who are vaccinated together with employees who are testing, reached 97%.

Chair Lieber stated that clearly the MTA is on an upward trajectory, which is in large part due to the tremendous work of the MTA's Chief Financial Officer Robert Foran.

Chair Lieber announced that Mr. Foran is retiring later this month, and that this is his last Board meeting, after 11 years of service to the MTA. Mr. Foran, who has been in the MTA's orbit much longer than 11 years, was the MTA's banker while in the private sector for more than 20 years prior to joining the MTA full-time as CFO.

Chair Lieber commended CFO Foran for overseeing more than \$96 billion in transactions to help the MTA build its Capital Program, and so much more. The Chair reiterated Board Member Neal Zuckerman's sentiments, saying that Mr. Foran is the finest CFO in the transit industry and in any industry. Chair Lieber stated that CFO Foran was instrumental in rescuing the MTA's finances on many occasions, with COVID being the latest crisis that he has piloted the MTA through.

Chair Lieber, on behalf of the Board Members and the MTA organization, thanked Mr. Foran for his service to the MTA, and wished him well in his future endeavors.

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 and Board Members comments.

3. BUS SERVICES REVITALIZATION.

Acting Chair Lieber introduced Hank Gutman, Commissioner, New York City Department of Transportation ("NYCDOT"), who provided an overview of the NYCDOT's collaboration with MTA on the bus system.

Commissioner Gutman briefly discussed the NYCDOT's collaboration with MTA on the bus revitalization and other projects. Commissioner Gutman thanked Acting Chair Lieber, who he said worked seamlessly with NYCDOT and the city on a mutual agenda.

Acting Chair Lieber thanked Commissioner Gutman and introduced Craig Cipriano, Interim President, NYCTA, to deliver a presentation on the 2022 Bus Strategy.

Interim President Cipriano began by stating how proud he is to be there alongside Frank Annicaro, Acting President, MTA Bus and Senior Vice President, NYCT Department of Buses, and Hank Gutman, Commissioner, New York City Department of Transportation (DOT), to present NYCT/DOT's ambitious plans to revitalize bus service. He noted that the plan builds

upon the August 2021 announcements outlining bus priority and network improvements, accessibility and customer engagement and the transition to a zero emissions fleet.

Cipriano stated that New York needs a strong bus system to help lead our recovery, and NYCT/DOT's joint mission is to vastly improve customer experience and increase ridership. He noted that one of the key reasons Chairman Lieber is focusing on the bus system is equity, that the bus system greatly serves disadvantaged New Yorkers and communities of color. Cipriano said that providing greater bus service is not just a matter of mobility but a matter of equity, and the MTA takes that very seriously.

Cipriano stated that 2022 is going to be a defining year for buses consistency of capitalization and the team is looking forward to working with the new Administration to deliver the world-class bus service that New Yorkers deserve. He observed that the NYCT bus system is the second largest public transportation operation in the country, with more riders than the combined rail or bus ridership of any other transit agency in the United States. Cipriano conveyed that while buses, like all MTA services, saw a big drop in ridership during the pandemic, Buses has retained a higher share of ridership than subways. Cipriano referred to charts contained in the presentation materials submitted at the Board meeting ("Bringing New York Back 2022 Bus Strategy"), and reported that although subways have narrowed the gap, buses still have a higher share of pre-pandemic ridership at approximately 65%. He noted how critically riders rely on the bus system for essential work or as their mode to perform essential trips.

Cipriano stated that in addition, buses are nimble, meaning service can be adjusted relatively easily without vast infrastructure costs. As an example, he said that at the height of the pandemic, additional bus service could be provided on overnights when subway service was suspended for disinfection. He explained that post-pandemic, being nimble will be just as critical as MTA adjusts to new ridership patterns and the new normal. He reported that McKinsey projects ridership to increase to an additional 500,000 riders per day by the end of 2022, or approximately 86% of pre-pandemic ridership.

Cipriano emphasized how critical buses are to New Yorkers in traditionally underserved communities. He pointed out that pre-pandemic survey data showed that 61% of riders who reported using the bus as a primary means of transportation were non-white and 36% had an annual income of less than \$50,000 per year. He noted that for many New York City neighborhoods, buses are the only public transit option, with 98% of New Yorkers living within a quarter of a mile of a bus stop compared to 44% who live within a quarter of a mile of a subway station. Cipriano stressed that bringing back riders to the system is the key priority, and riders need to feel confident their bus trip will get them where they need to go in a safe, efficient and reliable manner.

Cipriano reported that buses are currently operating a full schedule for approximately 65% of pre-pandemic riders. He reported that NYCT continues to aggressively hire bus operators, with the expectation that buses will reach pre-pandemic staffing levels by January 2022. Cipriano underscored the focus on the safety and security of the bus system but also noted the very tough challenges buses face as they operate on shared streets in an increasingly congested city. Cipriano referred to data in the distributed presentation materials indicating that bus speeds are

higher in other major cities. He observed that while the chart reflected pre-COVID speeds, MTA is fast returning to them, operating at 8.1 miles/hour system wide. Cipriano remarked that experience during the pandemic showed how fast NYCT buses can travel and how critical it is to add to and improve the network of bus lanes and busways, noting that giving buses priority on the streets makes a huge difference in travel times.

Cipriano said it was important to note that the 2022 strategy was built upon a number of proud achievements made by the MTA in 2021 with its DOT partner. He underscored the need to do more work and reiterated the importance of improving existing bus lanes and busways as the most effective way to increase bus speeds. Cipriano referred to specific examples of successful results, such as improved travel times on the M14 by 36% after the 14th Street busway opened up, leading in turn to a 24% increase in ridership. He said that just this past year, Flushing Main Street opened, which helped increase speeds by up to 50%, and reported that the addition of the 181st Street busway increased speeds by up to 32%. Cipriano relayed that the most recent busway on Jamaica Avenue had already increased speeds by up to 34%. He noted that while they have not yet seen the ridership increases that correlate to improvements, they anticipate similar results as seen on 14th Street, and plan to replicate these successes throughout the city.

Cipriano discussed the outline of the 2022 strategies in further detail. He spoke about the first part of the strategy, to expand bus priority and traffic enforcement. He noted that while busways and bus lanes are the best tools, strong enforcement is necessary to get the best possible benefit. He stated that the commitments included in the outline are those that were announced in August, including up to 20 miles of new or upgraded bus lanes with up to five new busways per year. He listed some of the priorities in 2022 including Flatbush Ave in Brooklyn, 21st Street in Queens, University Avenue in the Bronx and Avenues A and D in Manhattan. He said priorities also include up to 750 new intersections with Transit Signal Priority (TSP) per year, which provides an added boost, particularly when compared with the busway or bus lane. Cipriano indicated that some of the areas being considered are the B41, M101, Bx5, the Q66, 69 and 100 and other routes including routes along Forest Avenue and Staten Island. Cipriano repeated that enforcement is the key, and New York is issuing more tickets than ever before. He relayed that next year, MTA plans to add 300 more buses with onboard cameras and that finally, MTA is advocating for legislation to prevent bus stop blocking and double parking along the bus routes.

Cipriano next discussed the MTA's commitment to ensure that service design and planning meets the needs of the post-pandemic world. Cipriano said the Board will vote on the implementation of the Bronx network redesign next summer, and NYCT intends to publish a draft plan for Queens in the first quarter of next year. He said MTA is on track to kick off a pilot of all-door Boarding on up to 10 routes in the second quarter of 2022 and will be taking a proactive look at schedules to take full advantage of improvements received from a bus priority project. He assured NYCT's commitment to providing equity in service and capital investment decisions.

Cipriano next discussed the strategy to strengthen accessibility and customer engagement, pointing out that although the local bus fleet is already 100% wheelchair accessible, there is room for further improvement. He said DOT will improve the physical accessibility of 25 bus

stops per year and will continue to improve the physical accessibility of the bus fleet, including adding wire ramps and additional flip seats on approximately 600 new buses in the coming year. Cipriano reported that NYCT is making improvements in customer information, adding up to 800 new buses with digital screens and automated passenger counters that will provide real time loading information to customers via the MYmta app.

Cipriano spoke about the MTA's commitment to a zero emissions fleet by 2040, noting that there are 500 electric buses in the current plan, and that NYCT will buy only zero emission buses starting in 2028. Cipriano remarked that there is a lot of work to do in 2022 to get Buses where it needs to go. He identified some of the activities the Board will see this year, including: an award of a consulting contract for a full fleet transition plan; the beginning of construction of charging infrastructure at four depots in partnership with the New York Power Authority; installing a new power supply at East New York Depot in partnership with Con Edison; receiving first deliveries of 60 standard all-electric buses and awarding 50 emission test fleets from a brand new vendor; upgrading three on-street zero emissions chargers in Manhattan and Williamsburg; awarding a design-build contract for Jamaica Bus Depot; awarding a joint fleet assessment study with Con Ed and Long Time Cross; and awarding a third rail traction charging feasibility study with NYSERDA.

Cipriano said that when you peel back all the technology, ultimately, services are run by our people, our dedicated work force. He underscored that engaging and empowering staff are vital to the plan's success, and the MTA is fully committed to supporting staff with the knowledge and tools to help them reimagine service management and deliver excellent customer service.

Cipriano commented that as we emerge from the pandemic and look toward the future, we know with full certainty buses will be critical to a robust recovery for New York, and the MTA must do everything to encourage ridership growth. Cipriano stated that together with our City partners, the advocacy community and elected officials who are always challenging us to do better, along with this Board, the MTA can get the bus priority needed to move New Yorkers who need it most.

Cipriano concluded by saying that as Chairman Lieber always reminds us, an investment in the New York bus system is an investment in equity.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for further details of this presentation and Board members' comments and discussion.

4. MTA 2022 TEMPORARY FARE PROMOTIONS

Sarah Meyer, Senior Vice President & Chief Customer Officer, Office of Customer Communications, presented a summary of the 2022 new fare promotions.

Upon motion duly made and seconded the Board approved four (4) temporary fare promotions pertaining to travel on New York City Transit (NYCT), the MTA Bus Company (MTABC), the Staten Island Railway (SIR), Long Island Rail Road (LIRR) and Metro-North Railroad (MNR),

aimed to support the regional economic recovery and to encourage the return of customers to mass transit over the long term.

The three proposed temporary promotions for railroad customers include:

- Introduce a new discounted 20-trip ticket (20% off the regular peak fare price) on MTA eTix;
- Offer an additional 10% discount on monthly tickets, beyond the significant discounts already offered; and
- Lower weekday off-peak fares for within NYC travel by expanding City Ticket from weekend to weekday for \$5.

The proposed promotion for subway, local bus and SIR customers include:

- Introduce the Weekly Best Fare feature on OMNY.

The duration of these four promotions would be at least four (4) months and may continue until the next permanent fare change process, during which time, the MTA will assess its impacts on operations, customer behavior and finances.

The specifics are set forth in the staff summary filed with the meeting materials.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Sarah Meyer's presentation and Board members' comments and discussion.

5. PENN STATION ACCESS PROGRAM.

Acting Chair Lieber welcomed Bronx, Borough President Ruben Diaz, who joined the meeting remotely, to comment on the Penn Station Access Project.

Bronx Borough President Diaz thanked Acting Chair Lieber, Board Members and staff for their service to the City and to the entire Tri-State region.

Bronx Borough President Diaz stated that he is ecstatic about the announcement of the Penn Station Access Program, and he credited Senator Chuck Schumer for his focus and commitment to the program, which he stated helped tremendously with the efforts to move this project forward.

Bronx Borough President Diaz stated that the Bronx has contributed the efforts, discussed for decades, which is finally coming to fruition with the addition of four Metro-North Stations, to greatly enhance Bronx residents' commuting option, and in some case reduce the commuting time by 50 minutes or more. Bronx Borough President Diaz stated that while money and funding are important, the most valuable thing in the world is time. For many people saving an hour or more a day allows them to add value to their lives and spend more time with family, and the expansion project will address this sooner rather than later. Bronx Borough President Diaz stated that the expansion project will also create jobs for Bronx residents and beyond.

In addition, Bronx Borough President Diaz thank Acting Chair Lieber and the MTA staff for the consideration shown to Bronx residents and its leadership with respect to the Bronx Bus Redesign initiative. Bronx Borough President Diaz stated that the MTA has been incredible with listening to and responding to concerns of the Bronx residents at the public hearings.

Lastly, Bronx Borough President Diaz, stated that he is extremely pleased with the Temporary Fare Promotion program that the Board just approved, and he stated that hopefully in the future the program can be expanded to include the Freedom Ticket.

Bronx Borough President Diaz applauded and thanked Acting Chair Lieber for his leadership and for demonstrating how governance should work.

Acting Chair Lieber invited President Jamie Torres-Springer, MTA C&D, to introduce the Penn Station Access Program action items:

President Jamie Torres-Springer presented a summary on two C&D procurement actions for the Penn Station Access Project.

A. Procurement Action Items:

Upon a motion duly made and seconded, the Board:

1. Approved the award of a publicly advertised and competitively solicited contract (CBX-001) for design-build services for the Metro-North Railroad Penn Station Access Project to Halmar International, LLC/RailWorks, Joint Venture (a joint venture consisting of Halmar International, LLC and RailWorks Transit Inc.) in the amount of \$1,850,643,000 and a duration of sixty-three (63) months.
2. Approved the award of a publicly advertised and competitively solicited contract (PS21008) for the Metro-North Railroad Penn Station Access Project to WSP USA Inc. and Atlas ATC Engineering Inc., Joint Venture for eighty-six (86) months in the not-to-exceed amount of \$116,572,815.

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

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of President Jamie Torres-Springer's summary and Board members' comments and discussion.

6. 2024 CAPITAL PLAN AMENDMENT.

C&D Deputy Chief Development Officer, Tim Mulligan presented a summary on an amendment to the MTA's 2020 – 2024 Capital Program.

A. Action Item:

MTA and Agencies' Regular Board Meeting Joint Minutes
December 15, 2021

Upon a motion duly made and seconded, the Board:

1. Approved the award of an amendment to the MTA's 2020- 2024 Capital Program.

A copy of the Staff Summary for the above item is filed with the records of the Regular Board Meeting of the MTA of this date.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Deputy Chief Development Officer Mulligan's summary and Board members' comments and discussion.

7. 2022 BUDGET ADOPTION.

Robert Foran, MTA Chief Financial Officer, introduced Jaibala Patel, Deputy Chief Financial Officer, who presented the action items for the MTA 2022 Proposed Final Budget and the Proposed MTA Final 2022-2025 Financial Plan for the Board's consideration and approval. Copies of the proposed Budget and Plan, together with the accompanying staff summaries, were distributed to Board Members and are maintained in MTA records.

Acting Chair Lieber proposed a motion to adopt the Proposed MTA 2022 Final Budget and the Proposed Final Financial Plan for 2022-2025 and opened the floor for discussion.

Details of the Board Members' discussion relating to the MTA 2022 Budget and Financial Plan 2022-2025 are included in the video recording of the meeting produced by the MTA and maintained in the MTA records.

A. Action Item:

1. Upon motion duly made and seconded, the Board approved the Adoption of the MTA 2022 Final Proposed Budget and 2022-2025 Financial Plan.

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 the details of Deputy CFO Jaibala Patel's presentation and Board members' comments and discussion.

8. MTA EXTENSION OF ADDITIONAL DEATH BENEFITS RELATED TO COVID-19.

Lisette Camilo, Chief Administrative Officer, presented a summary of the agreement.

A. Action Item:

1. Upon motion duly made and seconded, the Board approved the extension of the earlier agreements through March 31, 2022 and authorized the Acting Chair, or his designee, to execute such agreements without further approval on the same terms with any certified representatives of MTA employees which have not yet executed such agreements. Further, the Acting Chair would be authorized to extend the supplemental benefits to the non-represented workforce under the same terms.

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 the details of Chief Administrative Officer Lisette Camilo's summary.

9. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on November 17, 2021.

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

10. JOINT RAILROAD LONG ISLAND RAIL ROAD/METRO-NORTH RAILROAD COMMITTEE.

Committee on LIRR.

- A. Procurements: None

Committee on Metro-North Railroad.

- A. Procurements: None

MTA Construction and Development Company ("C&D).

- A. Procurements:

1. Upon a motion duly made and seconded, the Board:

Approved the award of a publicly advertised and competitively solicited contract (6398) for design-build services for the Long Island Rail Road Queens Interlocking Signal System Project to Hitachi Rail STS, USA. in the amount of \$31,319,480 and for a duration 1,098 calendar days.

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

11. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. Action Item.

1. **Bronx Local Bus Network Redesign**: Upon motion duly made and seconded, the Board approved the implementation of the Bronx Local Bus Network Redesign for local, limited and SBS bus service.

Details of the above item is set forth in a staff summary, a copy of which is on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

B. NYCT Procurements.

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

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

C. C&D Procurement.

Upon a motion duly made and seconded, the Board:

2. Approved the award of a non-competitive contract (S48017) for Communication Based Train Control Equipment for the Queens Boulevard Line - Project to Mitsubishi Electric Power Products Inc. in the amount of \$62,653,936 and a duration of 55 months.
3. Approved the award of a publicly advertised and competitively solicited contract (A37135) for the design and construction of accessibility upgrades at eight stations throughout New York City to MLJ Contracting Corp. and TC Electric JV (a joint venture consisting of MLJ Contracting Corp. and TC Electric LLC) in the amount of \$242,400,000 and a duration of 1,068 calendar days.
4. Approved the award of a long-term elevator maintenance contract in connection to Contract A37135 to Modem Elevator Installations, Inc. in the amount of \$9,069,985 and a duration of 15 years.
5. Approved the award of a publicly advertised and competitively solicited contract (A36134) for design and construction of accessibility upgrades at the 68th Street-Hunter College Station in the Borough of Manhattan to Forte-Citnalta JV (a joint venture consisting of Forte Construction Corp. and Citnalta Construction Corp.) in the amount of \$101,750,000 and a duration of 1,080 calendar days.

6. Approved the award of a long-term elevator maintenance contract in connection with Contract A36134 to Mid-American Elevator Company, Inc. in the amount of \$3,027,395 and a duration of 15 years.
7. Approved the award of a publicly advertised and competitively solicited contract (A37679) for design and construction of Grand Central Subway Station mezzanine finishes, escalator replacement & structural repairs to Citnalta-Forte, Joint Venture (a joint venture consisting of Citnalta Construction Corp. and Forte Construction Corp.) and in the amount of \$72,272,272 and a duration of 1,308 calendar days.
8. Approved the award of a publicly advertised and competitively solicited contract (A37691) for design and construction services for Flushing-Main Street Station circulation improvements to ECCO III Enterprises, Inc. in the amount of \$30,381,000 and a duration of 679 calendar days.
9. Approved the award of a publicly advertised and competitively solicited contract (E30643) for design and construction services to replace two escalators at 161st Street Yankee Stadium Station and two escalators at DeKalb Avenue Station to Forte Construction Corp. in the amount of \$28,420,000 and a duration of 900 calendar days.

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

12. TRIBOURGH BRIDGE AND TUNNEL COMMITTEE.

A. Procurements:

Upon a motion duly made and seconded, the Board approved the procurements recommended to it by the Committee for MTA Bridges and Tunnels Operations for a total amount of \$98.7 million.

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

Walsh Construction Co. II, LLC	Contract No. RK-23/RK-83 MTA Construction and Development requests Board approval of the award of a publicly advertised and competitively solicited Public Works contract for Design-Build Services for a New Pedestrian Walkway and Fender Rehabilitation at the Robert F. Kennedy Bridge.	\$45,558,000
E-J Electric Installation Co.	Contract No. HH-36 MTA Construction and Development requests Board approval to award a publicly advertised and competitively solicited Public	\$34,950,000

Works contract for Design-Build Services for Electrical Power Resiliency, Utility and Building Improvements at the Henry Hudson Bridge.

Kiewit Infrastructure Company	Contract No. MP-09 MTA Construction and Development requests Board approval to award a publicly advertised and competitively solicited Public Works contract for Design-Build Services for the Replacement of Tower Elevator Systems and Miscellaneous Repairs at the Marine Parkway-Gil Hodges Memorial Bridge.	\$18,215,000
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The details of the approved procurements are contained in staff summaries and documentation filed with the records of this meeting.

13. MTA COMMITTEE ON FINANCE.

A. Action Item.

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

1. Authorization to Issue 2022 MTA and TBTA New Money Bonds, Bond Anticipation Notes, and Refunding Obligations; Reimbursement Resolutions for Federal Tax Purposes. Approved resolutions and documents necessary to issue new money bond anticipation notes (BANs) and bonds to finance (i) up to \$1.8 billion of capital projects set forth in approved transit and commuter capital programs, (ii) MTA working capital projects in amounts to be authorized from time-to-time by the MTA Board, (iii) up to \$500 million of capital projects set forth in approved MTA Bridges & Tunnels capital programs, and (iv) up to \$305 million to finance costs of the TBTA CBDT program.

B. Procurement Items.

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

MTAHQ Procurement Items:

1. Various Contractors – Broker Services – Nos. 15625-0100 thru 0300. Approved competitively negotiated, personal services as-needed contracts with Alliant Insurance Services, Inc., Marsh USA Inc., and Willis Towers Watson Northeast, Inc. for Broker

Services on specific Owner-Controlled Insurance Program packages for the 2020-2024 Capital Program and Related Projects.

2. Various Contractors – Enterprise Asset Management (EAM) As-Needed Integration Services. Approved the amendment of a competitively negotiated miscellaneous service contract with ten (10) retainer firms, exercising previously included contract options to extend the contract term through July 2024, and to increase the contract capacity by \$26.9 million to support the continuation of asset management modernization processes and software implementation activities that are part of the MTA EAM Program.

C&D Procurement Item:

3. Contractor to be Determined – Rapid MTA Station Accessibility Upgrade Project – (Public-Private Partnership). Approved the adoption of a resolution, pursuant to Public Authorities Law Section 1265-a.4.f and Article III(B)(6)(b) of the All-Agency General Procurement Guidelines, declaring that it is in the public’s interest to utilize a competitive Request for Proposal (RFP) process to procure a Public-Private Partnership agreement for the design, construction, financing and maintenance of elevators and other ADA improvements at selected New York City Transit subway stations.

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.

New York City Transit Authority

1. Acquisition of a temporary and permanent easement from National Railroad Passenger Corporation (“Amtrak”) for purpose of constructing a flood wall for NYCT’s’ Hunters Point Portal located at Amtrak Rail Yard (Block 72, Lot 250) near 49th Avenue and 21st Street, Long Island City, N.Y.

Long Island Rail Road

2. License agreement with DNJ Industries Inc, d/b/a DNJ Mechanical, for parking located adjacent to 59-32 55 Street and 55-05 Flushing Avenue, Maspeth, Queens County, N.Y.

14. EXECUTIVE SESSION.

Upon motion duly made and seconded, the Board convened an Executive Session, pursuant to Section 105(1)(e) of the New York State Public Officers Law, to discuss matters relative to collective bargaining.

15. PUBLIC SESSION RESUMES. Upon motion duly made and seconded, the Board voted to resume the public session.

Upon motion duly made and seconded the Board approved the following:

- 1) Collective bargaining agreement between MTA Metro-North Railroad and the Association of Commuter Rail Employees, Division 1 (Yardmasters);
- 2) Collective bargaining agreement between MTA Metro-North Railroad and the Association of Commuter Rail Employees, Division 1 (Conductors);
- 3) Collective bargaining agreement between the Staten Island Railway and the Transportation Communications Union (TCU), representing Principal Administrative Associates, Station Cleaners, Clerks, Agents and Stock Workers; and
- 4) Collective bargaining agreement between New York City Transit (NYCT), the Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA), MTA Bus Company, MTA Headquarters and the United Transit Leadership Organization (UTLO).

16. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:04 p.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

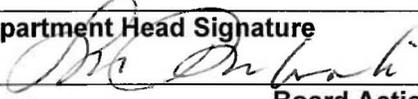
Contracts

Stephen Plochochi, Senior Vice President

**January 2022
Procurement Package**

PROCUREMENT

The Procurement Agenda this month includes one action for a proposed expenditure of \$11M

Subject Request for Authorization to Award a Procurement Action					
Department Contracts					
Department Head Name & Title Stephen Plochochi, Senior Vice President					
Department Head Signature 					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	1/24/22	X		
2	Board	1/26/22	X		

Date: January 18, 2022			
Internal Approvals			
	Approval		Approval
		1/21	President
	Deputy Chief Development Officer, Development		Executive Vice President & General Counsel

Purpose

To obtain the approval of the Board to award a procurement action and, to inform the Capital Program Committee of this procurement action.

Discussion

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

Schedules Requiring Majority Vote

F. Personal Services Contracts

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$11,052,964
TOTAL	1	\$11,052,964

Budget Impact

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

Recommendation

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

MTA Construction & Development

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

JANUARY 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule F. Personal Services Contracts

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

- | | | | |
|----|--|---------------------|--------------------------------------|
| 1. | O.R. Colan Associates, LLC
Contract No. C81439
Seventy-Two Months | \$11,052,964 | <u>Staff Summary Attached</u> |
|----|--|---------------------|--------------------------------------|

MTA Construction and Development requests Board approval to award a publicly advertised and competitively solicited Personal Services contract for real estate relocation services for Phase 2 of the Second Avenue Subway Project as well as real estate relocation services for additional projects.

Dept. & Dept. Head: Transit Oriented Development/Robert Paley, Director <i>RP</i>					
Contracts Department Laura A. Smith, Chief Officer <i>Laura A. Smith</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	1/24/22	X		
2	Board	1/26/22	X		
Internal Approvals					
	Approval		Approval		
<i>DP</i>	Deputy Chief Development Officer, Development	<i>[Signature]</i>	President		
<i>FC</i>	Deputy Chief, Development Officer, Planning	<i>[Signature]</i>	Executive Vice President & General Counsel		

SUMMARY INFORMATION	
Vendor Name	Contract Number
O.R. Colan Associates, LLC	C81439
Description	
Relocation Consultant Services for the Second Avenue Subway Phase 2 Project as well as Services for Additional Relocation Projects	
Total Amount:	
Not-To-Exceed \$11,052,964	
Contract Term	
Seventy-two (72) months	
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"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose/Recommendation

MTA Construction & Development ("C&D") requests Board approval to award a publicly advertised and competitively solicited contract for real estate relocation services for Phase 2 of the Second Avenue Subway Project ("SAS-2") and other projects to O.R. Colan Associates, LLC ("O.R. Colan") for seventy-two (72) months in the not-to-exceed amount of \$11,052,964. Of that amount, \$5,792,205 for the Second Avenue Subway will be funded with the award and the remaining not-to-exceed amount of \$5,260,759 for the additional projects will be funded and directed by Task Orders as those needs arise.

Discussion

Contract C81439 ("Contract") is for a consultant to provide relocation services to residents and businesses that are permanently or temporarily displaced by MTA's construction project designated SAS-2. This project will involve extending the SAS-2 from 96th Street to 125th Street in Manhattan. In addition to SAS-2, MTA will have the ability to add additional projects to the Consultant's agreement. These additional projects, such as Penn Station Access and Jamaica Bus Depot, are anticipated to be on a smaller scale and shorter in duration. Additional projects will be directed via Task Orders.

The solicitation was publicly advertised in the New York State Contract Reporter, Engineering News-Record, Minority Commerce Weekly and the Daily News, and on the MTA website. In addition, eleven (11) potential proposers were directly contacted regarding the Request for Proposal ("RFP").

Schedule F Personal Service Contracts**Staff Summary**

Item Number 1

Page 2 of 2

The relocation services required for SAS-2, as defined in the RFP and required under the Uniform Relocation Assistance and Real Property Acquisition Act (“URA”), the applicable Federal statute for federally funded projects, are complex and significantly exceed the scope of typical relocation services. Several tiers of outreach were conducted between June and October of 2021 to stimulate competition. In the first outreach, six (6) firms were contacted to garner interest before the RFP release. The firms responded that they: a) lacked specialization in the relocation services required in the Scope of Work, b) were located outside of New York State and were unable to take on work in New York or; c) could not execute all the services as required by the RFP. The Federal Transportation Administration offered the names of five (5) potential proposers that were invited to the pre-proposal conference. Overall, three firms attended the pre-proposal conference. Due to the specialized nature of the required relocation services, only one (1) proposal was received from O.R. Colan. One (1) other potential competitor lacked the requisite capacity to perform as a prime and could not comply with all Federal regulations specific to relocation work. The firm subsequently pursued sub-consultant opportunities with O.R. Colan.

The proposal was evaluated and scored by a Selection Committee consisting of representatives from C & D, utilizing the following pre-established selection criteria: Plan of Approach, Experience in Relevant Areas, Management, Experience of Prime and Subconsultant Key Personnel, Current Workload of Prime and Sub-Consultants, Quality Assurance Plan and Other Relevant Matters.

The Committee reviewed the technical proposal, conducted a virtual presentation, and unanimously determined O.R. Colan to be technically qualified. The Committee was impressed with the Consultant’s investigative plan to identify the needs of displaced persons, and their commitment to quickly mobilize staffing needs. Additionally, the Consultant demonstrated significant and successful experience calculating the amount of relocation assistance required (all allowable payments and moving costs etc.), for displaced residents, owners and commercial tenants under URA. O.R. Colan’s proposal demonstrated extensive knowledge of the work required, thirteen (13) years’ experience on large-scaled projects, with a strong technical approach to effectively address potential scheduling issues and the needs of other persons impacted by the related work.

After the technical evaluation, the Committee reviewed O.R. Colan’s original cost proposal. Several rounds of negotiations were conducted focusing on levels of effort, staffing, hourly rates, and overhead rates. O.R. Colan submitted a Best and Final Offer, with costs and rates for SAS-2 of \$5,792,205. A Cost Analysis was performed and the agreed upon amount was found to be fair and reasonable. The Contract also anticipates that additional projects for relocation will be identified through the term of the Contract and that these projects will be added through Task Orders at the same rates negotiated under the base contract. The not-to-exceed amount established for this portion of the contract is \$5,260,759.

O.R. Colan has been found to be responsible.

DBE Information

The MTA Department of Diversity and Civil Rights (“DDCR”) has established a DBE goal of 20% for this Contract. O.R. Colan has submitted a utilization plan projected to meet the DBE goal requirement. O.R. Colan has not completed any MTA contracts with D/M/WBE goals, therefore, no assessment of the firm’s D/M/WBE performance can be determined at this time.

Impact on Funding

Funding for the Second Avenue Subway, Phase 2 project is available in the 2015-2019 Capital Program. Task Orders for real estate relocation services for additional projects will be funded by the individual capital project requiring these services.

Alternative

That C&D self-perform the services to be provided under the Contract. This is not recommended as C&D lacks the in-house resources to provide the required services.

Staff Summary

Subject NYS DOT Grant for Connecting Services	
Department Operations Planning and Analysis	
Department Head Name Ben Cornelius	
Department Head Signature 	
Project Manager Name Donna Y Mason	Program Manager Name

Date December 14, 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	M-N Comm. Mtg.				
2	MTA Finance Mtg				
3	MTA Board Mtg.				

Internal Approvals			
Order	Approval	Order	Approval
4	President		
3	VP Financial Admin		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	SVP Operations 					2	General Counsel 
	Press						

Narrative

PURPOSE:
To obtain MTA Board approval to enter into a contract to accept up to \$365,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYS DOT) to support connecting services, covering the period from January 1, 2022 through December 31, 2022.

DISCUSSION:
Metro-North has worked with NYSDOT to implement various projects to improve access to Metro-North stations. These projects, which include connecting buses (e.g. Hudson Link, Newburgh-Beacon Shuttle, Dutchess LOOP, HART, etc.), the Haverstraw-Ossining Ferry, the Newburgh-Beacon Ferry and Guaranteed Ride Home programs, create station access/egress and increase ridership and revenue for the Railroad, as well as reduce the number of single occupancy vehicles on the roads.

Over the past fifteen years, Metro-North has received over \$5 million from similar NYSDOT (CMAQ) grants. These funds have been used for a variety of operational and marketing activities: providing customer information (e.g. signage, kiosks, pocket timetables, etc.); marketing/advertising to launch and support these services; supporting Metro-North's Guaranteed Ride Home programs; for customer parking and miscellaneous operational improvements. Metro-North plans to use the funds from the new CMAQ grant in a similar fashion, working with our regional partners to maintain service quality and improve station access.

BUDGET IMPACT:
No budget impacts. These monies allow for projects that would not otherwise be implemented.

RECOMMENDATION:
That the MTA Board grant approval to enter into a contract to accept up to \$365,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYS DOT) to support connecting services, covering the period from January 1, 2022 through December 31, 2022.

The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company



Metro-North Railroad

Procurements

Subject	Request for Authorization to Award Various Procurements
Department	Procurement
Department Head Name	Anthony Gardner, Senior Director
Department Head Signature	<i>Anthony Gardner</i>
Project Manager Name	

Date:	January 18, 2022
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	1-24-22	X		
2	MTA Board Mtg.	1-26-22	X		

Internal Approvals			
	Approval		Approval
X	President <i>CAR</i>		
X	V.P. & General Counsel <i>AS</i>		

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

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

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

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

MNR proposes to award competitive procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$31,768,434
• Nouveau Elevator Industries, LLC \$31,768,434		
SUB TOTAL:	1	\$31,768,434

MNR presents the following procurement actions for Ratification:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>	NONE	
SUB TOTAL:		
TOTAL:	1	\$31,768,434

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

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

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

METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

JANUARY 2022

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

**1. Nouveau Elevator Industries, LLC \$31,768,434 Staff Summary Attached
Provision of Maintenance, Inspection, and Repair Services for MNR and LIRR
Station Escalators**

Metro-North Railroad ("MNR"), on behalf of itself and Long Island Rail Road ("LIRR"), seeks Board approval to award a five-year competitively solicited miscellaneous service contract to Nouveau Elevator Industries, LLC ("Nouveau") to perform maintenance, inspection and repair services for 53 escalators (MNR: 12 in Grand Central Terminal and two in White Plains; LIRR: 19 in Penn Station and 20 at various stations in Nassau, Suffolk and Queens counties) in the estimated amount of \$31,768,434 (MNR: \$6,607,740, LIRR: \$25,160,694). In January 2021, the Board approved the use of the competitive Request for Proposal ("RFP") process for this procurement.

Both MNR and LIRR require a contractor to provide labor; parts, equipment, and expertise necessary to perform conditional assessments, scheduled and unscheduled maintenance, repairs, and planned component replacements to ensure reliability and safety of this critical equipment for general, public, and employee use.

MTA Board approval is requested in the amount of \$31,768,434. This procurement is to be funded by MNR and LIRR's Operating budgets.

Schedule G: Miscellaneous Service Contracts

Item Numbers: 1

Page 1 of 2

Vendor Name (Location) Nouveau Elevator Industries, LLC (Long Island City, New York)
Description Provision of maintenance, inspection, and repair services for MNR and LIRR station escalators
Contract Term (including Options, if any): Five years (February 1, 2022–January 31, 2027)
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
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: Negotiation

Contract Number 0000000210	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Estimated Amount: \$31,768,434	
Metro-North Railroad: \$6,607,740 Long Island Rail Road: \$25,160,694	
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: Procurement, Anthony Gardner 	

Discussion:

Metro-North Railroad (“MNR”), on behalf of itself and Long Island Rail Road (“LIRR”), seeks Board approval to award a five-year competitively solicited miscellaneous service contract to Nouveau Elevator Industries, LLC (“Nouveau”) to perform maintenance, inspection and repair services for 53 escalators (MNR:12 in Grand Central Terminal and two in White Plains; LIRR: 19 in Penn Station and 20 at various stations in Nassau, Suffolk and Queens counties) in the estimated amount of \$31,768,434 (MNR: \$6,607,740, LIRR: \$25,160,694). In January 2021, the Board approved the use of the competitive Request for Proposal (“RFP”) process for this procurement.

Both MNR and LIRR require a contractor to provide labor; parts, equipment, and expertise necessary to perform conditional assessments, scheduled and unscheduled maintenance, repairs, and planned component replacements to ensure reliability and safety of this critical equipment for general, public, and employee use.

In March 2021, in an effort to gauge the competitive vendor pool, MNR conducted an industry outreach. Fifteen prospective escalator maintenance providers were issued a Request for Expression of Interest. Firms were invited to provide company information, specific technical capabilities, and level of interest in responding to the forthcoming RFP. In April 2021, the RFP was advertised in the New York State Contractor Reporter, *The Journal News*, and on MNR’s website.

The selection criteria established in the RFP were (1) experience on similar projects; (2) confidence level; (3) commitment of relevant resources to the project, including qualifications of key personnel and reliability to perform the services and subconsultant services; (4) cost, (5) demonstrated understanding of the scope-of-work requirements, including but not limited to the quality and completeness of any required submissions; and (6) diversity practices.

In July 2021, proposals were received from three firms: (1) Nouveau for \$35,119,304, (2) Mid-American Elevator Company, Inc. (“Mid-American”) for \$49,563,903, and (3) Schindler Elevator Corporation (“Schindler”) for \$55,091,097. The Selection Committee (“SC”), comprised of five members from both railroads, met to evaluate technical and cost proposals and determined that all three proposers met the qualifications of the scope of work. Each proposer was invited for oral presentations. In August 2021, oral presentations were conducted, and the SC unanimously recommended Nouveau based on its (1) superior technical expertise, (2) established response team, (3) experience and knowledge of both railroads’ operations, and (4) lowest pricing, which offers the overall best value to the railroads.

Schedule G: Miscellaneous Service Contracts

Page 2 of 2

After initial negotiations, Nouveau submitted its revised proposal for \$33,904,480. After subsequent discussions, Nouveau submitted its Best and Final Offer (“BAFO”) of \$31,768,434. Nouveau’s BAFO is 35 percent less than the Mid-American proposal and 42 percent less than the Schindler proposal. Based on the above, the total contract amount of \$31,768,434 has been found to be fair and reasonable.

Under this contract, Nouveau will provide on-site mechanics and helpers assigned to the MNR GCT location in eight-hour shifts, five days per week, 11:00 p.m.–7:30 a.m. Weekend service at GCT is performed on an as-needed basis with a three-hour response time from notification. Service at LIRR’s Penn Station as well as LIRR locations in Nassau, Suffolk, and Queens counties will be performed in an eight-hour shifts, seven days per week, 7:00 a.m.–3:30 p.m. MNR’s White Plains station scheduled maintenance will be performed during the hours of 7:00 a.m. - 5:00 p.m. five days per week. All after-hour services for the White Plains station will be performed on an as-needed basis with a two-hour response time from notification.

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.

The MTA Department of Diversity and Civil Rights (“DDCR”) has established goals of 15% MBE, 15% WBE and 6% SDVOB on this contract. This contract will not be awarded until DDCR has completed its review of Nouveau’s MWBE/SDVOB documents. Nouveau has not completed any MTA contracts with goals; therefore, no assessment of the firms MWBE/SDVOB performance can be determined at this time.

Impact on Funding

MTA Board approval is requested in the amount of \$31,768,434. This procurement is to be funded by MNR and LIRR’s Operating budgets.

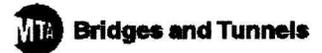


Bridges and Tunnels

Procurements January 2022



Staff Summary



Subject: Request for Authorization to Award Procurement
Department: Procurement
Department Head Name: Louis Montanti
Department Head Signature
Project Manager Name: Various

Date: 1/14/2022
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	President	1/14/2022			
2	MTA B&T Committee	1/24/2022			
3	MTA Board	1/26/2022			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>D. J. DeLuca</i>		
	General Counsel & Corporate Secretary <i>JRC</i>		01/18/2022
	MTA Deputy Chief Procurement Officer <i>[Signature]</i>		1/13/22

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

PURPOSE:

To obtain approval of the Board to award procurement actions and to inform the Bridges and Tunnels Committee of the procurement actions.

DISCUSSION:

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

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Service Contracts	3	\$4.4M
SUBTOTAL	3	\$4.4M

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

TOTAL	3	\$4.4M
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BUDGET IMPACT:

The purchase/contracts will result in obligating operating funds in the amount listed. Funds are available in the current MTA B&T operating budget for this purpose.

RECOMMENDATION:

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

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

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

WHEREAS, in accordance with Sections §559, §2879 and §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.

JANUARY 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

Schedule F: Personal Service Contracts
(Staff Summaries requiring Board approval)

			<u>Staff Summary Attached</u>
1.	Gannett Fleming Engineers and Architects, PC Contract No. PSC-21-3047 Two years	\$1,867,505	1

B&T is seeking Board approval to award one competitively solicited personal service contract to Gannett Fleming Engineers and Architects, PC for project management consultant services for the New York Customer Service Center contracts.

2-3.	WSP USA, Inc. Contract No. PSC-21-3050A Five years	\$2,500,000 (Aggregate A&B)	1
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AECOM USA, Inc.
Contract No. PSC-21-3050B
Five years

B&T is seeking Board approval to award two competitively solicited personal service contracts one to WSP USA, Inc. and the other to AECOM USA Inc. for traffic and revenue assessment and environmental review of the Authority's toll-related actions.

Staff Summary

Item Number 1					
Department, Department Head Name: ITS and Tolling, Nichola Angel					
Division, Division Head Name: ITS & Tolling E-ZPass Customer Service Center, William Hanks					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MTA B&T Committee	1/24/22			
2	MTA Board	1/26/22			
Internal Approvals					
Order	Approval	Order	Approval		
1	OMB Director Financial Analysis <i>[Signature]</i>	4	President <i>[Signature]</i>		
2	General Counsel JRC <i>[Signature]</i>				
3	MTA Deputy Chief Procurement Officer <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name Gannett Fleming Engineers and Architects, PC	Contract Number PSC-21-3047
Description Project Management Consultant Services for the New York Customer Service Center Contracts	
Total Amount \$1,867,505	
Contract Term (including Options, if any) Two years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> 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:	

Purpose:
To request that the Board approve the award of a personal services contract for Project Management Consultant Services for the New York Customer Service Center Contracts to Gannett Fleming Engineers and Architects, PC (“GFE”) in the amount of \$1,867,505 over a two-year period.

Discussion:
Pursuant to two competitively procured joint solicitations, Bridges and Tunnels (“B&T”), the New York State Thruway Authority (“NYSTA”), and the Port Authority of New York and New Jersey (“PANYNJ”), collectively (the “Authorities”), awarded three contracts for the following services: (1) New York Customer Service Center (“NYCSC”) System and Interfaces, (2) License Plate and Owner Identification Services, (3) Customer Contact Center, and (4) Tag Distribution. To assist in the oversight of these contracts, the Authorities require the services of a consultant to provide two Project Managers (“CPMs”) to work under the general direction of the Authorities’ project managers (“APMs”). Services provided by the CPMs include: (1) coordinating interagency activities; (2) providing oversight of NYCSC contractors’ design and development activities; (3) reviewing and confirming that business rules, requirements, and documents prepared by contractors align with the executed contract documents; and (4) providing status reports on contractors’ adherence to project schedule. Since B&T, PANYNJ, and NYSTA will equally share the cost under this contract, B&T will be reimbursed two-thirds of the cost by the other participating Authorities.

After publicly advertising the service requirements, eight firms requested copies of the Request for Proposal (“RFP”). Proposals were then received from two firms: GFE and Toll International LLC (“Toll”). The proposals were evaluated against established criteria set forth in the RFP including the proposer’s understanding of the project, the firm’s qualifications and record of performance, proposed personnel, and cost. Following completion of the evaluation, the committee unanimously selected GFE on the basis that its proposal was technically superior to the proposal from Toll. The proposal from GFE demonstrated (1) unparalleled experience working with both large-toll agency and multi-agency customer service center procurements; (2) a cohesive team well-versed in the details of the project; and (3) an in-depth understanding of NYCSC operations and the Tolling Agencies’ requirements.

After evaluation of the technical and cost proposal, the evaluation committee recommended that B&T enter negotiations with GFE. GFE's original proposal was in the amount of \$2,489,271. Negotiations were conducted, and the parties agreed to the amount of \$1,867,505, which is 1.7 percent lower than the in-house estimate of \$1.9 million, \$621,766 lower than GFE's original proposal, and is considered fair and reasonable.

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 the notice of award.

D/M/WBE Information

The MTA Department of Diversity and Civil Rights has established goals of 15 percent MBE, 15 percent WBE, and 6 percent SDVOB on this contract. GFE's projected MWBE/SDVOB utilization plan meets the overall MWBE/SDVOB 36 percent goal requirements. GFE has achieved its MWDBE goals on completed MTA contracts.

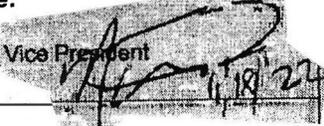
Impact on Funding

Funding in the amount of \$1,867,505 is available in the Operating Budget under GL #712516. B&T will be reimbursed two-thirds of the cost of this contract by the NYSTA and PANYNJ.

Alternatives

There are no recommended alternatives, as B&T does not possess the resources required to perform these services.

Staff Summary

Item Number 2					
Department, Department Head Name: ITS and Tolling, Nichola Angel, Acting Vice President <i>Department Head Signature & Date</i> 					
Division, Division Head Name: Policy & Operations Analysis, Leah Flax, Senior Director <i>Division Head Signature & Date</i> 					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MTA B&T Committee	01/24/22			
2	MTA Board	01/26/22			
Internal Approvals					
Order	Approval	Order	Approval		
1	OMB Director of Financial Analysis 	4 	President 		
2	General Counsel 				
3	MTA Deputy Chief Procurement Officer 				

SUMMARY INFORMATION	
Vendor Names WSP USA, Inc AECOM	Contract Numbers PSC-21-3050A PSC-21-3050B
Description Professional Services, As Needed, for Traffic and Revenue Assessments and Environmental Review of the Triborough Bridge and Tunnel Authority's Toll-Related Actions	
Total Amount \$2,500,000 (Aggregate Amount)	
Contract Term (including Options, if any) Five years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <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:	

Purpose
To seek Board approval to award two competitively solicited personal service contracts to WSP USA, Inc. ("WSP") and AECOM to provide Revenue Assessments and Environmental Review of the Triborough Bridge and Tunnel Authority's ("TBTA") Toll-Related Actions on an as-needed basis in the aggregate amount of \$2.5 million over a period of five years.

Discussion
In order to comply with either the New York State Environmental Quality Review Act or the National Environmental Policy Act or both, Bridges and Tunnels ("B&T") requires two environmental firms to provide a full range of professional services on an as-needed basis for environmental review of future possible changes in toll policy at B&T facilities. The consultants will conduct and produce comprehensive, coordinated environmental analyses including environmental assessments and environmental impact statements as directed by the Project Manager. These environmental reviews will be used to support proposed future changes in toll policy at B&T facilities, including but not limited to changes of crossing charges or the introduction of new toll discount/rebate plans, any of which could affect the general environment. The consultants may also conduct and produce traffic studies or traffic and revenue assessments of potential new toll policies for TBTA crossings or projects. These contracts will be for an indefinite quantity with the required services being assigned on an as-needed basis.

The service requirements for this contract were publicly advertised. Of the 140 firms sent a copy of the solicitation notice, six requested a copy of the Request for Proposal ("RFP"). Two firms then submitted proposals: AECOM and WSP. The proposals were evaluated against established criteria set forth in the RFP including the qualifications of the firm's personnel and management team, understanding of the project, and cost. Each firm, in its base proposal, was also requested to quote labor, overhead, profit and escalation rates using predetermined job titles. The evaluation committee determined that the proposals submitted by WSP and AECOM met B&T's requirements. Each selected firm presented detailed, organized technical proposals that demonstrated a significant level of experience and knowledge in the discipline of environmental studies. After evaluation of the technical and cost proposals, the evaluation committee waived oral presentations and recommended that the Authority award contracts to AECOM and WSP.

Staff Summary

Two contracts are being recommended for award to enable the Authority to assign work orders to each firm on an as-needed basis, based on their current workload and available personnel. An analysis of the consultants' labor, overhead and profit rates were performed and the proposed overhead and profit rates are lower than prior B&T contract rates with these two consultants. The contract rates are considered fair and reasonable.

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 the notice of award.

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 the 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, and WSP has been found to be responsible.

In connection with a previous contract awarded to AECOM, AECOM was found to be responsible notwithstanding significant adverse information ("SAI") pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and Chief Executive Officer in consultation with the MTA General Counsel in February 2021. No new SAI has been found relating to AECOM and AECOM has been found to be responsible.

D/M/WBE Information

The MTA Department of Diversity and Civil Rights has established goals of 15 percent MBE, 15 percent WBE, and 6 percent SDVOB respectively, for each contract. WSP and AECOM's projected MWBE/SDVOB utilization plan meets the overall 36 percent MWBE/SDVOB goal requirements. Both WSP and AECOM have achieved their M/WBE goals on completed MTA contracts.

Impact on Funding

Funding in the amount of \$2.5 million is available in the Operating Budget under GL #712516.

Alternatives

There are no recommended alternatives. B&T does not possess the resources required to perform these services.

¹ LBG was acquired by WSP in December 2018 and that acquisition carries with it LBG's SAI.

Staff Summary

Item Number:						SUMMARY INFORMATION					
Dept & Dept Head Name: Chief Safety and Security Officer/Environmental Sustainability						Vendor Name: New York Power Authority (NYPA)			Contract Number:		
Division & Division Head Name: Patrick Warren						Description: Master Cost Recovery Agreement					
Order	To	Date	Approval	Info	Other	Contract Term (including Options, if any): Ten (10) years					
1	Finance	1/24/22	X			Option(s) included in Total Amount? X Yes <input type="checkbox"/> No					
2	Board	1/26/22	X			Renewal X Yes <input type="checkbox"/> No					
						Procurement Type: <input type="checkbox"/> Competitive X Non-competitive					
						Solicitation Type: - <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: [e.g., Ride - - Contract]					
						Funding Source: X Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:					
Narrative											
<u>I. PURPOSE/RECOMMENDATION</u>											
To obtain Board approval for a new Master Cost Recovery Agreement (“MCRA”), between the New York Power Authority (“NYPA”) and MTA, on behalf of itself, its subsidiaries and affiliated agencies. This would replace the prior agreements described below, which expired at the end of 2021.											
<u>II. DISCUSSION</u>											
NYPA supplies electric energy, capacity, and ancillary services for MTA in Con Edison territory. In March 2005, MTA entered into a long-term agreement with NYPA containing supplemental terms and conditions to the original 1976 Application for Electric Service and providing for NYPA’s continuing supply of energy and capacity to MTA through December 31, 2017, which was subsequently amended and extended through December 31, 2021 (the “2005 LTA”). At that time, MTA and NYPA also entered into the Energy Services Program Agreement (“ESPA”) to identify and finance energy efficiency and clean energy technology projects at MTA facilities and to implement such projects that were economically feasible, which was coterminous with the 2005 LTA.											
Functionally, the MRCA will be the same as the recently expired ESPA, allowing MTA and its operating agencies to utilize NYPA financing and project expertise to develop and execute projects related to energy efficiency. Energy efficiency projects will still be designed to pay for themselves through the value of the energy saved, and the option to use NYPA services for Capital Projects, when desirable, will remain.											

The MRCA maintains focus on developing and executing projects that increase energy efficiency within MTA, reducing overall energy use and, consequently, carbon emissions statewide, a shared priority with NYPA.

Changes from Prior Agreement

- **Formal Authorization to Proceed (ATP)** – Instead of authorizing NYPA to begin development of a project with an e-mail, the MRCA will utilize an ATP. The ATP will serve as a non-binding document authorizing NYPA to proceed with developing a project prior to any financial commitment on the part of MTA. The Customer Project Commitment (CPC) document (see below) between MTA and NYPA will remain the principal document (together with the MCRA) by which MTA commits to pay NYPA for its services.
- **Design CPC** – This is a binding document, executed after a potential project has been evaluated and deemed to be feasible. The Design CPC covers project design through 100% design and procurement (i.e., project bidding). A Design CPC will be executed for projects with significant up-front design/development costs requiring a commitment to pay back NYPA in the event the project is cancelled by MTA. If the project moves forward into construction, the cost associated with the Design CPC can be rolled into a Construction CPC. Currently, reimbursement of design costs, when necessary, is being handled with the execution of a project specific amendment between MTA and NYPA.
- **Construction CPC** - This is a binding document, executed after a project has completed 100% design, has been fully procured by NYPA, and is ready to go into construction. Project costs and payback in energy savings are fully known at this stage.
- **NYPA Program Fee** – The fee that NYPA charges MTA in the prior agreement was based on a percentage (12.5%) of the project’s material and labor costs. In the MRCA, NYPA’s fee is calculated based on the same percentage of material and labor but now also applies that same percentage to the fee paid to the design and/or construction management consultant employed by NYPA, if applicable. However, NYPA’s fee is now charged on a sliding scale, in which their fee percentage decreases with larger projects.
- **New Long-Term Financing Options** – In the prior agreement, at the completion of a project, NYPA’s project financing was converted into a long-term variable rate loan consistent with the expected useful life of the project. The MRCA gives NYPA the option to offer the alternative of a long-term fixed rate loan. The choice of financing is made by MTA at the time the Construction CPC is executed, with the agreement of both MTA and NYPA. With any financing option, MTA can elect to pay back NYPA with a surcharge to the monthly electricity bill that will be equal to or less than the value of the energy saved in the project. This is referred to as “on-bill financing.”
- **Adding Advisory Services Option** – The MRCA provides for energy related advisory services, such as energy audits, investigation of new technologies, consultation on non-NYPA related energy issues, etc. By their nature, Advisory

Services are not tied directly to energy savings, and therefore would be paid on an out-of-pocket basis with a pre-negotiated cost.

III. D/M/WBE INFORMATION

No DBE/WBE goals were established by MTA DDCR for this contract.

IV. IMPACT ON FUNDING

In general, there will be no impact. Energy efficiency projects will continue to be designed to pay for themselves through the value of the energy saved. However, the MCRA will also allow for projects that have benefits to MTA and warrant proceeding even at a net additional funding cost above energy savings. Energy related Capital projects executed under the MCRA will be paid for with funds already designated in the Capital program.

V. ALTERNATIVES

Energy efficiency projects could be developed and financed directly by MTA or a private energy services provider. However, NYPA has the proven expertise to design, procure and execute these projects at a cost structure similar to, or less than, MTA or other service providers.

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$18.5M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Kuvershen Ayer					
Department Head Signature					
Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	1/24/22			
2	Board	1/26/22			

January 20, 2022			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
1	CAO	3	CFO
2	Legal		

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 MTAHQ of these procurement actions.

DISCUSSION

MTAHQ proposes to award Noncompetitive procurements in the following categories: None

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote:

Schedule F: Personal Service Contracts	1	\$ 16.0 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 2.5 M
SUBTOTAL	2	\$ 18.5 M

MTAHQ proposes to award Ratifications in the following categories: None

TOTAL	2	\$ 18.5 M
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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.

JANUARY 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

F. Personal Service Contracts

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

- | | | |
|---|---------------------|--------------------------------------|
| 1. Deloitte & Touche | \$15,989,036 | <u>Staff Summary Attached</u> |
| One year with six 1-year options | | |
| Contract# 15687-0100 | | |
| Independent auditor for the MTA and its Agencies. | | |

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. IBM, Inc. | \$2,447,536 | <u>Staff Summary Attached</u> |
| Five years, three months | | |
| Contract# 2704 AWO 14 | | |
| Modification to cover the additional scope of work necessary to update the existing Pensions Phase II Project Plan. | | |

Item number: 1

Department, Department Head Name: Auditor General, Michele Woods					
Division, Division Head Name: N/A					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Audit Committee	1/24/22			
2	Finance	1/24/22			
3	Board	1/26/22			
Internal Approvals					
Order	Approval	Order	Approval		
1	CAO	4	Legal		
2	Auditor General	5	CFO		
3	DDCR				

SUMMARY INFORMATION

Vendor Name: Deloitte & Touche, LLP	Contract Number: 15687-0100
Description: Independent Auditor for the MTA and its Agencies	
Total Amount: \$15,989,036	
Contract Term (including Options, if any): One year plus six 1-year Options	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose:

To recommend that the Board approve the award of a competitively negotiated personal services contract to Deloitte & Touche, LLP (“Deloitte”) to serve as the Independent Auditor for MTA and its Agencies. The period of performance for this legally required contract will be one year with an option to renew annually for six additional one-year periods at a total cost not to exceed \$15,989,036 for the seven-year audit year ending period (January 1, 2022–December 31, 2028).

Discussion:

The current contract for Independent Auditor services for MTA and its Agencies, competitively awarded to Deloitte in July 2015 for a one-year period with options to renew for six additional one-year periods, is in its sixth option year and will expire April 15, 2022. Independent Auditor services are legally required by the Federal Transit Administration (“FTA”) and New York State Public Authorities Law.

To continue these services, a competitive Request for Proposals (“RFP”) process was conducted. The RFP was publicly advertised, and invitation emails advising potential proposers of the RFP’s availability were sent to 12 certified public accounting firms. Seven firms expressed interest and attended the pre-proposal conference: Deloitte; PricewaterhouseCoopers LLP; Ernst & Young LLP; KPMG LLP; RSM US LLP (“RSM”); Grant Thornton LLP; and Crowe LLP (“Crowe”). Proposals were received from three firms: Crowe, Deloitte, and RSM. The Selection Committee (“SC”) consisted of representatives from the Audit Services, Compliance, and Controller Departments. The SC was supported by representatives from MTAHQ, NYC Transit, Metro-North Railroad (“MNR”), Long Island Rail Road (“LIRR”), Bridges and Tunnels (“B&T”), Audit Services, Risk and Insurance Management, and Controllers Departments. Proposals were evaluated based on the criteria set forth in the RFP that focused on auditing experience, specifically audit approach, experience in the public sector and transportation industry, engagement team proposed, pension and municipal bond market, diversity practices, and cost. All three proposers were invited for oral presentations and participated in subsequent negotiations. Following oral presentations and negotiations, each proposer was asked to submit its best and final offer (“BAFO”) with respect to the cost for this service.

The Selection Committee reviewed the BAFOs received from each of the three proposers and made a determination on award. The Selection Committee unanimously determined that Deloitte’s proposal received the highest ranking based on it having (1) proposed the most detailed workplan describing audit approach and techniques to be utilized; (2) demonstrated experience in the transportation and public sectors; (3) assigned a highly qualified audit team; and (4) the most extensive public bonding and pension experience.

The initial cost proposal received from Deloitte was a fixed annual fee of \$2.4 million for the entire term (seven years) resulting in a total cost of \$16.8 million. As a result of its BAFO submission and subsequent negotiations, Deloitte's fixed annual fee was reduced to \$2,284,148 for a total cost of \$15,989,036, resulting in a total reduction of \$810,964 (4.8 percent) over the entire term when compared to Deloitte's original proposal. The fixed annual fee of \$2,284,148 is comparable to the annual cost for the prior contract, which was subject to a 2 percent escalation fee each audit year. The negotiated annual fee for this procurement remains fixed for the entire term without escalation. Accordingly, Procurement considers the total cost for seven years (\$15,989,036) to be fair and reasonable.

Based upon the foregoing, the Committee determined that Deloitte's proposal provided the best value to the MTA.

Services to be performed by Deloitte include: (1) preparation of MTA Consolidated Financial Statements & Management Letter reports; (2) review of, and report on, the financial statements for all MTA agencies; (3) preparation of independent accountants' quarterly financial reports; (4) preparation of report regarding 401(k)/457 Deferred Compensation; (5) examination and report on annual filings as required under the Federal and New York State Single Audit Act as well as Form FFA-10 Reporting System of the FTA for all agencies; (6) annual audits and reports on the financial statements of all the pension plans: LIRR Company Pension Plan, MNR Cash Balance Plan, MaBSTOA Pension Plan, and MTA Retirement Welfare Benefits Plan; (7) providing reports on MTA compliance with New York State Investment Guidelines; (8) providing the Bridges and Tunnels' Operating Surplus Report; (9) providing an agreed-upon procedures report on the expenses of the Office of the MTA Inspector General in accordance with the American Institute of Certified Public Accountants processes; (10) performing an examination of the annual New Haven Line deficit schedule rendered to the Connecticut Department of Transportation based on the Amended and Restated Service Agreement; and (11) other services as required by the MTA.

Deloitte was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MTA Chair/CEO in consultation with the MTA General Counsel in June 2015.

This contract is being 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, will be included in the contract terms and conditions.

D/M/WBE Information

The MTA Department of Diversity and Civil Rights has established goals of 15 percent MBE, 15 percent WBE, and 6 percent SDVOB on this contract. Deloitte projects an MWBE/SDVOB utilization plan meets the overall 36 percent MWBE/SDVOB goal requirements. Deloitte has not achieved its MWBE goals on previously completed contracts; however, they are exceeding the MWBE goal requirements on the current contract.

Impact on Funding

The total cost for this contract for the seven-year period is not to exceed \$15,989,036. Funds for the current year are available in each agency's current budget for financial audit services. Funding for subsequent years will be available in the financial audit budgets for each agency.

Alternatives

None. It is mandated by the MTA Audit Committee and legally required by the FTA that the financial statements and filings be reviewed and/or audited by an independent certified public accounting firm.

Item Number: 2

Vendor Name (Location): IBM, Inc. (Armonk, New York)	Contract Number: 900000000002704	AWO/Modification 14
Description: MTA Business Service Center PeopleSoft Pension Upgrade	Original Amount:	\$ 19,500,000
Contract Term (including Options, if any): June 20, 2018–September 30, 2023	Prior Modifications:	\$ 250,000
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	\$ 0
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	Current Amount:	\$ 19,750,000
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$ 2,447,536
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	12%
Requesting Dept./Div., Dept./Div. Head Name: Transformation, Information Technology, Wael Hibri	% of Modifications (including This Request) to Original Amount:	14%

Discussion:

MTA Headquarters (“MTAHQ”) is seeking Board approval for a modification to a previously Board-approved all-agency competitively negotiated personal services contract with IBM, Inc. (“IBM”) for additional funding in the amount of \$2,447,536, necessary for additional work scope to update the existing Pensions Phase II Project. This modification would also extend the contract for one additional year, through and including September 30, 2023, to accommodate the time required to complete the additional work scope and allow for the warranty period after full system implementation. Specifically, the funding will be used for additional professional and technical IT consulting services required to upgrade and incorporate the Manhattan and Bronx Surface Transit Operation Authority (“MaBSTOA”) pension plan, the Staten Island Rapid Transit Operating Authority (“SIRTOA”) pension plan, MTA Bus pension plan, and the Long Island Rail Road pension plan (“LIRR Closed Plan”) into one MTA pension module (“Upgraded Pension Administration Module”) in the MTA PeopleSoft environment.

This modification covers additional work necessary to update the existing Pensions Phase II Project Plan. The work includes: (1) configuring PeopleSoft Pension Administration and creating additional functional specifications, test scripts, technical specifications, and unit tests; and (2) assisting the MTA with the execution of testing in System Integration Test and User Acceptance Test by resolving defects. This additional work is critical due to unforeseen requirements involving manual processes used in the MaBSTOA Pension Plan that were not included in the original scope and current gaps in legacy system data that has posed a challenge for the conversion of such data into the PeopleSoft Pension System. The additional work addresses these deficiencies and will ensure that the corrected redesign, including Data Conversion Design, Payroll Extract Design, and MaBSTOA Pension Calculation Program Design functions efficiently. This work also enhances the pension loan program to better align it with existing city loan programs.

The Pensions Phase II Project’s objective is to implement centralized capacity for all MTA-administered defined benefit pension plans in the PeopleSoft Pension Administration module. This results in improving the quality of employee services, streamlining pension administration and financial accounting, as well as ensuring the accuracy and validity of data.

The MTAHQ Pension System was transferred to the Business Service Center (“BSC”) as part of the Shared Services consolidation plan. At that time, the pension system had not been converted from the legacy MTAHQ PeopleSoft environment and integrated with the BSC’s PeopleSoft environment. The various pension applications therefore run as standalone systems that interact with PeopleSoft via complex interface programs that transfer pensionable earnings, hours, and contributions; and track associated financial accounting. In December 2016, Pension Phase I went live for the LIRR, MNR, and police chapters of the MTA Defined Benefit Pension Plan. (The MTA Police Department is not a separate legal entity, but rather a department of HQ.)

In July 2018, the Board approved the engagement of IBM through a competitive RFP process to provide technical consulting services to incorporate and upgrade MTA's Phase II Pension Project for a fixed price of \$19.5 million. The Pensions Phase II Project brings the defined benefit pension plans for the LIRR Closed Plans, SIRTOA, MaBSTOA, and MTA Bus into the centralized PeopleSoft Pension Administration System. These plans were administered on outdated mainframe or midrange applications that were inefficient and difficult to support and maintain. The contract was later modified (November 7, 2020) at the request of the MTA to include Pension Self-Service Estimate functionality into PeopleSoft Production for the amount of \$250,000. This modification increased the base contract to \$19,750,000.

IBM's proposed fixed price for this additional work models the same pricing structure as the current negotiated contract pricing established in the base agreement and is within the project management's estimate. Therefore, the negotiated fixed fee of \$2,447,536 for this modification is considered fair and reasonable.

In connection with a previous contract awarded to IBM, IBM was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MTA Chairman/CEO, in consultation with the MTA General Counsel, on July 25, 2016.

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 upon verification and verified by from Cybersecurity group.

Impact on Funding

Funding for this contract is available in the MTA IT Operating Budget.

JANUARY 2022
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

MTA NEW YORK CITY TRANSIT

Acquisition of Property from the City of New York for Phase 2 of the Second Avenue Subway, New York, NY

Staff Summary

Subject ACQUISITION OF PROPERTY IN SUPPORT OF SECOND AVENUE SUBWAY – PHASE 2
Department TRANSIT ORIENTED DEVELOPMENT
Department Head Name ROBERT PALEY
Department Head Signature
Project Manager Name ROBAIR REICHENSTEIN

Date JANUARY 26, 2022
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	1/24/22	X		
2	Board	1/26/22	X		

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

AGENCY: Metropolitan Transportation Authority (“MTA”)

GRANTOR: City of New York (the “City”), Department of Housing Preservation and Development

LOCATION: 1807-09 and 1811-13 Park Avenue, New York, NY
Block 1773, Lots 4 & 72 (the “Subject Parcels”)

ACTIVITY: Acquisition in fee simple of the two Subject Parcels from the City for Second Avenue Subway - Phase 2 (“SAS Phase 2”)

ACTION REQUESTED: Authorization to acquire the Subject Parcels from the City pursuant to Public Authorities Law Section 1266-c on behalf of New York City Transit Authority (“NYCT”)

COMPENSATION: \$8,900,000 (\$3,200,000 cash; \$5,700,000 offset as described below)

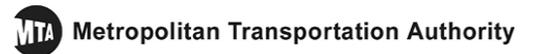
COMMENTS:

The Subject Parcels are part of an assemblage of properties required for the planned entrance and ancillary facilities to be located at the western end of NYCT’s new 125th Street station to be constructed by MTA Construction & Development Company on behalf of the MTA as part of SAS Phase 2. The properties immediately surrounding the Subject Parcels are to be acquired separately by the MTA through condemnation as part of a larger assemblage (see Staff Summary dated June 23, 2021 referencing MTA Board approval of the Determination & Findings required under the New York Eminent Domain Procedure Law for the properties included in the larger assemblage that includes other early-acquisitions for SAS Phase 2 - Attached).

In 2016, the City agreed to convey to the MTA the Subject Parcels for use in connection with the future 125th Street station, with the understanding that the MTA would be required to pay to the City the value of the Subject Parcels in excess of the \$5.7 million value that the City and the MTA established for certain NYCT property located at 234 East 127th Street (Block 1791, Lot 25) which NYCT was conveying to the City at that time.

Staff Summary

FINANCE COMMITTEE MEETING



Acquisition of Property in Support of the Second Avenue Subway – Phase 2(Cont'd.)

Page 2 of 2

The Subject Parcels were appraised at \$8,900,000, and the Federal Transit Administration, which is providing funding for SAS-Phase 2, has concurred with that appraised valuation. Accordingly, the MTA will be required to pay to the City \$3,200,000 in cash for the value of the Subject Parcels in excess of the \$5,700,000 credited to the MTA in connection with the 127th Street transaction, for a total compensation of \$8,900,000 payable to the City for the Subject Parcels.

Based on the foregoing, MTA Transit Oriented Development requests authorization for the MTA to acquire the Subject Parcels from the City on the terms and conditions noted above.

Staff Summary

Subject DETERMINATION AND FINDINGS
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name HELENE CINQUE/ ROBAIR REICHENSTEIN

Date JUNE 23, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/23//21	X		
2	Board	6/23//21	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")

PROJECT: Second Avenue Subway Project (the "Project")

ACTIVITY: Acquisition of Fee Interest and Permanent and Temporary Easements in Properties Listed on the Attached Determination and Findings for Contract 2 of Phase 2 of the Project

ACTION REQUESTED: Approval of Determination and Findings Under the New York Eminent Domain Procedure Law with respect to the acquisition of property needed to facilitate the Project

COMMENTS:

MTA requires various property interests in the east side of Manhattan, in order to complete the work in Contract 2 of Phase 2 of the Second Avenue Subway Project. Contract 2 work covers construction of the launch box for the Tunnel Boring Machine(s), bored tunnels north starting at 120th Street and Second Avenue and running to the end of the train storage tracks on 125th Street between Malcolm X Blvd. and Adam Clayton Powell Jr. Blvd. and the construction shafts used for the excavation of the mined 125th Street Station. These property interests are set forth in a chart on the attached Determination and Findings. Efforts will be made to acquire these property interests by negotiated agreements. In those instances where MTA cannot reach agreements with the affected property owners, legal proceedings must be commenced under Article 2 of the New York State Eminent Domain Procedure Law ("EDPL").

On March 30, 2021, MTA held an EDPL public hearing to describe the public uses, benefits, purposes and location of the work elements covered by Contract 2; the property interests to be acquired, and Contract 2's general impact on the environment. Notices of this public hearing were published in newspapers, as required under the EDPL. Property owners affected tenants and other interested parties were also given advance notice of the hearing by certified mail. MTA Construction & Development ("MTA C&D") personnel attended this virtual hearing.

Following a presentation by MTA's hearing officer, 3 speakers made statements about Contract 2, the Project and the proposed property acquisitions. In addition, written submissions with comments about Contract 2, the Project and the proposed property acquisitions were received by MTA prior to the end of the written submission period at the close of business on April 13, 2021 at 5:30 p.m. The following summarizes the comments received: (a) that the construction will cause an adverse impact on parking; (b) expressing concern as to the amount of just compensation that will be paid; (c) requesting that a certain development site not be taken by eminent domain;

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

(d) requesting that the Q line be extended; (e) expressing concern over the taking of a minority-owned commercial property; and (f) alleging issues with respect to the hearing notice. All comments have been given careful, extensive and due consideration by MTA. Moreover, MTA, MTA C&D and project staff will continue to work with property owners, tenants and other potentially affected parties as the Project moves forward in an effort to mitigate project-related impacts as much as possible.

After due consideration of all statements made during the EDPL public hearing and comments period, MTA staff recommends Board approval of the attached Determination and Findings under the EDPL with respect to the acquisition, by eminent domain, if necessary, of the property interests described therein that are needed to facilitate the Project.

A copy of the Determination and Findings under the EDPL is attached for the Board's consideration and approval.

MTA staff hereby requests Board approval of the attached Determination and Findings. This action will authorize MTA staff and counsel to continue with the EDPL proceedings to acquire the required property interests described in the Determination and Findings by eminent domain, if necessary.

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

CONTRACT 2--PHASE 2 OF THE SECOND AVENUE SUBWAY PROJECT

In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the Board of the Metropolitan Transportation Authority ("MTA") hereby approves the acquisition of property interests described below by eminent domain, if necessary, and adopts the following statutory findings:

1. EDPL Public Hearing. On March 30, 2021, MTA held a virtual EDPL public hearing to inform the public and to receive the public's comments on proposed property acquisitions for Contract 2 of Phase 2 of the Second Avenue Subway Project (the "Project"). All oral comments received at the hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

2. Location of Property Required for Contract 2. The location and nature of the property interests required for Contract 2, and hereby approved for acquisition, are as described on the chart below.

At the March 30, 2021 public hearing and in letters and maps mailed to property owners and interested parties prior to the public hearing, MTA provided more detailed descriptions of the required property interests and estimated time frames when the property interests would be needed for Contract 2.

MTA reserves the right to acquire a lesser interest in any of the properties described below, or to refrain from acquiring any of such property interests, as dictated by the needs of the Project.

3. Public Use, Purpose and Benefits. With respect to the Project in general, the Second Avenue Subway will be a new, two-track, approximately 8.5-mile rail line with 16 new stations extending the length of Manhattan's East Side corridor from a terminal station at 125th Street and Lexington Avenue in Harlem to Hanover Square in Lower Manhattan. The new line will make the neighborhoods of the East Side more accessible not only to those who live there, but to visitors and workers traveling from other parts of New York City as well. Not only will the Second Avenue Subway serve existing neighborhoods on the densely developed East Side of Manhattan, it will also support emerging growth in several areas, including East Harlem, the Lower East Side and Chinatown.

The Second Avenue Subway will provide for two subway services in the East Side corridor. The first will be a full-length Second Avenue route operating between 125th Street and Hanover Square with 16 new stations serving this area. The second service will operate along Second Avenue from 125th Street to 63rd Street, where it will divert west along the existing 63rd Street Line and terminate at the existing Lexington Avenue/63rd Street Station; it will then join the existing Broadway Line via an existing tunnel connection and serve existing express stations along Seventh Avenue and Broadway before crossing the Manhattan Bridge to Brooklyn. Passengers traveling to Lower Manhattan on this route could transfer for local service to destinations south of Canal Street.

As a result, passengers traveling between East Harlem and the Upper East Side will be able to reach both the eastern and western sides of Lower Manhattan. Passengers traveling to and from Brooklyn also will

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

be better served by the new service to the East Side provided both through the Broadway Line service and the anticipated free transfers to be provided at several stations, including the Grand Street B/D Line and the Second Avenue F line. Subway passengers from the Bronx will benefit from free transfers at the Lexington Avenue 4/5/6 125th Street Station, among others.

The Second Avenue Subway will provide more flexibility for passengers traveling along the eastern side of Manhattan, where subway service is currently limited to one line — the severely overcrowded Lexington Avenue Line — for much of the area. The new Second Avenue service thus will provide a needed alternative to the Lexington Avenue Line in the event of shutdowns to that service due to emergencies or breakdowns. Finally, with a new connection at 125th Street, the Project will also improve regional access to the various East Side neighborhoods from the existing Metro-North Railroad.

The Second Avenue Subway is already partially open. Currently, the northern terminal for the Q train is on Second Avenue and 96th Street. The line runs south to 63rd Street where it joins the existing Broadway Line. The instant project, which is the second phase of the Second Avenue Subway, will extend the Q service further north in Manhattan to 125th Street and Lexington Avenue.

Contract 2 is the second of four Contracts in Phase 2 of the Project. Phase 2 covers construction of the subway line from East 96th Street, north along Second Avenue to East 125th Street and Lexington Avenue, which will connect to the current northern terminal of the Project on Second Avenue and 96th Street, which joins the Broadway subway line at East 63rd Street. The work elements covered by Contract 2 are critical for the completion of the Second Avenue Subway as they consist of the construction of the launch box for the Tunnel Boring Machine(s); bored tunnels north starting at 120th Street and Second Avenue and running to the end of the train storage tracks on 125th Street between Malcolm X Blvd. and Adam Clayton Powell Jr. Blvd. together with construction shafts used for the excavation of the mined 125th Street Station.

4. Reasons for Selecting the Location Covered by Contract 2: The property interests necessary to be acquired for Contract 2 are generally located on Second Avenue between East 119th Street and East 120th Street as well as along 125th Street as the work covered by Contract 2 consists of the construction of the launch box for the Tunnel Boring Machine(s); bored tunnels north starting at 120th Street and Second Avenue and running to the end of the train storage tracks on 125th Street between Malcolm X Blvd. and Adam Clayton Powell Jr. Blvd. together with construction shafts used for the excavation of the mined 125th Street Station. MTA will utilize properties to be acquired for this work as entrances and ancillary facilities that will be constructed in subsequent contracts. The Project's specific location and alignment within this area were determined after years of detailed planning, environmental review and public outreach. MTA and the Federal Transit Administration ("FTA") fully evaluated alternatives during that process, as set forth in detail in the Final Environmental Impact Statement for the Second Avenue Subway ("FEIS") issued in April 2004. In July 2004, FTA issued a Record of Decision for the Project, which signified that the project is eligible for continued federal funding and support. Additionally, MTA prepared a Supplemental Environmental Assessment ("SEA") for Phase 2 of the Project, for which FTA issued a Finding of No Significant Impact ("FONSI") in November 2018. Finally, FTA issued a Supplemental Environmental Assessment Re-Evaluation in August 2020. The FEIS, Record of Decision, SEA and Supplemental Environmental Assessment Re-Evaluation, and all evaluations and environmental findings presented in the FEIS, Record of Decision, SEA and Supplemental Environmental Assessment Re-Evaluation are hereby incorporated by reference.

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

5. General Effect of Contract 2 on the Environment and Residents of the Locality. The environmental impacts of the Project as a whole and for Phase 2 are thoroughly covered in the FEIS, the SEA and Supplemental Environmental Assessment Re-Evaluation. The general environmental impacts under Contract 2 are summarized as follows:

Construction activities under Contract 2 will result in unavoidable increases in traffic, truck movements, dust, noise, and vibrations in the areas nearby. In the construction zone from 118th Street to 121st Street, approximately half of Second Avenue and some of the adjacent sidewalk will be closed at a time to facilitate construction. In the vicinity of the 125th Street Station, there will be two staging areas for the mining and construction of the station cavern at the southeast corners of 125th Street and Lexington Avenue, and 125th Street and Park Avenue; each occupying the full length of the Avenue between 124th and 125th Streets. There will also be an extraction shaft and staging site on 125th Street, approximately 300 feet west of Malcom X Blvd. In these areas, trucks will travel to and from the site making deliveries and removing earth and other materials. Certain construction activities could require restricting access to buildings for several hours. In most cases, safe access to buildings, including street-level businesses, will be maintained throughout the construction period, although pedestrian and vehicular access will be altered or restricted by the construction of sidewalk sheds and the removal of parking and travel lanes, and the visibility of some businesses will be reduced. To help minimize potential impacts, MTA will make every reasonable effort to maintain access; control dust, noise and vibration; screen construction activities; control rodents and pests; and minimize other disruptions, where practicable.

Contract 2 will impact on transportation as it will require that up to half of the width of the Second Avenue roadway be closed at the construction work zone for the 120th Street Tunnel Boring Machine Launch Box site. A minimum of four lanes will be maintained on Second Avenue for vehicular traffic adjacent to work zones by prohibiting curbside parking, pick-ups/drop-offs and deliveries, relocating bus stops and narrowing sidewalks to a minimum of 7 feet. Construction activity for Contract 2 will also increase traffic volumes on Streets and Avenues within the project area and will generate an increase in the volume of truck traffic through the project area for soil removal from and materials deliver to the construction sites.

With respect to socio-economic impacts, businesses could be adversely affected by the disruptions associated with construction activities, such as reduced pedestrian and vehicular access, removal of parking, and reduction in the visibility of some businesses, particularly retail establishments with outdoor activities on the sidewalk, which may have to be removed when construction is occurring nearby. Though temporary, these disruptions could affect the businesses' revenue streams and could make the areas in the vicinity of construction activities less desirable locations while construction is underway. To help mitigate these impacts, MTA will promote high-quality design of sidewalk sheds, such as the addition of windows, better lighting, and good store signage around construction sites. MTA will coordinate with businesses in each phase to address access/delivery issues; and provide special loading and unloading areas on nearby side streets to locations where access will be curtailed in front of buildings during construction. In those designated side street areas, parking may be prohibited to allow more reliable deliveries and pick-ups.

There are no open space impacts resulting from Contract 2.

With respect to displacement and relocation, properties at 120th Street and Second Avenue will be acquired for an ancillary facility for the 116th Street Station, which will also be used to support the launch and operation of the tunnel boring machine(s). Another ancillary facility will be located on property at the

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southeast corner of Lexington Avenue and 125th Street, which was recently demolished in preparation of a development site and is being coordinated with the MTA for the station entrance and ancillary building. The ancillary and entrance site at Park Avenue and 125th Street is a vacant lot that will require no displacement. The displacement at the Ancillary A site on West 125th Street consists of a single commercial retail store. This business may be eligible for relocation benefits and assistance under the Uniform Relocation Assistance and Real Property Acquisition Act ("URA"). Temporary construction easements also will be needed along portions of the tunnel route. These easements will be below ground and will not require any displacements.

With respect to archeological resources, research that was done for the FEIS found that the area along Second Avenue and along 125th Street was sensitive for Native American resources at a depth of up to 23 feet below the surface. MTA will perform additional work to determine whether any archaeological resources are actually present and whether those resources are significant and eligible for the State and National Register of Historic Places. Mitigation measures such as data recovery, public interpretation, or additional analysis and curation, will be developed and implemented where future work confirms the presence of significant archaeological resources (i.e., resources that are eligible for listing on the State and National Registers) that will be adversely affected by the Project.

With respect to air quality, construction activities, including truck trips, congestion, and diversions to existing traffic, will not result in significant adverse impacts to air quality. To the maximum extent practicable, MTA's contractors will be required to follow measures to reduce construction-related impacts to air quality. These measures include dust covers for trucks, water spray misting of exposed soil areas, and using safe chemical dust suppressants to treat and control spoils at construction areas. In addition, a fence of an appropriate height will surround the construction sites to reduce wind-borne dust. To reduce emissions from construction equipment, diesel emission controls for non-road equipment will be required. These controls will require that all heavy equipment use ultra-low sulfur diesel fuel and diesel particulate filters, or other retrofit technology, in accordance with MTA policies. In addition, idling time for all diesel equipment will be limited to 3 consecutive minutes, except in certain limited circumstances.

With respect to noise and vibration, construction activities will result in some increased noise and vibration impacts. These impacts were fully evaluated in the FEIS, and measures will be taken to mitigate the noise and vibration levels. Mining operations in rock will use drilling and controlled blasting, and except for some limited locations where vertical blasting may occur, most of the noise will be contained underground and is not expected to be discernible. Vertical blasting is blasting that must be performed to create vertical access or ventilation shafts to the street. At locations where vertical blasting will occur, noise from the blasting will be discernible to nearby residences and businesses for a very short period of time (that is, for the several-second duration of the blast) but will be limited to the hours of 7am to 10pm. In general, due to the short duration of these events, average hourly noise levels will not be significantly affected by the blasts. Noise will also be generated from ground improvement and trucking activities, slurry wall construction, spoils removal at stations and from the tunnels, and other activities. To reduce noise associated with such construction, performance standards will be established by MTA and included with contract documents that must be met by all contractors during construction.

Prior to construction, ambient noise measurements will be taken at noise-sensitive locations. Once construction begins, monitoring stations will be established to provide MTA with the ability to monitor its contractors to ensure compliance with the performance standards. Contractors will also be required to develop noise monitoring and reporting protocols and to obtain certificates of equipment noise

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compliance from MTA or its designee for all construction equipment employed throughout the project. Ultimately, at the time of construction, MTA's contractors will be able to select from a range of noise abatement measures to ensure that construction noise does not exceed the performance standards.

With respect to ground borne noise and vibration, construction will result in varying degrees of ground vibration, depending on the stage of construction, the equipment and construction methods employed, and the distance from the construction to buildings and vibration-sensitive structures. Due to the close proximity of sensitive receptors, vibration levels during a large portion of the period of construction will be perceptible. MTA will implement a rigorous program of special measures to minimize potential impacts to uses (such as hospitals and other medical facilities) and structures (such as historic buildings) that are sensitive to vibration levels. Construction Protection Plans ("CPPs") will be developed for Phase 2 contracts that will include measures to protect Built and Archaeological properties prior to and during construction. The CPPs will outline the specific requirements for preconstruction surveys, vibration monitoring and thresholds, and crack and settlement monitoring to ensure that historic built properties are protected during construction.

With respect to utility relocation impacts, utility services will be maintained throughout construction, except for planned temporary outages. Outages during the day will be limited to a few hours. If utility work requires the complete closure of the roadway and shutting off utility services for several hours, it will generally occur overnight. Residents and businesses will be notified in advance of these disruptions.

With respect to contaminated materials impacts, there is a potential that during construction contaminated soil, soil gas, or groundwater could be uncovered, either in locations where research indicated a potential problem or in other unexpected locations. Preventive measures will be undertaken to protect the safety of the public, community residents, and construction workers, as well as transit workers and the larger environment where the preliminary investigation has indicated that construction has the potential to encounter contaminated materials.

In sum, all practical means to avoid or minimize environmental harm from the work covered by Contract 2 will be adopted. MTA will incorporate into design, construction, and operation all mitigation measures identified in the FEIS, SEA and Supplemental Environmental Assessment Re-Evaluation, as well as any additional measures identified during final design. These measures constitute all practicable mitigation measures and will address Contract 2-related impacts to the fullest extent practicable.

COMMENTS

At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on April 13, 2021.

The following summarizes the comments received: (a) that the construction will cause an adverse impact on parking; (b) expressing concern as to the amount of just compensation that will be paid; (c) requesting that a certain development site not be taken by eminent domain; (d) requesting that the Q line be extended; (e) expressing concern over the taking of a minority-owned commercial property; and (f) alleging issues with respect to the hearing notice.

All comments have been given careful, extensive and due consideration by MTA.

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DETERMINATION

Based on due consideration of the record and the foregoing findings, it is determined that the MTA should exercise its power of eminent domain to acquire the property interests set forth in the chart below in order to promote and permit the purposes of the Project to be achieved.

Copies of this Determination and Findings are available and will be forwarded without cost and upon request, by writing to:

Joseph O'Donnell, Director of Public Affairs
MTA Construction & Development
2 Broadway, D8135,
New York, N.Y.10004

ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE A LEGAL PROCEEDING IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL § 207 AND § 208, THE EXCLUSIVE VENUE FOR SUCH PROCEEDING IS THE APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT, 27 MADISON AVENUE, NEW YORK, NEW YORK 10010.

Acquisition of fee interests and permanent and temporary easements for construction of the launch box for the Tunnel Boring Machine(s), bored tunnel, cavern mining and future station entrance and ancillary facilities.

<i>Block</i>	<i>Lot(s)</i>	<i>Type of Interest</i>	<i>Property Address</i>
1909	44	Permanent Full Taking	120 West 125th Street, NY, NY
1773	1 67	Permanent Full Taking	1801-1805 Park Avenue, NY, NY 100-110 East 125th Street, NY, NY/ 101-109 East 124th Street, NY, NY
1773	69	Permanent Full Taking	1815 Park Avenue, NY, NY
1773	Part of Lot 20	Permanent Full Taking Temporary Easement	142-168 East 125th St/ 2051-2061 Lexington Avenue, NY, NY
1773	Part of Lot 27	Permanent Full Taking Temporary Easement	149-167 East 124th Street, NY, NY
1773	Part of Lot 27	Permanent Partial Taking & Permanent Subsurface Easement	149-167 East 124th Street, NY, NY
1784	23	Permanent Full Taking	2327 Second Avenue, NY, NY
1784	122	Permanent Full Taking	2325 Second Avenue, NY, NY
1784	24	Permanent Full Taking	2329 Second Avenue, NY, NY
1784	25	Permanent Full Taking	2331 Second Avenue, NY, NY
1784	26	Permanent Full Taking	2333 Second Avenue, NY, NY
1784	27	Permanent Full Taking	2335 Second Avenue, NY, NY
1784	28	Permanent Full Taking	2337 Second Avenue, NY, NY
1784	120	Permanent Full Taking	N/A East 119th Street, NY, NY
1784	128	Permanent Full Taking	246 East 120th Street, NY, NY