



Metropolitan Transportation Authority

March 2022

MTA Board Action Items



MTA Board Meeting

20th Floor Board Room

New York, NY 10004

Wednesday, 3/30/2022

10:00 AM - 1:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Board Meeting Joint Minutes - February 24, 2022

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 Procurements - Page 15

4. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL ROAD (no Items)

5. COMMITTEE ON NYCT & BUS (no items)

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

7. COMMITTEE ON FINANCE

Action Item

i. All-Agency Annual Procurement Report, 2021 (Report Available in Directors Desk Document Center and MTA.Info)

2021 Annual Procurement Report - Page 33

ii. Board Authorization to File for and Accept Federal Grants

Board Authorization to File for and Accept Federal Grants - Page 34

Information Item

i. All-Agency Prompt Payment Annual Report

All Agency Prompt Payment Annual Report - Page 43

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 45

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurement - Page 48

iii. Ratification (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 51

8. COMMITTEE ON CORPORATE GOVERNANCE

All Agency Procurement Guidelines

All Agency General Contract Procurement Guidelines March 2022 Revisions - Page 56

All Agency Service Contract Procurement Guidelines March 2022 Revisions - Page 71

Mission Statement and Performance Measurement Report

2021 Mission Statement and Performance Measurement Report - Page 85

MTA Policies in connection with Public Authorities Law (Policies available in the Exhibit Book)

Staff Summary Public Authorities Law Required Policies - Page 120

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

10. EXECUTIVE SESSION

**Joint Minutes of the
Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, the Metro-North Commuter Railroad Company,
MTA Construction & Development, the MTA Bus Company and
the First Mutual Transportation Assurance Company
Regular Board Meeting
2 Broadway
New York, NY 10004
Thursday, February 24, 2022
10:00 a.m.**

The following Board Members were present (**Attended remotely*):

Hon. Janno Lieber, Chair & CEO
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Frank Borelli*
Hon. Lorraine Cortés-Vázquez*
Hon. Michael Fleischer*
Hon. Rhonda Herman
Hon. David Jones
Hon. David Mack
Hon. Haeda B. Mihaltses
Hon. Robert F. Mujica
Hon. Harold Porr, III
Hon. Elizabeth Velez
Hon. Neal Zuckerman

The following alternate non-voting members were present:

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

The following Board Members were absent:

Hon. Victor Calise
Hon. Kevin Law
Hon. Robert W. Linn
Hon. John Samuelson

Paige Graves, General Counsel, Lisette Camilo, Chief Administrative Officer, Quemuel Arroyo, Chief Accessibility Officer and Special Advisor to the Chair, Kevin Willens, Chief Financial Officer, Patrick Warren, Chief Safety Officer, Craig Cipriano, Interim President, NYCTA, Frank Annicaro, Acting President, MTA Bus Company, Phillip Eng, President, LIRR, Catherine Rinaldi, President, Metro-North Railroad, Daniel DeCrescenzo, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Chris Pangilinan, Vice President, Paratransit, and Cate Contino, Assistant Director Government Affairs, 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.

Chair Lieber called to order the February 2022 Board meeting.

General Counsel Paige Graves confirmed a quorum of the Board members in attendance and noted the Board members joining the meeting remotely.

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):

Pasquale Cuomo, CURES*
Aleta Dupree, private citizen*
Christopher Greif, private citizen
Deborah Greif, private citizen
Joe Kunzler, private citizen*
Vic Holford, private citizen*

MTA and Agencies' Regular Board Meeting Joint Minutes
February 24, 2022

Charlton D’Souza, President, Passengers United
Lisa Daglian, Executive Director, PCAC
Jennifer Amoashiy, UES Moms*
Jill J., private citizen
Ester Chemoul, private citizen
Danielle Avissar, private citizen
Melinda Elias, private citizen
Stephanie Infante, CIDNY*
Laura Roth, private citizen*
Matt Kamper, private citizen
Michael Ring, Disabled In Action
Kara Gurl, PCAC
Jason Anthony, Amazon Labor Union

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

2. CHAIR LIEBER’S REMARKS.

Chair Lieber thanked the public speakers, who spoke in person and live virtually, and he thanked everyone for joining the February Board meeting, both in person and remotely.

Chair Lieber stated that this is an exciting moment for the agency with the Spring season approaching, and everyone is hopeful that the new season is the start of a new chapter for the MTA after facing challenges with Omicron, crew shortages and sometimes stalled ridership in the past few months and, not to mention, the winter weather.

Chair Lieber commended the MTA bus, subway and commuter rail workforce for, once again, rising to the occasion during the last snowstorm—maintaining a huge amount of service while the region was socked with up to two feet of snow.

Chair Lieber stated that the agency’s key statistics are turning around, with the total transit ridership steadily on the rise for the last couple of weeks. The Chair stated that weekday subway ridership, which for a long time has been the agency’s flagship benchmark, surpassed 3 million for several days this month for the first time since Omicron surged—an increase of almost 50% since the low point of the COVID resurgence. The next milestone the agency is working to reach is 3.4 million, which was the last pandemic-era high before Omicron.

Chair Lieber stated that subways tend to be cited as the agency’s bellwether, but buses and railroads are also showing positive trends. Buses are regularly carrying 1.3 million customers per day, with more than 20,000 daily trips on Paratransit. LIRR and Metro-North are serving 45-50% of pre-COVID ridership, and even higher on the weekends. The Chair stated that the pattern of people choosing to use transit when they have discretionary activities, nights, and weekends, continues and is a very good sign.

Returning riders are experiencing top tier service, with 83% Customer Journey Time Performance for the subways, 75% for buses, and more than 98% OTP on the two railroads. Chair Lieber stated that because this is a milestone for President Phil Eng, he looked at LIRR's performance for yesterday and it was in the mid 97 percentile, which he stated is amazing. Chair Lieber stated that service delivery has shot up in tandem with ridership, with the subways returning to 92% service delivery—maintaining an upward trend that began last fall. The agency has been able to reach its targets, thanks to a sustained effort to overcome crew shortages. Chair Lieber stated that Interim President Craig Cipriano and his team, in the short term, have done an amazing job at adjusting schedules on the fly to preserve service at every one of the 472 subway stations and every one of the bus stops. Chair Lieber stated that even in the worst days of Omicron, when much of the economy was virtually shut down and the supply chain was breaking down, the MTA was able to deliver 85-90% of scheduled service for approximately 45% of the pre-COVID ridership. The Chair stated that in the long run, the strategy that Interim President Craig Cipriano and the team at Transit launched last fall to hire more operators and conductors is paying off. Showing a photo of some of the newest Bus Operators who graduated last Thursday from the training course, Chair Lieber stated that the service delivery numbers are going to continue to improve as the agency returns to pre-pandemic staffing levels—hopefully by the end of the second quarter.

Chair Lieber stated that there is a positive trend going on right now in Paratransit performance, as well. With respect to the primary carrier service—the blue and whites, the 30-minute window for on-time performance improved to 95%, and 90% for broker service, the area of the Paratransit service that really struggled with crew shortages like the rest of the economy. Driver shortages—primary carry no-shows, dropped by 24% last month, and broker no-shows dropped by 19%. Chair Lieber stated that the positive trend that is being seen in Paratransit performance comes as the agency welcomes a new and incredibly qualified head of Paratransit, Chris Pangilinan. Chair Lieber welcomed Chris Pangilinan and stated that Paratransit will continue to make progress.

Chair Lieber stated that strong service is key to winning back riders, which will help to restore the MTA's financial health. The Chair stated that today the new Chief Financial Officer (CFO), Kevin Willens, will present the February Financial Plan, and Chair Lieber welcomed CFO Kevin Willens to his new role at the MTA.

Chair Lieber stated that the plan includes much-improved revenue forecasts, in large part because the State of New York has made available an additional \$337 million through this year's operating budget. Chair Lieber stated that the money was allocated at Governor Hochul's insistence—another reflection of the Governor's ongoing and strong support for the MTA.

Chair Lieber stated that the State funds are a financial lifeline that allows the MTA to cancel, for the second year running, the planned fare increase that was included in the November Plan—the budget adopted by the Board before the Governor was able to send more relief. Chair Lieber stated that this is a huge issue because, as discussed, raising the fare price makes no sense when the agency is trying to win back riders, which is bad business logic. Chair Lieber stated that because the State's adjustments to two of the MTA's principal subsidies—

the Metropolitan Mass Transportation Operating Assistance (MMTOA) tax package and also the gas tax, because those compound over years, the increased funding for this year also reduces the amount of Municipal Liquidity Facility (MLF) program borrowing that the agency projected it would need in 2025. Chair Lieber thanked the Governor, and Board Member Robert Mujica, the State Budget Director, for the role he played in the funding that the MTA received.

Chair Lieber stated that the additional commitment will not stave off the very real and substantial structural deficit that looms in the outyears—a fiscal cliff that amounts to over \$2 billion in 2026. The Chair stated that the financial plans are based on the ridership projections that the MTA developed with McKinsey back in 2020—those projections were actually on pace, they stood the test of time, and are actually a little bit ahead of them before the Omicron surge. Chair Lieber stated that because of the surge, the additional episode with COVID, and because of the passage of time, it is time to update those projections, and the agency is in the process of soliciting a new firm, new competition, with the goal of refreshing these statistics and projections.

Chair Lieber stated that one of the MTA’s strategies to get people back to transit, in addition to canceling the scheduled fare increase, is the adoption of new fare promotions—discounts that were developed last year by the Board-Staff Fare Strategies Working Group, that are expected to go into effect next week, and will be presented by the Chief Customer Officer Sarah Meyer later in the meeting. Chair Lieber thanked the Board again for their participation and hard work on this issue, and he stated that another Board-Staff working group will be started next month, which will become standard practice.

Chair Lieber stated that the timing of the discounts coincides perfectly with the overall return to the office. The MTA is keeping base transit fares flat, introducing new discounts, and the city has announced this week that it will increase its funding commitment for the Fair Fares Program, which provides discounted MetroCards to low-income New Yorkers—restoring approximately half of what the prior administration eliminated during COVID, that Chair Lieber stated is important. Chair Lieber stated that, with funding for the Fair Fares program restored, Sarah Meyer and her team will focus on raising awareness and increasing enrollment in the program. Chair Lieber emphasized that less than half of the people who are signed up for the program are regular users of the half-price MetroCard, and the agency must roll up its sleeves and work with its partners in City government to educate the public on the opportunities available and everything New York has to offer. Chair Lieber acknowledged and thanked Board Member David Jones for his leadership in this effort, and he also thanked the Community Service Society for their work on this program.

Chair Lieber stated that the MTA’s work with City Hall also extends to safety. Last Friday, the Chair stated that he stood with Governor Hochul and Mayor Adams as they unveiled a comprehensive subway safety plan that prioritizes outreach and services for homeless and others who are living in the system and who are suffering from mental health issues, which is what the MTA has been waiting for. Chair Lieber stated that from the start, both the Governor and the Mayor have been focused on transit safety intensely, and he thanked them on behalf of all New Yorkers and all users of the MTA system.

Chair Lieber stated that, in addition to the detailed plans to provide people the services they need and remove them from the subway system, the MTA welcomes the Mayor's commitment to ensuring that the subway's Code of Conduct is enforced. Chair Lieber stated that we cannot continue to ignore violations that endanger customers and impede service, which means no more open drug use, no more smoking, no more oversized shopping carts, and no more sprawling out on the platform or on train cars. Chair Lieber emphasized the need to provide the necessary help that people desperately need by working with the City and State to fix these conditions and welcome New Yorkers back to a system that is safer and feels safe.

Chair Lieber stated that on a related note, which was the subject of a fair amount of press yesterday and today, C&D President Jamie Torres-Springer will provide an update on the work done by the Track Trespassing Task Force and their recommendations for a potential pilot that can help address the complex, multi-faceted issues the MTA has been facing for some time—including the idea of a pilot for platform doors at three stations. Chair Lieber stated that the Task Force's fresh look at the situation has been underway since the fall when he first noticed there was an uptick—20% in track intrusion incidents. Chair Lieber stated that the Task Force has been exploring options to address the issue, and today President Jamie Torres-Springer will present the range of options that the group has identified.

Chair Lieber stated that Fredericka Cuenca, C&D Deputy Chief Development Officer for Planning, will be making a presentation in a few minutes on the 20-Year Needs Assessment, which has been the subject of some discussion by the Board over the years. As you know, this is the first step to crafting our 2025-2029 Capital Program.

Chair Lieber stated that the process is well underway, the agency is approaching it with renewed attention to data and transparency, utilizing and putting into effect the findings of the 2019 forensic audit, ordered by the Legislature and performed by the Crowe auditing firm. Fredericka will describe the process for State of Good Repair work and the criteria that the agency is exploring on how to select and prioritize system expansion idea.

Chair Lieber stated that this is a big year for the LIRR with two of the marquee projects of the current plan—East Side Access and Third Track, headed to the finish line, together with the transformational expansion of the LIRR Concourse in Penn Station.

The Chair announced that LIRR President Phil Eng is retiring next week after nearly 40 years in public service, and he also announced that Metro-North President Catherine Rinaldi will lead the LIRR through what is sure to be the most eventful year in its history—with Third Track wrapping up and new service coming to Grand Central, effectively making the Metro-North Railroad and LIRR roommates.

Chair Lieber stated that President Catherine Rinaldi has held a variety of key roles in the past 20 years at MTA, including, relevant to this news, General Counsel of the LIRR for some years, General Counsel of the MTA, Chief of Staff at MTAHQ and now Metro-North President. All of MTA's and LIRR's partners and stakeholders—government, elected office, labor, civic and advocacy, know that President Rinaldi is an exceptional professional, and is a true Long Islander, having grown-up in Massapequa and Huntington.

Chair Lieber stated that the reason he is so confident about LIRR's future is because the railroad is in great shape, thanks in large part to President Phil Eng's work over the past four years. The Chair stated that in his time at LIRR, President Phil Eng has strengthened operations tremendously—much of it was laid out in the LIRR Forward Plan commissioned and executed by President Phil Eng. President Phil Eng helped the LIRR grow on-time performance every year since 2019 and helped set all-time records in 2020 and 2021. Chair Lieber stated that at every step President Phil Eng embraced technology, whether it was laser trains zapping away leaves on the roadbed or real-time crowding condition updates on the LIRR Train Time app—a real innovation that helped so many people get comfortable going back to transit in the COVID era. The Chair stated that President Phil Eng's accomplishments are even more impressive when you consider he has also been dealing with the effects of a global pandemic these last couple of years. Chair Lieber, on behalf of the entire MTA, thanked President Phil Eng for his service and wished him luck in his next chapter.

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

3. CHIEF FINANCIAL OFFICER'S PRESENTATION.

Kevin Willens, Chief Financial Officer, who stated that he is excited to join the MTA and attend his first Board meeting and that he looks forward to working with everyone, reported on the February Financial Plan.

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

4. 20 YEAR NEEDS ASSESSMENT UPDATE.

Fredericka Cuenca, Deputy Chief Development Officer, Planning, MTA Construction and Development, reported on the 20 Year Needs Assessment and provided an overview of the capital planning process.

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

5. 2022 NEW FARE PROMOTIONS.

Sarah Meyer, Chief Customer Officer, presented the 2022 New Fare Promotions.

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.

6. TRACK TRESPASSING TASK FORCE.

MTA C&D President Jamie Torres-Springer presented the Track Trespassing Task Force report and recommendations.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for C&D President Torres-Springer's presentation, the Chair's and Board Members' comments and discussion.

7. 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 January 26, 2022, as corrected.

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

8. TRIBOURGH BRIDGE AND TUNNEL COMMITTEE.

A. Procurements: No Items.

9. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. NYCT Procurements.

Upon a motion duly made and seconded, the Board approved the item listed below. Refer to the staff summary and documentation filed with the records of this meeting for the details of this item.

1. Request For Proposals ("RFP") – Purchase of Buses for New York City Transit ("NYCT") and MTA Bus Company ("MTABC") – Contract # TBD. Approval to issue a competitive RFP, pursuant to New York State Public Authorities Law, Section 1209, subdivision 9(g) for NYCT and New York State Public Authorities Law, Section 1265-a, subdivision 4(g) for MTABC, for the purchase of up to 1,729 buses for NYCT and MTABC.

10. CAPITAL PROGRAM COMMITTEE.

B. Procurement Item.

Upon a motion duly made and seconded, the Board ratified the items listed below. A copy of the Resolution and the Staff Summaries are filed with the meeting materials.

1. Modification Numbers 30,42,43,45,46 and 47 to the Hudson Line Wayside Communications and Signal System Infrastructure Improvements contract (82133) with Banton Construction Company for a total amount of \$15,250,879.63.

2. Modifications Numbers 40 and 41 to the Harlem Line Wayside Communications and Signal System Infrastructure Improvements contract (82137) with Ducci Electrical Contractors, Inc. for a total amount of \$2,735,955.40.

11. MTA COMMITTEE ON FINANCE.

A. Action Items.

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

1. Mortgage Recording Tax (“MRT”) – Escalation Payments to Dutchess, Orange and Rockland Counties. Authorized escalator payment to Dutchess, Orange, and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.
2. 2021 TBTA Operating Surplus. Approval of resolutions which will:
 - Certify and transfer \$1,037,034,639 operating surplus to the MTA and NYCTA pursuant to Section 1219-1(2)(b) of the Public Authorities Law of the State of New York.
 - Transfer \$94,397 representing 2021 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York.
 - Advance the 2022 TBTA Surplus as outlined in the resolution.

B. Procurement Item.

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

1. Nokia of America Corporation (Murray Hill, New Jersey) – Technical and Maintenance Support for the VHF Radio System – No. 60000000021859. Approved the extension of an existing contract with Nokia of America Corporation for Technical and maintenance support services for the VHF radio system for an additional two years plus a two-year option in the estimated amount of \$9,233,487.

C. Real Estate Items.

Upon a 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. Modification of the lease with Forest City Pierrepont Associates, LLC for relocation of office space for NYCT from 180 Livingston Street to 300 Cadman Plaza, Brooklyn, N.Y.
2. Extension of the lease with Kaufman 8th Avenue Assoc. L.P. for office space in 519 8th Avenue, New York, N.Y.
3. Agreement with Kew Management Corporation to reimburse for store closure in connection with an ADA elevator construction project at the 181st Street Station (Broadway/7th Avenue Line) entrance within 585 W. 181st Street, New York, N.Y.
4. License agreement with Gowanus Canal Conservancy for the operation of a tree nursery located at 25 Ninth Street (known as Kings County Block 477, Lot 1), Brooklyn, N.Y.

Metro-North Railroad

5. Lease agreement with Bru Brew, LLC for the operation of a restaurant in the Pearl River Station, Pearl River, Rockland County, N.Y.

Metropolitan Transportation Authority

6. Modification of the agreement with BP 347 Madison Associates, LLC (or another to be formed special purpose entity (“Developer”), which is owned by Boston Properties Limited Partnership, a subsidiary of Boston Properties, Inc, a Delaware corporation and publicly traded real estate investment trust) for the development of the Madison Avenue Properties located at 341-347 Madison Avenue between East 44th and 45th Street, New York, N.Y.

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

A. Procurement Item:

1. Wabtec Corporation – Original Equipment Manufacturer – Contact No. TBD. Upon a motion duly made and seconded, the Board approved, on behalf of Metro-North, LIRR, and NYCT, the award of a five year noncompetitive Original Equipment Manufacturer purchase agreement in the estimated amount of \$296,063,000 to Wabtec Corporation to provide various parts, components, and repair services for Metro-North’s M-3, Shoreliner, M-7 and M-8 railcars and locomotives; LIRR’s M-3, M-7, and M-9 railcars, C-3 coach cars, and diesel-electric/dual mode locomotives; and all NYCT subway cars. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

13. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:17 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 Department

Stephen Plochochi, Senior Vice President

PROCUREMENT PACKAGE March 2022



The picture above depicts the installation of the pedestrian overpass at the Elmont Station on the Main Line of the Long Island Rail Road. The work was done as part of Contract 6353 and took place over an outage during the weekend of March 18th – 20th.

PROCUREMENTS

The Procurement Agenda this month includes fifteen (15) actions for a proposed expenditure of \$242M.

Subject Request for Authorization to Award Various Procurement Actions					
Contract Department Stephen Plochochi, Senior Vice President					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/28/22	X		
2	Board	3/30/22	X		

Date: March 23, 2022			
Internal Approvals			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel

Purpose

To obtain the approval of the Board to award various procurement actions and, to inform the Capital Program Committee of these procurement actions.

Discussion

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

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)	2	\$108,411,000
	SUBTOTAL 2	\$108,411,000
<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
F. Personal Services Contracts	11	\$118,154,956
	SUBTOTAL 11	\$118,154,956
I. Modifications to Purchase and Public Work Contracts	1	\$ 13,725,339
	SUBTOTAL 1	\$ 13,725,339
MTA Construction & Development proposes Ratifications in the following category:		
<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
K. Ratification of Completed Procurement Actions	1	\$ 1,579,432
	SUBTOTAL 1	\$ 1,579,432
	TOTAL 15	\$241,870,727

Budget Impact

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

Recommendation

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

MTA Construction & Development

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

MARCH 2022
LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

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

- | | | | |
|-----------|--|----------------------|--------------------------------------|
| 1. | RailWorks Transit LLC
Contract No. 6378
1,442 Calendar Days | \$ 58,134,000 | <u>Staff Summary Attached</u> |
|-----------|--|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for design-build services for the Long Island Rail Road Babylon Interlocking Signal System Project.

- | | | | |
|-----------|---|----------------------|--------------------------------------|
| 2. | TAP Electrical Contracting
Contract No. C52072
609 Calendar Days | \$ 50,277,000 | <u>Staff Summary Attached</u> |
|-----------|---|----------------------|--------------------------------------|

MTA Construction and Development requests Board approval to award a publicly advertised and competitively solicited contract for design-build services for closed-circuit television cameras at locations throughout the New York City Transit Subway System.

Procurements Requiring Majority Vote:

Schedule F. Personal Services Contracts
(Staff Summaries required for all items greater than \$1M)

- | | | | |
|--------------|--|---------------------------------------|--------------------------------------|
| 3-12. | Multiple Vendors
Contract Nos. CM-1641 thru CM-1648
and CM-1705 and CM-1706
36 Months | \$100,000,000 (Est. Aggregate) | <u>Staff Summary Attached</u> |
|--------------|--|---------------------------------------|--------------------------------------|

MTA Construction and Development requests Board approval to award ten (10) competitively solicited All-Agency Indefinite Quantity contracts to five (5) firms to perform asbestos and lead disturbance management and air monitoring services for miscellaneous construction projects. Two (2) contracts will be awarded to each firm, one federally funded and one state funded.

- | | | | |
|------------|--|----------------------|--------------------------------------|
| 14. | Atkins-HNTB JV
Contract No. PS21002
24 Months | \$ 18,154,956 | <u>Staff Summary Attached</u> |
|------------|--|----------------------|--------------------------------------|

MTA Construction and Development requests Board approval to award a publicly advertised and competitively solicited contract for general engineering consultant services for New York City Transit communications based train control.

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

- | | | | |
|------------|--|----------------------|--------------------------------------|
| 15. | Thales Transport and Security, Inc.
Contract No. S-48013-2. | \$ 13,725,339 | <u>Staff Summary Attached</u> |
|------------|--|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to exercise Option 1 of the contract for additional R211 CBTC Carborne Equipment for the 8th Avenue Line.

Staff Summary

Item Number 1

Dept & Dept Head Name: Andrew Wilson, LIRR Business Unit, Delivery Department					
Contracts Department Ian Goldrich, SVP and Deputy General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/28/22	X		
2	MTA Board	3/30/22	X		
Internal Approvals					
	Approval		Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name RailWorks Transit LLC	Contract Number 6378
Description Design-Build Services for Babylon Interlocking Signal System	
Total Amount \$58,134,000	
Contract Term (including Options, if any) 1,442 Calendar Days	
Options(s) included in Total Amount: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input 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 to RailWorks Transit LLC (the “Design-Builder”) for design-build services for the Long Island Rail Road (“LIRR”) Babylon Interlocking Signal System Project (the “Project”) in the amount of \$58,134,000 and for a duration of 1,442 Calendar days.

Discussion

Contract 6378 (“the Contract”) will upgrade the LIRR Babylon Interlocking’s signal system located on the Montauk Branch. An interlocking is a location where several sets of tracks converge and then diverge and requires a series of signals to prevent conflicting train movements through the interlocking. The Contract provides for the final design for the replacement/renewal of the five signal systems in the Babylon Interlocking, as well as providing tie ins to the signals to the east and west of the Project’s limits. The new signal system is necessary to upgrade and modernize the interlockings. The majority of the signal equipment in the Project’s limits has not been upgraded since the 1960’s and has exceeded its useful life. The cost of signal maintenance continues to increase and train service disruptions due to the age of the signal equipment are a regular occurrence. The replacement of these outdated systems will also allow for greater efficiency and better service reliability in the operation of the interlocking as a whole.

A one-step Request for Proposal (“RFP”) process was conducted for this Contract. The requirements were publicly advertised in the New York State Contract Reporter, N.Y. Daily News, and on the MTA website. In response to the RFP, proposals were received from (i) E-J Electric Installation Co. (“E-J Electric”) and (ii) RailWorks Transit LLC (“RailWorks”).

The proposals were evaluated and scored by a selection committee consisting of representatives from C&D and LIRR, utilizing pre-established selection criteria considering the following factors: Technical Approach; Planning and Scheduling; Qualifications and Experience; and Cost. Based upon the technical evaluations, the selection committee held discussions with each entity regarding technical clarifications and to confirm each firm’s overall understanding of the Project.

Following the technical clarification discussions, revised proposals were requested from E-J Electric and RailWorks addressing the technical clarifications discussed and revising the proposal price accordingly. The result of the revised proposals were as follows:

**Staff Summary**

Item Number 1

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E-J Electric	\$69,956,318
RailWorks	\$59,250,000

After review of the revised proposals, the selection committee unanimously determined that the proposal submitted by Railworks provided the best value to the MTA. In addition, Railworks has extensive experience with signal and civil work, having worked on projects with larger scope and greater complexity, demonstrating that RailWorks will be capable of executing the work required for the Project. E-J Electric's proposed technical approach met the project requirements, but did not provide comparable value as its proposal offered no greater benefit to justify its higher price.

C&D entered into negotiations with RailWorks for a Best and Final Offer ("BAFO") with an eye towards reducing RailWorks' revised proposal price of \$59,250,000. RailWorks then submitted a BAFO of \$58,134,000. A cost and price analysis was performed and the final negotiated price was determined to be fair and reasonable.

In connection with previous contracts awarded to RailWorks, RailWorks was found to be responsible notwithstanding Significant Adverse Information ("SAI") pursuant to all All-Agency Responsibility Guidelines, and such responsibility findings were approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in February 2016. In addition, as a result of the review of RailWorks' responsibility since the prior contract award, new significant adverse information was identified and RailWorks was found to be responsible notwithstanding such new significant adverse information and the award of the contract is subject to the approval of such responsibility finding by the MTA Chairman/CEO in consultation with the MTA General Counsel.

D/M/WBE Information

The MTA Department of Diversity and Civil Rights ("DDCR") has established 22.5% DBE goals for the Contract. Although this is a design-build contract with some undefined scope, RailWorks is projecting to meet the required DBE goal requirements. RailWorks has achieved its MWDBE goals on recently completed MTA contracts.

Impact on Funding

Federal funding for this contract is included in the MTA's 2020-2024 Capital Program Budget.

Alternatives

None recommended. Currently C&D and the LIRR lack available in-house technical resources to perform the scope of work associated with the Contract.



Staff Summary

Item Number 2

Dept & Dept Head Name: Infrastructure Business Unit, Delivery/Dana Hecht					
Contracts Department: Teresa McLoughlin Rice, Assistant Chief Officer and Tower Lead					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/28/22	X		
2	Board	3/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name TAP Electrical Contracting Service, Inc.	Contract Number C52072
Description Design-Build Services for CCTV Cameras at Locations Throughout the NYC Transit Subway System	
Total Amount 1. C52072 Award: \$ 50,277,000 2. Stipend Payments: \$ 198,000	
Contract Term 609 Calendar Days	
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 type="checkbox"/> Federal <input checked="" type="checkbox"/> State	

Purpose/Recommendation

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to TAP Electrical Contracting Service, Inc. (“TAP”) for design-build services for closed-circuit television cameras (“CCTV Cameras”) at locations throughout the New York City Transit (“NYCT”) subway system in the amount of \$50,277,000 with a duration of 609 calendar days. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$66,000 to be paid to each of the three unsuccessful proposers, for a total stipend payment amount of \$198,000.

Discussion

Contract C52072 (the “Contract”) requires the Design-Builder to design, furnish and install CCTV Cameras at the entrances and exits of the fare array control areas of eighty-eight (88) stations throughout the NYCT subway system. Once installed, these systems will be integrated into the existing Physical Security Information Management System (“PSIM”) at the NYCT Command Control & Communications Center in Brooklyn. The installation of new security CCTV Cameras is an integral part of the ongoing effort by the MTA to increase security for customers and employees in the stations and safeguard critical infrastructure.

A two-step procurement process was conducted for this contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of eight (8) Statements of Qualifications (“SOQ”) which were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and substantive evaluation criteria (addressing key personnel and organization, project approach, prior experience, past performance, and diversity compliance). On the basis of this evaluation, the following four firms were selected to receive a Request for Proposal (“RFP”) in Step 2:

- CRC Associates, Inc. (“CRC”)
- E-J Electric Installation Co. (“E-J”)
- TAP Electrical Contracting Service, Inc.
- TC Electric, LLC. (“TC”)

Staff Summary

Item Number 2

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Each of the selected firms submitted a technical and price proposal in response to the RFP. The selection committee, consisting of representatives from C&D Delivery, Development and Contracts, first reviewed the technical proposals, attended the oral presentations and evaluated each submission against preestablished selection criteria which assessed the proposers' design and construction approach, overall project schedule, management plan, experience, record of performance, safety and quality control/quality assurance plans, quality and the thoroughness of the proposal and oral presentation.

The selection committee next opened the cost proposals which were as follows:

CRC	\$69,956,318
E-J	\$73,705,000
TAP	\$50,757,000
TC	\$62,374,500

Each technical proposal was supported by experienced design and construction teams. TC and CRC's Technical Proposals also included pre-approved Alternate Technical Concepts ("ATC") to expedite the work and minimize impacts on the travelling public. E-J, TAP and TC offered schedule proposals that would shorten the overall duration of the Contract and completion of the Work. Although all four firms submitted acceptable Technical Proposals, the selection committee subsequently determined that E-J's technical and cost proposals were not in a competitive range with the other three proposers. Accordingly, the selection committee unanimously recommended that CRC, TAP and TC each be invited for negotiations.

Negotiations with CRC, TAP and TC each included detailed discussions of the proposer's design and construction approach, project schedule and overall cost. Following negotiations, each proposer was asked to submit its Best and Final Offer ("BAFO") which were submitted as follows:

CRC	\$55,195,000
TAP	\$50,277,000
TC	\$56,490,000

All three proposers included a reduction from its original price; however, TAP's BAFO was still the lowest compared to the other two proposers. In addition, TAP's BAFO included the best schedule reduction of 301 days, compared to the 110 days reduction proposed by TC and the 37 days reduction proposed by CRC. The Contract includes liquidated damages for Contractor delays to each milestone and Substantial Completion.

After reviewing the BAFOs, the selection committee unanimously recommended TAP for award of the Contract. The selection committee determined that TAP's proposal offered the best overall value considering the schedule reduction, the strength and qualifications of its key personnel, and its past performance. TAP's price is \$4,918,000 less than the next lowest cost proposal and is considered fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights ("DDCR") has established MBE/WBE/SDVOB goals of 15%/15%/6%. Although this is a design-build contract with some undefined scope, TAP is projecting to meet the required MBE/WBE/SDVOB goals. TAP has achieved its DBE/MBE/WBE goals on previously completed MTA contracts.

Impact on Funding

Funding for the design-build services contract and stipend for the three unsuccessful proposers are included in the NYCT portion of the MTA's 2020-2024 Capital Program. The MTA provides 100% of the funding for this project.

Alternatives

None recommended. Currently, MTA lacks available in-house technical personnel to perform the scope of work

Schedule F Personal Service Contracts

Staff Summary

Item Numbers 3 - 12

Dept & Dept Head Name: Delivery/Mark Roche, Deputy Chief Development Officer					
Contracts Department: Laura A. Smith, Chief Officer					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/28/22	X		
2	Board	3/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name See the list below	Contract Number CM-1641 - CM-1644 (State) CM-1705 (State) CM-1645 – CM-1648 (Federal) CM-1706 (Federal)
Description All-Agency Indefinite Quantity Asbestos and Lead Disturbance Management and Air Monitoring Services	
Total Amount \$100,000,000 Est. Aggregate	
Contract Term 36 Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> State	

Purpose/Recommendation

MTA Construction and Development (“C&D”) requests Board approval to award ten (10) competitively solicited All-Agency indefinite quantity contracts (“Contracts”) to five (5) firms to perform asbestos and lead disturbance management and air monitoring services for miscellaneous construction projects. Two (2) contracts will be awarded to each firm, one federally funded and one state funded with a total estimated aggregate amount of \$100 million over a 36-month contract term. These contracts will be “zero-dollar” based with no minimum guarantee of any assignments. The selected firms and their respective contracts are:

Consultants

1. Core Environmental Consultants (“Core”) (certified DBE and WBE)
2. Entech Engineering, P.C. (“Entech”) (certified WBE)
3. EPM-HVA Joint Venture (“EPM-HVA”) (EPM is a certified DBE and WBE)
4. LiRo Engineers, Inc. (“LiRo”)
5. STV Incorporated (“STV”)

Contract Nos.

- CM-1641 (State) / CM-1645 (Federal)
- CM-1642 (State) / CM-1646 (Federal)
- CM-1643 (State) / CM-1647 (Federal)
- CM-1644 (State) / CM-1648 (Federal)
- CM-1705 (State) / CM-1706 (Federal)

Discussion

C&D is seeking to award Contracts for services related to a variety of environmental activities as required to support the capital program. The services include lead paint and asbestos disturbance management. Under both categories, the consultants will perform site surveys to investigate and identify lead and asbestos-containing materials; design and specification development; project monitoring; air monitoring; sample collection and analysis; and support services including preparing final reports and maintaining all required records and documentation. The consultant shall act as the on-site representative for C&D and will have the authority to direct the actions of the

Schedule F Personal Service Contracts

Staff Summary

Item Numbers 3 - 12

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abatement contractor as necessary. Work under this contract series will be performed on an as-needed task order basis. Specific work requirements for a project will be defined in the scope of work for each task order that, in general, will be competed among the consultants and task order awards can be issued up to the total estimated aggregate budget amount of \$100 Million.

Combining the federal and state funded requirements into one solicitation created a more efficient and streamlined procurement process and resulted in five firms being retained to perform all services, regardless of the funding source. These Contracts will replace the existing federal funded contracts CM-1563 and CM-1564 and the state funded contracts CM-1515, CM-1516 and CM-1517A currently in place for these services.

Procurement Process

On August 5, 2021, C&D Contracts issued notification of a one-step Request for Proposal (“RFP”) to 39 general engineering consultant (“GEC”) firms from MTA’s prequalified list of engineering firms, requesting the submission of technical and cost proposals. The solicitation was also advertised in the Daily News, Engineering News-Record, New York State Contract Reporter and on the C&D Website. On September 17, 2021, the following nine (9) firms submitted proposals: Atlas Group Services, Core, Entech, EPM-HVA¹, LiRo, Safety Dynamics LLC, STV, TRC Engineers, Inc., and WSP USA Inc. The Selection Committee, consisting of representatives from C&D and New York City Transit, reviewed the written technical proposals utilizing the selection criteria set forth below, listed in relative order of importance:

- Experience in Relevant Areas
- Experience of Project Team/Key Personnel
- Management Approach
- Quality Assurance Plan
- Current Workload of Prime and Sub-Consultants
- Diversity Practices (State funded contracts only)

Virtual presentations were conducted with all nine (9) proposers for both the federally and state funded contract series. The selection of firms for the federally funded contracts series (CM-1645-1648 and CM-1706) utilized a qualification-based procurement process established by the Federal Brooks Act. Under the Federal Brooks Act, contracts for Architecture, Engineering and other federally defined services are negotiated with the firm(s) that is/are determined to be the most technically qualified by the selection committee based on established selection criteria. Price is not a consideration in the selection or ranking of the proposers. Since five (5) awards were anticipated, negotiations were conducted with the five (5) most technically qualified proposers. After review of the technical proposals and oral presentations, the selection committee ranked EPM-HVA, STV, LiRo, Entech and Core as the highest rated proposers and negotiations were conducted with all five (5) firms.

Negotiations were conducted, focusing on direct labor rates, overhead, fees and pricing for sample units. C&D provided the total hours and out-of-pocket expenses to all firms to ensure a fair and equitable evaluation of the cost. The overhead rates were reviewed by MTA Audit and adjusted pursuant to MTA Audit recommendations.

Best and Final Offers (“BAFOs”) were received from all five (5) firms and evaluated against C&D’s in-house budget estimate based on hours distributed among various titles, overhead, and fees. Based on the evaluation of the cost components of the initial and revised cost proposals, in-house estimate, and the competitive nature of the RFP, the BAFOs for the federal contract series were determined to be fair and reasonable.

The selection of firms for the state funded contracts series (CM-1641-1644 and CM-1705), was determined by utilizing a “Best Value” procurement process. The selection committee first reviewed the written technical proposals from all the proposers utilizing the selection criteria listed above. After the technical evaluations were completed the selection committee then reviewed the cost proposals from each of the proposers and then ranked each of the proposers considering both their technical and cost proposals in accordance with the selection criteria. The selection committee again shortlisted five (5) proposers EPM-HVA, STV, LiRo, Core and Entech determining

¹ EPM-HVA initially proposed as HVA Engineering, D.P.C. with Environmental Planning & Management, Inc. (“EPM”) as a subconsultant. During the procurement process, HVA Engineering, D.P.C. partnered with Environmental Planning & Management, Inc. to create the joint venture in the name EPM-HVA Joint Venture.

Schedule F Personal Service Contracts

Staff Summary

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that these five (5) firms' proposals provided the best value to C&D when considering both their technical and cost proposals. Negotiations were then conducted with each of the five shortlisted firms focusing on the same factors as discussed above.

BAFOs were received from all five (5) firms and evaluated against C&D's in-house budget estimate based on hours distributed among various titles, overhead, and fees. Based on the evaluation of the cost components of the initial and revised cost proposals, in-house estimate, and the competitive nature of the RFP, the BAFOs for the state contract series were determined to be fair and reasonable.

The selected proposers presented detailed technical proposals and exhibited a comprehensive knowledge of asbestos and lead design and air monitoring services. Moreover, each proposer demonstrated a clear understanding of the scope of work requirements and a clear and concise plan of approach that aligned with standard industry processes and procedures. The proposers also identified potential challenges and provided solutions to matters specific to MTA facilities. Additionally, all assigned key personnel submitted by each proposer reflected the requisite qualifications and experience relevant to asbestos and lead management services.

Both federal and state funded contracts incorporate a performance incentive that is applied to the fee. The incentive provides an opportunity for the consultants to earn additional profit through exemplary performance in managing the contract and a reduction in the fee if its performance requires improvement.

All five (5) firms were found to be responsible and financially qualified to perform these contracts.

D/M/WBE Information

The MTA Department of Diversity and Civil Rights ("DDCR") has established a Disadvantage Business Enterprise ("DBE") goal of 20% for the federally funded contracts. DDCR has established a Women Owned Business Enterprise ("WBE") goal of 15%, a Minority Owned Business Enterprise ("MBE") goal of 15% and a Service-Disabled Veteran-Owned Business ("SDVOB") goal of 6% for the state funded contracts. DDCR has determined that all five (5) firm's utilization plans meet the DBE and MBE/WBE/SDVOB requirements established for contracts. Entech, LiRo and STV have achieved their DBE/MBE/WBE goals on recently completed MTA contracts. Core and EPM-HVA JV have not completed any MTA contracts with goals; therefore, no assessment of their DBE/MBE/WBE performance can be determined at this time.

Impact on funding

CM-1645-1648 and CM-1706 will be funded primarily with federal funds and CM-1641-1644 and CM-1705 will be 100% MTA funded. These Contracts are all "zero-dollar" based, and therefore funds will be provided on a task-order basis by the capital project requiring these services.

Alternatives

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.

Schedule F Personal Service Contracts

Staff Summary

Item Number 13

Dept & Dept Head Name: Signals & Train Controls, Delivery/Daniel Creighton, VP & Co-Business Lead					
Contracts Department: Laura A. Smith, Chief Officer					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/28/22	X		
2	Board	3/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name Atkins-HNTB JV	Contract Number PS21002
Description General Engineering Services for the New York City Transit Communications Based Train Control	
Total Amount \$18,154,956	
Contract Term 24 Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> State	

Purpose/Recommendation

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to Atkins-HNTB JV for general engineering consultant services (“GEC”) for New York City Transit (“NYCT”) communications based train control (“CBTC”) for a contract term of twenty-four (24) months in the not-to-exceed amount of \$18,154,956.

Discussion

Contract PS21002 (the “Contract”) is for GEC services to provide design, engineering, procurement support and program administration services to assist the MTA in implementing the next phase of its CBTC program for NYCT subway service. The CBTC program is a key element of MTA’s plan to modernize the NYCT subway signal system with new and more efficient technology to improve safety, reliability, and provide for future capacity growth. The project scope includes the wayside elements of the following three (3) subway lines: Fulton Street (IND, B-Division), Sixth Avenue & 63rd Street Line (IND, B-Division), and Crosstown (IND, B-Division). This CBTC Program is intended to increase the trains-per-hour capacity of the Subway system, improve reliability of the signal system, reduce costs by replacing the existing systems with CBTC train control systems and make best use of available new technology.

The GEC Consultant will provide conceptual design, preliminary design, and bridging documents for each Line to facilitate a Design-Build delivery process and will support C&D during the Request For Proposal process.

Procurement Process

On December 27, 2021, C&D issued notification of a one-step Request For Proposals to 53 GEC firms from MTA’s prequalified list of engineering firms, requesting the submission of technical and cost proposals. The solicitation was also advertised in the Daily News, Engineering News-Record, New York State Contract Reporter and on the C&D Website. On February 3, 2022, the following four (4) firms submitted proposals: AECOM, Jacobs Civil Consultants and TY Lin International Joint Venture, Atkins-HNTB JV, Mott

Schedule F Personal Service Contracts

Staff Summary

Item Number 13

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MacDonald NY, Inc. (“Mott”) and SYSTRA Engineering, Inc. The selection committee, consisting of representatives from C&D, reviewed the written technical proposals utilizing the selection criteria set forth below, listed in relative order of importance:

- Qualifications and Experience of Key Personnel
- Project Understanding and Technical Approach
- Experience of Proposer Organization
- Management Approach
- Capability and Effective Use of Resources
- Past Performance on Similar Contracts
- Diversity Practices

Oral presentations were conducted with all four (4) proposers. Following each of the oral presentations, an interview of the proposed key personnel was conducted by the selection committee. The selection of the firms was determined by utilizing a “Best Value” procurement process. The selection committee first reviewed the written technical proposals from all the proposers then attended the oral presentations. After the evaluations were completed the selection committee then reviewed the cost proposals from each of the proposers and then ranked each of the proposers considering both their technical and cost proposals in accordance with the selection criteria.

The selection committee recommended Atkins-HNTB JV and Mott, for negotiations, determining that these two (2) proposers offered the best value to C&D when considering both their technical and cost proposals. Both Atkins-HNTB JV and Mott presented detailed technical proposals and exhibited a comprehensive knowledge of CBTC systems and the Design-Build requirements of the project with the Atkins-HNTB JV team being rated technically higher than Mott.

Negotiations were conducted focusing on adherence to the critical timeline of deliverables, levels of effort, staffing, direct labor rates, overhead, fee, and the performance incentive criteria. The overhead rates were reviewed and adjusted pursuant to MTA Audit recommendations.

During the negotiation process it became clear to the selection committee that Atkins-HNTB JV’s understanding and approach to the work, coupled with their team’s knowledge, experience and ability to adhere to the aggressive timelines required for developing the design-build solicitation packages made them the preferred proposer. As a result, the selection committee unanimously decided to eliminate Mott from further consideration, complete negotiations and request a Best and Final Offer (“BAFO”) only from Atkins-HNTB JV.

After negotiations concluded, Atkins-HNTB JV submitted a Best and Final Offer of \$18,154,956. The selection committee reviewed the BAFO in accordance with the selection criteria and unanimously voted to recommend award of the contract to Atkins-HNTB JV. Based on the evaluation of the cost components of the initial and revised cost proposals, and in-house estimate, the BAFO was determined to be fair and reasonable.

This Contract incorporates a performance incentive to provide the GEC Consultant with the opportunity to earn additional profit through the completion of contract tasks before the established contract durations. The performance incentive also reduces the profit if the GEC Consultant does not complete the contract tasks within the established contract durations specified in the scope of services.

In connection with a previous contract awarded to Atkins North America Inc. (“Atkins”), Atkins 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 Chairman and Chief Executive Officer in consultation with the MTA General Counsel in January 2016. No new SAI has been found relating to Atkins and Atkins-HNTB JV has been found to be responsible.

D/M/WBE INFORMATION

The Department of Diversity and Civil Rights (“DDCR”) has established a Minority Owned Business Enterprise (“MBE”) goal of 15%, a Women Owned Business Enterprise (“WBE”) goal of 15%, and a Service-Disabled Veteran-Owned Business (“SDVOB”) goal of 6% for this Contract. DDCR has determined that Atkins-HNTB JV responded satisfactorily to the MBE/WBE/SDVOB and Equal Employment Opportunity submission requirements established for this Contract.

Atkins North America, Inc. and HNTB New York Engineering and Architecture, P.C. have both achieved their Disadvantage Business Enterprise and MBE/WBE goals on recently completed contracts.

Impact on Funding

Funding for this project is available in the 2020-2024 Capital Program.

Alternatives

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.

Schedule I: Modifications to Purchase and Public Work Contracts

Item No. 14

Vendor Name (& Location) Thales Transport and Security, Inc.	Contract Numbers S-48013-2	Option # 1
Description R211 Carborne Equipment for Communication Based Train Technology on the Eighth Avenue Line	Original Amount: \$ 23,325,902	
Contract Term (including Options, if any) 60 months	Prior Modifications: \$ 0	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Exercised Options: \$ 0	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount: \$ 23,325,902	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Option	This Request \$ 13,725,339	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount: 58%	
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche	% of Modifications (including This Request) to Original Amount: 58%	

Discussion

Contract S-48013-2 (the “Contract”) provides communication-based train control (“CBTC”) carborne equipment for New York City Transit’s (“NYCT”) R211 subway cars that will operate on the 8th Avenue Line. MTA Construction & Development (“C&D”) requests Board approval to exercise Option 1 of Contract S-48013-2 – for additional R211 CBTC Carborne Equipment for the 8th Avenue Line in the amount of \$13,725,339.

The Contract was awarded to Thales Transport and Security, Inc. (“Thales”) on March 27, 2019, and approved by the Board on October 23, 2019, following a declaration by NYCT’s Vice President, Materiel of an Immediate Operating Need. The Contract required Thales to furnish and deliver carborne CBTC equipment to outfit 92 (five car) R211 operating units produced by Kawasaki under a contract with NYCT. The Contract also included an option, exercisable by the MTA until March 31, 2022, for Thales to furnish and deliver additional carborne CBTC equipment for an additional 128 (five car) R211 operating units for the amount of \$13,725,339. C&D is now requesting Board authorization to exercise the Thales option.

The Thales option will provide necessary CBTC equipment for the additional 128 R211 operating units to be produced by Kawasaki pursuant to an option in the Kawasaki contract that NYCT intends to exercise in the near term. While it would be preferable to exercise both options at the same time, the Thales option will expire at the end of the month and additional work is required before the Kawasaki option can be exercised. C&D estimates demonstrate that the cost of the Thales option would be significantly higher if we had to renegotiate its terms today. For that reason, we are recommending that we exercise that option now so as not to lose out on the favorable pricing.

MARCH 2022

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule K. Ratification of Completed Procurement Actions (Involving Schedule E – J)
(Staff Summaries required for all items)

15.	E-J Electric Installation Co. Contract No. CS084.84 Fifty Two Months	\$ 1,579,432	<u>Staff Summary Attached</u>
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MTA Construction and Development requests the Board ratify contract modification No. 84 to the contract to allow the Contractor to furnish and install Pilot Protection Systems between Traction Power Substation C08 and the adjacent mainline substations G02 and G03.

Schedule K: Ratification of Completed Procurement Actions
Item No. 15

Vendor Name (& Location) E-J Electric Installation Co. (Long Island City, NY)	Contract Number CS084	AWO/Modification # 84
Description Traction Power Systems Package No. 4	Original Amount: \$ 71,248,884	
Contract Term (including Options, if any) 52 Months	Prior Modifications: \$ 27,001,964	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Exercised Options: \$ -0-	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount: \$ 98,250,848	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request \$ 1,579,432	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount: 2%	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, R. Troup.	% of Modifications (including This Request) to Original Amount: 40%	

Discussion

Contract CS084 (the “Contract”) provides for the installation and testing of the traction power system for the East Side Access (“ESA”) Project (the “Project”). MTA Construction and Development requests that the Board ratify contract modification No. 84 to the Contract to allow the Contractor to furnish and install Pilot Protection Systems between Traction Power Substation (“TPSS”) C08 and the adjacent mainline substations G02 and G03 at a total cost, inclusive of direct costs and Impact Costs, of \$1,579,432 and for an extension of the Contract Substantial Completion date by 144 calendar days from December 31, 2021, to May 24, 2022.

The Contract requires the installation of a Pilot Protection System. Adjacent substations provide power to the same portion of track and, when a circuit breaker trips at one substation, the corresponding circuit breaker at the other substation must also trip. The Pilot Protection System provides the coordination between the circuit breakers at the two substations. Although the Contract provides for Pilot Protection between each of the TPSSs to be constructed as part of the Project, the Contract omitted a requirement to provide a Pilot Protection System to coordinate circuit breaker protection between the last substation installed under the Contract and the adjacent mainline substations. The omission of this Pilot Protection System from the Contract design drawings has been referred to the ESA Cost Recovery Panel for further review to determine whether to pursue recovery against the designer.

The total increase in contract price sought by the Contractor in its proposal for the Work was \$1,979,559, consisting of \$1,106,326 in direct costs of the Work, plus impact costs for 166 calendar days of compensable delay in the amount of \$873,233. Negotiations were held and the parties agreed to Compensable Delay of 144 calendar days, moving Substantial Completion from December 31, 2021, to May 24, 2022, for a total cost, including Impact Costs, of \$1,579,432, which is deemed to be fair and reasonable.

To avoid delay to the Contract schedule, the President approved a retroactive memorandum and on January 26, 2022, the Contractor was directed to proceed with furnishing and installing the Pilot Protection System up to a Not-To-Exceed amount of \$895,000.

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

Staff Summary

Subject 2021 Annual Procurement Report
Department MTA Procurement
Department Head Name Kuvershen Ayer, Chief Procurement Officer
Department Head Signature
Division Head Name

Date March 8, 2022
Vendor Name Various
Contract Number Various
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/28/22	X		
2	Board	3/30/22	X		

Internal Approvals			
Order	Approver	Approval	Date
1	Chief Compliance Officer		
2	General Counsel		
3	CFO		
4	CAO		
5	Chief of Staff		

Purpose:

To authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2021- December 31, 2021, as required under Section 2879 of the Public Authorities Law ("PAL"). The report, with data prepared by each agency, includes the information required, specifically, contracts for which awards and payments were made in 2021 by any MTA agency.

The report, which is being submitted separately in the Committee Exhibits, conforms to the format/content requirements of both PAL Section 2879 as well as the Public Authorities Reporting Information System (PARIS) overseen by the New York State Independent Authorities Budget Office. The Board-approved All-Agency Procurement Guidelines will be attached to the report prior to filing, as required by PAL Section 2879.

Staff Summary

Subject Board Authorization to File for and Accept Federal Grants
Department Capital Programs
Department Head Name Stephanie DeLisle
Department Head Signature
Project Manager Name Catherine Corless

Date March 30, 2022
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action-					
Order	To	Date	App	Info	Other
1	Finance	3/28/22	x		
2	Board	3/30/22	x		

Internal Approvals			
Order	Approval	Order	Approval
1	CFO		
2	Legal		
3	Chief of Staff		

Narrative

Purpose

To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2022 against FFY 2022 appropriations. (This is a supplement to the October 2021 action to enter into grants rolled over from prior year appropriations.)

Discussion

Enclosed is a resolution for Board action prepared in conformance with past practices to:

- 1) Authorize filing of grant applications for FFY 2022 Federal appropriations.
- 2) Authorize the Chairman or any of his designees to make required certifications.
- 3) Authorize acceptance of grants in FFY2022.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2022. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

In accordance with FTA regulations, a Public Hearing inviting public comment on the projects proposed to be submitted for federal funding was advertised beginning on January 3, 2022. Written comments (via mail or the MTA.info website) were solicited, and a Hearing to solicit comments was held on Tuesday, February 8, 2022 (both in person and via Zoom). At the Hearing, the Deputy Director of Grants Management read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

A transcript of the Hearing and written comments submitted in conjunction with the Hearing are available on the Director's Desk. Seven members of the public gave testimony at the Public Hearing, and five on-line comments were received. Collectively, these statements/comments discussed the electrification of the Long Island Rail Road main line from Ronkonkoma to Yaphank and the relocation of the Yaphank LIRR station; accessibility at subway and commuter railroad stations; station platform screen doors; investments to prepare for climate change; increased transit access and equitable investments for communities located furthest from public transportation; recommendations for improved and expanded commuter rail, subway and bus service; improved interconnectivity of subway lines; assignment of electric buses to at-risk communities; risks of undercounting ridership; as well as comments in support of the proposed projects included in this Hearing. In accordance with applicable federal requirements, MTA and agency staff have reviewed and considered all substantive public comments concerning the proposed program of projects for federal funding.

Recommendation

It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal assistance for FFY 2022.

**RESOLUTION ADOPTED AT A MEETING OF
METROPOLITAN TRANSPORTATION AUTHORITY
Wednesday, March 30, 2022**

WHEREAS, on and after January 3, 2022, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, or under 49 U.S.C 5300 et seq. as well as funds available for transit use under Title I of the Fixing America's Surface Transportation Act (FAST Act) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, which Notice contained a summary of the capital improvement program for federal fiscal year 2022 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, MTA Capital Construction Company, MTA Bus Company, Staten Island Rapid Transit Operating Authority; and

WHEREAS, the full program of projects including descriptions of individual projects, for federal fiscal year 2022, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Metropolitan Transportation Authority (the "Authority"); and

WHEREAS, all of the principal elected officials of each general purpose unit of government within the service areas of the public transportation operators for whom assistance is being sought under the said project application were notified by mail of such application; and

WHEREAS, on Tuesday, February 8, 2022, the Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

WHEREAS, the members of the Authority have had an opportunity to review the testimony given at the said Public Hearing, and the statements submitted in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN TRANSPORTATION AUTHORITY:

1. The Chairman, or any of his designees, be and each of them hereby is, with respect to applications for grants for projects under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, or under 49 U.S.C 5300 et seq. as well as funds available for transit under Title I of FAST Act, authorized to certify to the United States Department of Transportation that the Authority has (a) afforded an adequate opportunity for a Public Hearing on the

projects pursuant to adequate prior notice, and has held such Hearing; (b) considered the economic and social effects of the projects and their impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act and other applicable federal environmental statutes, and their consistency with goals and objectives of such urban planning as has been promulgated by the affected communities; (c) found that the projects are consistent with the official plans for the comprehensive development of the urban area to be affected; and (d) found that the projects are in the best overall public interest taking into consideration the need for fast, safe and efficient public transportation services, and conservation of environment, historic sites and natural resources and the cost of eliminating or minimizing any adverse effects.

2. The Chairman, or any of his designees be, and each of them hereby is, authorized to deliver to the said department a copy of the published notices of and transcript of the said Hearing, including those written statements submitted in connection therewith, and to advise the said department (a) that it may consider the applications as the Authority's final applications, subject to such revisions as the Chairman, or his designees may deem acceptable; (b) that the views, if any, concerning the projects of those principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said applications, are as set forth in the transcript of the said Public Hearing and those written statements submitted in connection therewith.
3. The Chairman, or any of his designees be, and each of them hereby is, authorized to execute and file applications and accept from the United States of America, on behalf of the Authority, grants of financial assistance under successor legislation to Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, or under 49 U.S.C 5300 et seq. as well as funds available for transit use under Title I of Fast Act (in such amounts as may become available) in connection with the projects upon such terms and conditions as the Chairman, or any of their designees shall deem acceptable.

CERTIFICATION

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 30th day of March 2022, which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement
Assistant Secretary

Dated: _____

**Proposed Program of Projects
Federal Fiscal Year 2022**

ACEP ID/Agency PIN	Project/Project Description	Estimated Federal Request (\$M)	Page
NEW YORK CITY TRANSIT			
Subway Cars			
T8010102	B-Division Car Purchases	\$2,080.00	1
	Subtotal	\$2,080.00	
Bus Replacement			
T8030201	Standard Electric Buses	\$630.00	2
T8030202	Standard Buses	\$543.60	3
	Subtotal	\$1,173.60	
Stations			
T80407A1	Station Escalators & Elevators	\$364.60	4
T7041213	Renewal: Woodhaven Boulevard, Jamaica Line	\$20.00	5
T7041218	Renewal and Structural Repair of 61 St-Woodside, Flushing Line	\$90.00	6
T7041251	Platform Components - 6 Avenue, Canarsie Line	\$3.94	7
T70412A9	2 Street Stairs: 34 St, BWY (S4/M4, S8/M8)	\$1.00	8
T70412F4	Stairs: 14 Street-6 Avenue (S2/M4,S5/M11,S7/M13)	\$0.40	9
T70412L2	Platform Components - 14 Street, 6 Avenue Line	\$1.29	10
T80412A1	Station Work	\$469.30	11
T8041205	Station Ventilator Reconstruction 8 Avenue, Canarsie Line	\$0.22	12
T7041327	ADA and Reconstruction: Westchester Square, Pelham Line (Corrected . Previously listed as Jerome Line)	\$20.00	13
T7041330	New Stair: Street to Mezzanine - 14 Street, 6 Avenue Line	\$0.12	14
T7041346	ADA 6 Avenue, Canarsie Line	\$7.30	15
T7041347	ADA 14 St Station, 6 Av Line	\$2.30	16
T7041348	ADA 14 Street, Broadway-7 Av Line	\$6.74	17
T80413A1	Station Accessibility	\$1,200.00	18
T8041305	ADA and Components Replacement: 137 St, 7Av-Broadway Line	\$9.00	19
T8041331	ADA Improvements Parkchester-East 177 St, Pelham Line	\$50.00	20
	Subtotal	\$2,246.21	
Track			
T8050201	Mainline Track and Switch Rehabilitation	\$100.00	21
T8050207	Mainline Track Rehab Direct Fixation, 63 Street Line	\$68.10	22
T8050207	Mainline Track Rehab Direct Fixation, QBL (Jamaica Line)	\$10.10	23
	Subtotal	\$178.20	
Line Equipment			
T80605A1	Line Equipment	\$80.00	24
T8060504	Fan Plant Component Repairs 8 Avenue Line (Fiber Only)	\$15.60	25
	Subtotal	\$95.60	
Line Structures			
T7070308	Emergency Exit 302N - 168 St / BWY-7Av Line	\$5.10	26
T7070319	Line Structure Component Repair Program (LSCR): 1-8 Av/CNR	\$3.83	27
T80703A1	Line Structure Rehabilitation	\$200.00	28
T8070301	Line Structure Component Repair: Downtown Manhattan, 8 Av Line	\$39.50	29
T8070303	Overcoating: Track-Level Components, 48 St - 72 St, Flushing Line	\$12.20	30
T8070303	Vents between Stations E 161St to E 192St, Concourse Line	\$1.00	31
	Subtotal	\$261.63	

Signals and Communications

T80803A1	Signal Modernization	\$500.00	32
T6080637	Signals Walkway & Bridges, Dyre Line	\$1.60	33
T80806A1	Communication Systems	\$150.00	34
T8080605	Antenna Cable Replacement, Concourse	\$4.00	35
	Subtotal	\$655.60	

Power

T80902A1	Substations	\$500.00	36
T80904A1	Power Distribution	\$120.20	37
T8090402	Installation of second negative return rail, Dyre Av Line	\$10.10	38
	Subtotal	\$630.30	

Shops

T81004A1	Shops & Yards	\$150.00	39
	Subtotal	\$150.00	

Depots

T7120303	HVAC: Queens Village Depot	\$20.00	40
T81203A1	Depot Rehabilitation & Reconstruction	\$150.00	41
T81204A1	Depot Improvements	\$25.10	42
	Subtotal	\$195.10	

Misc./Emergency

T81607A1	Misc/Emergency: Employee Facilities	\$64.70	43
T8160701	Livingston Plaza Elec and Mech System Improvements, Ph B	\$18.70	44
	Subtotal	\$83.40	

SIRTOA

S8070102	SIR Track and Switch Replacement	\$137.00	45
	Subtotal	\$137.00	

New York City Transit Total \$7,886.64

LONG ISLAND RAILROAD**Stations**

L8020402	Station Platform Components: Various Locations	\$196.65	46
L8020403	Station Building Components: Various Locations	\$5.20	48
L8020404	Escalator Replacement	\$7.60	49
L8020405	Elevator Replacement	\$11.60	50
L8020408	Small Business Mentoring Program - Stations	\$14.75	51
L8020411	Locust Manor - New Elevators	\$9.36	52
L8020413	Amityville, Copiague, Lindenhurst and Massapequa Park	\$9.90	53
L8020414	St. Albans - New Elevator	\$21.92	54
L8020501	Parking Rehabilitation & Access Improv	\$5.56	55
L8020502	Small Business Mentoring Program - Parking	\$6.72	56
	Subtotal	\$289.26	

Track

L8030104	2022 and 2023 Annual Track Program	\$249.01	57
L8030403	Hall Interlocking Expansion	\$150.00	58
	Subtotal	\$399.01	

Line Structures

L8040202	Tunnel Replacements and Upgrades	\$1.40	59
	Subtotal	\$1.40	

Communications and Signals

L8050101	Communication Pole Line	\$4.64	60
L8050102	Communication Component Replacement	\$4.64	61
L8050205	Signal Normal Replacement Program	\$6.66	62
	Subtotal	\$15.94	

Shops and Yards

L70604YJ	Mentor Allowance - Shops and Yards	\$6.00	63
L8060401	Rehabilitation of Employee Facilities – Various Locations	\$34.39	64
L8060405	Small Business Mentoring Program – Employee Facilities	\$7.74	65
	Subtotal	\$48.13	

Power

L8070102	Lighting Improvements	\$6.40	66
	Subtotal	\$6.40	

Miscellaneous

TRANTECH	Transit Technical Assistance	\$0.40	67
	Subtotal	\$0.40	

Long Island Rail Road Total **\$760.54**

METRO-NORTH RAILROAD**Ferries**

882396	Haverstraw-Ossining Ferry	\$5.13	68
882399A	Newburg-Beacon Ferry	\$4.03	69
882399B	Newburgh-Beacon Ferry Landing Dock	\$3.40	70
	Subtotal	\$12.56	

Rolling Stock

M801-01-01	M-3 Replacement	\$484.64	71
	Subtotal	\$484.64	

Stations

M802-01-02	Park Avenue Tunnel Improvements	\$159.59	72
M802-01-04	GCT Mentoring- Park Avenue Tunnel Emergency Exit Hatches & Stair	\$8.42	73
M802-02-02	Harlem Line Station Renewal	\$181.90	74
M802-03-01	Brewster Yard Improvement – SE Parking	\$129.37	75
	Subtotal	\$479.28	

Track and Structures

M803-01-01	Cyclical Track Program	\$74.45	76
M803-01-02	Cyclical Replacement of Insulated Joints	\$2.30	77
M803-01-03	Turnouts: Mainline/High Speed/GCT Turnouts/Yards & Sidings	\$86.65	78
M803-01-04	Rock Slope Remediation	\$15.00	79
M803-01-06	ROW Drainage Improvements	\$8.57	80
M803-01-07	Maintenance of Way Equipment	\$16.64	81
M703-02-03	Undergrade Bridge Rehabilitation	\$3.15	82
M803-02-01	Park Avenue Viaduct Replacement	\$550.00	83
M803-02-02	Undergrade Bridge Rehab. - East of Hudson	\$77.61	84
M803-02-03	Overhead Bridge Program	\$75.98	85
M803-02-04	Railtop Culverts	\$4.55	86
M803-02-05	Bridge Walkways	\$2.28	87
M803-02-06	Replace Undergrade Bridge Timber	\$4.55	88
M803-02-07	Right-of-Way Fencing	\$1.14	89
M803-02-08	Hudson Line Tunnels	\$5.69	90
M803-03-01	West of Hudson Rock Slope Remediation – Pt Jervis Line	\$11.37	91
M803-03-02	West of Hudson Track Program	\$15.92	92
M803-03-03	West of Hudson Undergrade Bridge – Port Jervis Line	\$10.53	93
M803-03-04	Moodna/Woodbury Viaduct Repairs	\$40.00	94
M803-03-07	West of Hudson Capacity Improvements – Port Jervis Line	\$100.00	95
	Subtotal	\$1,106.38	

Communications and Signals

M704-01-01	Network Infrastructure Replacement	\$43.46	96
M804-01-01	Harmon to Poughkeepsie Signal System	\$198.00	97
M804-01-02	PBX Replacement / Upgrade	\$2.93	98
M804-01-04	Network Infrastructure	\$12.50	99
M804-01-09	Grade Crossing Improvements	\$3.00	100

Subtotal	\$259.89	
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Power

M805-01-01	Replace Motor-Alternators in Signal Substations	\$20.00	101
M805-01-02	Substation Rehabilitation	\$14.78	102
M805-01-03	Harlem Line Power Improvements	\$55.38	103
M805-01-04	NHL Upgrade Feeder	\$19.28	104
M805-01-06	Hudson Line Track 1 Electrification	\$11.10	105
M805-01-07	Replace Signal Power Transformer & Signal Sect. Switches	\$3.21	106
M805-01-08	Transformer Rehabilitation	\$3.43	107
M805-01-09	NHL Pelham Substation Replacement (M8050104)	\$29.74	108

Subtotal	\$156.92	
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Shops and Yards

M706-01-04	West of Hudson Capacity Improvement	\$24.23	109
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Subtotal	\$24.23	
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Miscellaneous

M808-01-05	Program Administration	\$48.70	110
M808-01-06	Program Scope Development	\$20.00	111

Subtotal	\$68.70	
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Metro-North Railroad Total	\$2,592.60	
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MTA BUS**Miscellaneous**

U7030215	Project Administration - 2017	\$1.20	112
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Subtotal	\$1.20	
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Bus Replacement

U8030205	Purchase 250 Express Buses	\$150.71	113
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Subtotal	\$150.71	
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Facilities

U8030209	Generator Replacement: Spring Creek, and College Point	\$4.90	114
U8030209	Boiler Replacement: Spring Creek, College Point, and LaGuardia	\$2.46	115
U8030209	Façade Repair at JFK, LaGuardia, and Baisley Park	\$12.24	116
U8030210	Non-Revenue Service Vehicles 2020-24	\$1.60	117

Subtotal	\$21.20	
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MTA Bus Total	\$173.11	
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CAPITAL CONSTRUCTION COMPANY

Miscellaneous

G7110101	Penn Station Access - Pre-Design	\$12.52	118
G7110109	Penn Station Access - Rolling Stock Specification	\$3.88	119
G81101XX	Penn Station Access - Real Estate	\$8.00	120
G81101XX	Penn Station Access - Program Management	\$21.67	121
G81101XX	Penn Station Access -Construction Management	\$64.62	122
G81101XX	Penn Station Access –Track and Structures	\$291.91	123
G81101XX	Penn Station Access –Communication and Signals	\$148.03	124
G81101XX	Penn Station Access –Power	\$163.15	125
G81101XX	Penn Station Access -Stations	\$201.50	126
G81101XX	Penn Station Access -Shops and Yards	\$33.98	127
G81101XX	Penn Station Access – Design-Build Support	\$49.18	128
G81101XX	Penn Station Access - OCIP	\$52.29	129
G81101XX	Penn Station Access - Reserve	\$89.19	130
G81101XX	Penn Station Access –General Engineering Consultant	\$109.39	131
	Subtotal	\$1,249.31	
	MTA Capital Construction & Development Total	\$1,249.31	
	MTA GRAND TOTAL	\$12,662.19	

Staff Summary

Subject MTA Prompt Payment Annual Report 2021
Department Finance Tower – Financial Operations
Department Head Name Kevin Willens
Department Head Signature
Project Manager/Division Head Roy Grey-Stewart

Date March 14, 2022
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	3/28/22		x	
2	Board	3/30/22		x	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief of Staff		

Purpose:

To report to the Board the compliance by the MTA Business Service Center with the New York State Prompt Payment Legislation.

Discussion:

The Prompt Payment Legislation, implemented in April 1988 requires that the Authority must pay amounts due under its contracts within 30 days of the receipt of a proper invoice or the receipt of the goods or services, whichever is later. When payment of a proper invoice is delayed beyond the allotted time, the agency must pay interest at the rate set forth by the New York State Commission of Taxation and Finance which is currently at 7.5%, if such interest payment exceeds a ten dollars threshold.

Additionally, the Prompt Payment Legislation requires that the MTA issue an annual report within ninety days after each fiscal year and such report shall be filed with the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance committee, and the Chairman of the Assembly Ways and Means Committee as required.

Interest payments in the aggregate amount of \$362,270 will be made in 2022 for the period from July 2020 through December 2021 (comprised of \$217,084 for the period from July 2020 through December 2020 and \$145,186 for the period from January 2020 through December 2021).

Enclosed is a copy of the Annual Prompt Payment Summary Report for 2021, which will be filed by the MTA in accordance with the legislation requirement.

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2021 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	61,702	648,374,414.60	-	-	0.0000%	0.0000%
MNCRR	43,763	638,781,497.90	-	-	0.0000%	0.0000%
MTA	33,856	4,947,635,207.30	186	362,270	0.5494%	0.0073%
LIB	824	5,787,095.90	-	-	0.0000%	0.0000%
NYCTA	187,826	3,050,595,153.00	-	-	0.0000%	0.0000%
MABST	23,061	74,186,767.12	-	-	0.0000%	0.0000%
SIRTOA	2,055	13,771,165.60	-	-	0.0000%	0.0000%
BRTUN	6,518	160,290,338.10	-	-	0.0000%	0.0000%
BUS	53,574	204,511,582.60	-	-	0.0000%	0.0000%
TOTALS	413,179	9,743,933,222.12	186	362,270	0.0450%	0.003718%

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2020 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	63,817	649,618,335.80	-	-	0.0000%	0.0000%
MNCRR	46,305	675,513,525.10	-	-	0.0000%	0.0000%
MTA	41,944	6,479,160,627.10	17	40,813	0.04053%	0.0006%
LIB	899	5,812,695.34	-	-	0.0000%	0.0000%
NYCTA	185,371	3,024,524,399.00	-	-	0.0000%	0.0000%
MABST	24,262	76,154,465.08	-	-	0.0000%	0.0000%
SIRTOA	2,323	12,054,943.06	-	-	0.0000%	0.0000%
BRTUN	6,506	162,058,277.80	-	-	0.0000%	0.0000%
BUS	52,071	233,554,226.50	-	-	0.0000%	0.0000%
TOTALS	423,498	11,318,451,494.78	17	40,813	0.0040%	0.000361%

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed expenditure of an estimated \$11.5M.

Subject	Request for Authorization to Award Various Procurements				
Department	MTA Procurement				
Department Head Name	Kuvershen Ayer				
Department Head Signature					
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/28/22	x		
2	Board	3/30/22	x		

March 22, 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 the MTAHQ Committee 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 G: Miscellaneous Service Contracts	1	\$ 11.5 M
SUBTOTAL	1	\$ 11.5 M

MTAHQ proposes to award Ratifications in the following categories: None

SUBTOTAL	1	\$ 11.5 M
TOTAL	1	\$ 11.5 M

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

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

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

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

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

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

MARCH 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

1. **CentralSquare Technologies LLC** **\$11,445,965** *Staff Summary Attached*
11 Years (One year implementation + 7 years maintenance and support + three 1-year extension options)
Contract # 90000000004073
Furnish, install, implement, and maintain CentralSquare Public Safety System suite of software.

Schedule G: Miscellaneous Service Contracts



Item Number: 1

Vendor Name (Location) CentralSquare Technologies, LLC (Lake Mary, Florida)
Description Delivery, Implementation and Maintenance of Public Safety System Suite
Contract Term (including Options, if any): 11 Years (One year implementation + 7 years maintenance and support + three 1-year extension options)
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Negotiation

Contract Number 900000000004073	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Estimated Amount:	\$11,445,965 (Est.)
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department: Pat Warren, MTA Chief Safety Officer	
Contract Manager: Kevin Meaney, MTA Procurement	

Discussion:

The Metropolitan Transportation Authority (“MTA”) seeks approval to award a competitively negotiated miscellaneous services contract to provide, implement, and maintain a state-of-the-art integrated modern Public Safety Suite System (“System”) to CentralSquare Technologies, LLC (“CentralSquare”). The MTA is procuring this system on behalf of the MTA Police Department (“MTAPD”). The base term of the contract is eight years (one-year implementation service and seven years of maintenance and support), and three 1-year options to extend at the MTA’s sole discretion. The estimated total amount of the contract for the 11 years is \$11,445,965.

The software currently utilized by the MTAPD is from Tiburon Public Safety (“Tiburon”). This software provides MTAPD with automated public safety and security tools needed for law enforcement including integrated police dispatching, records management, mobile capability, and analytics. The Tiburon system is over 17 years old, operates on an old technology platform, and is now past its useful life. The current Tiburon system does not provide enhanced functionalities such as graphic information systems mapping, automatic vehicle locator, records retrieval, and field reporting that CentralSquare’s System offers. New technological innovations in public safety have since been developed to support police functions. These enhancements are unavailable on MTAPD’s existing Tiburon system.

The System that CentralSquare will provide, deliver, implement, and maintain will enable the MTA to transition successfully from the outdated Tiburon software system to a highly reliable, advanced integrated one that offers advanced functionality resulting from its modern system architecture and technology including enhanced speed, records management systems, and mobile data systems.

CentralSquare’s System includes multiple subsystems essential to efficiency and effectiveness, including a high-performance Computer Aided Dispatch System (“CAD”), a records management system (“RMS”), and a mobile data system (“MDS”) that will extend the power of CAD Enterprise to field officers. The System will also include a highly configurable web-enabled law enforcement records management system and a streamlined interface which will make it user friendly across all police functions and will provide public safety analytics including aggregated data searches and dashboard visualization. These enhancements are not available on the MTAPD’s existing Tiburon software system. CentralSquare’s innovative System will provide better, more effective tools to support police functions, thereby improving public safety for all MTA riders and employees.

In June 2021, MTA issued a Request for Proposals (“RFP”) and forwarded the RFP to seven vendors with experience in the type of system MTA was seeking to procure; 10 firms requested, and were sent, a copy of the RFP. Four firms submitted proposals: CentralSquare, Motorola Solutions Inc., Mark43, and Tyler Technologies.

Schedule G: Miscellaneous Service Contracts

The Selection Committee (“SC”), which was comprised of representatives from the MTAPD, MTA Office of Security & Safety Department, and MTA IT Security Office, reviewed the detailed technical and cost proposals received from each of the four proposers based on the selection criteria set forth in the RFP. The selection criteria included evaluating proposers’ experience in deploying, integrating, supporting, and scaling a public safety CAD/RMS/mobile solution and the cost. The SC’s review also included an evaluation of each proposer’s detailed demonstration of its proposed approach to meet fully the technical scope of work set forth in the RFP. The basis for award set forth in the RFP was best value.

CentralSquare’s proposal received the highest overall technical ranking from the SC, was the lowest responsive priced proposal of the four, and was recommended for award. Negotiations with CentralSquare resulted in a best-and-final offer (“BAFO”) of \$11,445,965, yielding an overall reduction of \$2.4 million or a 17 percent difference from the initial cost proposal of \$13,826,918. The BAFO includes reductions in both subscription and perpetual license fees, along with implementation and 10 years of maintenance and support costs. CentralSquare’s final cost is 40 percent below in-house estimates for license fees and maintenance costs. Procurement reviewed the BAFO and has deemed the pricing fair and reasonable. Based on the foregoing, it was determined that CentralSquare’s proposal provides the best value to the MTA.

The total contract amount of \$11,445,965 includes: (1) \$5.5M for license fees and maintenance, (2) an implementation cost of \$751,000, (3) hardware replacement costs estimated at \$750,000 (4) optional software tool for \$239,000, and (4) \$4.2M for software engineers on an as-needed basis who will also train new staff that join the MTAPD during the contract term. Implementation services include software delivery, installation, and testing to ensure a successful transition from the Tiburon software system to the new CentralSquare System. Training services for the first year will include dedicated CentralSquare software engineers who will be available 24/7 to provide technical assistance and guidance for the new System, including setting up devices and performing product configurations specific to the MTAPD.

The contract includes cybersecurity requirements and all federal, state, and local law and regulations. CentralSquare has confirmed its compliance with such requirements. The MTA Cybersecurity team is currently reviewing its submission.

D/M/WBE Information

The MTA Department of Diversity and Civil Rights has established a zero percent MWBE/SDVOB goal on this contract due to lack of subcontracting opportunities. CentralSquare Technologies has not completed any MTA contracts with goals; therefore, no assessment of their MWDBE performance can be determined at this time.

Impact on Funding

The award amount of \$11,445,965 is funded through MTA Safety Department’s Operating Budget.

Alternatives

There are no alternatives to replacing the current Tiburon Public Safety suite of software since it is well beyond its end of life and does not provide the software to meet today’s business and technology requirements. MTAHQ does not have staff with the specialized expertise or experience to perform the necessary upgrade to meet required functionalities.

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

MTA METRO-NORTH RAILROAD

Lease buyout agreement with Midland Rye LLC for property along the New Haven Line in Rye, New York

MTA NEW YORK CITY TRANSIT

Lease extension and modification agreement with Raisin Realty Inc. for office space in 70-10 74th Street, Glendale, New York

METROPOLITAN TRANSPORTATION AUTHORITY

All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-2897
(Available on Director's Desk Exhibit Book & MTA.INFO)

Staff Summary

Subject LEASE BUYOUT WITH MIDLAND AVENUE RYE LLC FOR PROPERTY ON METRO-NORTH'S NEW HAVEN LINE
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name NEIL MASTROPIETRO

Date MARCH 30, 2022
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/28/22	X		
2	Board	3/30/22	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North")
LESSEE: Midland Avenue Rye LLC
PREMISES: 24,724 square feet of land located on the southerly side of the New Haven Line between catenary towers b-213 and b-x215 adjacent to track 4 in the City of Rye, County of Westchester, NY
ACTIVITY: Early termination and buyout of Lease
ACTION REQUESTED: Approval of settlement terms
COMPENSATION: \$850,000.00 effective 12/31/2021

COMMENTS:

The MTA entered into a lease with Avon Products, Inc. ("Avon") on November 4, 1982 ("Lease"), with an expiration date of November 30, 2027. The Lease permitted Avon to construct and maintain a roadway to connect their main facility to an adjoining lot owned by Avon upon which Avon intended to construct a parking garage. The parking garage was never constructed. On June 26, 2019, Avon sold the adjacent parcels and assigned its rights under the Lease to Midland Avenue Rye LLC.

Since the Lessee has no plans to utilize the Premises and neither occupies nor uses the Premises, the Lessee has requested an early termination of the Lease, initially proposing a buyout of the remaining term of the Lease in the amount of \$556,101.58 with a termination date of December 31, 2021. The net present value of the remaining rental stream was determined to be \$1,131,677.45. Following good faith negotiations, MTA Real Estate and the Lessee have reached a settlement price of \$850,000. MTA Real Estate has determined that the settlement amount is fair based on current market conditions and cost of litigation (both in terms of economics and time).

Based on the foregoing, MTA Real Estate recommends approval of the above-described lease buyout with Midland Avenue Rye LLC.

Staff Summary

Subject LEASE EXTENSION AGREEMENT AT 70-10 74 ST, GLENDALE, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name MICHAEL DANIELS

Date MARCH 30, 2022
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/28/22	X		
2	Board	3/30/22	X		

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

AGENCY: MTA New York City Transit ("NYCT")
LESSOR: Raisin Realty
LOCATION: 70-10 74th Street, Glendale, NY 11385
ACTIVITY: Lease extension
ACTION REQUESTED: Approval of a lease extension
EXTENSION TERM: April 11, 2022 to January 10, 2023
SPACE: Approximately 60,000 square feet of warehouse space
COMPENSATION: \$44,166.66 month / \$8.83 per square foot

COMMENTS:

NYCT Infrastructure Capital Construction (ICC) and Electronic Maintenance Division (EMD) have occupied the Space since September 2001. The current lease term expires on April 11, 2022. The Lessor proposed a 9-month lease extension to allow for additional time to negotiate a long-term extension.

The Lessor has agreed to extend the current base rent of \$44,166.66 /month through the Extension Term. CBRE, the MTA's third-party broker, determined the rent to be below market. The long-term plan is for CBRE and MTA RE to negotiate a long-term agreement for an additional 10-years at market rate.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease extension on behalf of NYCT on the terms and conditions described above.

Staff Summary

Subject PROPERTY DISPOSITION GUIDELINES
Department REAL ESTATE / CORPORATE COMPLIANCE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name CHRISTOPHER NESTERCZUK/JULIE VASADY-KOVACS

Date MARCH 30, 2022
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/28/22	X		
2	Board	3/30/22	X		

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

Purpose:

To obtain MTA Board approval of (i) revised and updated MTA Real Estate Department’s Real Property Disposition Guidelines (the “2022 Real Property Disposition Guidelines”) and (ii) updated MTA’s All-Agency Guidelines for the Disposal of Personal Property (the “2022 Personal Property Disposition Guidelines”), and the appointment of the MTA staff persons designated as the Personal Property Disposition Contracting Officers listed on Attachment C, each promulgated in accordance with Section 2895-2897 of the Public Authorities Law.

Discussion:

Section 2896 of the Public Authorities Law, enacted in 2005, requires that public authorities annually review and approve “comprehensive guidelines” adopted by resolution that detail its “operative policy and instructions” regarding disposals of real and personal property, and designate a contracting officer responsible for complying with and enforcing the guidelines. Each year the statute requires each public authority’s governing board to review and approve its guidelines by March 31st and to file a copy of the Guidelines with the State Comptroller. The proposed 2022 Real Property Disposition Guidelines, prepared by the MTA Real Estate Department are annexed as Attachment A to this Staff Summary. The proposed 2022 Personal Property Disposition Guidelines, prepared by MTA Corporate Compliance in consultation with MTA Agency procurement departments, are annexed as Attachment B to this Staff Summary. A list of the MTA staff persons designated as the Personal Property Disposition Contracting Officers is annexed as Attachment C to this staff summary. The attachments are available for review by the MTA Board members in the Director’s Desk Exhibit Book and on MTA.INFO.

Real Property Disposition Guidelines:

In March 2021, the MTA Board approved the MTA Real Estate Department’s current real property disposition guidelines, which detailed MTA Real Estate’s policies and procedures for the disposal of real property.

The proposed 2022 Real Property Disposition Guidelines (see Attachment A) are substantially the same as those approved last year except for those minor changes as shown redlined in Attachment A most of which have been made to reflect related changes due to (i) the Transformation, (ii) the MTA Real Estate Department’s organizational move back to HQ from C&D, and (iii) a revision to the procedures for collecting lease security and rent which eliminates the issuance of physical checks.

Personal Property Disposition Guidelines:

Staff Summary

FINANCE COMMITTEE MEETING PROPERTY DISPOSITION GUIDELINES (Cont'd.)

In March 2021, the MTA Board approved the current All-Agency Guidelines for the Disposal of Personal Property to provide a consistent set of personal property disposal policies and practice, across the MTA agencies.

The proposed 2022 Personal Property Disposition Guidelines (see Attachment B) have a non-substantive title change; therefore, are substantially the same as the 2020 guidelines.

Recommendation:

It is recommended that the Board adopt the resolution attached to this Staff Summary approving the 2022 Real Property Guidelines and the 2022 Personal Property Guidelines and designating the MTA and MTA agency staff members listed on Attachment C of the Real Property Disposition Guidelines as the Contracting Officers for the MTA and MTA Agencies as the officers responsible for disposition of real property.



ALL AGENCY GENERAL CONTRACT PROCUREMENT GUIDELINES

Adopted by the Board on March ~~30~~³¹, 2022~~1~~

These guidelines (the “**General Contract Guidelines**”) apply to the Metropolitan Transportation Authority (“**MTA**”), the New York City Transit Authority (“**NYCT**”), the Long Island Rail Road Company (“**LIRR**”), The Metro-North Commuter Railroad Company (“**MNR**”), the Staten Island Rapid Transit Operating Authority (“**SIRTOA**”), the Manhattan and Bronx Surface Transit Operating Authority (“**MaBSTOA**”), MTA Construction and Development (“**MTAC&D**”), MTA Bus Company (“**MTA Bus**”), First Mutual Transportation Assurance Co. (“**FMTAC**”), ~~and~~ [Grand Central Madison Concourse Operating Company \(“**GCMC**”\)](#), and the Triborough Bridge and Tunnel Authority (“**Bridges and Tunnels**”) insofar as they are consistent with the provisions of law applicable to Bridges and Tunnels (each of the MTA, NYCT, LIRR, MNR, SIRTOA, MaBSTOA, MTAC&D, MTA Bus, FMTAC, [GCMC](#) and Bridges and Tunnels is referred to jointly and severally, as the “**Authority**”).

Article I - Applicability of General Contract Guidelines

These **General Contract Guidelines** apply to

- A. purchase contracts for supplies, materials, equipment or other goods (“**Purchase Contracts**”);
- B. public work contracts (“**Public Work Contracts**”); and
- C. “**Miscellaneous Procurement Contracts**” are defined as leases of equipment with or without an option to purchase, computer software licenses, including software as a service subscription, software maintenance agreements, printing contracts (where editorial services do not predominate), and any other contract which is not otherwise classified under these General Contract Guidelines or the All Agency Service Contract Procurement Guidelines (the “**Service Contract Guidelines**”, and collectively with these General Contract Guidelines, the “**Guidelines**”).

Purchase Contracts, Public Work Contracts and Miscellaneous Procurement Contracts are collectively referred to herein as “**General Contracts**”.

In the event a proposed contract contains elements of more than one type of General Contract and/or elements of either or both types of Service Contracts (as such term is defined in the Service Contract Guidelines), the elements of the type of contract that predominates shall determine whether the General Contract Guidelines or the Service Contract Guidelines apply and which type of contract within the applicable Guidelines shall apply.

Article II - Delegation of Authority

The Chairman, the Managing Director, the President, or chief procurement officer (“**CPO**”) of the relevant Authority thereof, and any further delegations that the Chairman or relevant Authority President may make for those specified delegated purposes only (each defined for purposes of these General Contract Guidelines as an “**Authorized Officer**”) are hereby empowered with respect to General Contracts to be entered into by the relevant Authority acting on its own behalf or as agent for MTA, as follows:

- A. to implement these General Contract Guidelines.

- B. to establish procedures for the award of General Contracts (including contracts for a small business concern (“SBC”), a certified minority or women-owned business enterprise (“MWBE”) or a certified service disabled veteran owned business (“SDVOB”)) estimated to involve the expenditure of \$1 million or less, which procedures shall be competitive to the extent deemed practicable by the Authorized Officer;
- C. to do the following for the award of Purchase Contracts and Public Work Contracts estimated to involve the expenditure in excess of \$1 million:
 - 1. to determine the criteria for the evaluation of bids/proposals, which may include, but are not limited to, unit or aggregate amount bid, life cycle costs or savings (including but not limited to costs or savings associated with installation, energy use, maintenance, operation, salvage and disposal), discounts and costs of maintenance and inspection services;
 - 2. to determine whether a Purchase Contract or Public Work Contract required to be advertised in the New York State Contract Reporter (“NYSCR”) is exempt from such requirement due to the need to award such contract on an emergency or other critical basis;
 - 3. to advertise for, solicit and open bids/proposals;
 - 4. to record the name of each bidder and the amounts of the bid/proposal;
 - 5. to determine the lowest responsive and responsible bidder, including, in the event two or more responsible bidders submit identical bids which are the lowest bids, to award the Purchase Contract or Public Work Contract to any of such bidders or obtain new bids from such bidders;
 - 6. to reject all bids when it is determined to be in the public interest to do so; and
 - 7. to award the Purchase Contract or Public Work Contract;
- D. to determine whether a bidder/proposer is responsible pursuant to the All-Agency Responsibility Guidelines; and
- E. in addition to the other authorizations set forth elsewhere in these General Contract Guidelines, to establish guidelines governing the qualifications of bidders for General Contracts, and to fix the standards for the prequalification of bidders entering into such contracts for the East Side Access Project in accordance with Section 1265-a.2(c) of the Public Authorities Law.

Article III - Selection of General Contractors Without Competitive Sealed Bidding

- A. A competitively bid Miscellaneous Procurement Contract may be awarded without Board approval. No Board approval shall be required for a Miscellaneous Procurement Contract ride pursuant to Article III.B.5.
- B. Except as otherwise provided in Article III.C. or Article VII., a General Contract estimated to involve the expenditure in excess of \$1 million may be awarded without competitive bidding under the circumstances set forth below, provided that the Authorized Officer recommends such an action and the Board adopts a resolution (i) declaring competitive bidding to be impractical or inappropriate because of the existence of any of the

circumstances set forth in Articles III.B.1. to 6., (ii) stating the reasons therefore, and (iii) summarizing any negotiations that have been conducted. Except in a situation specified in Article III.B.1., such resolution shall be approved by two-thirds of the members of the Board then in office. A resolution under Article III.B.1. shall require approval by a majority of the members of the Board in attendance at a meeting at which a quorum is present.

1. Emergency, Critical Need or Unforeseen Circumstances. The existence of an emergency involving danger to life, safety or property, or a critical need or unforeseen circumstance which requires immediate action and cannot await competitive bidding; or when the item to be purchased is essential to the efficient operation of or the adequate provision of service and, as a consequence of an unforeseen circumstance, such purchase cannot await competitive bidding. Competitive bidding is hereby declared to be impractical and inappropriate in any of the foregoing situations where an Authorized Officer must take appropriate action and cannot await action by the Board; provided, however, that notice of such action shall be given to the Board in a timely manner, together with a statement of the reasons for such action and a request for ratification by the Board.
2. Single Source. The item to be purchased is available only from a single responsible source provided, however, that a notice of the Authority's intent to purchase such item without competitive bidding shall be posted on the Authority's website, and, if bids have not been solicited for such item within the preceding twelve months, a notice must be published pursuant to Article V hereof. Any notices required by this Article III.B.2. shall a. set forth the Authority's intent to purchase the item without competitive bidding because the item is available from only one source, and b. invite any firm which believes it can provide the item to so inform the Authority and to provide the Authority with additional information which confirms that the firm can supply the item.
3. No Bids or One Responsive Bid. Competitive bids are solicited and
 - a. no responsive bid is received; or
 - b. only a single responsive bid is received, and the Authorized Officer rejects the bid.
4. Experiments, Tests and Evaluations. With respect to a product or technology, the Authority wishes to:
 - a. experiment with or test it;
 - b. experiment or test a new source for it; or
 - c. evaluate its service or reliability.

Such a General Contract may not be awarded until at least thirty days after the date the Board has declared competitive bidding to be impractical or inappropriate.

5. Riding an Existing Contract. The item is available through an existing General Contract between a vendor and any of the following and the resolution adopted by the Board, if Board authorization would otherwise be required under these General Contract Guidelines, includes a determination that, and the reasons, why, it is in the public interest to do so:
- a. Any public authority (not New York State) provided such General Contract had been awarded through a process of competitive sealed bidding or a competitive request for proposals (“RFP”);
 - b. A New York State agency or authority (including the New York State Office of General Services (“OGS”)), the City of New York, or Nassau County (except for NYCT, SIRTOA and MaBSTOA, as to Nassau County only).

It is hereby determined that competitive bidding is inappropriate and, because of the likelihood that a competitive process will not result in better commercial terms, that it is in the public interest to purchase an item through an existing General Contract of the State of New York, the City of New York, a different Authority, or any other public authority, where price and other commercial terms specified in such General Contract are satisfactory to the Authorized Officer. Such a determination shall be documented in writing by the Authorized Officer, and included in the contract file.

6. Request For Proposals. The Authority determines that it is in the public interest to award the General Contract through a competitive RFP.
- a. For purposes of this Article III.B.6., an RFP shall mean a method of soliciting proposals and awarding a General Contract on the basis of a formal evaluation of the characteristics which are deemed relevant to the Authority’s operations, such as quality, cost, delivery schedule and financing, against stated selection criteria. Where the RFP involves the purchase or rehabilitation of rail cars, transit cars or buses, the selection criteria may also include the extent to which the performance of all or a portion of the General Contract will involve the use of sites within the State of New York or the use of goods produced or services provided within the State of New York.
 - b. For those General Contracts awarded under this Article III.B.6., (1) such contracts may not be awarded until at least thirty days after the Board has declared competitive bidding to be impractical or inappropriate and (2) the Board’s approval resolution must (i) disclose the other proposers and the substance of their proposals, (ii) summarize the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (iii) set forth the criteria upon which the selection was made. The Board’s contract approval resolution may be adopted simultaneously with or subsequent to the Board’s declaration that competitive bidding is impractical or inappropriate, provided that, if the Board’s declaration and the Board’s approval resolution are adopted simultaneously or within less than thirty days of

each other, the subject General Contract may be executed by the Authority no less than thirty days after the adoption of the Board's declaration that competitive bidding is impractical or inappropriate.

- c. In addition to the information required under Article V.C., the public notice of an RFP must include a statement of the selection criteria. Such notice shall also be provided by mail or electronically to professional and other organizations, if any, that represent or regularly notify certified MWBEs or certified SDVOBs of the type of procurement opportunity that is the subject of the RFP notice.
 - d. The Authority may engage in a selection process involving multiple steps such as requests for interest, requests for qualifications, requests for technical proposals and requests for quotations. After the publication of the notice, any or all of the selection criteria specified in the advertisement may be changed, provided that, if the change is material, proposers and potential proposers who, prior to the deadline for the receipt of proposals, have expressed an interest in the RFP, shall be informed of the change and afforded the opportunity to modify their proposals.
 - e. After receipt of the proposals, an Authority may:
 - i) change the selection criteria provided that, if the change is material, all proposers that have not been eliminated from the competitive process prior to such change, are informed of the change and afforded the opportunity to modify their proposals;
 - ii) request that any of the proposers make a presentation. If it does so, it is not required to afford such opportunity to all proposers;
 - iii) negotiate with any of the proposers. If it does so, it is not required to negotiate with all proposers;
 - iv) reject any proposal at any time; and
 - v) reject all proposals, in which event the Authority may decide to take no further action, solicit new proposals or solicit bids.
- C. Under the MTA Small Business Mentoring Program (the "**SBMP**"), a non-federally funded Public Work Contract that is designated by the Authority as a small business mentoring program contract within the meaning of Section 1265-b(1)(e) of the Public Authorities Law, may be awarded in accordance with the provisions of Section 1265-b of the Public Authorities Law, notwithstanding any other provision of law or these General Contract Guidelines. A Public Work Contract that is partially or wholly federally funded, subject to United States Department of Transportation regulations and estimated to involve an expenditure of not more than \$3 million, may be awarded pursuant to the MTA Small Business Federal Program (the "**SBFP**") established under 49 CFR 26.39 in accordance with the competitive procedures established under the SBFP, notwithstanding any other provision of law or these General Contract Guidelines. Pursuant to the SBMP procedures, the Chairman or Authority President designates members of an SBMP steering committee, which includes diversity, engineering and procurement personnel. Such

SBMP steering committee is authorized to designate which eligible Public Work Contracts shall be SBMP or SBFP Public Work Contracts.

- D. A Purchase Contract or a Miscellaneous Procurement Contract, not estimated to involve the expenditure in excess of \$1 million, that is not federally funded, may be awarded pursuant to Section 1209.7(b) or Section 1265-a.2(b) of the Public Authorities Law without competitive sealed bidding or other formal competitive process, notwithstanding any other provision of law or these General Contract Guidelines where the Purchase Contract or Miscellaneous Procurement Contract involves goods or technology that are recycled or remanufactured.

Article IV - Qualified Products Lists

The Board hereby determines that for reasons of efficiency, economy, compatibility or maintenance reliability, there is a need for standardization as to various supplies, materials and equipment which are purchased by the Authorities and authorizes the establishment of a qualified products list (“QPL”) identifying such supplies, materials and equipment as hereinafter provided. A purchase contract for an item which has been included on a QPL duly established and maintained by an Authority may be entered into by that Authority as hereafter set forth:

- A. An Authorized Officer determines as to a specific item that, for reasons of efficiency, economy, compatibility or maintenance reliability, there is a need for standardization.
- B. The QPL is reviewed no less than two times per year in order to evaluate whether to add or delete items or vendors to or from the QPL.
- C. A notice is published by the Authority no less than one time per year in a general circulation newspaper and in the NYSCR which:
 - 1. advertises the existence of the QPL;
 - 2. states that the QPL is available for public inspection; and
 - 3. specifies the name and address of the Authority’s office which may be contacted in regard to the procedure for the compilation of the QPL.
- D. A contract for an item on the QPL may be awarded:
 - 1. without competitive sealed bidding if only one source for the item is specified on the QPL;
 - 2. by competitive sealed bidding, but without advertising, provided the invitation to bid is sent to all vendors listed on the QPL for the particular item;
 - 3. by competitive sealed bidding after advertising the bid pursuant to Article V.A. of these General Contract Guidelines.
- E. Two or more Authorities may utilize the same QPL provided that such Authorities jointly comply with the provisions of this Article.

Article V – Notice and Advertising

Except as provided in Article V.C. and Article III.B.2., in those instances where advertising is required under these General Contract Guidelines:

- A. Regardless of the selection process used, for Purchase Contracts and Public Work Contracts in the actual or estimated amount in excess of \$1 million, an advertisement shall be published at least once in a newspaper of general circulation in the area served by the Authority and in the NYSCR. Such advertisement and notice in the NYSCR must be placed at least fifteen (15) business days prior to the planned date on which a bid/proposal is due; provided that, if the Purchase Contract or Public Work Contract is to be awarded without the solicitation of competitive sealed bids or RFP, the timing of the publication in the NYSCR shall be determined by an Authorized Officer.
- B. The advertisement and the notice in the NYSCR must contain, as applicable, a statement of: 1) the name of the contracting Authority; 2) the contract identification number; 3) a brief description of the goods, supplies, materials, or equipment sought, the location where work is to be performed or goods are to be delivered and the contract term; 4) the address where bids/proposals are to be submitted; 5) the date when bids/proposals are due; 6) a description of any eligibility or qualification requirement or preference; 7) a statement as to whether the contract may be fulfilled by a subcontracting, joint venture (“JV”) or co-production arrangement; 8) any other information which the Authority deems useful to potential contractors; 9) the name, address and the telephone number of the person to be contacted for additional information; and 10) the time and place where bids received will be publicly opened and read. In addition, if a purchase contract is involved, the advertisement in the NYSCR shall also include a statement as to whether the goods, supplies, materials, or equipment sought had, in the immediately preceding three year period, been supplied by a foreign business enterprise as that term is defined in Article 4-C of the Economic Development Law.
- C. Advertisement in a general circulation newspaper and in the NYSCR is not required if the Authority regularly purchases the particular supplies, material or equipment and bids are solicited from a list of potential suppliers for the item which has been established and maintained as set forth in Article VI hereof.
- D. In addition to the above advertisements, the Authority shall provide notice to professional and other organizations, if any, that regularly notify MWBEs of the type of procurement opportunity that is the subject of the solicitation.

Article VI - Contractor Outreach

The Authority shall encourage firms to be interested in competing for Authority contracts. The Authority shall do so in the following manner:

- A. Suppliers Lists for Purchase Contracts: the Authority shall compile a list of potential sources of supplies, materials, equipment, and other goods which it regularly purchases. Such list must be compiled in accordance with the following procedures:

1. Advertisements must be periodically placed in one or more publications which are likely to be read by manufacturers, suppliers and others who deal in the item, including firms which may be MWBEs or SDVOBs, which set forth a general description of categories of items which are regularly procured by the Authority and invites firms to utilize the MTA Business Services Center Vendor Portal to be placed on the suppliers list for specific items or categories of items.
 2. A periodic effort:
 - i) must be undertaken to identify potential bidders for the item who are not on the list, including MWBEs and SDVOBs. Such effort shall include the use of the Authorities' websites, use of appropriate publications, including those, if any, that serve MWBEs and SDVOBs, other sources of information, and cooperation with federal, state and local agencies and other authorities. Where appropriate, a print or electronic letter shall be sent to a new potential supplier which invites it to request that it be added to the list and, if it does not wish to be added, requests that it indicate why; and
 - ii) where appropriate, must be undertaken to identify firms which have not responded to bids or expressed an interest in remaining on a list. An effort should be made to contact such firms to determine why they have not bid, whether they are interested in remaining on the list and, if not, why not. A firm may be deleted from the list where it requests deletion, or where the circumstances indicate that it is unlikely that the firm is interested in remaining on the list.
 3. The Authority will maintain lists of certified MWBEs and SDVOBs, including professional firms that have expressed an interest in doing business with the Authority and ensure that such lists are updated regularly. The Authority will also consult the lists of MWBEs maintained by the New York State Department of Economic Development and the lists of SDVOBs maintained by, the OGS Division of Service-Disabled Veterans' Business Development ("**OGS DSDVBD**").
 4. An advertisement must be placed quarterly in the State Register and in the NYSCR.
 5. In the event it is not practicable to maintain a suppliers list for a specific item, such item shall be included in a broader category or other appropriate classification which reasonably includes the item, and a suppliers list shall be maintained with respect to the category or classification.
- B. Capital Program Purchase Contracts and Public Work Contracts: the Authority shall establish an Outreach program, to be developed by the Chief Development Officer or his designee, to identify and attract capable U.S. and international firms to compete for MTA contracts. In addition, the Authority shall place an advertisement in the NYSCR no less than four times per year which sets forth a general list of anticipated capital program Purchase Contracts and Public Work Contracts, and the address of the Authority's office which may be contacted in order to be afforded the opportunity to compete for such

contracts and for other Authority contracts. Advertisements will also be placed in publications that serve MWBEs.

Article VII – MWBE, SDVOB, and Disadvantaged Business Enterprise (“DBE”)

The potential exists for MWBE, SDVOB, and DBE involvement in General Contracts. The Authority shall use its best efforts to maximize the utilization, as applicable, of DBEs under the Authority’s federal program, and MWBEs and SDVOBs under the New York State programs set forth in Public Authorities Law §2879, Article 15-A and Article 17-B of the Executive Law and these General Contract Guidelines.

- A. The MTA Chief Diversity Officer is responsible for ensuring compliance with all applicable laws and regulations and for overseeing the programs established by the MTA to promote and assist: 1) the participation by MWBEs and SDVOBs in procurement opportunities and facilitation of the award of General Contracts to such enterprises; 2) the utilization of MWBEs and SDVOBs as subcontractors and suppliers to Authority prime contractors; and 3) the utilization of partnerships, JVs or other similar arrangements between MWBEs, SDVOBs and prime contractors. The Chief Diversity Officer reports directly to the Chairman in connection with the responsibilities set forth herein, and will participate in the procurement process either directly or through his or her designees.

- B. A Purchase Contract or a Miscellaneous Procurement Contract, not estimated to involve the expenditure in excess of \$1 million, that is not federally funded, may be awarded pursuant to Section 1209.7(b) or Section 1265-a.2(b) of the Public Authorities Law without competitive sealed bidding or other formal competitive process, notwithstanding any other provision of law or these General Contract Guidelines where the proposed award is to a SBC, MWBE or SDVOB. The MTA and its agencies will administer set-aside procurements pursuant to the laws, rules and procedures that govern small purchase contracting.

The Authority CPO or his/her designee shall determine which Purchase Contracts or Miscellaneous Procurement Contracts are appropriate for these procurements. In the case of Purchase Contracts or Miscellaneous Procurement Contracts that are eligible pursuant to Section 2879(3)(b)(i) of the Public Authorities Law for award to SBCs, MWBEs or SDVOBs, the CPO may make a determination that any such Purchase Contract or Miscellaneous Procurement Contract may only be awarded to an MWBE, or only to an SDVOB, or only to an MWBE or an SDVOB. The basis for such a determination must be to promote participation of MWBEs and SDVOBs in Authority contracts, as mandated by Articles 15-A and 17-B of the Executive Law, respectively, and to assist the Authorities in achieving their MWBE and SDVOB goals.

Notice of such procurements shall be placed on the Authority website inviting responsive bids/proposals from qualified SBCs, MWBEs and/or SDVOBs. Awards pursuant to this process shall be made to the bidder/proposer determined to have submitted the bid/proposal that is most advantageous to the Authority after considering price and any other relevant factors. The CPO may reject all offers and withdraw the designation of a contract as one to be awarded pursuant to this process if the CPO determines that an award will result in the payment of an unreasonable price or otherwise not be advantageous to the Authority.

The value for SDVOB set aside contracts may be in excess of \$1 million. In these instances, notice of such procurements must also be placed in the NYSCR.

- C. For contracts awarded pursuant to these General Contract Guidelines, other than those whose award process is described in Article VII.B., the Authority shall establish appropriate goals for participation by MWBEs and SDVOBs and for the utilization by prime contractors of MWBEs and SDVOBs as subcontractors and suppliers. Statewide MWBE numerical participation target goals will be established by the Authority based on the findings of the most recent New York State Disparity Study.

- D. The Authority will conduct non-federally funded procurements in a manner that enables the Authority to achieve the maximum feasible portion of the goals set pursuant to Article VII.C., including by taking the following actions:
 - 1. establishing measures and procedures to ensure that MWBEs and SDVOBs are given the opportunity for maximum feasible participation in the performance of Authority contracts and to assist in the identification of those contracts that are best suited for MWBE and SDVOB participation so as to facilitate the Authority's achievement of the maximum feasible portion of the MWBE and SDVOB goals;
 - 2. designating the New York State Division of Minority and Women-owned Business Development ("**DMWBD**") to certify and decertify MWBEs, and OGS DSDVBD to certify and decertify SDVOBs, for purposes of these General Contract Guidelines;
 - 3. setting forth in each contract solicitation the expected degree of MWBE and SDVOB participation based on potential subcontracting opportunities and the availability of MWBEs and SDVOBs to respond competitively to those opportunities;
 - 4. providing to prospective contractors in writing, or by identifying a link to a website containing a current list of MWBEs and SDVOBs;
 - 5. with regard to JVs, allowing a bidder/proposer to count toward meeting its MWBE and SDVOB participation goals, the MWBE or SDVOB portion of the JV;
 - 6. waiving a contractor's obligation relating to MWBE or SDVOB participation after a showing of good faith efforts to comply with the participation goal; and
 - 7. verifying that MWBEs and SDVOBs listed in a successful bid/proposal are actually participating to the extent listed in the project for which the bid/proposal was submitted.

- E. The Authority will also consider, where practicable:
 - 1. the severability of construction projects and other bundled contracts;
 - 2. with respect to MWBEs, the implementation of a program that will enable the Authority to evaluate each contract to determine the appropriateness of the goal pursuant to the most recent New York State Disparity Study; and

3. compliance with the requirements of any federal law or regulations concerning opportunities for any DBEs, MWBEs and SDVOBs that effectuates the purposes of this Article VII.
- F. The Chief Diversity Officer or his/her designee is responsible for ensuring compliance with all applicable laws and regulations with regard to the utilization of DBEs on federally funded General Contracts.

Article VIII - Change Orders

- A. A change order to a General Contract which (a) exceeds \$1 million, (b) increases the total contract price by more than ten percent of the original value, or (c) increases the contract duration by more than ten percent of the original contract duration, may be entered into by an Authorized Officer, upon the approval of the Board pursuant to a resolution adopted in accordance with Article IX hereof. The submission to the Board shall include an explanation of the need for the change order. In order to avoid splitting change orders to below \$1 million for the purpose of avoiding the Board approval requirements of this Article VIII.A., the CPO of the relevant Authority must approve multiple change orders to the same contract and for the same scope of work, if all such change orders for any rolling 12-month period would equal to or be more than \$1 million.
For example only, if change order #1 is issued in March Year 1 for \$600,000, change order #2 is issued in June Year 1 for \$300,000 and change order #3 is issued in January Year 2 for \$200,000 (all for the same scope of work), then the CPO would be required to approve change order #3 because the total amount would be \$1.1 million for the rolling 12-month period from March Year 1 to March Year 2, and further the CPO would need to approve any other change order issued during any rolling 12-month period which would bring that 12-month period total to be equal to or greater than \$1 million.
- B. All other change orders shall be approved by an Authorized Officer; provided that a change order over \$250,000 must be approved by the Authority President, CPO, or the Authority President's designee. This provision applies to all contracts subject to these General Contract Guidelines.
- C. Notwithstanding the foregoing, an Authorized Officer may enter into a change order without Board approval in any of the following situations as determined by an Authorized Officer:
1. The existence of an emergency, other critical need or unforeseen circumstance;
 2. There is a risk of a substantial increase in cost or delay if prompt action is not taken; or
 3. The change order does not change the total contract price to exceed the contract budgeted cost, including contingency.
- D. Change orders that do not require Board approval pursuant to Paragraph C above, but that (a) increases the total contract price by more than ten percent of the original value, or (b) increases the contract duration by more than ten percent of the original contract duration, shall require prior written notice to the Chairman of the Finance Committee.

- E. The Chairman shall establish policies with respect to the delegation of responsibilities set forth in this Article.

Article IX - Form of Board Resolution

- A. Except as otherwise required in Article III, the procedure for the adoption by the Board and the format of a resolution pursuant to these General Contract Guidelines shall be determined by the Chairman and may be in the form of a staff summary or a formal resolution. Provided, however, that any Board resolution or staff summary sought pursuant to these General Contract Guidelines shall 1) identify the contractor by name; 2) briefly describe the substance of the General Contract; 3) specify all the information required under the applicable provisions of these General Contract Guidelines; and 4) specify the estimated or actual cost to the Authority or that the estimated or actual cost shall be within the budget approved by the Board for that purpose.
- B. To the extent practicable, the recommendation of award and the associated resolution or staff summary shall first be submitted to the standing committee of the Board responsible for the Authority.
- C. The Chairman may modify the procedures in this Article for all Authorities.

Article X - Responsibilities of General Contractors

In each General Contract, a general contractor shall have the following responsibilities:

- A. To perform the contract in accordance with its terms and to remain a responsible contractor;
- B. To provide the public work, goods, supplies, materials, or equipment required under the contract competently, efficiently, in a timely manner, at a fair and reasonable cost and in a manner which is satisfactory to the Authority; and
- C. To cooperate with Authority personnel who are directing, supervising or monitoring the performance of the general contractor or who are assisting in their performance.

Article XI - Contracts Involving Former Officers or Employees of the Authority

The Authority may enter into contracts with any Authority's former officers, former employees or with firms employing such former officers or former employees only to the extent permitted by Public Officers Law §73.

Article XII - Miscellaneous

- A. Except to the extent prohibited by law, the Chairman or Chief Executive Officer, or his/her designee, with prior notice to the Chairman of the Finance Committee, may waive the provisions of these General Contract Guidelines in the event of an emergency involving the health or safety of the public. If a contract is federally assisted, prior to issuing a

waiver, consideration should be given to the steps which may be taken to assure that federal assistance is not jeopardized.

- B. No Board Committee action or Authority policy, other than one approved by the Chairman, shall be inconsistent with these General Contract Guidelines.
- C. An Authority may not divide or split any contract or series of contracts for the purpose of avoiding the requirements of these General Contract Guidelines provided that with regard to SBMP and SBFP contracts awarded under Article III.C. and discretionary contracts awarded under Article VII.B., an Authority may divide requirements for the purpose of unbundling contracts to create SBMP, SBFP or discretionary contracting opportunities.
- D. If prior to the commencement of an Authority fiscal year, an Authorized Officer reasonably anticipates that, during the next fiscal year, the Authority will expend, in the aggregate, in excess of \$1 million for a series of Purchase Contracts for the same or substantially similar good or for a series of Public Work Contracts for same or substantially the same type of public work: 1) such requirement shall be met pursuant to a requirements contract awarded pursuant to the applicable provisions of these General Contract Guidelines; 2) each such Purchase Contract shall be awarded pursuant to the provisions of Article II.C., Article III, Article IV, Article VI, or Article VII.B. of these General Contract Guidelines or 3) each such contract shall be awarded pursuant to the provisions of Article II.C., Article III, or Article VII.B. or a procedure determined by an Authorized Officer to be comparable to Article IV or Article VI.
- E. Nothing in these General Contract Guidelines shall preclude the Authority from accepting bids/proposals utilizing an electronic bidding system that may inform bidders whether their bid is the current low bid, and allow bidders to submit new bids before the date and time assigned for the opening of bids. Such procedure shall not constitute disclosure in violation of Section 2878 of the Public Authorities Law.
- F. A General Contract awarded by an Authority pursuant to these General Contract Guidelines may provide that the General Contract includes the requirements of one or more other Authorities.
- G. Each Authority shall maintain records, for each fiscal year, of the all Purchase Contracts in an actual or estimated amount of \$15,000 or more entered into by the Authority at the request of such Division/Department, and such reports shall be prepared pursuant to the specifications located in Article IX.B. and Article IX.C. of the Services Contract Guidelines.
- H. The Authority shall prepare a publicly available report no less frequently than annually, summarizing procurement activity by the Authority for the period of the report in accordance with the reporting requirements of Section 2879(6) of the Public Authorities Law.
- I. These General Contract Guidelines are intended for the guidance of officers and employees of the Authority only. Nothing contained herein is intended or shall be

construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under, or by reason of, any requirement or provision hereof.

- J. To make MTA work more appealing to contractors and thereby increase competition and reduce the costs that the MTA typically pays for its Capital Program projects, the following Cost Containment Initiatives shall be implemented on all Capital Program projects unless the Chief Development Officer grants a waiver based upon a determination that such Cost Containment Initiative is impractical for a specific project:
1. Neutral Dispute Resolution: Disputes shall be resolved by a neutral arbitrator or panel of arbitrators or in a court of competent jurisdiction.
 2. Project CEOs: The Chief Development Officer or his designee shall appoint a Project CEO (“PCEO”) for each project who shall be empowered to make project decisions and shall be accountable for the project’s budget and schedule. PCEO decisions affecting scope, budget and schedule can only be overruled or amended by the MTA Chief Development Officer.
 3. In developing the Request for Proposal or Bid documents for a project, and as part of any negotiation and contractor selection process, the PCEO shall develop a strategy designed to optimize the cost and schedule for the project. Such strategy shall be approved by the Chief Development Officer or his designee and shall establish the following:
 - a. A contracting approach that considers factors other than just price in selecting a contractor (e.g., competitive RFP or A+B bidding), even where design-build contracting is not required. Excluded from this requirement are contracts awarded under the Small Business Mentoring Program and the Small Business Federal Program for which a traditional low bid contracting approach is permissible.
 - b. Optimal turnaround times for submittals and similar documentation, which times shall be incorporated into the contract(s).
 - c. A strategy to allocate risk to the party in the best position to manage such risk. Factors to be considered in this category include, but are not limited to: (i) the availability of MTA provided outages, flaggers and other services; (ii) delays by third parties such as Amtrak, utility companies, and government agencies; and (iii) existing conditions, including both structural conditions and interferences and the existence of hazardous materials. The PCEO, in consultation with the Leaders of the MTA C&D Delivery and Contracts groups and the applicable operating agencies, shall establish for each project the optimal method for incorporation of such risk allocation into the contract(s) (e.g. guaranteed number of outages subject to a contractual percentage of cancelations, allowances, etc.).
 - d. Favorable payment terms, to be established in consultation with the MTA Chief Financial Officer. Unless otherwise indicated, payment terms shall be 15 days.
 - e. Guidelines that promote the use of off-the-shelf products and components and eliminate customization to the extent practicable.
 4. Reduced Bonding Requirements: Unless otherwise prohibited by law or by MTA funding partners for specific projects (e.g., the Federal Transit Administration), the Request for Proposal or Bid documents for a project shall provide that Payment and

Performance bonds on contracts more than \$250 Million may be reduced from 100% of the contract amount provided that the Contracting entity is able to provide adequate alternative security and/or guarantees. The appropriateness of such alternative security and/or guarantees shall be approved by the MTA Chief Development Officer and/or the MTA Chief Financial Officer or his/her designees.

- K. Nothing in these General Contract Guidelines shall preclude the Authority from offering stipends to proposers on Design-Build contracts as part of an RFP process. The request for Board approval to use the RFP process for a specific Design-Build contract may include a request for approval of the use of stipends in connection with such RFP.
- L. Nothing contained in these General Contract Guidelines shall be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of these General Contract Guidelines.
- M. Where applicable federal, state or local laws, ordinances, codes, rules or regulations contain requirements which are in conflict with or which impose greater obligations upon the Authority than these General Contract Guidelines, then such requirements shall take precedence over those contained herein.
- N. For those General Contracts for which the Office of the State Comptroller (“OSC”) has requested review and approval pursuant to Public Authorities Law §2879-a, if the Authority has not received OSC approval or disapproval within thirty days of submission to the OSC, the Authority may enter into such General Contract without further waiting for such review and approval.



ALL AGENCY SERVICE CONTRACT PROCUREMENT GUIDELINES

Adopted by the Board on March 17, 2021

These guidelines (the “**Service Contract Guidelines**”) apply to the Metropolitan Transportation Authority (“**MTA**”), the New York City Transit Authority (“**NYCT**”), the Long Island Rail Road Company (“**LIRR**”), The Metro-North Commuter Railroad Company (“**MNR**”), the Staten Island Rapid Transit Operating Authority (“**SIRTOA**”), the Manhattan and Bronx Surface Transit Operating Authority (“**MaBSTOA**”), MTA Construction and Development (“**MTAC&D**”), MTA Bus Company (“**MTA Bus**”), First Mutual Transportation Assurance Co. (“**FMTAC**”), Grand Central Madison Concourse Operating Company (“**GCMC**”), and the Triborough Bridge and Tunnel Authority (“**Bridges and Tunnels**”) insofar as they are consistent with the provisions of law applicable to Bridges and Tunnels (each of the MTA, NYCT, LIRR, MNR, SIRTOA, MaBSTOA, MTAC&D, MTA Bus, FMTAC, GCMC, and Bridges and Tunnels is referred to jointly and severally as the “**Authority**”).

Article I - Applicability of Service Contract Guidelines

It is the policy of the Authority to contract for services that because of factors such as timing, costs, qualifications, availability of Authority staff, or the nature of the services to be rendered, it is more beneficial for such services to be contracted for than performed by employees of the Authority. Contractors shall be selected on a competitive basis, except when competition is not required pursuant to applicable law, is not required pursuant to these Service Contract Guidelines or is waived as impractical or inappropriate due to an emergency, critical need or as a consequence of unforeseen circumstances.

These **Service Contract Guidelines** apply to personal service contracts (“**Personal Service Contracts**”) and miscellaneous service contracts (“**Miscellaneous Service Contracts**”, and collectively with Personal Service Contracts, “**Service Contracts**”).

- A. Personal Services Contracts involve contracts for the provision of personal services (“**Personal Services**”), which generally involve retaining a consultant who specializes in one of the following:
- (1) Accounting and auditing
 - (2) Advertising
 - (3) Analysis
 - (4) Appraisal
 - (5) Architecture and design
 - (6) Bonds and financial management
 - (7) Commissioning of original art
 - (8) Dispute resolution
 - (9) Engineering
 - (10) Finances
 - (11) Human resources
 - (12) Information technology (but not software licenses or software maintenance)
 - (13) Investments
 - (14) Labor relations
 - (15) Legal
 - (16) Legislation

- (17) Management
- (18) Marketing
- (19) Office services requiring specialized skills
- (20) Other consulting, professional or technical services
- (21) Planning
- (22) Printing where editorial services predominate
- (23) Public affairs and corporate relations
- (24) Real estate
- (25) Records management, including electronic data storage, retrieval and discovery
- (26) Research
- (27) Risk management and related services
- (28) Security, including cybersecurity
- (29) Statistics
- (20) Surveying
- (31) Training

B. A Miscellaneous Service Contract is any contract for services which is not:

- (1) a Personal Service Contract; or
- (2) a General Contract (capitalized terms not defined in these Service Contract Guidelines shall have the meaning ascribed thereto in the All Agency General Contract Procurement Guidelines (the “**General Contract Guidelines**” and collectively with these Service Contract Guidelines, the “**Guidelines**”).

Examples of miscellaneous services (“**Miscellaneous Services**”) include, but are not limited to, human services (such as homeless services), guard service, custodial service and maintenance work performed by laborers, workers or mechanics that does not result in a substantial improvement to a building or other fixed asset.

C. In the event a proposed contract contains elements of more than one type of contract under these Service Contract Guidelines or the General Contract Guidelines, the elements which predominate shall determine the type of contract for purposes of the Guidelines.

Article II - Delegation of Authority

The Chairman, the Managing Director, the President, or chief procurement officer (“**CPO**”) of the relevant Authority thereof, and any further delegations that the Chairman or relevant Authority President may make for those specifically delegated purposes only (each defined for purposes of these Service Contract Guidelines as an “**Authorized Officer**”) are hereby empowered with respect to Service Contracts to be entered into by the relevant Authority acting on its own behalf or as agent for the MTA, as follows:

- A. to implement these Service Contract Guidelines;
- B. to establish procedures for the award of Service Contracts (including contracts for a small business concern (“**SBC**”), a certified minority or women-owned business enterprise (“**MWBE**”) or a certified service disabled veteran owned business (“**SDVOB**”)) estimated to involve the expenditure of \$1 million or less, which procedures shall be competitive to the extent deemed practicable by the Authorized Officer;

- C. to establish procedures for the award of Service Contracts regardless of the estimated expenditure, which procedures shall provide for Board approval of the award if the Services Contract provides for the estimated expenditure in excess of \$1 million, if not awarded pursuant to competitive sealed bidding. A majority of the members of the Board in attendance at a meeting at which a quorum is present shall be required to approve the resolution authorizing such award;
- D. to do the following for the award of Service Contracts estimated to involve the expenditure in excess of \$1 million:
 - (1) to determine the criteria for the evaluation of bids/proposals;
 - (2) to determine whether a Services Contract required to be advertised in the New York State Contract Reporter (“**NYSCR**”) is exempt from such requirement due to the need to award such contract on an emergency or other critical basis;
 - (3) to advertise for, solicit and open bids/proposals;
 - (4) to record the name of each bidder/proposer and the amounts of the bid/proposal;
 - (5) to determine the lowest responsive and responsible bidder, including, in the event two or more responsible bidders submit identical bids which are the lowest bids, to award the Service Contract to any of such bidders or obtain new bids from such bidders;
 - (6) to reject all bids/proposers when it is determined to be in the public interest to do so; and
 - (7) to award the Service Contract; and
- E. to determine whether a bidder/proposer is responsible pursuant to the All-Agency Responsibility Guidelines.

Article III - Selection of Personal and Miscellaneous Service Contractors

A. Requirements for Selection of Personal Service Contractors by RFP

The following are the requirements to be followed for selection of contractors for Personal Services, except for:

- (1) Service Contracts for architectural, engineering, and survey services, which are subject to Article III.B.;
- (2) Service Contracts in the amount of \$1 million or less, which may be entered into pursuant to the provisions of Article II.B.(or pursuant to procedures established by an Authorized Officer which shall be competitive to the extent deemed practicable by the Authorized Officer; and
- (3) Service Contracts for which a competitive selection process is inappropriate pursuant to the provisions of Article III.C.

(a) The Division/Department of the Authority requiring the services shall prepare a written statement containing a description of the services, the reasons why they are required, and the required or estimated schedule or duration of the services.

(b) A request for proposals (“RFP”) to perform the required services shall be sent by mail or electronically to three or more firms to invite competition, including any certified disadvantaged business enterprise (“DBE”), MWBE or SDVOB selected to receive the RFP pursuant to applicable Authority or New York State DBE, MWBE or SDVOB programs, unless there are only two qualified firms or unless competition is waived as hereinafter provided. The RFP or notice thereof shall also be provided by mail or electronically to professional and other organizations, if any, that represent or regularly notify MWBEs and SDVOBs of the type of procurement opportunity that is the subject of the RFP notice.

(c) The RFP shall describe the services to be performed, any completion dates or time requirements, DBE/WBE/MBE/SDVOB requirements, if applicable, and the criteria to be utilized by the Authority in evaluating proposals and shall contain a requirement for technical and cost proposals and the date, time and place when proposals must be received.

(d) The Authority may select one or more proposers with which to negotiate after evaluation of the proposals received. The award shall be made to the proposer or proposers whose proposals will be the most advantageous to the Authority after considering price, qualifications and other relevant factors identified as evaluation criteria in the RFP.

B. Architectural, Engineering and Survey Services

- (1) In the procurement of architectural, engineering and surveying services, the Authority shall determine whether to comply with the RFP procedures set forth in Article III.A. or the “Brooks” method set forth in this Article III.B., provided that, if federal funds will be utilized for such contract, the decision shall take into account applicable federal requirements.
- (2) The Authority shall encourage architectural, engineering and surveying firms to submit an annual statement of qualifications and performance data. For each proposed project identified in accordance with Article III.A(1), the Authority shall evaluate current statements of qualifications and performance data on file with the Authority. If desired and to the extent appropriate if federal assistance is involved, the Authority may conduct discussions with professional firms regarding anticipated design concepts and proposed methods of approach to the proposed project.
- (3) The Authority shall then evaluate whether a modification to the RFP documents is appropriate, and shall then solicit the RFP in compliance with the provisions of subparagraphs (b) and (c) of Article III.A(3).

- (4) Based upon the criteria established by the Authority, the Authority shall select no less than three professional firms deemed to be the most highly qualified to provide the services required from the proposals submitted, in order of preference.
 - (5) The Authority shall negotiate a contract with the best qualified professional firm for architectural, engineering or surveying services at compensation which the Authority determines in writing to be fair and reasonable. In making this decision, the Authority shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof. Should the Authority be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified, at a fee it determines to be fair and reasonable, negotiations with that professional firm shall be formally terminated. The Authority shall then undertake negotiations with the second most qualified professional firm. Failing to come to accord with the second most qualified professional firm, the Authority shall formally terminate negotiations. The Authority shall then undertake negotiations with the third most qualified professional firm. Should the Authority be unable to negotiate a satisfactory contract with any of the three selected professional firms it shall select additional professional firms, in order of their qualifications and it shall continue negotiations in accordance with this subparagraph until an agreement is reached.
 - (6) The provisions of this Article III.B. must apply to engineering, architectural, or surveying services contracts in excess of \$1 million. Contracts for engineering, architectural or surveying services involving lesser amounts may be entered into pursuant to the provisions of Article III.B. or pursuant to procedures established by an Authorized Officer which shall be competitive to the extent deemed practicable by the Authorized Officer, provided that a qualification based selection procedure is used when required by federal guidance.
- C. It is hereby determined that a competitive selection process is inappropriate and that a competitive process shall not be required in the following instances:
- (1) Single Source. The service to be procured is available only from a single responsible source.
 - (2) No Bids or One Responsive Bid. Competitive bids are solicited and
 - (a) no responsive bid is received; or
 - (b) only a single responsive bid is received, and the Authorized Officer rejects the bid.
 - (3) Emergency, Critical Need or Unforeseen Circumstances. The existence of an emergency involving danger to life, safety or property, or a critical need or unforeseen circumstance which requires immediate action and cannot await competitive bidding; or when the contract is essential to the efficient operation of or the adequate provision of service and, as a consequence of an unforeseen circumstance, such purchase cannot await competitive bidding. Competitive

bidding is hereby declared to be impractical and inappropriate in any of the foregoing situations where an Authorized Officer must take appropriate action and cannot await action by the Board; provided, however, that notice of such action shall be given to the Board in a timely manner, together with a statement of the reasons for such action and a request for ratification by the Board.

- (4) Legal Services. When the services are legal services.
- (5) Unique Source. When the provider of the services has unique or otherwise outstanding qualifications.

D. The Chairman, Managing Director, General Counsel, or President or CPO of the relevant Authority, or such individuals as they may designate, may give verbal authorization to contractors or consultants to commence the performance of contracts entered into pursuant to the provisions of this Article III, where prior written agreement is impracticable, provided, however, that the contract shall be reduced to writing as soon as practicable. Prior to issuing a verbal authorization for a federally assisted contract, consideration should be given to the steps which may be taken to assure that federal assistance is not jeopardized.

Article IV – Notice and Advertising

In those instances where notice in the NYSCR is required under these Service Contract Guidelines:

- A. Regardless of the selection process used, notice of a Service Contract in the actual or estimated amount in excess of \$1 million shall be published at least one time in the NYSCR, except as provided in Article IV.C. Such advertising must be placed at least fifteen (15) business days prior to the planned date on which a bid/proposal is due, provided that if the Services Contract is to be awarded without bids/proposals and advertising is required, the timing of the publication shall be determined by an Authorized Officer.
- B. The notice must contain, as applicable, a statement of: (1) the name of the contracting Authority; (2) the contract identification number; (3) a brief description of the services sought, the location where services are to be provided and the contract term; (4) the address where bids/proposals are to be submitted; (5) the date when bids/proposals are due; (6) a description of any eligibility or qualification requirement or preference; (7) a statement as to whether the contract may be fulfilled by a subcontracting, joint venture (“JV”) or co-production arrangement; (8) any other information which the Authority deems useful to potential bidder/proposer; (9) the name, address and the telephone number of the person to be contacted for additional information; and (10) a statement as to whether the services sought had, in the immediately preceding three year period, been supplied by a foreign business enterprise as that term is defined in Article 4-C of the Economic Development Law.
- C. Notice in the NYSCR is not required under the following circumstances:
 - (1) In the event of an emergency or critical need for the services as determined by an Authorized Officer;

- (2) The contract is re-solicited for substantially the same services within forty-five business days after the date bids/proposals were originally due;
 - (3) The contract is awarded to a not-for-profit provider of human services;
 - (4) The contract is awarded pursuant to the provisions of Article III.C(1) or (2) or Article V.B. of these Service Contract Guidelines.
- D. In addition to the above NYSCR notice, the Authority shall provide notice to professional and other organizations, if any, that regularly notify MWBEs of the type of procurement opportunity that is the subject of the solicitation.

Article V – MWBEs, SDVOBs, and DBEs

The potential exists for MWBE, SDVOB, and DBE involvement in Service Contracts. The Authority shall use its best efforts to maximize the utilization, as applicable, of DBEs under the Authority’s federal program, and MWBEs and SDVOBs under the New York State program set forth in Public Authorities Law §2879, Article 15-A and Article 17-B of the Executive Law and these Service Contract Guidelines.

- A. The MTA’s Chief Diversity Officer is responsible for ensuring compliance with all applicable laws and regulations and for overseeing the programs established by the MTA to promote and assist: (1) the participation by MWBEs and SDVOBs in procurement opportunities and facilitation of the award of Service Contracts to such enterprises; (2) the utilization of MWBEs and SDVOBs as subcontractors to Authority prime contractors; and (3) the utilization of partnerships, JVs or other similar arrangements between MWBEs, SDVOBs and prime contractors. The Chief Diversity Officer reports directly to the Chairman in connection with the responsibilities set forth herein, and will participate in the procurement process either directly or through his or her designees.
- B. A Service Contract, not estimated to involve the expenditure in excess of \$1 million, that is not federally funded, may be awarded pursuant to Section 1209.7(b) or Section 1265-a.2(b) of the Public Authorities Law without competitive sealed bidding or other formal competitive process, notwithstanding any other provision of law or these Guidelines, where the proposed award is to a SBC, MWBE or SDVOB. The MTA and its agencies will administer set-aside procurements pursuant to the laws, rules and procedures that govern small purchase contracting.

The Authority CPO or his/her designee shall determine which Service Contracts are appropriate for these procurements. In the case of Service Contracts that are eligible pursuant to Section 2879(3)(b)(i) of the Public Authorities Law for award to SBCs, MWBEs or SDVOBs, the CPO may make a determination that any such Service Contract may only be awarded to an MWBE, or only to an SDVOB, or only to an MWBE or an SDVOB. The basis for such a determination must be to promote participation of MWBEs and SDVOBs in Authority contracts, as mandated by Article 15-A and Article 17-B of the Executive Law, respectively, and to assist the Authorities in achieving their MWBE and SDVOB goals.

Notice of such procurements shall be placed on the Authority website inviting responsive bids/proposals from qualified SBCs, MWBEs and/or SDVOBs. Awards pursuant to this process shall be made to the bidder/proposer determined to have submitted the bid/proposal that is most advantageous to the Authority after considering price and any

other relevant factors. The CPO may reject all offers and withdraw the designation of a contract as one to be awarded pursuant to this process if the CPO determines that an award will result in the payment of an unreasonable price or otherwise not be advantageous to the Authority.

The value for SDVOB set aside contracts may be in excess of \$1 million. In these instances, notice of such procurements must also be placed in the NYSCR.

- C. For contracts awarded pursuant to these Service Contract Guidelines, other than those whose award process is described in Article V.B., the Authority shall establish appropriate goals for participation by MWBEs and SDVOBs and for the utilization by prime contractors of MWBEs as subcontractors and suppliers. Statewide MWBE numerical participation target goals will be established by the Authority based on the findings of the most recent New York State Disparity Study.
- D. The Authority will conduct non-federally funded procurements in a manner that enables the Authority to achieve the maximum feasible portion of the goals set pursuant to Article V.C., including by taking the following actions:
 - (1) establishing measures and procedures to ensure that MWBEs and SDVOBs are given the opportunity for maximum feasible participation in the performance of Authority contracts and to assist in the identification of those contracts that are best suited for MWBE and SDVOB participation so as to facilitate the Authority's achievement of the maximum feasible portion of the MWBE and SDVOB goals;
 - (2) designating the New York State Division of Minority and Women-owned Business Development ("**DMWBD**") to certify and decertify MWBEs, and the Office of General Services ("**OGS**") Division of Service-Disabled Veterans' Business Development to certify and decertify SDVOBs, for purposes of these Service Contract Guidelines;
 - (3) setting forth in each contract solicitation the expected degree of MWBE and SDVOB participation based on potential subcontracting opportunities and the availability of MWBEs and SDVOBs to respond competitively to those opportunities;
 - (4) providing to prospective contractors in writing or by identifying a link to a website containing a current list of MWBEs and SDVOBs;
 - (5) with regard to JVs, allowing a bidder/proposer to count toward meeting its MWBE and SDVOB participation goal, the MWBE or SDVOB portion of the JV;
 - (6) waiving a contractor's obligation relating to MWBE or SDVOB participation after a showing of good faith efforts to comply with the participation goal; and
 - (7) verifying that MWBEs and SDVOBs listed in a successful bid/proposal are actually participating to the extent listed in the project for which the bid/proposal was submitted.

- E. The Authority will also consider, where practicable:
- (1) the severability of service requirements and other bundled service contracts;
 - (2) with respect to MWBEs, the implementation of a program that will enable the Authority to evaluate each contract to determine the appropriateness of the goal pursuant to the most recent New York State Disparity Study; and
 - (3) compliance with the requirements of any federal law or regulations concerning opportunities for any DBEs, MWBEs and SDVOBs that effectuates the purposes of this Article V.
- F. The Chief Diversity Officer or his/her designee is responsible for ensuring compliance with all applicable laws and regulations with regard to the utilization of DBEs on federally funded Service Contracts.

Article VI - Types of Provisions to be Contained in Service Contracts

- A. The following types of provisions shall be contained in all Personal Services Contracts, to the extent applicable due to the specifications of such Personal Service Contract:
- (1) Description of services
 - (2) Compensation
 - (3) Time for performance or date of completion
 - (4) Liability of contractor or consultant; indemnification of Authority
 - (5) Reports of contractor or consultant
 - (6) Ownership of plans, drawings or other deliverables
 - (7) Assignments; subcontracts
 - (8) Maintenance of records, accounts
 - (9) Right of Authority to inspect and/or audit books and records
 - (10) Insurance requirements
 - (11) Termination
 - (12) Monitoring of the performance of services
 - (13) Use of Authority supplies, facilities or property
 - (14) Use of Authority personnel
 - (15) All provisions required to be included in Authority contracts by federal, state or local laws, ordinances, codes, rules or regulations
 - (16) Such modifications and additions as are appropriate in light of the specific circumstances presented
- B. To the extent practicable, a verbal authorization to commence work and a letter of intent/notice to proceed shall be required, which at a minimum shall:
- (1) Describe the services to be performed;
 - (2) Specify the amount of compensation to be paid pursuant to the verbal authorization and letter of intent/notice to proceed or the rates or fees which will be utilized to determine such compensation; and

- (3) Specify a date for completion or the anticipated duration of the services (except in instances where the nature of the services makes an estimate of the time required impossible or impracticable or where the contract is a retainer for the performance of services over an extended period of time on an “as-needed” basis and contains provisions allowing termination by the Authority at any time without cause).

For the avoidance of doubt, such letter of intent/notice to proceed shall NOT constitute the final Service Contract.

- C. Miscellaneous Service Contracts shall contain those provisions of Article VI.A. and other standard forms of contract deemed appropriate by an Authorized Officer.

Article VII - Responsibilities of Services Contractors

In each Service Contract, a service contractor shall have the following responsibilities:

- A. To perform the contract in accordance with its terms and to remain a responsible contractor;
- B. To perform the services required under the contract competently, efficiently, in a timely manner, at a fair and reasonable cost and in a manner which is satisfactory to the Authority; and
- C. To cooperate with Authority personnel who are directing, supervising or monitoring the performance of the services or who are assisting in their performance.

Article VIII - Contracts Involving Former Officers or Employees of the Authority

The Authority may enter into contracts with any Authority’s former officers, former employees or with firms employing such former officers or former employees only to the extent permitted by Public Officers Law §73.

Article IX - Reporting of Service Contracts

- A. Each Authority shall maintain records, for each fiscal year, of the following contracts entered into by the Authority at the request of such Division/Department: (1) Personal Service Contracts in the actual or estimated amount of \$15,000 or more; and (2) Miscellaneous Service Contracts in the actual or estimated amount of \$15,000 or more.
- B. The Authorized Officer shall designate a Division or Department which shall be responsible for preparing a report at the end of each fiscal year with respect to the foregoing contracts. With respect to each such contract, the report shall contain the following information:
 - (1) Name of contractor;
 - (2) Short description of the services involved;
 - (3) Amounts paid pursuant to the contract as of the end of such fiscal year;
 - (4) The selection process used;

- (5) Status of the contract;
- (6) If it was exempt from advertising in the NYSCR pursuant to Article IV.C. of these Service Contract Guidelines, state that and include a basis for such exemption;
- (7) Whether the contract was entered into with a New York State business enterprise or a foreign business enterprise, as those terms are defined in Public Authorities Law §2879;
- (8) Whether the contract was entered into with an MWBE or SDVOB; and
- (9) Referrals to and penalties imposed by the Director of DMWBD pursuant to Executive Law §316.

C. Each Authority shall submit a copy of such report to the Board of the Authority upon its completion.

Article X – Board Approval

The following Service Contracts shall require Board approval by resolution, approved by a majority of the members present at a meeting at which a quorum is in attendance and shall be reviewed by the Board on an annual basis:

- A. Personal Service Contracts: all Personal Service Contracts entered into by an Authority in the actual or estimated amount in excess of \$1 million , except if awarded to the lowest responsible bidder pursuant to competitive sealed bids; and
- B. Miscellaneous Service Contracts: all Miscellaneous Service Contracts entered into by an Authority in the actual or estimated amount in excess of \$1 million, unless awarded pursuant to competitive sealed bids.

Article XI - Change Orders

An Authority may enter into a change order or amendment to a Service Contract provided that approval of the Board of the Authority by a resolution approved by a majority of the members present at a meeting at which a quorum is in attendance shall be required in the following circumstances:

- A. The Service Contract did not initially equal or exceed the applicable monetary threshold for Board approval set forth in Article XI or Article II of these Service Contract Guidelines and the applicable threshold is equaled or exceeded as a result of the change order or amendment. This provision applies to all Service Contracts subject to these Service Contract Guidelines.
- B. The Service Contract was approved by the Board and the change order or amendment, including any change orders or amendments since Board approval was last obtained, results in a substantial change in the contract as determined by an Authorized Officer. Notwithstanding the foregoing, Board approval of change orders shall only be required if the change order is over \$1 million. In order to avoid splitting change orders or amendments to below \$1 million for the purpose of avoiding the Board approval requirements of this Article XI.B., the CPO of the relevant Authority must approve multiple change orders or amendments to the same contract and for the same scope of

work, if all such change orders or amendments for any rolling 12-month period would equal to or be more than \$1 million.

For example only, if change order #1 is issued in March Year 1 for \$600,000, change order #2 is issued in June Year 1 for \$300,000 and change order #3 is issued in January Year 2 for \$200,000 (all for the same scope of work), then the CPO would be required to approve change order #3 because the total amount would be \$1.1 million for the rolling 12-month period from March Year 1 to March Year 2, and further the CPO would need to approve any other change order issued during any rolling 12-month period which would bring that 12-month period total to be equal to or greater than \$1 million.

- C. Notwithstanding the foregoing, an Authorized Officer may enter into a change order or amendment without Board approval in any of the following situations as determined by an Authorized Officer,
 - (1) The existence of an emergency, other critical need or unforeseen circumstance;
 - (2) The risk of a substantial increase in cost or delay if prompt action is not taken; or
 - (3) The change order does not change the total contract price to exceed the contract budgeted cost, including contingency.
- D. The Chairman shall establish policies with respect to the delegation of responsibilities set forth in this Article.

Article XII – Miscellaneous

- A. Any provision of these Service Contract Guidelines may be waived by the Chairman, an Authority President or the Board, or such individuals as they may designate, except to the extent prohibited by law. A waiver may also be in the form of a ratification. If a contract is federally assisted, prior to issuing a waiver, consideration should be given to the steps which may be taken to assure that federal assistance is not jeopardized.
- B. No Board Committee action or Authority policy, other than one approved by the Chairman, shall be inconsistent with these Service Contract Guidelines.
- C. An Authority may not divide or split any contract or series of contracts for the purpose of avoiding the requirements of these Service Contract Guidelines, provided that with regard to discretionary contracts awarded under Article V.B., an Authority may divide requirements for the purpose of unbundling contracts to create discretionary contracting opportunities.
- D. Nothing in these Service Contract Guidelines shall preclude the Authority from accepting bids/proposals utilizing an electronic bidding system that may inform bidders whether their bid is the current low bid, and allow bidders to submit new bids before the date and time assigned for the opening of bids. Such procedure shall not constitute disclosure in violation of Section 2878 of the Public Authorities Law.

- E. A Service Contract awarded by an Authority pursuant to the provisions of these Service Contract Guidelines may provide that the Service Contract includes the requirements of one or more other Authorities.
- F. The Authority shall prepare a publicly available report no less frequently than annually, summarizing procurement activity by the Authority for the period of the report, in accordance with the reporting requirements of Section 2879(6) of the Public Authorities Law.
- G. These Service Contract Guidelines are intended for the guidance of officers and employees of the Authority only. Nothing contained herein is intended or shall be construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under or by reason, of any requirement or provision thereof.
- H. An Authority may contract for a service available through an existing contract between a contractor and another public authority (not New York State) if: (1) the existing contract was awarded pursuant to a process of competitive sealed bids or a competitive RFP; (2) the Authority's Authorized Officer determines that the price and other commercial terms specified in the contract are satisfactory; and (3) if Board authorization would otherwise be required under these Service Contract Guidelines, the Board adopts a resolution by a majority vote of the members of the Board present at a meeting at which a quorum is in attendance, which sets forth the reasons why obtaining such service is in the public interest and authorizes the Authority to enter into the Service Contract.
- I. An Authority may contract for a service available through an existing contract between a contractor and a New York State agency or authority (including OGS), the City of New York or Nassau County (except for NYCT, SIRTOA and MaBSTOA, as to Nassau County only) if: (1) the Authority's Authorized Officer determines that the price and other commercial terms specified in the contract are satisfactory; and (2) if Board authorization would otherwise be required under these Service Contract Guidelines, the Board adopts a resolution by a majority vote of the members of the Board present at a meeting at which a quorum is in attendance, which sets forth the reasons why obtaining such service is in the public interest and authorizes the Authority to enter into the Service Contract.
- J. If an Authority enters into a Service Contract pursuant to these Service Contract Guidelines, and such Service Contract allows all other Authorities to utilize the same Service Contract, then no further action is required. For the avoidance of doubt, the provisions of Article II.C. and Article XI shall apply to change orders to all such Service Contracts.
- K. Nothing contained in these Service Contract Guidelines shall be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of these Service Contract Guidelines.
- L. Where applicable federal, state or local laws, ordinances, codes, rules or regulations contain requirements which are in conflict with or which impose greater obligations upon

the Authority than these Service Contract Guidelines, then such requirements shall take precedence over those contained herein.

- M. For those Service Contracts for which the Office of the State Comptroller (“OSC”) has requested review and approval pursuant to Public Authorities Law §2879-a, if the Authority has not received OSC approval or disapproval within thirty days of submission to the OSC, the Authority may enter into such Service Contract without further waiting for such review and approval.



Metropolitan Transportation Authority

**Metropolitan Transportation Authority
Mission Statement, Measurements, and Performance
Indicators Report Covering Fiscal Year 2021**

**In Compliance with New York State Public Authorities Law §1269-f and §2824-a
Submitted as Part of the MTA 2021 Annual Report to the Governor**

Note

All MTA operations, finances, and performance indicators continue to be impacted by the Covid-19 pandemic and the 2021 Omicron variant surge. Prior to the pandemic, subway ridership routinely topped 5.5 million on an average weekday. It plummeted by 95 percent to about 300,000 daily rides in April 2020, while ridership on buses and commuter trains experienced similarly dramatic declines. Financial uncertainties during the depths of the pandemic also resulted in staffing shortages during 2021 that have had a lingering effect on some aspects of transit performance. These shortages are being actively addressed with an accelerated program of recruitment and training. Over the course of 2021, MTA agencies have made steady progress in rebuilding ridership. By November, subway weekday ridership was exceeding 3.3 million rides on a sustained basis, while the combined MTA services topped 5 million riders per day. Other impacts on specific performance indicators are footnoted where relevant in the course of this report. Note that some data in this report are preliminary and may be subject to reconciliation as data are finalized over the course of the year. For that reason, some 2020 data in this report may differ from those reported earlier in 2020, and some 2021 data may be adjusted in future reporting. All agency performance metrics are updated regularly on the [Performance Dashboards](#) under the “Transparency” section at www.mta.info. Details on MTA Capital Program projects, managed by MTA Construction & Development, can be found on the website under “Transparency” at the [Capital Program Dashboard](#).

MTA Mission Statement

The Metropolitan Transportation Authority (MTA) preserves and enhances the quality of life and economic health of the region it serves through the cost-efficient provision of safe, on-time, reliable, and clean transportation services.

Stakeholder Assessment

The main stakeholders of the MTA are its customers; the businesses, residents, and taxpayers of our service area and the State; the MTA’s employees and unions; and its government partners.

A set of goals for each group has been defined, along with performance indicators to measure the attainment of these goals.

Customers			
Our customers are those who ride our trains and buses or cross our bridges and tunnels. They include the residents of our region, as well as visitors. Our customers expect service that is safe, on-time, reliable, and that provides good value for their money.			
MTA Goals	Performance Indicators		
Ensure our customers’ safety	<ul style="list-style-type: none"> ✓ Customer injury rates ✓ Bus collision rates 		
Provide on-time and reliable services	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ✓ Subway major incidents ✓ Subway service delivered ✓ Customer journey time performance ✓ Additional platform time ✓ Additional train time ✓ On-time performance (subway and commuter railroads) ✓ Subway terminal delays ✓ Subway wait assessment </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ✓ Bus trips completed ✓ Bus Customer journey time performance ✓ Bus additional bus stop time ✓ Bus additional travel time ✓ Bus service delivered ✓ Bus average speeds ✓ Bus wait assessment ✓ Mean distance between failures (subway, railroads, buses) </td> </tr> </table>	<ul style="list-style-type: none"> ✓ Subway major incidents ✓ Subway service delivered ✓ Customer journey time performance ✓ Additional platform time ✓ Additional train time ✓ On-time performance (subway and commuter railroads) ✓ Subway terminal delays ✓ Subway wait assessment 	<ul style="list-style-type: none"> ✓ Bus trips completed ✓ Bus Customer journey time performance ✓ Bus additional bus stop time ✓ Bus additional travel time ✓ Bus service delivered ✓ Bus average speeds ✓ Bus wait assessment ✓ Mean distance between failures (subway, railroads, buses)
<ul style="list-style-type: none"> ✓ Subway major incidents ✓ Subway service delivered ✓ Customer journey time performance ✓ Additional platform time ✓ Additional train time ✓ On-time performance (subway and commuter railroads) ✓ Subway terminal delays ✓ Subway wait assessment 	<ul style="list-style-type: none"> ✓ Bus trips completed ✓ Bus Customer journey time performance ✓ Bus additional bus stop time ✓ Bus additional travel time ✓ Bus service delivered ✓ Bus average speeds ✓ Bus wait assessment ✓ Mean distance between failures (subway, railroads, buses) 		
Provide services to people with disabilities	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ✓ Elevator availability ✓ Escalator availability ✓ Bus passenger wheelchair lift usage (does not include paratransit) ✓ Paratransit ridership ✓ Access-A-Ride on-time performance </td> <td style="vertical-align: top;"> <ul style="list-style-type: none"> ✓ Access-A-Ride on-time performance ✓ Access-A-Ride provider no-shows ✓ Access-A-Ride ride time ✓ Access-A-Ride call center, calls answered* ✓ Passenger complaints </td> </tr> </table>	<ul style="list-style-type: none"> ✓ Elevator availability ✓ Escalator availability ✓ Bus passenger wheelchair lift usage (does not include paratransit) ✓ Paratransit ridership ✓ Access-A-Ride on-time performance 	<ul style="list-style-type: none"> ✓ Access-A-Ride on-time performance ✓ Access-A-Ride provider no-shows ✓ Access-A-Ride ride time ✓ Access-A-Ride call center, calls answered* ✓ Passenger complaints
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Repair, replace, and expand transportation infrastructure	<ul style="list-style-type: none"> ✓ Capital Program commitments ✓ Capital Program completions 		

Note: All indicators are updated regularly on Performance Metrics under Transparency at www.mta.info.

Businesses, Residents, and Taxpayers

The businesses, residents, and taxpayers in our service area want the MTA to spend its resources efficiently and appropriately, while enhancing the mobility of the region.

MTA Goals	Performance Indicators
Perform services in an efficient manner	<ul style="list-style-type: none"> ✓ Farebox operating ratio ✓ Operating cost per customer ✓ Total support to mass transit
Maximize system usage	<ul style="list-style-type: none"> ✓ Ridership ✓ Traffic volume
Repair, replace, and expand transportation infrastructure	<ul style="list-style-type: none"> ✓ Capital Program commitments ✓ Capital Program completions

Employees and Unions

Our employees and unions expect a safe workplace, skills training relevant to their roles, and opportunities for growth.

MTA Goals	Performance Indicators
Ensure our employees' safety	<ul style="list-style-type: none"> ✓ Employee lost time and restricted-duty rate
Maintain a workforce that reflects the regional availability of all races, nationalities, and genders for our industry	<ul style="list-style-type: none"> ✓ Female representation in MTA workforce ✓ Minority representation in MTA workforce

Government Partners (Federal, State, and Local Governments)

Our government partners expect us to enhance regional mobility by providing excellent service, while spending our resources in a cost-effective and appropriate manner.

MTA Goals	Performance Indicators
Provide on-time and reliable services	<ul style="list-style-type: none"> ✓ Subway major incidents ✓ Subway service delivered ✓ Customer journey time performance* ✓ Additional platform time ✓ Additional train time * ✓ On-time performance (subway and commuter railroads) ✓ Subway terminal delays ✓ Subway wait assessment <ul style="list-style-type: none"> ✓ Bus trips completed ✓ Bus Customer journey time performance * ✓ Bus additional bus stop time ✓ Bus additional travel time* ✓ Bus service delivered * ✓ Bus average speeds * ✓ Bus wait assessment ✓ Mean distance between failures (subway, railroads, buses)
Maximize system usage	<ul style="list-style-type: none"> ✓ Ridership ✓ Traffic volume
Perform services in an efficient manner	<ul style="list-style-type: none"> ✓ Farebox operating ratio ✓ Operating cost per customer
Repair, replace, and expand transportation infrastructure	<ul style="list-style-type: none"> ✓ Capital Program commitments ✓ Capital Program completions

MTA New York City Transit (“NYCT”)

Performance Indicators	2020 Actual	2021 Actual
NYCT Subway Service Indicators		
Weekday Major Incidents – Subways (monthly average)	24.3*	33.5
Customer Journey Time Perf. (% within 5 min of scheduled)	85.8%	83.8%
Additional Platform Time (average beyond scheduled)	0:01:07	0:01:26
Additional Train Time (average beyond scheduled)	0:00:20	0:00:12
Weekday Service Delivered – Subways	96.4%	92.2%
Weekday Terminal On-Time Performance – Subways	88.6%	85.2%
Weekday Terminal Delays – Subways (monthly average)	17,150	25,370
Mean Distance Between Failures – Subways (miles)	146,297	150,363
Weekday Wait Assessment – Subways	75.6%	68.3%
Elevator Availability – Subways	96.8%	96.6%
Escalator Availability – Subways	92.4%	91.3%
Total Ridership – Subways	639,536,812	759,810,246 **
Weekday On-Time Performance – Staten Island Railway	97.6%	96.6%
Mean Distance Between Failures – Staten Island Railway (miles)	53,946	29,343
NYCT Bus Service Indicators		
Percent of Completed Trips – NYCT Bus	98.1%	95.3%
Customer Journey Time Perf – NYCT & MTA Bus (% within 5 min of scheduled)	77.3%	75.5%
Additional Bus Stop Time – NYCT & MTA Bus (average beyond scheduled)	0:01:33	0:01:58
Additional Travel Time – NYCT & MTA Bus (average beyond scheduled)	0:00:00	0:00:00
Bus Customer Wheelchair Lift Usage – NYCT Bus	969,485	952,720
Service Delivered – NYCT & MTA Bus (% scheduled buses, peak hrs.)	96.1%	93.8%
Bus Speeds – NYCT & MTA Bus (average route speed, end-to-end)	8.4 mph	8.2 mph
Total Ridership – NYCT Bus	313,361,162	311,711,871
Mean Distance Between Failures – NYCT & MTA Bus (miles)	8,269	7,480
Wait Assessment – NYCT & MTA Bus	80.0%	75.9%

Notes: Performance indicators for 2021 were impacted by the ongoing Covid-19 pandemic. Some 2020 results have been updated.
 *Weekday Major Incidents exclude March and April 2020 due to use of projections. **Subway 2021 ridership including SIR is 761,142,069. All indicators are updated regularly on Performance Metrics under Transparency at www.mta.info.

Performance Indicators	2020 Actual	2021 Actual
NYCT Paratransit Service Indicators		
Total Paratransit Ridership – NYCT Bus	7,117,057	7,835,975
AAR On-Time Performance Pick up within (30 min) / (15 min)	30 min: 98% 15 min: 91%	30 min: 93% 15 min: 80%
AAR Appointment OTP Trips (30 min early to 1 min late)	39%	N/A
AAR Actual Ride Time at or Better than Planed Ride Time	86%	83%
AAR Customer Experience – Frequent Rider Experience	74%	n/a
AAR Call Center (% of calls answered)	97%	90%
AAR Passenger Complaints (per 1000 completed trips)	2.8	7.4
AAR Registrants	161,776	166,100
NYCT Safety Indicators		
Customer Injury Rate – Subways (per million customers)	4.39	4.06
Customer Accident Injury Rate – NYCT Bus (per million customers)	1.90	2.19
Collisions with Injury Rate – NYCT Bus (per million vehicle miles)	4.95	5.71
Employee Lost Time and Restricted-Duty Rate – NYCT Subways (per 100 employees)	4.92	4.05
Employee Lost Time and Restricted-Duty Rate – NYCT Bus (per 100 employees)	7.01	6.36
NYCT Workforce Indicators		
Female Representatives in NYCT Workforce	18.6 %	18.3 %
Minority Representatives in NYCT Workforce	79.3%	80.3%
NYCT Financial Indicators		
Farebox Operating Ratio	25.2%	28.3%
Operating Cost per Passenger	\$11.29	\$9.14
NYCT Capital Program Indicators		
Commitments in \$ Millions (% of annual goal)	\$2.879 (34%)	\$3,684 (96%)
Completions in \$ Millions (% of annual goal)	\$2.504 (87%)	\$1,781 (50%)

Notes: AAR ridership includes customers, personal care attendants, and guests. Financial indicators include NYCT Subways, Buses, and Paratransit and are preliminary. Actual 2021 service indicators will be updated in April 2022. The Operating Cost per Passenger excludes debt service. The Capital Program Commitments/Completions have been adjusted to include "rollovers" from previous years achieved in 2021. Projects details are available on the Capital Programs Dashboard under Transparency at www.mta.info.

MTA GOAL: Ensure Customer Safety

PERFORMANCE INDICATORS: Customer Injury Rate

The “customer injury rate” for NYCT Subways was 4.06 per million customers in 2021, down 7.5 percent from the previous year. This remains much higher than the typical prepandemic rates of 2.94 per million in 2019 rate and 2.99 per million in 2018. This increase is attributable to the impact of low ridership during the pandemic on the relative number of injuries. NYCT Subways continues its efforts to improve customer safety through safety messaging, train announcements, incident reports, and the training and deployment of station staff. In 2021, NYCT Subways continued its systemwide car and station disinfection program, provision of masks and sanitizer to customers, Covid-19 safety messaging, and other initiatives to combat the pandemic and maximize customer safety.

For NYCT Department of Buses (NYCT DOB), the “customer accident injury rate” increased by 15.3 percent in 2021, from 1.90 per million customers to 2.19 per million. The actual number of customer injuries increased from 595 in 2020 to 684 in 2021. The agency uses accident trends to improve safety programs, training, and messaging.

NYCT DOB saw an increase in its 2021 “collision injury rate” of 15.4 percent over the previous year to 5.71 injuries per million vehicle miles. This rise was largely due to the rise in citywide traffic volume caused by the recovery from Covid-19 and the gradual reopening of New York City. NYCT DOB continued to incorporate relevant accident findings into its safety and training initiatives. These initiatives focus on basic operating procedures in bus stop areas, including scanning mirrors, observing all sides of the bus, pulling in and out of bus stops properly, and positioning the bus correctly in the bus stop.

NYCT DOB continued its Vision Zero IV class, an eight-hour training session that emphasizes the challenges in dealing with pedestrians and cyclists. In 2020, the class was combined with de-escalation training, which now addresses assaults on bus operators related to Covid-19 rules. All bus operators will be cycled through this new curriculum over a two-year period. A de-escalation “trailer” video is being circulated on the FYI Network at all MTA and NYCT locations.

NYC Transit, cont.

To monitor bus operators, the agency uses indicators such as speed-camera violations, red-light violations, cellphone infractions, and customer complaints. In a joint agreement with all labor unions, NYCT DOB continues its “zero-tolerance” policy on use of cellphones and electronic devices while operating a bus. The agency also worked with its labor representatives to see that operators who receive speed-camera violations are disciplined and must pay the fine.

MTA GOAL: Provide On-Time and Reliable Services

PERFORMANCE INDICATORS: On-Time Performance, Mean Distance Between Failures, Major Incidents, Service Delivered, Terminal Delays, Wait Assessment, Bus Trips Completed, Bus Average Speeds, Bus Additional Travel Time

Prior to the pandemic, NYCT Subways had seen significant year over year improvements in key metrics, due largely to the success of the Subway Action Plan and the “Save Safe Seconds” campaign. The pandemic brought drastic changes to the operating environment, both in ridership and employee availability. Due to the related fiscal challenges, the MTA implemented a hiring freeze for operational positions in April 2020. Subsequently, operator vacancies and availability impacted NYCT performance metrics. The freeze was lifted early in 2021, and both subway and bus operations have instituted an aggressive hiring plan to fill vacancies and return to pre-pandemic vacancy levels by the middle of 2022.

For NYCT Subways, some favorable measures in 2021 included a faster “additional train time”—down to just 12 seconds—as speed improvements allowed trains to run faster. Weekday “on-time performance” (OTP), while lower than 2020, remains higher than prepandemic levels at 85.2 percent. “Mean distance between failures” (MDBF) also rose by over 22,000 miles, due to longterm investments in the car fleet, coupled with less wear on equipment. Employee availability has caused some metrics to worsen, including “additional platform time,” up 15 seconds on average per customer since last year, and “service delivered,” down 4.2 percent from last year’s peak periods.

As indicated on the performance chart above, NYCT DOB and MTA Bus report combined data in some instances. For complete MTA Bus performance data, see page 28 of this report. The combined agencies posted an MDBF of 7,480 miles in 2021, a decrease of 9.5 percent from the

previous year. The percentage of NYCT DOB “trips completed” decreased to 95.3 percent in 2021.

For both bus agencies, “additional travel time” fell to zero in 2021; “customer journey time” decreased by 1.8 percent to 75.5 percent; and “wait assessment” decreased by 4.1 percent to 75.9 percent. “Service delivered” decreased by 2.3 percent in 2021 to 93.8 percent, and average bus speeds decreased by 2.4 percent to 8.2 mph. Performance continued to be impacted by Covid-19 and the Omicron variant surge toward the end of 2021.

MTA GOAL: Provide Services to People with Disabilities

PERFORMANCE INDICATORS: Elevator Availability, Escalator Availability, Bus Passenger Wheelchair Lift Usage, Paratransit Ridership, AAR Service Indicators

Industrywide driver shortages, exacerbated by the 2021 Omicron surge, continue to pose challenges for AAR services. The agency is ramping up broker services to increase capacity and regularly engages with brokers and carriers to work out innovative solutions.

Overall AAR ridership (which includes customers, personal-care attendants, and guests) increased by 10.1 percent from 7,117,057 in 2020 to 7,835,975 in 2021. The number of registrants increased by 2.7 percent from 161,776 in 2020 to 166,100 in 2021. Demand in April 2020 had fallen to 64.6 percent of prepandemic levels, then gradually rose to 70 percent of prior levels in 2021. Complaints increased from 2.8 per 1,000 completed trips in 2020 to 7.4 per 1,000 in 2021. Pick-up OTP decreased from 98 percent to 93 percent within the 30-minute window, and from 91 percent to 80 percent within the 15-minute window. Due to the suspension of appointment-time bookings, the “customer experience” metric cannot be calculated for comparative purposes.

To address customer demand and service issues, AAR restored shared rides in July of 2021. The agency limited shared riding distances to under seven miles, and 85 percent of rides continued to be non-shared. As of December 27, 2021, all AAR drivers are required to have at least one dose of a Covid-19 vaccine and to receive a second dose within 45 days, in accordance with the

New York City workplace mandates. MTA continues to encourage all AAR customers who can do so to get their vaccines and boosters. Masks are required across the MTA system, including for AAR customers, personal-care attendants, guests, and drivers. In addition, all dedicated paratransit vehicles have installed driver safety barriers, which are disinfected prior to revenue service. In 2021, the MTA Board awarded three five-year service contracts for AAR Eligibility Assessment Services. With these new contracts, AAR Assessment Centers will be located in Staten Island, Brooklyn, Queens, and the Bronx, with the search for a Manhattan contract and location ongoing.

In other metrics, “wheelchair lift usage” at NYCT DOB decreased by 1.7 percent in 2021 to a total of 0.95 million customers. Improving accessibility to the bus network remains a top priority at both bus agencies. The MTA rolled out over 260 new buses in 2021 with wider doors and ramps for easier access.

MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure

PERFORMANCE INDICATORS: Capital Program Commitments and Completions

Third-party construction projects in the MTA Capital Program are now managed by MTA Construction & Development (MTA C&D). The agency committed \$3.7 billion of its Capital Program funds for NYC Transit in 2021, or 96 percent of the annual goal. Major commitments included: purchase of standard and hybrid-electric standard buses; mainline track and switch replacement at multiple locations; and a number of station improvements, including several major ADA projects and elevator-escalator replacements. Additionally, the agency awarded Phase 1 of the Livonia Maintenance Facility rehabilitation project, which will reconstruct high-priority components at the facility. Commitments in 2021 also included repairs to NYCT facilities and infrastructure damaged by Superstorm Sandy, along with resiliency projects to prevent future storm damage.

Also in 2021, MTA C&D achieved capital program completions for NYCT projects worth \$1.8 billion, representing 50 percent of the annual goal. Major completions included: switch and interlocking modernization on the Culver Line and a number of station improvements, including ADA projects and numerous elevator and escalator replacements.

Completions in 2021 also included multiple repairs to NYCT facilities and infrastructure damaged by Superstorm Sandy, along with resiliency projects to prevent future storm damage. Project sites included the Rutgers Tube between Brooklyn and Manhattan and 148th Street Yard in upper Manhattan.

MTA GOAL: Perform Services in an Efficient Manner

PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Passenger

The NYCT financial indicators combine NYCT Subways, NYCT Buses, and Paratransit. Despite plummeting ridership, NYCT has continued to operate throughout the pandemic, carrying essential workers to wherever they are needed. The subsequent loss of revenue has had a major impact on both 2020 and 2021 financial indicators. The preliminary 2020 indicators were adjusted slightly subsequent to last year's report.

The 2020 farebox operating ratio went from 23.6 percent to 25.2 percent, less than half that of the prepandemic ratio in 2019. The 2021 ratio rose by 3.1 percent to 28.3 percent. Preliminary operating cost per passenger, or cost per ride, is calculated in the second quarter of each year, prior to the July Financial Plan. The preliminary 2020 cost per passenger of \$11.63 was adjusted to \$11.29, still over double that of the prepandemic cost. The cost fell in 2021 to a preliminary \$9.14 per passenger. The operating cost per passenger excludes debt service.

MTA GOAL: Maximize System Usage

PERFORMANCE INDICATORS: Ridership

Ridership on NYCT Subways increased by nearly 19.0 percent in 2021 over the previous year to 759.8 million rides. This remains well below prepandemic levels, which were trending upward

to 1.697 billion rides in 2019, pushing back towards the record levels of 2015. Under the impact of the pandemic, subway ridership fell by an unprecedented 62.3 percent over the course of 2020. The 19.0-percent gain for 2021 comes as NYCT undertakes vigorous efforts to recapture lost ridership, which is continuing to rise steadily at the time of this report, as the Omicron surge subsides across the region. Total NYCT DOB ridership decreased by 0.5 percent in 2021 to around 312 million riders, compared to 313 million riders the previous year.

MTA GOAL: Ensure Our Employees' Safety

PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate

The NYCT Subways employee “lost-time and restricted-duty” accident rates fell by 17.6 percent in 2021 to 4.05 per 100 employees. This remains above the prepandemic rate of 3.73 per 100 employees in 2019. Throughout the pandemic, the MTA has made extensive efforts to safeguard employees, including free vaccines and boosters, teleworking programs, distribution of PPE; safety messaging and training; a Covid-19 hotline; temperature screenings; social distancing protocols; schedule adjustments; and more.

In October 2021, the MTA began requiring all employees to submit proof of vaccination or undergo weekly testing. In addition, NYCT Subways continues its regular safety program for employees, including safety communications, safety audits, training, and accident investigations, along with the FASTRACK program to provide a safer working environment for maintenance and repair crews.

At NYCT DOB, the “lost-time and restricted-duty” rate decreased to 6.36 per 100 employees from 7.01 the previous year. The 9.3-percent decrease of is mainly due to the reduction of Covid-19 related incidents in 2021. The agency experienced a significant 17-percent increase in injuries

associated with assaults. Both NYCT and MTA Bus continued to undertake extensive efforts to safeguard employees during the pandemic, including safety protocols, distribution of PPE, disinfection of buses and facilities, testing and vaccination programs, and more.

Both bus agencies also continued initiatives aimed at protecting bus operators from assault, including installation of bus operator shields across the entire fleet, installation of onboard security cameras, training in de-escalation tactics, and review of customer complaints to identify employees for further counseling or training. Both agencies maintain robust safe-driving campaigns and continue to analyze employee injury data to identify trends and reduce lost-time accidents.

MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders

PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce

Female representation agency-wide fell incrementally in 2021 from 18.6 percent to 18.3 percent. This continues to fall below the estimated percentage of women available for work within NYCT's recruiting area. A contributing factor is the low percentage of women who apply for what are generally considered non-traditional jobs. NYCT will continue to increase its outreach and recruitment efforts to improve female representation within its workforce. Minority representation grew slightly from 79.3 percent in 2020 to 80.3 percent in 2021.

MTA Long Island Rail Road (“LIRR”)

Performance Indicators	2020 Actual	2021 Actual
Service Indicators		
On-Time Performance	95.9%	96.3%
Elevator Availability	98.0%	98.7%
Escalator Availability	97.0%	95.3%
Total Ridership	30,310,190	35,036,746
Mean Distance Between Failures (miles)	241,175	231,337
Safety Indicators		
FRA-Reportable Customer Injury Rate (per million customers)	3.1	2.2
FRA-Reportable Employee Lost Time Rate (per 200,000 worker hours)	3.4	4.0
Workforce Indicators		
Female Representatives in LIRR Workforce	14.6%	13.0%
Minority Representatives in LIRR Workforce	37.0%	38.0%
Financial Indicators		
Farebox Operating Ratio	18.4%	18.9%
Operating Cost per Passenger	\$48.91	\$45.16
Capital Program Indicators		
Commitments in \$ Millions (% of annual goal)	\$1,066.6 (74%)	\$345.4 (71%)
Completions in \$ Millions (% of annual goal)	\$816.7 (100%)	\$364.3 (78%)

Notes: Performance indicators for 2020 and 2021 were impacted by the Covid-19 pandemic. The 2021 Farebox Operating Ratios are preliminary and will be updated by the MTA Division of Management & Budget in April 2022. Capital Program Commitments/Completions include any “slipped” projects from prior years that were achieved in 2021. LIRR ridership is calculated based on the number of tickets sold, multiplied by a factor related to each type of ticket. Monthly/weekly factor is based on the number of weekdays and weekend days per month.

MTA GOAL: Ensure Customer Safety

PERFORMANCE INDICATORS: Customer Injury Rate

In 2021, LIRR's "customer injury rate" decreased by 29 percent compared to the previous year. Penn Station remains the location with the greatest number of customer injuries. This is due to the volume of customers traveling through the busiest terminal in the LIRR system, as well as the infrastructure and operating constraints at this location. LIRR's "Let's Travel Safely Together" information campaign, produced in partnership with Amtrak, New Jersey Transit, and NYC Transit, remained an integral part of LIRR's safety program in 2021.

MTA GOAL: Provide On-Time and Reliable Services

PERFORMANCE INDICATORS: On-Time Performance, Mean Distance Between Failures

LIRR's "on-time performance" (OTP) for 2021 was 96.3 percent, making it the highest OTP the LIRR has seen since modern record keeping began in 1979. Compared to 2020, there was a reduction in engineering delays which can be attributed to progress made on infrastructure improvements. Capital delays were prevalent in 2021 as many projects were amped up after being slowed down in the previous year.

The agency's 2021 "mean distance between failures" (MDBF) decreased by 4.1 percent to 231,337 miles from 241,175 in 2020. The MDBF for both diesel and electric fleets performed well above the expected MDBF targets. The railroad continues to optimize fleet performance through its Reliability Centered Maintenance (RCM) program, thorough utilization of its Corporate Asset Management System, acquisition of the new M-9 fleet, and other performance initiatives.

MTA GOAL: Provide Services to People with Disabilities

PERFORMANCE INDICATORS: Elevator Availability, Escalator Availability

Elevator availability in 2021 was 98.7 percent, an increase of 0.7 percent compared to the prior year. Escalator availability decreased slightly to 95.3 percent, down 1.7 percent from 2020. The decrease in the escalator availability was due to major escalator outages at Penn Station, caused by emergency stop switch activation.

MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure

PERFORMANCE INDICATORS: Capital Program Commitments and Completions

The LIRR's 2021 capital commitments totaled more than \$345.4 million, or 71 percent of the year's goal. The railroad's 2021 capital completions totaled more than \$364.3 million, or 78 percent of the year's goal. Major completions during the year included: Jamaica Capacity Improvements (JCI's) Platform F construction, Moynihan Station Phase II construction and the 2021 Annual Track Program.

MTA GOAL: Perform Services in an Efficient Manner

PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Passenger

The LIRR's "farebox operating ratio" increased from 18.4 percent in 2020 to 18.9 percent in 2021, as estimated in the "MTA 2022 February Financial Plan, 2021 Final Estimate." The LIRR's operating cost per passenger decreased from \$48.91 in 2020 to \$45.16 in 2020. Both ratios reflect the continuing impacts of the Covid-19 pandemic. While both 2021 revenues and passengers are higher than 2020, the overall metrics are still way below typical rates. The more farebox operating ratio in 2019, for example, was 50.2 percent and operating cost per passenger was \$16.80.

MTA GOAL: Maximize System Usage

PERFORMANCE INDICATORS: Ridership

The LIRR finished 2021 with ridership growth, rebounding from the significant drop in 2020 due to the Covid-19 pandemic. Total ridership for 2021 was over 35.0 million customers, up 15.6 percent above over the previous year. However, this remains 61.6 percent lower than LIRR's ridership prior to the pandemic. A trend towards noncommuter ridership continued. The railroad's noncommutation ridership increased by 58.6 percent in 2021 to 25.3 million passengers, outperforming 2021 commutation ridership, which declined by 9.7 million passengers or about 32.3 percent.

MTA GOAL: Ensure Our Employees' Safety

PERFORMANCE INDICATORS: Employee Lost Time Case Rate

The rate of "FRA-reportable employee lost-time injuries" increased 17.6 percent in 2021 compared to the previous year. The highest number of employee accidents continues to be in the "slips, trips, and falls" category. Most injuries are soft tissue injuries. To maximize employee safety, LIRR continues its efforts to raise awareness among employees and encourage collaborative problem solving. These efforts have involved many labor-management initiatives, including a Confidential Close Call Reporting System (C3RS) and monthly department safety meetings.

LIRR also conducts quarterly Safety FOCUS Day meetings, during which employees take time to discuss specific safety issues provided by the LIRR Corporate Safety and other departments. The aim is to engage employees in the field and improve safety performance based on their feedback. Along with the other MTA agencies, LIRR undertook extensive efforts to protect employees during the Covid-19 pandemic, including safety messaging and education, distribution of PPE, facilities sanitization, and free vaccination and booster programs. In October 2021, the MTA began requiring all employees to submit proof of vaccination or undergo weekly testing.

MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders

PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce

The percentage of women in LIRR's workforce decreased slightly in 2021 to 13.0 percent from 14.6 percent the previous year. This falls below the estimated percentage of women available for work in LIRR's recruitment area. Many of the positions available in 2021 are considered nontraditional jobs for women and, as a result, attract a low percentage of female applicants. The percentage of minority representation increased slightly from 37 percent in 2020 to 38 percent in 2021. This is above the estimated percentage of minorities available in LIRR's recruitment area. LIRR continues to focus on efforts to improve the representation of women and minorities in its workforce.

MTA Metro-North Railroad (“Metro-North”)

Performance Indicators	2020 Actual	2021 Actual
Service Indicators		
On-Time Performance (East of Hudson)	97.9%	97.1%
On-Time Performance (West of Hudson)	94.4%	93.4%
Elevator Availability	99.4%	99.8%
Escalator Availability	99.9%	99.9%
Total Rail Ridership (East & West of Hudson)	27,169,873	30,722,008
Total Ridership on Connecting Services by MNR Contractors	146,878	106,375
Mean Distance Between Failures (miles)	278,951	190,518
Safety Indicators		
FRA-Reportable Customer Injury Rate (per million customers)	1.39	1.79
FRA-Reportable Employee Lost Time Rate (per 200,000 worker hours)	2.17	1.97
Workforce Indicators		
Female Representatives in MNR Workforce	13%	12%
Minority Representatives in MNR Workforce	39%	39%
Financial Indicators		
Farebox Operating Ratio	19.4%	20.4 %
Operating Cost per Passenger	\$46.08	\$41.95
Capital Program Indicators		
Commitments in \$ Millions (% of annual goal)	\$180.5 (36%)	\$768.2 (99%)
Completions in \$ Millions (% of annual goal)	\$52 (17%)	525.3 (55%)

Notes: Metro-North’s preliminary 2021 farebox operating ratio was 20.4 percent, representing a 1.0 percentage increase over the previous year. Farebox revenues in 2021 increased 7.9 percent over 2020 but were down 65.3 percent compared to 2019. The lower revenue was due to continuing low ridership during the pandemic. The 2021 operating cost per passenger was \$41.95, an improvement of \$4.13 over the previous year. This reflects the year-over-year increase in ridership. However, 2021 ridership remains around 65 percent below 2019 prepandemic levels. Metro-North ridership is calculated based on the number of tickets sold, multiplied by a factor related to each type of ticket. Monthly/weekly factor is based on the number of weekdays and weekend days per month.

MTA GOAL: Ensure Customer Safety

PERFORMANCE INDICATORS: Customer Injury Rate

The “FRA-reportable customer injury rate” at Metro-North increased from 1.39 per one million customers in 2020 to 1.79 in 2021. To support customer safety, Metro-North continued both in-person and virtual outreach through its TRACKS (Together Railroads and Communities Keeping Safe) public education program on grade-crossing and rail safety, with more than 27,000 contacts made in 2021.

Metro-North also trained 1,571 first responders in 2021 for rail emergencies through classes and simulations. Other safety efforts included employee training in mental health issues and suicide prevention, ongoing partnerships with the National Suicide Prevention Lifeline and Crisis Text Line to support suicide prevention, and a partnership with Waze to alert drivers of Metro-North grade crossings through the Waze GPS navigation app.

Throughout the Covid-19 pandemic, Metro-North has carried out extensive customer protection efforts, such as safety messaging, mask distribution, disinfection of trains and stations, and social distancing protocols.

MTA GOAL: Provide On-Time and Reliable Services

PERFORMANCE INDICATORS: On-Time Performance, Mean Distance Between Failures

Metro-North’s systemwide “on-time performance” (OTP) for 2021 was above goal at 97.1 percent. This marks only the second time since the railroad’s founding in 1983 that OTP has topped 97 percent for two consecutive years. The railroad modified its operating schedule in June and August 2021 to respond to growing ridership. The August schedule change brought service levels up to 82 percent of pre-pandemic levels. The Hudson Line performed at 97.4 percent OTP, the Harlem Line at 97.2 percent, and the New Haven Line at 96.9 percent. West-of-Hudson OTP for 2021 was just below goal at 93.4 percent.

The railroad's "mean distance between failures" (MDBF) for 2021 was above goal at 190,518 miles. The decrease in MDBF from the previous year was primarily caused by a Positive Train Control (PTC) system software issue, which resulted in delays on the M-8 fleet in the first half of 2021. Once corrected, MDBF improved in the second half of the year. Discounting delays caused by that software issue, MDBF for the M-8 fleet would have been 729,316, which would have increased the overall fleet MDBF for 2021 to 272,169 instead of 190,518. Car availability was excellent, resulting in a 100-percent "consist compliance rate," which is the percentage of cars required for daily service and customer seating.

MTA GOAL: Provide Services to People with Disabilities

PERFORMANCE INDICATORS: Elevator Availability, Escalator Availability

Elevator and escalator availability were both excellent in 2021. Elevator availability was 99.8 percent, up slightly from 2020. Escalator availability remained the same in 2021 at 99.9 percent.

MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure

PERFORMANCE INDICATORS: Capital Program Commitments and Completions

All MTA Capital Program projects for Metro-North are managed by the Metro-North Business Unit of MTA Construction & Development (MTA C&D). Despite ongoing interruptions to the business sector caused by the Covid-19 pandemic, the Business Unit continued its ongoing capital projects in 2021 and was able to proceed with significant project commitments during the year. Major commitments in 2021 included: the Grand Central Terminal Train Shed Sector 1 roof replacement; preliminary engineering and project management for the replacement of a segment of the Park Avenue Viaduct; the rehabilitation of the North White Plains Station; the purchase of new locomotives; the repaving of commuter parking lots at Beacon, Cold Spring, New Hamburg, and Croton Falls; the roof replacement at Tuckahoe and Hastings stations; and design of the replacement retaining wall at Marble Hill.

Metro-North, cont.

Significant completions in 2021 included the replacement of three vehicular bridges over the New Haven Line tracks in Mount Vernon; the rehabilitation of the White Plains Station; rock slope stabilization on both the Hudson and Port Jervis lines; completion of three substations at Riverdale, Tarrytown, and Brewster; and the replacement of the Grand Central Terminal PA/VIS system, as well as the installation of the terminal's new information boards or "big boards."

MTA GOAL: Perform Services in an Efficient Manner

PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Passenger

Metro-North's preliminary 2021 "farebox operating ratio" was 20.4 percent, representing a 1.0 percentage point increase over the previous year. Farebox revenues in 2021 increased 7.9 percent over 2020 but were down 65.3 percent compared to 2019. The lower revenue was due low ridership during the pandemic. The 2021 "operating cost per passenger" was \$41.95, an improvement of \$4.13 over the previous year. This reflects the year-over-year increase in ridership. However, 2021 ridership remains around 65 percent lower than 2019 prepandemic levels.

MTA GOAL: Maximize System Usage

PERFORMANCE INDICATORS: Ridership

Metro-North's systemwide ridership increased from 27.2 million in 2020 to 30.7 million in 2021. While trending upward 2021, ridership decreased dramatically due to the pandemic and remains around 65 percent lower than the 2019 prepandemic ridership of 86.6 million. Ridership on the railroad's connecting services—Haverstraw-Ossining Ferry, the Newburgh-Beacon Ferry, and the Hudson Rail Link— fell even further in 2021 to a combined low of 106,375.

MTA GOAL: Ensure Our Employees' Safety

PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate

The “FRA-reportable employee lost-time case rate” decreased from 2.17 per 200,000 worker hours in 2020 to 1.97 in 2021. Throughout the Covid-19 pandemic, Metro-North has prioritized employee safety through protocols such as distribution of masks and other PPE, disinfection of railcars and facilities, testing and vaccination programs, temperature checks, safety messaging, and training. In October 2021, the MTA introduced measures requiring all employees to show proof of vaccination or undergo weekly testing for Covid-19. In addition, Metro-North continues to participate in the Confidential Close Call Reporting System (C3RS), which has logged more than 6,300 calls since 2015, and monitor locomotive engineers and conductors for obstructive sleep apnea. Other ongoing safety programs include regular safety meetings in each district, a safety focus week held each quarter, safety cleanup days, and an employee awards program for safety excellence.

MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders

PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce

The percentage of minority employees in Metro-North’s workforce remained constant in 2021 at 39.0 percent. The percentage of female representation decreased slightly to 12.0 percent. The railroad maintains a program aimed at achieving workforce representation based on the availability of women and minorities within the relevant labor markets serviced by the MTA. Through targeted outreach recruitment and developmental programs, Metro-North will continue to focus on improving minority and female representation in our workforce.

MTA Bridges and Tunnels (“Bridges and Tunnels”)

Performance Indicators	2020 Actual	2021 Actual
Service Indicators		
Paid Traffic	253,184,047	307,296,238
Safety Indicators		
Collisions with Injury Rate (per million vehicles)	0.70	0.67
Employee Lost Time Injury Rate (per 200,000 work hours)	5.7	5.6
Workforce Indicators		
Female Representation in B&T Workforce	21%	21%
Minority Representation in B&T Workforce	57%	57%
Financial Indicators		
E-ZPass Market Share	95.2%	* 94.9%
Total Support to Transit (\$ millions)	\$830.2	\$1,377.0
Capital Program Indicators		
Commitments in \$ Millions (% of annual goal)	\$183.2 (70.8%)	\$260.3 (150.5%)
Completions in \$ Millions (% of annual goal)	\$660.3 (162.6%)	\$386.2 (100.5%)

Notes: Some performance indicators for 2021 were impacted by the Covid-19 pandemic. MTA B&T performance data are subject to final audit. Traffic numbers are preliminary, with actuals available later. * Year-end unaudited. Capital Commitments in 2021 include a \$76.9 million project originally forecast for 2022 award. Capital completions in 2021 include a \$1.9 million SBMP project not planned for 2021 completion.

MTA GOAL: Ensure Customer Safety

PERFORMANCE INDICATOR: Customer Collision Injury Rate

Bridges and Tunnels reported 206 customer collisions with injuries in 2021. Despite increased traffic in 2021, the rate of collisions with injuries fell slightly from 0.70 per million vehicles in 2020 to 0.67 per million. The agency's fundamental strategy for improving customer safety is to maintain facilities in a state of good repair. Beyond this, the agency's customer safety strategy focuses on "The Three E's:" Engineering, Enforcement, and Education. Engineering identifies collision-prone locations and improves their physical characteristics. Enforcement targets and addresses unsafe driving behaviors. Education aims to correct unsafe driving behaviors through outreach and educational efforts. In addition, Bridges and Tunnels notifies customers of real-time traffic conditions, which helps them make informed decisions and reduces the risk of secondary collisions.

MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure

PERFORMANCE INDICATORS: Capital Program Commitments and Completions

All MTA Capital Program projects are now managed by MTA Construction & Development (MTA C&D). In 2021, the MTA C&D Business Unit for Bridges and Tunnels made 91 task commitments to capital projects, well above the year's goal of 66 task commitments. The total value of the awards was \$260.2 million, representing 150.5 percent of the 2021 goal. Of these, six commitments totaling \$85.8 million are related to design-build projects on the Robert F. Kennedy and Henry Hudson bridges, which were originally planned for early 2022. Another 10 small commitments totaling \$3.8 million are related to remaining "mitigation" projects within the Superstorm Sandy Capital Program. Other major project commitments in 2021 included:

- Miscellaneous structural rehabilitation and painting at the Bronx Whitestone Bridge
- Dyckman Street substations upgrade at the Henry Hudson Bridge
- New multi-use path connection between the Harlem River Lift Span and the future Manhattan Waterfront Greenway
- Fender upgrades for the Harlem River Lift Span at the Robert F. Kennedy Bridge
- Installation of a safety fence on suspended spans at the Verrazzano-Narrows Bridge.

The value of Capital Program projects completed in 2021 totaled \$386.2 million, which represents 100.5 percent of the 2021 goal. By comparison, a total of \$660.3 million in projects were completed in 2020, representing 162.6 percent of the goal for that year, including several projects that were accelerated to completion in early 2020 due to reduced traffic levels. Major projects completed in 2021 included:

- Reconstruction of the Brooklyn approach at the Verrazzano-Narrows Bridge, completed six months ahead of schedule
- Replacement of the fender protection systems at the Marine Parkway and Cross Bay bridges, along with scour protection at the Cross Bay Bridge, completed two months behind the original schedule
- Rehabilitation of ventilation systems at the Hugh L. Carey Tunnel
- Rehabilitation and sealing of the anchorage and piers at the Verrazzano-Narrows Bridge, completed one month ahead of schedule
- Painting of the suspended spans at the Verrazzano-Narrows Bridge, completed one month ahead of schedule.

MTA GOAL: Perform Services in an Efficient Manner

PERFORMANCE INDICATORS: Total Support to Transit

Bridges and Tunnels provided \$1,377.0 million in total support for MTA transit services in 2021. This was a 66.0-percent increase from the \$830.2 million provided in 2020. The increased revenue is attributable to continued recovery from the Covid-19 pandemic, an increase in traffic at Bridges and Tunnels crossings, a toll increase effectuated in April 2021, and the implementation of cost-cutting measures. By way of comparison, the agency provided \$1,139.0 million in total support to mass transit in 2019 prior to the pandemic.

MTA GOAL: Maximize System Usage

PERFORMANCE INDICATORS: Traffic Volume

Bridges and Tunnels recorded approximately 307.3 million paid crossings in 2021, approximately 54 million more crossings than the previous year, an increase of 21.4 percent. E-ZPass usage for 2021 was down slightly to 94.9 percent, as compared to 95.29 percent in 2020.

MTA GOAL: Ensure Our Employees' Safety

PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate

Bridges and Tunnels experienced 56 lost-time injuries in 2021, compared to 63 in 2020. As a result, the “employee lost-time injury rate” decreased slightly from to 5.7 per 200,000 work hours in 2020 to 5.6 per 200,000 in 2021. Ongoing safety efforts contributed to this positive trend, including:

- Workplace measures to safeguard employees during the Covid-19 pandemic, including the provision of PPE; expanded ventilation; daily sanitization of facilities and vehicles; regular safety communications; and social distancing protocols.
- Interdepartmental healthcare efforts through the agency’s Safety & Health Department, including employee advisories and training; onsite Covid-19 testing; monitoring of exposures and quarantines; and vaccination efforts.
- Joint labor-management task forces to address risks in the new cashless operating environment, along with revision of policies and procedures as part of an updated safety management system all agency facilities.
- Regular safety training for all field employees, including traffic management safety training for all Bridge and Tunnel Officers and supervisors. The agency also modified some traffic enforcement procedures to minimize social contact.

MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders

PERFORMANCE INDICATORS: Female and Minority and Other Representation in the Workforce

Minority employees represented 57.0 percent of the Bridges and Tunnels workforce in 2021, unchanged from the previous year. Women represented 21.0 percent of agency employees in 2021, also unchanged from the previous year. Bridges and Tunnels maintains a program aimed at achieving workforce representation based on the availability of women and minorities within the labor markets serviced by the MTA. The program includes targeted recruitment efforts to attract qualified women and minority candidates; a monitoring program to identify and address under-representation of women and minorities; and retention and mobility programs providing the skills and opportunities women and minority employees need for successful career paths within the agency.

MTA Bus Company (“MTA Bus”)

Performance Indicators	2020 Actual	2021 Actual
Service Indicators		
Percent of Completed Trips	97.4%	95.6%
Bus Passenger Wheelchair Lift Usage	64,134	66,881
Total Ridership	45,916,750	71,426,526
Mean Distance Between Failures – NYCT & MTA Bus (miles)	8,269	7,480
Safety Indicators		
Customer Accident Injury Rate (per million customers)	1.43	1.30
Collisions with Injury Rate (per million vehicle miles)	3.45	4.54
Employee Lost Time Rate (per 100 employees)	7.63	7.82
Workforce Indicators		
Female Representation in MTA Bus Workforce	13%	13%
Minority Representation in MTA Bus Workforce	80%	81%
Financial Indicators		
Farebox Operating Ratio	13.1%	17.9%
Operating Cost per Passenger	\$16.3	\$10.94
Capital Program Indicators*		
Commitments in \$ Millions (% of annual goal)	\$25.4 (62.0%)	\$113.3 (197.9%)
Completions in \$ Millions (% of annual goal)	\$2.6 (59.2%)	\$1.8 (2.7%)

Notes: The 2020 Farebox Operating Ratios are based on preliminary estimates and will be updated in April 2021. For the purposes of this report, NYCT Bus and MTA Bus are treated separately, though certain operations and performance indicators are combined, as noted in the NYCT data on page 4 of this report. The Performance Dashboard at www.mta.info combines data for both bus operations. MTA Bus 2020 April and May percent of completed trips are not included due to the effect of Covid-19.

MTA GOAL: Ensure Customer Safety

PERFORMANCE INDICATOR: Customer Injury Rate

MTA Bus saw a decrease of 9.1 percent in its “customer accident injury rate” for 2021, as compared to 2020. This was despite a 9.9 percent increase in ridership, caused by the easing of restrictions and gradual reopening of NYC due to the Covid-19 pandemic. The actual number of customer injuries stayed the same at 93 in 2020 and 2021. Between March and August, MTA Bus implemented free rear-door boarding to ensure safer social distancing between customers and bus operators. Since ridership data is linked to fareboxes, data during this period was based on estimates. The agency uses accident trends to improve safety programs, training, and messaging.

The “collisions with injury rate” increased from 3.45 per million vehicle miles in 2020 to 4.54 per million vehicle miles in 2021, up 31.6 percent from the previous year. This rise was largely due to the increase in citywide traffic volume caused by recovery from Covid-19 and the gradual reopening of New York City. MTA Bus continued to incorporate relevant accident findings into its safety and training initiatives. These initiatives focus on basic operating procedures in bus stop areas, including scanning mirrors, observing all sides of the bus, pulling in and out of bus stops properly, and positioning the bus correctly in the bus stop.

In 2021, MTA Bus continued its Vision Zero IV class in collaboration with NYCT DOB. Vision Zero IV is an eight-hour training session which emphasizes the challenges in dealing with pedestrians and cyclists. In 2020, the class was combined with de-escalation training, which now addresses assaults on bus operators related to Covid-19 rules. All bus operators will be cycled through this new curriculum over a two-year period. A de-escalation “trailer” video is being circulated on the FYI Network at all MTA and NYCT locations. To monitor bus operators, the agency uses indicators such as speed-camera violations, red-light violations, cellphone infractions, and customer complaints. In a joint agreement with all labor unions, NYCT DOB continues its “zero-tolerance” policy on use of cellphones and electronic devices while operating a bus. The agency also worked with its labor representatives to see that operators who receive speed-camera violations are disciplined and must pay the fine.

MTA GOAL: Provide On-Time and Reliable Services

PERFORMANCE INDICATORS: Mean Distance Between Failures, Bus Trips Completed

As indicated on the performance chart above, NYCT DOB and MTA Bus report combined data in some instances. For complete MTA Bus performance data, see page 4 of this report. The combined agencies posted an MDBF of 7,480 miles in 2021, a decrease of 9.5 percent from the previous year. The percentage of MTA Bus “trips completed” decreased to 95.6 percent in 2021.

In 2019, the MTA launched its comprehensive Bus Plan, which entails a complete reimagining of New York’s entire public bus system. As part of that plan, the MTA launched a new Bus Performance Dashboard at www.mta.info, which combines data for the two bus agencies. The dashboard also provides new metrics to better reflect the customer experience. For combined NYCT and MTA Bus metrics, see pages 4 and 5 of this report.

MTA GOAL: Provide Services to People with Disabilities

PERFORMANCE INDICATORS: Bus Customer Wheelchair Lift Usage

The “bus passenger wheelchair lift usage” for MTA Bus in 2021 was 66,881 customers, an increase of 4.3 percent from 64,134 customers the previous year. The increase in wheelchair lift usage was mainly caused by recovery from the Covid-19 pandemic and the gradual reopening of New York City.

MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure

PERFORMANCE INDICATORS: Capital Program Commitments and Completions

MTA Bus committed \$113.3 million in capital project funds in 2021, representing 197.9 percent of goal. This was due largely to the award of 85 standard diesel buses that were not anticipated when the 2021 goals were set. Besides this project, other notable 2021 commitments included the Clean Natural Gas (CNG) upgrade and rehabilitation projects at the Spring Creek Depot, and the purchase of 50 standard diesel buses. Notable completions for the year included the Automated Passenger Count phase 1 roll-out.

MTA GOAL: Perform Services in an Efficient Manner

PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Customer

The “farebox operating ratio” (which includes farebox revenue, student fares, and senior citizen fares) was 17.9 percent in 2021, up from 13.1 percent in 2020. This increase was due to the availability of Covid-19 vaccines and regional recovery from the pandemic. The same factors contributed to a 32.9 percent decrease in the “operating cost per customer,” from \$16.30 in 2020 to \$10.94 in 2021.

MTA GOAL: Maximize System Usage

PERFORMANCE INDICATORS: Ridership

Due to the Covid-19 vaccine rollout and the easing of related restrictions, total MTA Bus ridership increased 55.6 percent in 2021 to 71.4 million riders, as compared to 45.9 million riders in 2020. Throughout the pandemic, both MTA Bus and NYCT DOB have continued to provide the transit services critical to essential workers and the welfare of the entire region.

MTA GOAL: Ensure Our Employees’ Safety

PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate

MTA Bus saw 2.5 percent increase in the “employee lost-time accident rate” in 2021 due to the significant increase in injuries associated with motor vehicle accidents. Both NYCT and MTA Bus continued to undertake extensive efforts to safeguard employees during the pandemic, including safety protocols and messaging, distribution of PPE, disinfection of buses and facilities, testing and vaccination programs, and more.

The agency continues a robust program of safety messaging and training in safe driving techniques. Both bus operations continued Vision Zero programs and the incorporation of accident findings into safety and training initiatives. Efforts to protect bus operators from assault continued in 2021, including installation of bus operator shields, onboard security cameras, training in de-escalation tactics, and review of customer complaints to identify employees for further counseling or training. Both bus agencies regularly analyze employee injury data to identify trends and reduce lost-time accidents.

MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders

PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce

Female representation agencywide continues to be below the estimated percentage of women available to work within MTA Bus's recruiting area. The percentage of women in the agency's workforce remained unchanged at 13.0 percent during this reporting period. MTA Bus will continue to increase its outreach and recruitment efforts to improve female representation within its workforce. The percentage of minority representation increased slightly in 2020 from 80.0 percent to 81.0 percent, exceeding the estimated percentage of minorities available to work within MTA Bus's recruiting area.

MTA Construction & Development (“MTA C&D”) - Expansion Projects

Performance Indicators	2020 Actual	2021 Actual
Workforce Indicators		
Female Representatives in MTA C&D Workforce	36%	37%
Minority Representatives in MTA C&D Workforce	54%	50%
Capital Program Indicators*		
Commitments in \$ Millions (% of planned value)	\$709.0m (28%)	\$2,508.5m (292%)
Completions in \$ Millions (% of planned value)	\$76.0m (11%)	\$804.9m (44.8%)

Notes: MTA performance data are subject to periodic adjustment. Capital Program Commitments/Completions include projects that “slipped” from prior year goals but were achieved in 2021. For details on Capital Program projects visit the [Capital Programs](#) section under “Transparency” at www.mta.info.

MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure

PERFORMANCE INDICATORS: Capital Program Commitments and Completions

MTA Construction & Development (MTA C&D) manages all Capital Program projects for the MTA agencies, as reported in each agency’s section of this report. In addition, MTA C&D manages the major Expansion Projects reported in this section. The Expansion Projects had a total commitment goal of \$858.2 million for 2021 and committed approximately \$2,508.5 million, or 292.3 percent of goal. Significant 2021 commitments included:

- Award of \$1,905.5 million for design-build construction of the Penn Station Access project to connect Penn Station to Metro-North's New Haven rail line. This extension will transform our regional transportation system by improving reliability, reducing travel time, and expanding mass transit options for everyone. Four new accessible stations will be constructed in the East Bronx at Hunts Point, Morris Park, Co-op City, and Parkchester/Van Nest.

- Award of \$183.4 million for eastbound reroute construction to support the Regional Investments project at the Harold Interlocking in Queens.

MTA C&D achieved 44.8 percent of its 2021 Expansion Project completion goal of \$1,796 million, with the completion of major construction of the Grand Central Terminal Caverns contract as part of the East Side Access project and the B/C Approach contract as part of the Regional Investments project at Harold Interlocking in Queens. For details on all of the MTA's five-year Capital Programs and the status of current capital projects visit the [Capital Programs](#) section under "Transparency" at www.mta.info.

MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders

PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce

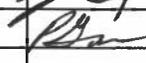
The agency's current workforce consists of 37.0 percent female, up 1.0 percent from the previous year, and 50.0 percent minority employees, down 4.0 percent. Note that not all of the employees included in the MTA C&D transformation program in 2021 are currently covered in this data. MTA C&D continues its outreach, recruitment, and retention efforts to support workforce diversity and inclusion.

Staff Summary

Subject Public Authorities Law Required Policies
Department Corporate Compliance
Department Head Name Lamond W. Kears
Department Head Signature
Project Manager Name Lamond W. Kears

Date March 30, 2022
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	03/28/22	X		
2	Board	03/30/22	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Corporate Compliance		
2	Legal		

Purpose:

To obtain Board approval for revisions to certain existing policies of the MTA and its Agencies, in order to comply with Public Authorities Law Section 2824 (“PAL 2824”).

Discussion:

PAL 2824 requires formal Board adoption of certain policies. Corporate Compliance has provided an exhibit book that includes the relevant policies for your review. The policies in the exhibit book are new or revisions to existing policies which have been approved by their respective Agencies.

Recommendation:

It is recommended that the Board approve the policies contained in the exhibit book.