



Metropolitan Transportation Authority

# October 2022

**MTA Board Action Items**



**MTA Board Meeting**  
**2 Broadway, 20th Floor Board Room**  
**New York, NY 10004**  
**Wednesday, 10/26/2022**  
**10:00 AM - 12:00 PM ET**

**1. PUBLIC COMMENT PERIOD**

**2. APPROVAL OF MINUTES**

**MTA and MTA Agencies Regular Board Meeting Joint Minutes - September 21, 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 19*

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

**5. COMMITTEE ON NYCT & BUS**

**NYCT & Bus Procurements Report**

*NYCT & Bus Procurements Report - Page 29*

**i. Non-Competitive**

*NYCT Non Competitive - Page 33*

**ii. Competitive**

*NYCT Competitive - Page 35*

**iii. Ratification**

*NYCT Ratification - Page 39*

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

**7. COMMITTEE ON FINANCE**

**MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 41*

**i. Non-Competitive**

*MTAHQ Non-Competitive Procurements - Page 45*

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 48*

**iii. Ratification (no items)**

**Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 54*

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

**9. 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, Metro-North Commuter Railroad Company,  
MTA Construction & Development, the MTA Bus Company and  
the First Mutual Transportation Assurance Company  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
Wednesday, September 21, 2022  
10:00 a.m.**

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

**Hon. Janno Lieber, Chair & CEO  
Hon. Andrew Albert  
Hon. Frank Borelli, Jr.  
Hon. Samuel Chu  
Hon. Michael Fleischer  
Hon. David Jones  
Hon. Blanca Lopez  
Hon. David Mack  
Hon. Isabel Midori Valdivia Espino  
Hon. Haeda B. Mihaltses  
Hon. Robert F. Mujica  
Hon. Harold Porr, III  
Hon. Sherif Soliman  
Hon. Lisa Sorin  
Hon. Vincent Tessitore, Jr.  
Hon. Elizabeth Velez  
Hon. Neal Zuckerman**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann  
Hon. Norman Brown\*  
Hon. Randolph Glucksman**

The following members were absent:

**Hon. Jamey Barbas  
Hon. Frankie Miranda  
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 and Security Officer, Richard Davey, President, NYCTA, Craig Cipriano, Chief Operating Officer, NYCT, Frank Annicaro, Acting President, MTA Bus Company, Catherine Rinaldi, President, Metro-North Railroad/LIRR Interim President, Daniel DeCrescenzo, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Chris Pangilinan, Vice President, Paratransit, Jaibala Patel, Chief, Office of the CFO, Jon Kaufman, Chief of Strategic Initiatives, Hugo Pizzaro, Chief People Officer, Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer, Cate Contino, Director, Special Projects & Community Relations, 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, Metro-North Commuter Railroad Company, the MTA Construction and Development 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, Metro-North Commuter Railroad Company, the MTA Construction and Development Company, and the First Mutual Transportation Assurance Company.

Chair Lieber called to order the September 2022 Board meeting.

General Counsel Paige Graves confirmed a quorum of the Board members in attendance and noted the Board member 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 either live virtually or in-person.

The MTA Moderator reminded public speakers of the rules of conduct and the two-minute speaking limit.

The Moderator announced that the public speaking session is expected to exceed the 60-minute allotted time for the public speakers' comments session and advised the remaining registered speakers to standby following the public speaking session, as the agency transitions to a separate live recording session. The Moderator advised that the public comments will be

recorded, published, and distributed to the MTA Board Members. The Moderator reminded speakers of the warning beep when 30 seconds remain to conclude their remarks.

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

Tom Wright, RPA  
Kara Gurl, PCAC  
Senator Andrew Gounardes\*  
Manhattan Borough President Mark Levine\*  
Lisa Daglian, Executive Director, PCAC  
Jean Ryan, President, DIA  
Cara Liebowitz, Advocacy Coordinator, BCID  
Councilmember Lincoln Restler\*  
Emerita Torres, The Community Service Society of New York\*  
Bruce Hain, private citizen  
Jack Nierenberg, Passengers United  
Jason Anthony, Amazon Labor Union  
Michael Ring, DIA  
Rick Horan, Queens Link\*  
Rachael Fauss\*  
Gian Pedulla, private citizen  
Maria Giffen-Castro, private citizen\*  
Lisa Gesson, BCID\*  
Joe Rappaport, BCID  
Senator Brad Hoylman\*  
Charlton D'Souza, President, Passengers United  
Michael Howard, private citizen  
Joe Pannell, private citizen  
Dr. Lucky Tran, Columbia University\*  
Ariana Parasco, private citizen\*  
Felicia Park Rogers, private citizen\*  
Jenean Frans, private citizen  
Sally Wolf, private citizen

The Moderator announced that the allotted time for the public speakers' session has been reached and advised the remaining registered speakers to standby as the agency transitions to a separate live recording session. Remote public speakers participating via Zoom were advised to standby and wait for further instructions from the Moderator. Public speakers in attendance were advised to assemble in conference room #4.

Chair Lieber acknowledged last month's oversight of the posting of the online posting of the testimonies of the remaining public speakers and the recording of their names in the Board minutes and he stated that it will be corrected. Chair Lieber thanked the public speaker for bringing it to the Board's attention and he thanked all the public speakers for their comments.

Following are the names of the remaining registered public speakers who spoke in the separate live recording session:

Aleta Dupree, private citizen  
Anna Pakman, private citizen  
Akhgar Ghassabian, NYU School of Medicine  
Jasmin Smith, private Citizen  
Myra Batchelder, private citizen  
Meredith Cann, private citizen  
Jaclyn Cohen, private citizen  
Gyda Sabaugh, private citizen  
Michael Ortiz, private citizen  
Diego Orozco, private citizen  
Andy Pollack, Passengers United  
Deborah Socolar, VaxPlus Coalition  
Lorraine Kim, private citizen  
Miriam Grossman, private citizen  
Miriam Fisher, private citizen

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

## **2. CHAIR LIEBER'S REMARKS.**

Chair Lieber thanked and welcomed back the Board members and the public to the MTA's first Board meeting since mid-summer. The Chair acknowledged Frankie Miranda, absent at today's meeting, who as President of the Hispanic Federation is working to provide relief and support for Puerto Rico during this difficult time. Chair Lieber stated that there is a special connection between New York and Puerto Rico, and Puerto Rico is very in much in everyone's hearts and minds at this time.

Chair Lieber extended a special welcome to the MTA's new Chief People Officer Hugo Pizarro, stating that the agency values having a first-class HR professional lead the organization that is recovering from a difficult period. Chair Lieber stated that the organization needs to be rebuilt in terms of personnel, and he stated that he is confident that Hugo Pizarro will lead the organization in this effort under the leadership of Lisette Camilo.

Chair Lieber noted the special presentation on today's agenda:

- Christopher Pangilinan, Vice President of Paratransit, presenting an overview of the Paratransit Program.
- Jamie Torres-Springer, President, MTA Construction and Development, presenting an update on the Capital Program, focusing on state of good repair as a huge feature of the program.
- Jon Kaufman, Chief of Strategic Initiatives, presenting an update on MTA's priorities outlined six months ago.

Chair Lieber stated that September has been a huge month for the MTA when it comes to ridership. The agency had two amazing weeks in a row following Labor Day, hitting new ridership records a week ago, and again reaching ridership highs on subways and the commuter railroads yesterday and today.

Subways beat the September 14<sup>th</sup> record, hitting 3.76 million riders. Metro-North carried more than 188,000 riders, the highest total since the pandemic. The Long Island Rail Road had its second-best day—204,000 riders, with their numbers consistently in excess of 200,000. OMNY share continues to increase, reaching almost 37%, which is a huge issue because the agency is working toward an effective transition to OMNY, and working to make sure that customers receive the advantages that tap and go have to offer in terms of fare discounts and special promotions.

Chair Lieber stated that he consistently presents maps every month, which are important because the maps show the stations with especially significant ridership growth since May. The Chair stated that systemwide ridership has grown 6% during that time, but the maps show stations that have grown more than 10%, which are the same stations that were lagging in the spring and in the early summer:

- Commuter rail hubs – Grand Central and Penn Station – 15-17% growth since May.
- Midtown South and Lower Manhattan, where a lot of the tech and creative economy jobs are located, as well as Downtown Brooklyn and LIC, seeing an above-average growth of 20% to 25%.
- Tourist destinations—Howard Beach/JFK Airport on the A line, Hudson Yards, the stations around the World Trade Center – 20-30% since May.

Chair Lieber stated that most of the recent ridership surge is attributable to white collar workers returning to their offices more frequently, along with tourism and school reopening. The blue collar and essential worker neighborhoods, which have continued to rely on mass transit right through the pandemic, have grown back to much higher levels than everywhere else. Chair Lieber credited the team that runs the service—strong service by every performance standard, and their on-time performance, service delivery, customer journey time and for hitting new marks, which he believes is part of the story of why riders are coming back, and partially because people are starting to feel safer in the system.

The Chair stated that customer perception of safety has improved according to the latest surveys, presented by Shanifah Rieara, Interim Chief Customer Officer, at Monday's Committee meeting. There is a gap between the large survey and the poll surveys, and that gap in time is showing people are getting more comfortable with safety issues, as reinforced by the Partnership for NYC's most recent surveys that shows more optimistic and positive view by their member companies, and by the workforce.

Chair Lieber stated that the MTA is taking the next step to keep riders safe by expanding security and equipping subway cars with interior-facing cameras, as announced by Governor Hochul yesterday. The Chair thanked the State of New York for allocating \$2 million to the MTA out of their federal pot, which together with the additional funds available from the

City's Subway Action Plan will enable the MTA to buy thousands of closed-circuit cameras to fit out the entire fleet in approximately two years. Chair Lieber stated that the MTA, partnering with the NYPD, wants to send a message that crime on the system and against riders will not be tolerated and will be fully punished.

Chair Lieber noted that NYPD Chief of Department Kenneth Corey joined Monday's Transit committee meeting and spoke at length about how the department is not only sending more officers into the subway system, but also taking a new approach to their patrols—with officers engaging more with customers and checking in more frequently with both conductors and bus operators. Chair Lieber stated that this new approach will build confidence and morale as more and more people see and have a sense of the police presence in the system. The officers will provide late-night homeless outreach support with the social service professionals and other professionals on the end of line operation, which is led mostly by the city, although supported by the Governor and State clinicians as well.

The Chair stated that the result is that the needle on crime is starting to move. Since January:

- Major index crimes per million passengers are down 36%.
- Track trespassing incidents, that are not only a tragedy for the human beings who are put at risk in that situation, but also impacts service—down 58%.
- Homeless counts down across the system, especially at Penn Station, where homelessness and quality of life issues have been reduced by almost 80%, because of a coordinated multi-agency effort led by Patrick Warren, Chief Safety and Security Officer in tandem with the NYPD, Amtrak and the MTAPD.
- Vandalism down 32%.

Chair Lieber stated that there has been an increase in Transit Adjudication Bureau (TAB) tickets for fare evasion. However, the agency is waiting on the blue-ribbon panel to provide more comprehensive strategy on how to conduct fare evasion enforcement in a way that is fair and even-handed, but also effective. In the meantime, the Chair stated that there are more fare evasion tickets, not arrests, being issued and the issuance of more summonses for dangerous behaviors like riding between train cars and for scams where people are breaking the vending machines and selling swipes or opening the fare gate or otherwise. Chair Lieber stated that President Rich Davey has started prioritizing and targeting some of the stations where these crimes are occurring and putting armed guards at these stations to try to protect the vending machines and deter fare evasion, and the agency is seeing significant results.

Chair Lieber stated that the Governor also joined staff earlier this month in Penn Station to celebrate the opening of the Long Island Rail Road concourse at Penn Station, and the Chair encouraged anyone who has not seen the new concourse to visit. The corridor has doubled in width to 57 feet, the height has been raised to 18 feet all the way through—a glimpse of what is to come under the Penn Station Reconstruction project championed by Governor Hochul, who has prioritized fixing Penn Station as soon as possible.

Chair Lieber stated that a few months ago, he joined Governor Hochul, Mayor Adams, the Governor of New Jersey and Amtrak leaders to celebrate the release of an RFP to design the

renovation of the existing Penn Station, and today the Board will vote on the award of the design contract for the station reconstruction. The team's selection includes a major international architecture firm, that designed the incredibly successful King's Cross renovation in London, which is probably the most significant precedent project for the renovation and reconstruction of the existing Penn Station.

Chair Lieber stated that he has never been shy about acknowledging the limitations and the shortcomings of the existing Penn Station—the low ceilings, the cramped spaces, the narrow corridors, and the shortage of sunlight, which are inhumane conditions that are really totally inappropriate for North America's busiest transportation facility, especially the passageways where commuters and workers are forced to access hard to navigate platforms. Chair Lieber stated that expanding these corridors will make a huge difference, and he credited President Jamie Torres-Springer and the C&D team for working hard to move the procurement along quickly.

Chair Lieber stated that one of the reasons the MTA is working hard to advance the Penn Station project is that in a few short years Metro-North rail cars will roll into Penn Station as part of the Metro-North to Penn project—sometimes referred to as the Four Bronx Stations project.

Chair Lieber stated that the agency must take advantage of the window of opportunity when ridership in Penn Station is going to be significantly reduced because a significant portion of the LIRR customers is going to move across to the new Grand Central Madison facility.

Chair Lieber stated that Governor Hochul's Interborough Express proposal is also moving into the next phase of public engagement. Tomorrow there will be a second virtual public hearing where staff will provide an overview of the project. This project will link Brooklyn and Queens without going through Manhattan—the bane of MTA's beloved subway system is with one exception, all the lines must go through Manhattan which is not direct for many people, and this project also deals with what is called transit deserts, or at least rail deserts, like East Flatbush and Maspeth. Chair Lieber stated that one thing he loves about this project is that it uses an existing right-of-way, leveraging more transit out of our existing facilities.

Chair Lieber stated that since the last public meeting, MTA C&D has been working hard to advance the alternative analysis to figure out whether it is our choice to do bus rapid transit, light rail or conventional heavy rail, and that decision is important because we need one modal option to study as part of the environmental process, which is going to kick off as soon as we reach that decision on what they call the Locally Preferred Alternative in the fall.

Next year, the MTA expects to release the proposed final plan for the Queens Bus Network Redesign early in the new year now that the most recent round of public engagement has been concluded. Chair Lieber stated that this was an enormous undertaking, and Cate Contino and many other people at the MTA's Government and Community Relations operation have been working on this, along with the bus design professionals at New York City Transit. The agency had 14 virtual public workshops, more than 3,500 comments submitted, 67,000 views of proposed routes, and people are taking notice. Chair Lieber thanked Cate Contino and

everybody at transit who worked on this project, and he thanked them in advance for the impending work once the final plan is released.

Chair Lieber acknowledged how far the agency has come in the five years since it started reimagining the entire bus network, beginning with Staten Island Express Buses in 2017, then the Bronx redesign which has been a huge success, before starting in Queens. The process was delayed during COVID, but the delay gave the agency an opportunity to restart Queens with a clean slate after the initial offering. Chair Lieber stated that the agency is back on track and gearing up to announce the release of the Brooklyn draft plan, expected later this year. The agency wants to line up the public discussion about the Brooklyn and Queens bus networks, in part because there are so many lines that cross between the two boroughs, and those linkages need to be discussed to move forward on that front.

Chair Lieber stated that Manhattan may be the last to get the redesign treatment, but it was planned that way in the hopes that the agency would have the congestion pricing moved along, and it could be part of the planning process to help everyone understand what impact congestion pricing is having on the large portion of Manhattan that is in the congestion zone.

The Chair stated that he is passionate about seeing these redesigns through, and as he has said many times, buses are the engines of equity and there are so many communities where buses are the definition of mass transit. Chair Lieber stated that he looks forward to working with the Board as the agency advances this work.

Chair Lieber stated that there is no denying that, like the state, the city and the entire region, the MTA is facing a range of challenges as it emerges from the pandemic, and perhaps never before have major challenges emerged simultaneously for both the operating budget, as reported by CFO Kevin Willens, and the capital budget. The MTA is moving into a new fiscal year and a historic legislative session that will address both of those issues to a significant degree. Chair Lieber stated that against this backdrop one thing that is strengthening his natural optimism is the caliber and chemistry of the MTA Board. As he and the Board members have grown to know each other in recent weeks and months it has become clear that the Mayor, the Governor, and all the other elected officials who select the members, have appointed an extraordinary group, joined by some stars who have been representing labor and the riders for quite some time—this Board is a very talented group.

Chair Lieber stated that MTA is grateful to have a team of such diverse background and talent to oversee the MTA's work through this dramatic period, and grateful to know that the members of the Board all share a passionate commitment to the MTA's extraordinary mission—the economic and educational opportunity for people in this region, environmental sustainability, equity, and accessibility. Chair Lieber thanked the Board in advance for what they will do to guide the organization in this tremendous year to come, and to help the organization advocate with decision makers in Albany and otherwise for the resources that will make it possible for the MTA to fulfill its mission.

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. PARATRANSIT UPDATE.**

Christopher Pangilinan, Vice President, Paratransit, provided an update on Paratransit and Access-A-Ride services.

Chair Lieber thanked Christopher Pangilinan for the presentation and invited Board discussion.

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

**4. CAPITAL PROGRAM UPDATE.**

Jamie Torres-Springer, President, MTA C&D, provided an update on the Capital Program.

Chair Lieber thanked Jamie Torres-Springer for the presentation and invited Board discussion.

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

**5. MTA PRIORTIES UPDATE.**

Jon Kaufman, Chief, Strategic Initiatives, provided a progress report on the MTA Priorities.

Chair Lieber thanked Jon Kaufman for the update and invited Board discussion.

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

**6. 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 July 27, 2022.

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

**7. MTA BRIDGES AND TUNNELS COMMITTEE.**

A. Procurements:

Board Member David Mack stated that there are no items to report for Board approval for MTA Bridges and Tunnels.

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

A. Procurement Item:

Upon a motion duly made and seconded, the Board:

- 1) Approved, on behalf of Metro-North, a modification to Metro-North's contract with Port Imperial Ferry Corporation, doing business as NY Waterway, for the ongoing provision of Haverstraw to Ossining and Newburgh to Beacon ferry service. The modification totaling \$8,244,372 includes funds for the continuance of service during the last quarter of 2022 and the exercise of the final two-year contract renewal option covering the period of January 2023 through December 2024. Funding for these services is provided by the New York State Department of Transportation (approximately 39%) and a federal grant (38%), with the remainder coming from Metro-North's operating funds and ferry revenue.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

**9. NEW YORK CITY TRANSIT AND BUS COMMITTEE.**

A. Procurement Item:

Upon a motion duly made and seconded, the Board:

1. Approved a modification to the contract with DPR Ultrasonic Technologies LLC, contract # 6% 19338, for Ultrasonic Internal Rail Flaw Inspections, adding a three-year extension of time.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

**10. CAPITAL PROGRAM COMMITTEE.**

A. Procurement Items:

Upon a motions duly made and seconded, the Board:

- 1) Approved the award of 13 publicly advertised and competitively solicited All Agency Discretionary Contracts utilizing New York State Certified Minority-Owned Business Enterprises, Women-Owned Business Enterprises and Service-Disabled Veteran-Owned Businesses to perform architectural and engineering design, project management, and inspection services on an as-needed basis for the aggregate not-to-exceed amount of \$30,000,000 and a duration of three years.

<u>Consultants</u>	<u>Contract Nos.</u>
1. AI Engineers, Inc.	D81691
2. Arora Engineers, Inc.	D81692
3. CSA Group NY Architects and Engineers, P.C.	D81693
4. Enovate Engineering and Land Surveying, PLLC	D81694
5. EnTech Engineering, PC	D81695
6. Garg Consulting Services, Inc.	D81696
7. Gedeon Engineering, PC dba Gedeon GRC Consulting	D81697
8. Infrastructure Engineering, Inc. P.C.	D81698
9. Kheops Architecture, Engineering & Survey, DPC	D81699
10. KS Engineers, P.C.	D81700
11. Naik Consulting Group, P.C.	D81701
12. PACO Group, Inc.	D81702
13. Ronnette Riley Architect	D81703

- 2) Approved the award of a publicly advertised and competitively solicited contract (VS250) for the interim maintenance of East Side Access facility assets to George S. Hall, Inc. in the amount of \$59,138,760 and a duration of nine months. The contract also includes two options, allowing for extensions of the Contract duration by six months each, for a total of up to 12 months, to be exercised at C&D's sole discretion, at a cost of \$7,263,864 for each option.
- 3) Approved the award of a modification to the Mainline Track Rehabilitation and Clifton Yard Track & Switch Reconfiguration in the Borough of Staten Island contract (T-80280) with Tracks Unlimited, LLC for the installation of a new drainage system at the Princes Bay station for the cost of \$2,350,000.
- 4) Ratified a modification to the Systems Facilities Package No. 1 for the East Side Access Project contract (CS179) to compensate the contractor for working extended shifts and to include an incentive for completing work along the Project's Right of Way no later than September 11, 2022 for the cost of \$4,367,204.
- 5) Ratified a modification to the Communications-Based Train Control for Queens Boulevard West Phase I contract (S-48004-1) with Siemens Industry to develop a customizable animated track map displaying real-time train location information from NYCT's B-Division on the large screen display in the NYCT Rail Control Center for the cost of \$1,690,000.

- 6) Approved the award of a publicly advertised and competitively solicited contract (C00005C) for architectural and engineering design services for the Penn Station Reconstruction Project to FXC WSP USA Architecture and Engineering JV for the not-to-exceed amount of \$57,919,761. The Board approval also provides C&D with authorization to exercise the options under the contract.

Refer to the staff summaries and documentation filed with the records of this meeting for the details on these items and to the video recording of the meeting, produced by the MTA and maintained in MTA records, for Board members' comments.

## **11. MTA COMMITTEE ON FINANCE.**

### **A. Action Item.**

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

1. Independent Engineer for TBTA Bond Issues. Approved a competitively negotiated personal services contract with Stantec Consulting Services Inc. to provide consulting services as an Independent Engineer required by the MTA Triborough Bridge and Tunnel Authority

### **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. Hill International, Inc. – Independent Engineer – No. 15733. Approved the award of a competitively negotiated personal services contract to Hill International, Inc. to provide Independent Engineer services for the Certification of Transit and Railroad Programs required by the bond covenants of the General Resolution Authorizing Transportation Revenue Obligations, for a term of five years from October 1, 2022 to September 31, 2027, with two 1-year renewal options for the not-to-exceed amount of \$4,762,800.

### **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.

## **Metropolitan Transportation Authority**

1. Acquisition of various permanent and temporary easements, through negotiated agreement or eminent domain, from various property owners in connection with Phase 2 of the Second Avenue Subway Project.
2. Approval for expansion of the Real Estate Policies and Procedures for the Licensing of Real Property regarding Grand Central Terminal Retail Licensing Program, as adopted on April 27, 2009 and amended July 22, 2020, September 23, 2020 and June 29, 2022, to include Grand Central Madison's retail concourse.

### **Metro-North Railroad**

3. Acquisition of fee interest and permanent easements in properties located in the Bronx, Queens, and Westchester for the Penn Station Access Project; and approval of Determination and Findings under the Eminent Domain Procedure Law with respect to the acquisition of property needed to facilitate the project.
4. Acquisition through negotiated agreements or eminent domain of real property interests, in connection with the Metro-North Upgrade Automotive Fuel System Project, located at 4 Fisher Lane (Westchester County Tax Map Section 120.20, Block 1, Lot 1), White Plains, Westchester, N.Y.

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

5. Surrender of surplus zoning floor area and certain easement interests to the City of New York pursuant to the NYCT Master Lease at the Garfield Place Substation, 276 4<sup>th</sup> Avenue (Block 456, Lot 29), Brooklyn, N.Y.
6. Lease extension for one year with Thor Equities for office space at 180 Livingston Street, Brooklyn, N.Y.
7. License agreement with South Hill Food, Inc., d/b/a Wetzels Pretzels, for two retail spaces at Atlantic Avenue Barclay's Center subway station, Brooklyn, N.Y.

## **12. EXECUTIVE SESSION.**

Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with Section 105(1)(e), to discuss labor matters.

Upon motion duly made and seconded, the Board voted to reconvene in public session.

## **13. PUBLIC SESSION RESUME.**

Chair Lieber announced that in Executive Session the Board approved:

1. Collective bargaining agreements between MTA Metro-North Railroad and the American Railway and Airway Supervisor Association – Maintenance of Equipment

- Division (ARSA-ME), representing such titles as General Foremen, Lead Foreman, Supervisors C&S, Assistant Supervisors C&S and others.
2. Collective bargaining agreements between MTA Metro-North Railroad and the American Railway and Airway Supervisor Association – Maintenance of Way Division (ARSA-MW), representing such titles as Supervisors and Assistant Supervisors, Structures; Supervisors and Assistant Supervisors, Track; and Bridge Inspectors.
  3. Collective bargaining agreements between MTA Metro-North Railroad and the International Brotherhood of Teamsters, Local 808 (IBT-Local 808).
  4. Collective bargaining agreements between MTA Metro-North Railroad and the National Conference of Firemen & Oilers (NCF&O).
  5. Collective bargaining agreement between MTA Long Island Rail Road and the National Conference of Firemen and Oilers (NCF&O).
  6. Collective bargaining agreements between New York City Transit/Manhattan Bronx Surface Transit Operating Authority and MTA Bus Company, and four separate bargaining units of the Transport Workers Union, Local 100 (TWU Local 100).
  7. Collective bargaining agreements between New York City Transit/Manhattan Bronx Surface transit Operating Authority and the Special Inspector Supervisor Employees Association (SISEA), representing approximately 39 supervisory employees.
  8. Collective bargaining agreement between the Staten Island Railway and the Subway Surface Supervisors Association (SSSA).

#### **14. EMPLOYEE COMMENDATION.**

Chair Lieber stated that over the last several weeks, New Yorkers took the 7 train and the LIRR out to Mets-Willets Point in Flushing in record numbers to see the world's best tennis players and the playoff-bound New York Mets, and in the middle of it all was a true New York City folk hero, who is known as "Megaphone Man." His enthusiasm for helping customers went viral as he directed traffic between Citi Field and the US Open, armed with an orange New York City Transit vest and a megaphone helping riders find their destination.

Chair Lieber called on Craig Cipriano, Chief Operating Officer, NYCT, who he said has the honor of recognizing this only-in-New York icon.

Craig Cipriano thanked Chair Lieber and stated that he is here to highlight the work of one of the heroic frontline workers at New York City Transit. Everyone thinks of essential workers as conductors and operators, but people like our traffic checkers are a vital part of day-to-day operations. Craig Cipriano stated that traffic checkers like Tremayne Cradle, a 22-year veteran MTA employee, are usually responsible for putting up alternate service posters in stations and helping customers get around during service disruptions, but sometimes, the opportunity arises for employees to help customers at special events, just like Tremayne Cradle did earlier this month. Between the U.S. Open and a Mets home game, the Mets-Willets Point subway station was one of the busiest in the NYCT system. Upon seeing a crowd of confused faces on the platform, Tremayne Cradle thought of a creative solution to help point baseball and tennis fans in the right direction.

A video was played of Tremayne Cradle's actions at the Mets-Willets Point subway station.

Craig Cipriano stated that NYCT prides itself on its commitment to improving the customer experience at every opportunity, and the agency is grateful to have Mr. Cradle on its Transit team.

Craig Cipriano presented Tremayne Cradle with a commendation for his exemplary customer service for customers in Queens.

Tremayne Cradle thanked Craig Cipriano and everyone at NYCT for the recognition and stated that it is a pleasure working with the organization.

**15. ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:08 p.m.

Respectfully submitted,

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

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Stephen N. Papandon  
Acting Vice President,  
General Counsel and Secretary  
Long Island Rail Road Company

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Mariel A. Thompson  
Assistant Secretary  
NYCT

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David K. Cannon  
Assistant Secretary  
MTA C&D

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Paul Friman  
Acting General Counsel  
and Corporate Secretary  
TBTA

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Victoria Clement  
Assistant Secretary  
MTAHQ

**Contracts Department**  
David Cannon, Vice President

**PROCUREMENT PACKAGE**  
October 2022



This is a picture of the Cross Bay Veterans Memorial Bridge which connects the Rockaway Peninsula to the rest of Queens. This months Procurement Package includes an action for work at both the Cross Bay Veterans Memorial and the Marine Parkway-Gil Hodges Memorial Bridges.

## PROCUREMENTS

The Procurement Agenda this month includes three actions for a proposed expenditure of \$35.7M.

<b>Subject</b> Request for Authorization/Declaration to Adopt a Resolution and to Award Various Procurement Actions					
<b>Contract Department</b> David K. Cannon, Vice President					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Capital Program Committee	10/24/22	X		
2	Board	10/26/22	X		

<b>Date:</b> October 21, 2022			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
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 adopt a resolution/declaration, award several 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>
B. Competitive Request for Proposals (Solicitation of Purchase/Public Work Contracts)	1	\$ -TBD-
C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)	1	\$ 33,665,000
SUBTOTAL	2	\$ 33,665,000
 <u>Schedules Requiring Majority Vote</u>	 <u># of Actions</u>	 <u>\$ Amount</u>
I. Modifications to Purchase and Public Work Contracts	1	\$ 1,997,500
SUBTOTAL	1	\$ 1,997,500
TOTAL	3	\$ 35,662,500

**Budget Impact**

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

**Recommendation**

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

## **MTA Construction & Development**

### **BOARD RESOLUTION**

**WHEREAS**, in accordance with Sections 559, 2879, 1209 and 1265-a of the Public Authorities Law and the All Agency General Contract 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 Service Contract Procurement Guidelines and the All Agency General Contract 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.

October 2022

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Third Vote:**

**Schedule B. Competitive Requests for Proposals (Solicitation of a Purchase/Public Work Contract)  
(Staff Summaries required for items estimated to be greater than \$1M)**

- |    |   |                            |                                      |
|----|---|----------------------------|--------------------------------------|
| 1. | <b>To Be Determined</b><br><b>Contract No. To Be Determined</b> | <b>\$ To Be Determined</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|----------------------------|--------------------------------------|

MTA Construction and Development requests that the Board declare competitive bidding impractical or inappropriate for all Design/Build contracts solicited through the end of 2025 and determine that it is in the public interest to issue competitive Requests for Proposals for such contracts pursuant to New York State Public Authorities Law Section 1265-a(4)(f) and Section 1209(9)(f) and the All Agency General Contract Procurement Guidelines.

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

- |    |  |                      |                                      |
|----|--|----------------------|--------------------------------------|
| 2. | <b>El Sol Contracting/ES II Enterprises JV</b><br><b>Contract No. CB-30</b><br><b>Twenty-Five Months</b> | <b>\$ 33,665,000</b> | <b><u>Staff Summary Attached</u></b> |
|----|--|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for design-build services for the rehabilitation of the main spans of the Cross Bay Veterans Memorial Bridge and repairs at the Marine Parkway-Gil Hodges Memorial Bridge.

**Procurements Requiring Majority Vote:**

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

- |    |  |                     |                                      |
|----|--|---------------------|--------------------------------------|
| 3. | <b>TC Electric/J-Track JV</b><br><b>Contract No. P36444.45</b> | <b>\$ 1,997,500</b> | <b><u>Staff Summary Attached</u></b> |
|----|--|---------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a modification to the Contract for the installation of switchgear equipment at Sutton Place.

<b>Dept &amp; Dept Head Name:</b> Legislative Services & Compliance, Contracts Samuel Schaffner, Senior Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/24/22	X		
2	Board	10/27/22	X		
Internal Approvals					
Order					
	Approval	Order	Approval		
X	Executive Vice President & General Counsel	X	President		

SUMMARY INFORMATION	
<b>Vendor Name</b>	<b>Contract Number</b>
RFP Authorizing Resolution	To Be Determined
<b>Description</b> All-Agency Omnibus Authorizing Resolution to solicit all Design/Build contracts by RFP through the end of 2025.	
<b>Total Amount</b> To Be Determined	
<b>Contract Term</b> To Be Determined	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	

**Purpose/Recommendation**

MTA Construction and Development requests that the Board declare competitive bidding impractical or inappropriate for all MTA Design/Build contracts through the end of 2025 and determine that it is in the public interest to issue competitive Requests for Proposals (“RFPs”) for such contracts pursuant to New York State Public Authorities Law Section 1265-a(4)(f) and Section 1209(9)(f) and the All Agency General Contract Procurement Guidelines. Board approval of each proposed contract award will continue to be required.

**Discussion**

Design/Build contracting is a delivery method used extensively by the MTA and, in fact, Public Authorities Law Section 1264(1) requires that all MTA agencies use Design/Build contracting for projects over specified dollar amounts absent a specific waiver from the New York State Budget Director. It is a procurement best practice to solicit Design/Build contracts using a competitive RFP process rather than by sealed bids because the competitive RFP process allows MTA to consider, in addition to price, non-price factors such as delivery schedule, design and construction approaches, the experience of the proposer, and negotiated contract terms. Experience and creativity of the design and construction team are particularly important factors to consider when selecting a Design/Build contractor.

Sections 1265-a subdivision 4(f) and 1209 subdivision 9(f) of the Public Authorities Law, however, require MTA to obtain Board approval to solicit purchase and public work contracts by RFP rather than by sealed bids. Because MTA makes extensive use of Design/Build, is required by statute to use Design/Build for many projects and because competitive RFP is the procurement best practice for Design/Build projects, it would be inefficient to seek Board approval to solicit individual Design/Build projects by competitive RFP. Therefore, it is requested that the Board provide an omnibus authorization to solicit all Design/Build contracts by competitive RFP rather than by sealed bids through the end of 2025. By eliminating the need for the Board to approve individual authorizing resolutions for individual Design/Build projects, this omnibus resolution will expedite award of Design/Build contracts. All proposed contract awards resulting from these competitive RFPs will continue to be submitted to the Board for approval prior to award.

**Schedule B: Competitive Request for Proposals Contracts**

Item Number 1

Page 2 of 2

The October 2019 Board approved a previous Omnibus Authorizing Resolution allowing MTA agencies to use the RFP method to solicit Design/Build contracts through the end of 2022. This request will allow MTA Construction & Development to use the RFP method to solicit Design/Build contracts through the end of 2025.

In accordance with MTA policy regarding the use of Design/Build, it is MTA's intent generally to pay stipends to proposers for Design/Build RFPs that are not selected yet provide proposals that are responsive to the RFP requirements. This will be done to enhance competition and defray proposal costs.

**Alternatives**

Request Board approval to use the competitive RFP process instead of sealed bids with individual authorizing resolutions for each Design/Build contract. Not recommended because the Design/Build method is used extensively, it is not a best practice to solicit Design/Build projects by sealed bids and it would be inefficient to obtain Board authorization to use a competitive RFP via individual authorizing resolutions for each Design/Build contract.

**Impact on Funding**

There is no impact on funding. This action only changes the method by which contracts for the required work are solicited.

<b>Dept &amp; Dept Head Name:</b> B&T Business Unit, Delivery Joe Keane, PE, Sr. VP and Program Executive					
<b>Contracts Department:</b> Jason Lange, VP and Associate General Counsel, B&T Tower					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/24/22	X		
2	Board	10/26/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
<b>Vendor Name</b> El Sol Contracting/ES II Enterprises JV	<b>Contract Number</b> CB-30
<b>Description</b> Design-Build Services for the Rehabilitation of the Main Spans of the Cross Bay Veterans Memorial Bridge and Repairs at the Marine Parkway-Gil Hodges Memorial Bridge	
<b>Total Amount</b> 1. CB-30: \$ 33,665,000 2. Stipend Payments: \$ 150,000	
<b>Contract Term</b> Twenty-Five Months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other	

**Purpose/Recommendation**

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to El Sol Contracting/ES II Enterprises JV for design-build services for the rehabilitation of the main spans of the Cross Bay Veterans Memorial Bridge and repairs at the Marine Parkway-Gil Hodges Memorial Bridge in the lump sum amount of \$33,665,000 and for a duration of twenty-five months. 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 in the amount of \$50,000 to be paid to each unsuccessful proposer whose proposal met defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$150,000 to the three unsuccessful proposers.

**Discussion**

The work under Contact CB-30 (the “Contract”) generally consists of strengthening, reinforcing and installing a redundant structural support system at the Cross Bay Veterans Memorial Bridge (“CBB”) and the removal of the existing CBB south pedestrian ramp and replacement with a new American with Disabilities Act compliant pedestrian ramp. The work also includes the replacement of the expansion joints and the installation of aluminum deck panels at the Marine Parkway-Gil Hodges Memorial Bridge. In addition, the work includes the installation of bridge monitoring instrumentation and in-lane sensors to detect and record weight-based traffic data at both bridges.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of five statements of qualifications, which were evaluated against pre-established selection criteria addressing record of performance for the design-build team, technical and managerial capacity and general responsibility. The following four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- American Structural Works and John Civetta & Sons, Inc. JV (“ASW/Civetta JV”)
- El Sol Contracting/ES II Enterprises JV (“El Sol/ES II JV”)
- Posillico Civil Inc. (“Posillico”)
- Restani Construction Corp. (“Restani”)

In response to the RFP, all four firms submitted technical and price proposals. The selection committee, consisting of representatives from C&D and Bridges and Tunnels, first reviewed the technical proposals and heard oral presentations from each of the respondents during which technical discussions were conducted. The selection committee evaluated the technical proposals utilizing pre-established selection criteria set forth in the RFP addressing the respondents’ technical approach, qualifications of the firm, team organization, schedule, and record of diversity practices. The selection committee determined that all four teams submitted technical proposals that were responsive. Following oral presentations, the selection committee next opened the price proposals, which were as follows: ASW/Civetta JV – \$33,774,500; El Sol/ES II JV - \$34,415,000; Restani - \$45,785,000; and Posillico - \$47,665,100.

Based upon its review of the technical and price proposals, and discussions during oral presentations, the selection committee determined that the proposals submitted by ASW/Civetta JV, El Sol/ES II JV and Restani were in a competitive range and should be requested to submit Best and Final Offers (“BAFO”). ASW/Civetta JV demonstrated good understanding of the technical requirements of the RFP and provided the lowest cost; El Sol/ES II JV demonstrated a strong understanding of all the components of the scope of work and provided a competitive cost and; Restani demonstrated a strong technical understanding of the RFP, and the associated risks, while proposing an enhancement that would further minimize operational impacts. Posillico’s proposal demonstrated a limited understanding of the project objectives and requirements and, failed to demonstrate the experience and expertise needed for this scope of work.

The BAFO’s submitted by ASW/Civetta JV, El Sol/ES II JV and Restani were as follows:

ASW/Civetta JV	\$33,372,500
El Sol/ES II JV	\$33,665,000
Restani	\$44,122,000

After review of the BAFOs, the selection committee unanimously recommended El Sol/ES II JV for award of the Contract. All three firms included a reduction from their original prices and ASW/Civetta JV was the lowest of the three. However, the selection committee determined that El Sol/ES II JV offered the best value to C&D based on the strength of their technical proposal and reduction of their schedule to 25 months, which was the shortest schedule duration, 5 months less than the schedule contained in the RFP and the schedule proposed by ASW/Civetta JV, and 1.5 months less than the schedule proposed by Restani. El Sol/ES II JV’s BAFO cost was the second lowest behind ASW/Civetta JV however with the savings obtained in the schedule and the strength of their technical proposal, their proposal was determined to provide the best value to the MTA.

El Sol/ES II JV is deemed to be a responsible contractor.

**DBE/MBE/WBE/SDVOB Information**

The MTA Department of Diversity and Civil Rights (“DDCR”) has established 15% MBE, 15% WBE and 6% SDVOB goals on this contract. El Sol Contracting/ES II Enterprises LLC JV’s Utilization Plan is currently under review by DDCR. Award of this Contract will not be made without DDCR’s approval. El Sol Contracting/ES II Enterprises LLC JV has achieved its goals on all recently completed contracts.

**Impact on Funding**

Funding for the Contract and stipends for the three unsuccessful respondents are funds derived from Bridges and Tunnels portion of the MTA’s 2020-24 Capital Program.

**Alternatives**

None are recommended. Currently, C&D lacks the in-house technical personnel to perform the scope of work associated with the Contract.

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

Item Number 3

<b>Vendor Name (Location)</b> TC Electric/J-Track JV (Whitestone, New York)	<b>Contract Number</b> P36444	<b>Modification No.</b> 45
<b>Description</b> Design-Build Services for the Rutgers Tube Rehabilitation	<b>Original Amount:</b>	\$ 90,500,000
<b>Contract Term (including Options, if any)</b> July 28, 2020 – December 31, 2021	<b>Prior Modifications:</b>	\$ 20,945,165
<b>Option(s) included in Total Amt?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<b>Prior Budgetary Increases:</b>	\$ 0
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	<b>Current Amount:</b>	\$ 111,445,165
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request:</b>	\$ 1,997,500
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amt.:</b>	1.8%
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Delivery/Mark Roche	<b>% of Modifications (including This Request) to Original Amount:</b>	25.4%

**Discussion:**

Contract P36444 (the “Contract”) is for the rehabilitation of the Rutgers Tube. MTA Construction and Development Company requests Board approval to award a modification to the Contract for the installation of switchgear equipment at Sutton Place.

In October 2020, the Board approved Contract Modification No. 1 to the Contract which added work for pump room controls upgrades for the 53<sup>rd</sup> Street Tube, which runs between the Lexington Avenue/53<sup>rd</sup> Street Station in Manhattan and the Court Square-23<sup>rd</sup> Street Station in Queens. The systems and components within the 53<sup>rd</sup> Street Tube were damaged during Superstorm Sandy by the storm surge inflow of saltwater. The 53<sup>rd</sup> Street work is essential to implement resiliency measures that will protect against future flooding of the Tube.

After award of Modification No. 1, TC Electric/J-Track JV identified significant deterioration and corrosion of the electrical systems feeding the fan plants, pump rooms and related equipment at Sutton Place which are being addressed through a number of modifications. At the July 2022 Board meeting, Modification No. 43 was approved for the purchase of long lead time switchgear equipment at Sutton Place. At that time, the Board was advised that installation of the switchgear would be addressed in a subsequent modification. This modification is for the installation of the switchgear and associated electrical distribution system from Con Edison. This modification also includes the purchase and installation of power cables, conduits, utility duct bank from the street property line manholes to the switchgear.

TC Electric/J-Track JV’s proposal for this modification was for \$2,573,658. Negotiations were held and the parties agreed to an amount of \$1,997,500 which is considered fair and reasonable.



# **New York City Transit Procurements**

**Louis Montanti**, MTA Deputy Chief Procurement Officer – Procurement Operations

## PROCUREMENTS

The Procurement Agenda this month includes 5 actions for a proposed estimated expenditure of \$1,826.1M.

<b>Subject</b>	Request for Authorization to Award Various Procurements
<b>Department</b>	MTA Procurement
<b>Department Head Name</b>	Kuvershen Ayer
<b>Department Head Signature</b>	<i>Kuvershen Ayer</i>
<b>Project Manager Name</b>	Rose Davis

October 20, 2022
<b>Department</b>
<b>Department Head Name</b>
<b>Department Head Signature</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	10/24/22			
2	Board	10/26/22			

Internal Approvals			
	Approval		Approval
	President NYCT		Deputy CFO
X	COO	X	Subways
X	Capital Prog. Management	X	Diversity/Civil Rights
X	Law		

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

**PURPOSE**

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

**DISCUSSION**

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

<u>Procurements Requiring Two Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Noncompetitive Purchases and Public Work Contracts	1	\$ 7.2 M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 7.2 M</b>

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

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 32.3 M
Schedule I: Modifications to Purchase and Public Works Contracts	1	\$ 1,782.5 M
<b>SUBTOTAL</b>	<b>2</b>	<b>\$ 1,814.8 M</b>

**NYC Transit proposes to award Ratifications in the following categories:**

<u>Schedules Requiring Two-Thirds Vote:</u>		
Schedule D: Ratification of Completed Procurement Actions	2	\$ 4.1 M
<b>SUBTOTAL</b>	<b>2</b>	<b>\$ 4.1 M</b>
<b>TOTAL</b>	<b>5</b>	<b>\$ 1,82 6.1M</b>

**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.

**OCTOBER 2022**

**LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

***Procurements Requiring Two-Thirds Vote:***

**A. Noncompetitive Purchases and Public Work Contracts**  
(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- |   |                    |   |
|---|--------------------|---|
| <b>1. Plasser American Corporation</b>  | <b>\$7,165,000</b> | <b><i><u>Staff Summary Attached</u></i></b> |
| <b>Five Years</b>   |                    |   |
| <b>Contract # SSE 386665</b>  |                    |   |
| Multi-agency estimated quantity contract for the purchase of replacement parts, repair services, troubleshooting, and training for various Maintenance-of-Way equipment for NYC Transit, Long Island Rail Road, and Metro-North Railroad. |                    |   |

**Schedule A: Noncompetitive Purchases and Public Work Contracts**



Item Number: 1

<b>Vendor Name (Location)</b> Plasser American Corporation (Chesapeake, Virginia)
<b>Description</b> Purchase of Replacement Parts and As-Needed Repair of Plasser-manufactured Maintenance-of-Way Equipment
<b>Contract Term (including Options, if any):</b> Five Years
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Negotiation

<b>Contract Number</b> SSE 386665	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Estimated Amount:</b> NYCT: \$4,500,000 LIRR: \$1,165,000 MNR: \$1,500,000	\$7,165,000
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Department:</b> Department of Subways; Demetrius Crichlow	

**Discussion:**

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law Section 1209, Subsection 9(b) due to the existence of a single responsible source, and approve the award of a multi-agency estimated quantity contract to Plasser American Corporation (“Plasser”) for the purchase of replacement parts, repair services, troubleshooting, and training for various Maintenance-of-Way equipment (“Equipment”) for NYC Transit, Long Island Rail Road (“LIRR”), and Metro-North Railroad (“MNR”). The sole-source advertisement for this requirement did not receive any responses.

Plasser has manufactured various pieces of Equipment in use at MTA including track geometry cars, ballast regulators, and track stabilizers, among others. All Equipment and related subsystems were manufactured by Plasser or other subsystem suppliers and integrated by Plasser. MTA Agency personnel perform basic maintenance and repair of the Equipment. However, Equipment that is unable to be repaired by MTA personnel will be repaired by Plasser. The Equipment is comprised of sophisticated electronic and mechanical devices specifically designed to perform various functions required for installing, testing, and maintaining each agency’s track system. Plasser is a worldwide leader in the transit and railroad industries. All parts and services that Plasser provides on this contract are performed by and/or proprietary to Plasser. Only Plasser has the factory-trained personnel capable of properly troubleshooting its Equipment, recommending and/or performing repair work, and training in-house forces in the appropriate repair procedures. Replacement parts will be installed either by trained MTA agency personnel tasked with the responsibility of day-to-day maintenance, or by Plasser, if required.

NYC Transit’s equipment includes four track geometry cars, eight switch and production tampers, and four ballast distributors/regulators. LIRR’s equipment includes one track geometry car, three ballast regulators, three track stabilizers, three switch and production tampers, twelve switch panel handling units, and eight ballast hopper cars. MNR’s equipment includes one track geometry car, two production tampers four track stabilizers, three catenary maintenance vehicles, and two catenary wire reel trailers. Any additional Plasser Equipment acquired by the agencies during the term of this agreement will be covered under this contract.

Pricing on this contract for all agencies is based on various fixed discounts from the *Plasser Parts and Service Price List* through the length of the contract term. The price list is published to the industry and uniform for all customers. Through price negotiations, cost avoidance of \$179,125 was achieved. Plasser has certified that the MTA agencies receive a greater discount on Plasser parts than any other transit agency in North America and that the MTA agencies are receiving its most favored customer pricing for both parts and service. The pricing offered by Plasser for this procurement action has been found fair and reasonable.

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

Plasser has certified that pursuant to EO 16 it is not doing business in Russia.

Award of this procurement action is subject to approval by the Office of the New York State Comptroller.

**Impact on Funding**

This requirement will utilize Operating funding.

OCTOBER 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

*Procurements Requiring Majority Vote:*

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

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

2. **C2K Partners** **\$32,314,258** *Staff Summary Attached*  
**126 Months + 2 Options**  
**Contract # R84505**  
Post-award consulting services for the R34211 subway car contract.

**I. Modifications to Purchase and Public Work Contracts**

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

3. **Kawasaki Rail Car, Inc.** **\$1,782,497,142** *Staff Summary Attached*  
**10 years, 3 months**  
**Contract # R34211 AWO 81**  
Exercise an option to purchase 640 additional subway cars and related non-car items such as spare parts special tools, diagnostic test equipment, technical documentation, and training for NYC Transit Department of Subways.

**Item Number: 2**

<b>Vendor Name (Location)</b> C2K Partners (New York, New York)
<b>Description:</b> Post Award Consulting Services for the R211 Subway Car Contract
<b>Contract Term (including Options, if any)</b> 126 months (includes two options)
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Department:</b> Department of Subways, Demetrius Crichlow

<b>Contract Number</b> R84505	<b>Modification #</b> 6
<b>Original Amount:</b>	\$62,623,706
<b>Prior Modifications:</b>	(\$1,883,688)
<b>Current Amount:</b>	\$60,740,018
<b>This Request:</b>	\$32,314,258
<b>% of This Request to Current Amount:</b>	53.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	48.6%

**Discussion:**

NYC Transit is seeking Board approval to award Modification 6, Post Award Consulting Services for the R34211 Subway Car Contract, to C2K Partners (“C2K”), a joint venture comprised of LTK Engineering Services of New York LLP and CH2M Hill New York, Inc. (“CH2M”) in the estimated amount of \$32,314,258. The R34211 Subway Car Contract is for the design, manufacturing, and delivery of 535 subway cars comprising 440 closed-end cars (R211A), 20 open gangway cars (R211T) for NYC Transit’s “B” Division, and 75 cars (R211S) for Staten Island Railway.

Based on a competitive Request for Proposals (“RFP”) solicitation, and after obtaining Board approval, the original contract (R84505) was awarded to C2K on March 1, 2018, in the amount of \$62,623,706. Support services under this contract include project management, quality management, and negotiations support. C2K also supports NYC Transit with (1) industrial design, car mock-up reviews, and on-site engineering reviews; (2) Buy America and U.S. Employment Plan audits; (3) various inspection services including first article inspection, pre-shipment inspection, on-site inspection; and (4) testing services.

There have been five previous modifications to this contract: (1) incorporating certain discounts on travel expenses, (2) addressing a cost reduction, (3) adjusting the overhead rate of one of the subconsultants, (4) provide additional consulting support for procurement activities for the R211 Option 1 negotiations, and (5) other administrative functions in support of the R34211 contract. The total value of these modifications was a credit of \$1,883,688. NYC Transit will be coming to the subsequent Board for the approval to exercise Option 1 to provide consulting support for Option 1 for the R34211 Contract.

Under this modification, the Department of Subways, Division of Car Equipment (“DCE”) is requesting additional engineering consultant support for the following reasons: (1) DCE has recently lost a considerable number of personnel through attrition, which has contributed to an overall loss of institutional knowledge. Thus, acquiring additional engineering consultant services will ensure adequate staffing for NYC Transit in support of the R34211 Contract; and (2) as work under the R34211 Contract progressed, the car manufacturer experienced project delays, which are currently under review from the excusability standpoint by NYC Transit. These delays have led to a substantial increase in the required consultant support for engineering and quality assurance oversight.

C2K submitted its proposal of \$32,830,149, based on the projected activities in accordance with the R211 production schedule and the estimated annual rate adjustment calculated based on a price index formula set forth in the R84505 Contract. Negotiations resulted in the final price of \$32,314,258. Procurement and NYC Transit’s Cost Price Analysis Unit have determined the price to be fair and reasonable.

CH2M has been found to be responsible notwithstanding Significant Adverse Information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and CEO in consultation with the MTA General Counsel in December 2013<sup>1</sup>. No new SAI has been found relating to CH2M and CH2M has been found to be responsible.

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

C2K has certified that pursuant to EO 16 it is not doing business in Russia.

**Impact on Funding:**

This modification will be funded from within projects’ surplus and from the 2015 – 2019 Program contingency.

<sup>1</sup> CH2M was acquired by Jacobs on December 15, 2017. No SAI has been found for Jacobs.

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



**Item: 3**

<b>Vendor Name (Location)</b> Kawasaki Rail Car, Inc. (Yonkers, New York)
<b>Description</b> 440 new closed-end subway cars and 20 Open Gangway subway cars for the "B" Division, 75 cars for Staten Island
<b>Contract Term (including Options, if any)</b> January 2018–April 2028
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Department:</b> Department of Subways, Demetrius Crichlow

<b>Contract Number</b> R34211	<b>AWO/Mod. #:</b> 81
<b>Original Amount:</b>	\$ 1,444,997,948
<b>Prior Modifications</b>	\$ 19,147,506
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 1,464,145,454
<b>This request:</b>	\$ 1,782,497,142
<b>% of This Request to Current Amount:</b>	121.7%
<b>% of Modifications (including This Request) to Original Amount:</b>	124.7%

**Discussion:**

This modification is for the exercise of a federally funded option to purchase 640 additional subway cars and related non-car items such as spare parts, special tools, diagnostic test equipment, technical documentation, and training for NYC Transit’s Department of Subways from Kawasaki Rail Car, Inc. (“Kawasaki”) in the estimated amount of \$1,782,497,142.

In January 2018, the Board authorized the award of Contract R34211 to Kawasaki to design, build, and deliver 535 subway cars comprised of 440 closed-end cars (R211A), 20 Open Gangway (R211T) cars for NYC Transit “B” Division, and 75 cars for Staten Island Railway, as well as related non-car items such as spare parts, special tools, diagnostic test equipment, technical documentation, and training in the amount of \$1,444,997,948. The contract includes two options: Option 1 for 640 cars and Option 2 for 333 or 437 cars. This action is to exercise Option 1. Delivery of cars under Option 1 is anticipated from February 2025 through December 2026. All Option 1 cars are configured in five-car operating units.

The cars to be purchased under Option 1 will provide replacements for the R46 fleet that runs on the A and C lines. These cars, like the cars in the base contract, will be Communications-Based Train Control (“CBTC”) equipped and facilitate the continued expansion of CBTC on the 8th Avenue line.

Throughout the course of this contract, modifications were made, which in some instances impacted the cost of the option cars. These costs were reviewed by NYC Transit and are contained in the cost of the cars.

The pricing for option cars is subject to an adjustment formula resulting from changes in labor and material cost indices, currency exchange rates, and other agreed-upon factors included in the base contract. The option pricing was considered fair and reasonable at the time of the contract award (2018). Therefore, since Option 1 pricing has been escalated according to indices and adjusted to reflect currency changes already included in the base contract, the option price is considered to be fair and reasonable. The proposed escalated price was \$1,811,514,132 in advance of negotiations.

Negotiations for this option were necessary based on Kawasaki’s requested changes to the original terms of the contract. NYC Transit and Kawasaki explored mutually beneficial commercial alternatives which centered around Kawasaki’s requested increase in the advance payment, as well as aspects of the delivery schedule that differed from what was originally proposed and agreed to as part of the base contract. The net savings after negotiations, and after credits are applied and adjustments made from the original proposal totals \$29,016,990. The FTA has been notified of the advance payments as well as the security requirements for the performance of the work, to secure its concurrence. All advance payments will be collateralized.

Kawasaki has the experience, technical capability, resources, and facilities to perform the work required. The Controller's Office found that there was reasonable assurance that Kawasaki can perform the work under this option.

Kawasaki has certified pursuant to EO 16 that it is not doing business in Russia.

This contract was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, any applicable cybersecurity requirements, to the extent required, have been included in the base contract.

**MBE/WBE/TVM**

Because this contract is FTA funded, the FTA Transit Vehicle Manufacturer program applies. Kawasaki complies with this FTA program.

**Impact on Funding**

This Option is funded with FTA funds. This project is included in the approved 2020–2024 Capital Program.

OCTOBER 2022

LIST OF RATIFICATIONS FOR BOARD APPROVAL

*Procurements Requiring Two-Thirds Vote:*

**D. Ratification of Completed Procurement Actions**

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

**4. Coach & Equipment Manufacturing Corp. \$4,101,721 (aggregate) *Staff Summary Attached***  
Three months

**5. Fenton Mobility Products**  
Six months

Contract #s **6%19338**  
**6%30440**

Ratification of an Immediate Operating Need to approve the purchase of 20 Paratransit Ford Cutaway buses manufactured by Coach & Equipment Mfg. Corp. and 20 Paratransit Ford Transit vans from Fenton Mobility Products Inc.

## Schedule D: Ratification of Completed Procurement Actions

### Item Numbers: 4–5

<b>Vendor Names (Locations)</b> Coach & Equipment Mfg. Corp. (Penn Yan, New York) Fenton Mobility Products Inc. (Randolph, New York)	<b>Contract Numbers</b> 6%30329 6%30440	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Purchase of 20 Paratransit Ford Cutaway Buses Purchase of 20 Paratransit Ford Transit Vans	<b>Total Amount:</b> (Coach & Equipment Mfg.) \$2,170,000      \$4,101,721 (Fenton Mobility Products) \$1,931,721	
<b>Contract Term (including Options, if any).</b> July 2022–October 2022 August 2022–February 2023	<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<b>Requesting Department</b> Department of Paratransit, Christopher Pangilinan	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive		
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need		

### Discussion:

It is requested that the Board formally ratify the declaration of an Immediate Operating Need (“ION”) approved by the Deputy Chief Procurement Officer, MTA Procurement, waiving formal competitive bidding pursuant to Article III, Paragraph A, of the All-Agency Procurement Guidelines and Public Authorities Law 1209 subsection 9(a) and approve the purchase of 20 Paratransit Ford Cutaway buses manufactured by Coach & Equipment Mfg. Corp. (“C&E”) and 20 Paratransit Ford Transit vans from Fenton Mobility Products Inc. (“FMPI”).

Paratransit transportation service is a federally mandated service in accordance with the Americans with Disabilities Act of 1990. NYC Transit operates this service under the name Access-A-Ride (“AAR”), providing origin-to-destination, demand-response, shared-ride transportation for individuals with disabilities who cannot use fixed-route public buses and subways. Under this model, NYC Transit procures vehicles and leases them to dedicated service providers so that a standard, safe and uniform vehicle is operated by all AAR providers. NYC Transit’s Paratransit fleet consists of 1,313 vehicles, made up of 859 Ford E-350 cutaway buses, 427 MV-1 vehicles, 17 Ford Transit vans, and 10 Ford Transit cutaway buses.

Paratransit recently secured funding to procure 288 Ford E-350 cutaway buses and 72 Ford Transit vans to replace vehicles which have been damaged or reached the end of their useful life. Supply chain issues currently affecting the automotive and truck industries are causing delivery of new vehicles to take between 12 and 18 months from contract award. Due to the urgent need for vehicles, a market survey was conducted to determine the possibility of acquiring vehicles faster than 12–18 months. Out of nine vendors contacted, only C&E and FMPI indicated that they were able to provide a small quantity of vehicles on an expedited schedule. Both manufacturers have previously delivered quality, durable products, to the MTA which have successfully navigated the harsh operating environment of NYC roads. Due to an urgent need to replace vehicles, an Immediate Operating Need was declared to purchase 20 Paratransit Ford Cutaway buses from C&E and 20 Paratransit Ford Transit vans from FMPI.

Procurement solicited both vendors. Pricing of \$110,183 per bus was received from C&E. Through discussions, C&E offered a price reduction of \$1,683 per bus resulting in a total savings of \$33,660. The cutaway buses will be delivered by October 31, 2022. Pricing of \$96,886 per van was received from FMPI. Through discussions, FMPI offered a price reduction of \$300 per van resulting in a total savings of \$6,000. The vans will be delivered by February 28, 2023.

Procurement, Paratransit, and MTA’s Cost/Price Analysis Unit have determined the final prices to be fair and reasonable. The Office of the Controller performed a financial review and found there is reasonable assurance that both C&E and FMPI are financially qualified to perform this contract.

Both C&E and FMPI have certified that pursuant to EO 16 they are not doing business in Russia.

### Impact on Funding

Funds are available in the project for the purchase of 288 Ford E-350 cutaway buses and 72 Ford Transit vans.



# MTA Headquarters Procurements

**Kuvershen Ayer**, Chief Procurement Officer – Office of the Chief Procurement Officer



## PROCUREMENTS

The Procurement Agenda this month includes 16 actions for a proposed estimated expenditure of \$76.8M.

<b>Subject</b>	Request for Authorization to Award Various Procurements				
<b>Department</b>	MTA Procurement				
<b>Department Head Name</b>	Kuvershen Ayer				
<b>Department Head Signature</b>	<i>Kuvershen Ayer</i>				
<b>Project Manager Name</b>	Rose Davis				
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	10/24/22			
2	Board	10/26/22			

October 21, 2022			
<b>Department</b>			
<b>Department Head Name</b>			
<b>Department Head Signature</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
1	CAO		
2	Legal		
3	CFO		

**Internal Approvals (cont.)**

<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>

**PURPOSE**

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

**DISCUSSION**

**MTAHQ proposes to award Noncompetitive procurements in the following categories:**

Schedules Requiring Majority Vote:

Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$	13.5 M
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**MTAHQ proposes to award Competitive procurements in the following categories:**

Schedules Requiring Majority Vote:

Schedule G: Miscellaneous Service Contracts	15	\$	63.3 M
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**MTAHQ proposes to award Ratifications in the following categories: None**

	<b>TOTAL</b>	<b>16</b>	<b>\$</b>	<b>76.8 M</b>
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**COMPETITIVE BIDDING REQUIREMENTS:** The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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

## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

**LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

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

- |   |                     |                                      |
|---|---------------------|--------------------------------------|
| <b>1. CH2M Hill NY, Inc.<br/>Nine Years<br/>Contract # A-86071 AWO 13</b>   | <b>\$13,482,418</b> | <b><u>Staff Summary Attached</u></b> |
| Modification to the contract to provide consultant services in support of NYC Transit's New Fare Payment System, adding a three-year extension. |                     |                                      |

**Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts**
**Item Number: 1**

<b>Vendor Name (Location)</b> CH2M Hill New York, Inc. (New York, New York)
<b>Description</b> Consulting Services for NYC Transit's New Fare Payment System
<b>Contract Term (including Options, if any)</b> December 31, 2013–October 31, 2022
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Department</b> MTA Fare Payment Programs, Amy Linden

<b>Contract Number</b> A-86071	<b>Modification #</b> 13
<b>Original Amount:</b>	\$ 4,498,136
<b>Prior Modifications:</b>	\$ 10,698,823
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 15,196,959
<b>This Request:</b>	\$ 13,482,418
<b>% of This Request to Current Amount:</b>	88.7%
<b>% of Modifications (including This Request) to Original Amount:</b>	537.6%

**Discussion:**

MTA Headquarters is seeking Board approval to modify the existing CH2M Hill New York, Inc. (“CH2M”) contract to provide consultant services in support of NYC Transit’s New Fare Payment System (“NFPS”), adding a three-year extension (November 1, 2022–October 31, 2025) and additional funding in the amount of \$13,482,418. The NFPS contract was approved by the Board in October 2017 and awarded to Cubic Transportation Systems, Inc. on November 1, 2017.

This contract, awarded in December 2013, provides consultant support for the NFPS program consisting of (1) pre-award support services for the NFPS Request for Proposal (“RFP”) including assistance in developing the NFPS technical specifications and RFP solicitation package, evaluation of proposals, negotiations, and selection of a Systems Integrator to design and implement the NFPS, and (2) post-award support services including assistance in NFPS design reviews and oversight of the installation and implementation activities to allow the MTA to effectively monitor and manage the NFPS program.

The prior modifications, totaling \$10.7 million, were processed in connection with CH2M’s work on pre-award support services including the January 2018 Board–approved Modification 5 to extend the contract by 54 months (through October 31, 2022) and add funds to ensure continued post-award consultant support services. These modifications included expanding the initial RFP scope to add specifications for Long Island Rail Road (“LIRR”) and Metro-North Railroad (“MNR”), incorporate requirements for a Fare Control Area Local Area Network, review alternative operational methods for select bus services, and review of Paratransit operations and how its requirements can be integrated.

This modification will increase the number of CH2M consultant staff needed to complete the post-award support services associated with the NFPS/One Metro New York (“OMNY”) design/build contract; and provides operational support services. During the extension period, CH2M and its subcontractors will perform NFPS/OMNY support activities including but not limited to program management and oversight, consulting support for additional field installations, system design reviews, rollout and testing, integration with LIRR and MNR systems, fare policy and analysis, change management/communications, scope changes, and schedule management and control. The NFPS/OMNY substantial completion is forecasted for February 28, 2025, and final completion for March 4, 2026. The work between substantial completion and final completion is deemed administrative and does not require full CH2M consultant services beyond the contract expiration date of October 31, 2025.

The final estimated price of \$13,482,418 for this extension includes an increase in CH2M staff from 12 to 19 consultants with hourly rates ranging from \$44.51 to \$156 depending on various roles and skill sets. The total number of estimated hours are based on supporting remaining NFPS/OMNY activities described above in accordance with the master program schedule, and potential expansion of scope. This estimated final price also includes NYS certified MWBE subcontractor costs of \$3,233,711, which will exceed the goals established in the contract.

## Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

For this extension period, the final estimated price reflects an average annual escalation of 2.4 percent applicable to the hourly rates, which is less than the 7.2 percent annual increase index published by the US Bureau of Labor Statistics for consulting services. CH2M agreed to reduce its overhead rate. MTA has determined that the rates for the extension are fair and reasonable.

CH2M has been found to be responsible notwithstanding Significant Adverse Information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and CEO in consultation with the MTA General Counsel in December 2013<sup>1</sup>. No new SAI has been found relating to CH2M and CH2M has been found to be responsible.

This contract is being evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law regulations. Any applicable cybersecurity requirements, to the extent required, will be included in the modification.

CH2M has certified that pursuant to EO 16 it is not doing business in Russia.

### **Impact on Funding**

Funding for this contract is provided by NYC Transit Capital Budget.

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<sup>1</sup> CH2M was acquired by Jacobs on December 15, 2017. No SAI has been found for Jacobs.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

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

<b>2. ABSG Genesis Technology Solutions</b>	<b>\$49,170,000 (aggregate)</b>	<b><u>Staff Summary Attached</u></b>
<b>3. Accenture LLP</b>	↓	↓
<b>4. AMCL</b>	↓	↓
<b>5. ARCADIS</b>	↓	↓
<b>6. Atkins P.A.</b>	↓	↓
<b>7. Cambridge Systematics, Inc.</b>	↓	↓
<b>8. CH2M Hill New York, Inc.</b>	↓	↓
<b>9. eVision</b>	↓	↓
<b>10. GHD Inc.</b>	↓	↓
<b>11. LCE</b>	↓	↓
<b>12. Nexus Global Business Solutions, Inc.</b>	↓	↓
<b>13. Synergy Solutions</b>	↓	↓
<b>14. Vesta LLC</b>	↓	↓
<b>15. WSP USA Inc.</b>	↓	↓

7 years

**Contract #s 15133-0100 through 15133-2000 AWO 1**

A two-year contract extension and an increase in funding for ongoing and future Enterprise Asset Management digitalization and sustainment efforts.

**16. Scheidt & Bachmann Fare Collection Systems GmbH**      **\$14,092,392**      **Staff Summary Attached**

**23 years, 8 months**

**Contract # 90000000002860 AWO 8**

A three-year extension and additional funds to continue comprehensive maintenance and support services to Metro-North Railroad and Long Island Rail Road’s Ticket Selling systems and equipment.

**Schedule H: Modifications to Personal Service Contract**

**Item Number: 2-15**

<b>Vendor Name (Location)</b> <b>Various (14 Retainer Firms)</b> ABSG Genesis Technology Solutions (Spring, Texas) Accenture LLP (New York, New York) AMCL (New York, New York) ARCADIS (Long Island City, New York) Atkins P.A. (New York, New York) Cambridge Systematics, Inc. (Medford, Massachusetts) CH2M Hill New York, Inc. (New York, New York) eVision (Raleigh, North Carolina) GHD Inc. (Syracuse, New York) LCE (North Charleston, South Carolina) Nexus Global Business Solutions, Inc. (Wake Forest, North Carolina) Synergy Solutions (Cary, North Carolina) Vesta LLC (Stamford, Connecticut) WSP USA Inc. (New York, New York)	
<b>Description</b> All-Agency Enterprise Asset Management Consulting Services	
<b>Contract Term (including Options, if any)</b> March 31, 2016–March 30, 2023	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Department:</b> MTA EAM, Allison C. de Cerreno; MTA IT, Rafail Portnoy	

<b>Contract Numbers</b>	<b>AWO/Mod. #</b>
<b>15133-0100 thru 15133-2000</b>	
15133-0100	
15133-0200	
15133-0300	
15133-0500	
15133-0900	
15133-1000	
15133-1100	1
15133-1300	
15133-1400	
15133-1600	
15133-1700	
15133-0800	
15133-2000	
15133-1900	
<b>Original Amount:</b>	\$ 115,000,000
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 115,000,000
<b>This Request:</b>	\$ 49,170,000
<b>% of This Request to Current Amount:</b>	42.75%
<b>% of Modifications (including This Request) to Original Amount:</b>	42.75%

**Discussion:**

Board approval is sought to extend a competitively negotiated personal service contract for 14 firms for two years and to add \$49.17 million to the contract. This contract extension is for ongoing and future Enterprise Asset Management (“EAM”) digitalization and sustainment efforts. Planned efforts for this contract include \$28 million for ongoing Department of Subways consulting services, \$6.1 million for ongoing Long Island Rail Road (“LIRR”) consulting services, and \$7.9 million for planned MTA Bus Operations consulting services.

On February 24, 2016, the Board approved 14 competitively negotiated consulting contracts in the not-to-exceed amount of \$115 million (used on an as-needed basis) to support and implement the MTA’s EAM Program. The contract term was for a base period of five years (March 31, 2016–March 30, 2021). The original \$115 million contract amount was based on the funding available in the Capital and Operating budgets in 2016 and the estimated amount for tasks targeted to start within the five-year contract period. Two 1-year zero-dollar time extensions were issued to extend the contract through March 31, 2023. Under the contract, task orders are competitively solicited among the retained consultants and awarded on an as-needed basis. No prior change orders to increase the original \$115 million authorized maximum amount have been issued.

The EAM Program was initiated to enable all levels of the organization to make more informed, transparent, and data-driven asset life cycle decisions to enable better utilization of MTA resources and lower the cost of maintaining system performance while improving operational safety and reliability. The purpose of undertaking an EAM approach is to transition to an efficient all-agency consolidated information system that promotes a more effective life cycle approach to maintaining the MTA’s nearly \$1 trillion asset base. By managing assets in a common system across the agencies, the MTA can achieve economies of scale and enhanced data sharing capabilities which (1) improve asset utilization and performance; (2) justify asset-related operating costs; (3) support capital investment planning optimization; and (4) validate efficient usage of scarce labor resources. The EAM Information Systems (“EAM-IS”) will (1) ensure adherence to federal requirements; (2) enable the MTA to close out Inspector General recommendations; and (3) support responses to several Crowe Audit findings.

## Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

The MTA EAM Project Management Office has been overseeing all activities across all the agencies under the EAM program. Since Board approval in 2016, multiple tasks were reprioritized due to budget reductions across MTA as well as COVID-related rescheduling of consulting activities.

As originally planned and approved by the Board in 2016, the following tasks have been completed and/or continuing:

- Asset management business architecture, strategy, and planning for all agencies
- Business process review, re-engineering, and standardization
- Life-cycle delivery (acquisition, maintenance, operation, and disposal)
- Development of Reliability-Based Maintenance programs for critical assets
- Business process extension interfacing
- Deployment and integration of mobile devices
- Leadership and organizational change, including changes in asset information strategy, standards, systems, and data
- Asset maintenance planning and scheduling
- Risk and performance management systems implemented
- Enterprise architecture established comprising system, business, data, and organizational communications.

The progress made to date has resulted in the following tangible outcomes:

Established core- and mobile-based EAM System across agencies

- More than 12,000 employees using the EAM system (long-term projection: 16,000+ users)
- 1.1 million+ assets have been uploaded and monitored within the EAM system
- 4.1 million+ work orders have been created and tracked through the EAM system
- Approximately 6,000 mobile devices deployed to frontline staff to directly load maintenance information
- 25+ active projects have been initiated and are in various stages of completion

Integration and utilization of the Geographic Information System (“GIS”) within the EAM-IS

- 50+ GIS applications used across MTA operations, safety, security, and customer communications
- Integration to EAM system to view all assets, work orders, and defects on a map
- 2 for 1 concept: “If it goes into EAM, you can see it on the map”
- Process reengineering as part of EAM implementation

Due to reprioritization efforts, certain tasks mentioned in the 2016 Board submission have not been started which includes the life-cycle investment decision making and optimization as well as deployment and integration of remote sensors and other technologies. This modification of \$49.17 million is needed to accomplish these remaining tasks and further support the design, development and deployment of EAM digitalization and sustainment efforts. The additional funds will be needed for continuing the Department of Subways consulting services that include supporting the Division of Car Equipment (“DCE”), Staten Island Railway, and Infrastructure. The additional funding will also provide capacity for LIRR’s continuation of Track, Signals, Power, and Communications asset program efforts. Finally, the added funds will be used to for MTA Bus Operations to transition-off of the current work management system which is no longer supported. It is intended that when this contract ends in 2025, the MTA EAM Program would have sufficient data and maturity to design the next set of tasks for future work, which would be competitively solicited under a new RFP to further align with best practices in current times and ensure outreach to vendor leaders in the EAM space.

All previously Board-approved hourly rate tables established under the contract will remain firm throughout the duration of the two-year extension. Individual work assignments will continue to be awarded through a mini-RFP competitive process among some or all the firms to support the continuation of asset management modernization processes and software. The additional funding will be monitored by the MTAHQ EAM Program Management Office utilizing budgetary control processes with individual task order efforts funded by existing HQ and Agency budgets

In addition to this contract, there are two additional contracts that were awarded to meet federal requirements supporting process improvements and installation of an enterprise information system for asset management. The first was approved by the Board in July 2016 and retained 12 firms for as-needed integration consulting services in the not-to-exceed amount of \$50 million. In December 2021, the MTA Board approved to add funding to this contract and increase the value to \$76.9 million. The second was approved by the Board in March 2016 and awarded to Sygma Technology for the purchase of the enterprise asset management software and hosting services in the not-to-exceed amount of \$26.7 million. It is the intent of EAM to develop and conduct a new RFP process that encompasses all EAM requirements under one contract prior to any contract expiration.

## Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

This contract is being evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law regulations. Any applicable cybersecurity requirements, to the extent required, will be included in the modification.

In connection with a previous contract awarded to Atkins P.A. D/B/A Atkins Architecture (“Atkins”), Atkins was found to be responsible notwithstanding Significant Adverse Information (“SAI”) pursuant to the All-Agency Responsibility Guidelines (“AARG”) and such responsibility finding was approved by the MTA Chairman / CEO in consultation with the MTA General Counsel on January 21, 2016.

With respect to WSP USA, Inc (“WSP”), in connection with a previous contract awarded to the Louis Berger Group, Inc. (“LBG”), which was acquired by WSP in December 2018, LBG was found to be responsible notwithstanding SAI pursuant to the AARG and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in November 2015. WSP has no SAI except that stemming from its acquisition of LBG.

In connection with the review of Arcadis’ responsibility pursuant to the AARG, Arcadis was found to be responsible notwithstanding SAI and such responsibility was approved by the President of MTA Construction and Development (“C&D”) and the MTA Deputy Chief Operating Officer in consultation with the General Counsels of MTA and C&D in October 2022.

In connection with a previous contract awarded to CH2M Hill New York, Inc. (“CH2M”), CH2M has been found to be responsible notwithstanding SAI pursuant to the AARG and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in December 2013<sup>1</sup>.

All vendors listed in this contract have certified that they do not conduct any business operations in Russia within the meaning of Executive Order No. 16.

### **D/M/WBE Information**

MTA Department of Diversity and Civil Rights assigned a 17 percent DBE goal. All vendors awarded tasks have been meeting their DBE requirements.

### **Impact on Funding**

Funding is based on approved budgets (operating, capital and/or federal) for MTA Headquarters and the operating agencies and will not exceed the limits approved by the Board.

### **Alternatives**

If this request for an additional \$49.17 million in capacity is not approved, the MTA would be required to initiate the Request for Proposal process to complete the EAM Program, which will result in increased rate structures for 2023. Allowing this contract to expire will stop the implementation of EAM until another contract is in place, delaying this critical work effort. The consequence of this will be failing to meet MTA commitments to its funding partners to modernize asset management systems and failing to act on the recommendations of the 2019 Crowe Financial Audit related to the implementation of modern asset management systems. Also, EAM must meet the new federal requirements that support process improvements and the installation of an enterprise information system for asset management. The MTA and its agencies do not have resources or the trained personnel to perform these services.

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<sup>1</sup> CH2M was acquired by Jacobs on December 15, 2017. No SAI has been found for Jacobs.

**Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts**

**Item Number: 16**

<b>Vendor Name (Location)</b> Scheidt & Bachmann Fare Collection Systems GmbH (Lowell, Massachusetts)
<b>Description:</b> Continuation of Maintenance for MNR and LIRR's Ticket Selling System
<b>Contract Term (including Options, if any)</b> April 1, 1998–December 31, 2022
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Department:</b> Ticket Selling & Technology, Timothy Hughes Automated Ticket Sales & Services, John Daly

<b>Contract Number</b> 900000000002860	<b>AWO/Mod. #</b> 8
<b>Original Amount:</b>	\$ 21,845,976
<b>Prior Modifications:</b>	\$ 124,980,373
<b>Prior Budgetary Increases</b>	0
<b>Current Amount:</b>	\$ 146,826,349
<b>This Request:</b>	14,092,392
<b>% of This Request to Current Amount:</b>	10%
<b>% of Modifications (including This Request) to Original Amount:</b>	637%

**Discussion:**

MTAHQ is seeking to obtain MTA Board approval for a three-year extension and additional funds of \$14,092,392 to an existing miscellaneous service contract with Scheidt & Bachmann Fare Collection Systems GmbH (“S&B”) to continue comprehensive maintenance and support services to Metro-North Railroad (“MNR”) and Long Island Rail Road’s (“LIRR”) Ticket Selling systems and equipment. This contract extension (January 1, 2023–December 31, 2025) is necessary to align these services with the current One Metro New York (“OMNY”) / New Fare Payment System (“NFPS”) rollout schedule, which will ultimately eliminate the need for these maintenance services.

In March 1998, the Board approved the award of a competitively solicited, joint MNR/LIRR contract for the design, manufacture, and delivery of ticket-selling equipment and systems (i.e., Ticket Vending Machines, Ticket Office Machines, and Central Support System to S&B). There are 700 machines located throughout the railroads, which account for more than 94 percent of all tickets sold monthly and are operated at a high level of service availability (approximately 98.7 percent). The S&B machines have the unique ability to print railroad commutation tickets on pre-encoded/valued NYC Transit MetroCards. These ticket-selling systems are proprietary to S&B, and all maintenance, support and related services can only be provided by S&B. The Board previously approved (2006, 2011, and 2016) contract modifications to include MNR/LIRR Life Cycle Maintenance services, incorporating proactive replacement of components, parts, and systems to keep the railroads’ integrated Ticket Selling System operating at a high level of reliability for MTA riders. The railroads have also exercised previously Board-approved contract extension options to extend services through December 31, 2022.

The OMNY/NFPS project’s substantial completion is targeted for early to mid-2025. It is prudent to plan for the existing ticket-selling systems to remain fully operational for MTA customers until the next generation of new fare payment technology is fully implemented throughout the MTA systems. The need for maintenance services beyond 2025 is not anticipated. This modification will allow for the necessary continuation of life cycle maintenance services for all hardware, software, and associated parts replacements as well as equipment relocations and extraordinary repair of equipment due to vandalism. The three-year extension cost for both railroads is \$14,092,392 (\$4,661,441 for 2023; \$4,730,769 for 2024; and \$4,700,182 for 2025). The annual escalation rate of 1.5 percent that has already been negotiated and established in the contract will remain firm throughout the duration of this three-year extension. This rate is below the current Consumer Price Index of 9.1 percent, the Producer Price Index of 11.3 percent, and the 7.2 percent annual increase index published by the US Bureau of Labor Statistics for professional services. MTA has determined all previously negotiated pricing and terms with S&B to be fair and reasonable.

## Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

This contract is being evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law regulations. Any applicable cybersecurity requirements, to the extent required, will be included in the modification.

S&B has certified that pursuant to EO 16 it is not doing business in Russia.

### **Alternatives**

The S&B machines designed, configured, and installed in 1998 have demonstrated high equipment availability and reliability, and the life cycle maintenance services have extended the useful life of the equipment which is expected to last beyond the transition to the new OMNY fare payment system. Prior to the inception of OMNY/NFPS project, the railroads evaluated the use of other systems and found that there were no other firms that can provide the full range of system functionalities, and services included in the S&B life cycle program. There are also no other firms that have the expertise with the software system, designed and integrated by S&B. The railroads do not have the in-house expertise or resources to program and maintain complex ticket-selling systems and to rebuild and redesign of replacement parts.

### **Impact on Funding**

Funding is provided by MTA-IT, LIRR, and MNR's Operating budgets, and the Connecticut Department of Transportation.

**OCTOBER 2022**  
**MTA REAL ESTATE**  
**LIST OF ACTION ITEMS FOR**  
**BOARD APPROVAL**

**MTA METRO-NORTH RAILROAD**

License Agreement with LAZ Parking NY/NJ, LLC for the operation of commuter parking facilities at various Metro-North stations

License Agreement with the Town of East Fishkill for a pedestrian trail in Hopewell Junction, NY

Release of repurchase right for a portion of the Village of Croton-on-Hudson's commuter parking facility.

Mutual termination of lease for the Scarsdale station building with the Village of Scarsdale

**MTA LONG ISLAND RAIL ROAD**

License Agreement with Ruchita Patel for retail space at Jamaica Station

# Staff Summary

<b>Subject</b> <b>LICENSE FOR SYSTEMWIDE COMMUTER PARKING OPERATION AND MAINTENANCE</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>NEIL MASTROPIETRO</b>

<b>Date</b> <b>OCTOBER 26, 2022</b>
<b>Vendor Name</b> <b>LAZ PARKING NY/NJ, LLC</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/24/22	X		
2	Board	10/26/22	X		

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

**AGENCY:** MTA Metro-North Railroad (“Metro-North”)  
**LICENSEE:** LAZ PARKING NY/NJ, LLC (“LAZ”)  
**LOCATION:** Thirty-six (36) Metro-North commuter parking facilities (“Facilities”)  
**ACTIVITY:** Commuter parking operation and maintenance  
**TERM:** 3 Year term commencing 4/1/2022- 3/31/2025  
**COMPENSATION:** MTA to receive all Gross Revenue over \$410,000 per month, remitted Quarterly

Selected via an RFP, LAZ operated the Facilities from April 1, 2009 to March 31, 2022 pursuant to a Lease Agreement and has been a month-to-month tenant since April 1, 2022. Given the impact of Covid-19 to ridership, commuter parking levels remains low. As such, MTA Real Estate and Metro-North are in the process of developing a comprehensive structure for the management of its parking facilities across the MTA commuter railroads. Metro-North desires to keep LAZ in place while this is being developed and during the preparation and issuance of any future RFP.

LAZ has agreed to continue to operate and maintain the Facilities pursuant to a license agreement on the following terms:

- (i) Metro-North receives all Gross Revenue above \$410,000.00 with a one-time CPI increase of the revenue breakpoint for the third year of the license to account for increased operational costs.
- (ii) a three-year term commencing on April 1, 2022, with the standard license provision allowing Metro-North to terminate for any reason upon sixty (60) days’ notice without cost to the MTA.
- (iii) LAZ will make a capital investment of \$400,000 to replace all the lighting fixtures within the Facilities (approximately 1,500 fixtures) with low energy LED lights (the “Lighting Improvements”). LAZ projects it will be completely reimbursed via reduced maintenance and labor costs resulting from the Lighting Improvements over a twenty-four (24) month period (i.e., approximately \$17,000 per month).

Metro-North is amenable to the proposed Lighting Improvements, which would significantly reduce Metro-North’s electrical costs. The electrical costs have been, and would remain, Metro-North’s responsibility under the new License. Moreover, LAZ understands and has accepted that Metro-North must retain the ability to terminate the license on sixty (60) days’ notice and cannot guarantee LAZ the twenty-four (24) months to recoup its investment in the Lighting Improvements or reimburse LAZ for any unamortized investment costs. Such Lighting Improvement costs and the possibility of not recovering such costs would therefore be at LAZ’s sole risk.

# Staff Summary

## [ LICENSE FOR SYSTEMWIDE COMMUTER PARKING OPERATION AND MAINTENANCE ]

Page 2 of 3

The License would also grant LAZ the ability to sub-license revenue generating uses within the Facilities including certain customer amenities such as car sharing, taxi services, and coffee trucks.

Based on the foregoing, MTA Real Estate recommends proceeding with entering into a license agreement with LAZ as per the aforementioned terms and conditions.

# Staff Summary

## [ LICENSE FOR SYSTEMWIDE COMMUTER PARKING OPERATION AND MAINTENANCE ]

Station
<b>Hudson Line</b>
Poughkeepsie
New Hamburg
Beacon
Cold Spring
Garrison
Ossining
Cortlandt
Riverdale
Irvington
<b>Pascack Valley Line</b>
Nanuet
Pearl River
Spring Valley
<b>New Haven Line</b>
Mt. Vernon East
Pelham
Mamaroneck
Harrison
Port Chester (Garage)
Port Chester (Station)
<b>Port Jervis Route</b>
Port Jervis
Otisville
Middletown
Campbell Hall
Harriman
Salisbury Mills
<b>Harlem Line</b>
Wassaic
Tenmile River
Dover Plains
Harlem Valley
Patterson (South Lot)
<b>Southeast</b>
Brewster
Purdy's
Goldens Bridge
North White Plains
Fleetwood
Woodlawn

# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT FOR HOPEWELL JUNCTION BIKE &amp; RAIL TRAIL</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>NEIL MASTROPIETRO</b>

<b>Date</b> <b>OCTOBER 26, 2022</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/24/22	X		
2	Board	10/26/22	X		

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

**AGENCY:** MTA Metro-North Railroad ("Metro-North")  
**LICENSEE:** Town of East Fishkill (the "Town")  
**LOCATION:** Along Metro-North's Maybrook-Beacon line - parcel #34751 in the Town of East Fishkill, in the Hamlet of Hopewell Junction, Dutchess County, New York.  
**ACTIVITY:** License to construct and maintain a bike path  
**TERM:** Ten (10) Years.  
**TERMINATION:** Terminable upon sixty (60) days' prior written notice.  
**USE:** Biking path and walking trail.  
**COMPENSATION:** \$1, fee waived.

**COMMENTS:**

The Town has requested permission to license a portion of Metro-North's property located on parcel #346751 along the Maybrook-Beacon Line in Dutchess County for the purposes of providing a biking path and walking trail to create a connection between the Hopewell Junction business district and the existing William R. Steinhaus Dutchess County Rail Trail ("WRS DRT").

The scope of work under the license agreement requires the Town to: 1) install wayfaring signs, fencing, and cross walks for proper pedestrian traffic control, 2) fill in mudholes and improve unpaved surfaces with a crushed stone surface less than 8 feet wide, suitable for bicycles and pedestrians, 3) remove a portion of a split rail fence separating WRS DRT rail trail overflow parking to create access to the gravel path, and 4) conduct ongoing maintenance and security of the location, including taking steps to reduce or prevent illegal and unauthorized use. All future maintenance will fall under the responsibility of the Town.

Metro-North has approved the use and scope of work subject to the following conditions:

# Staff Summary

## FINANCE COMMITTEE MEETING

### LICENSE AGREEMENT FOR HOPEWELL JUNCTION BIKING PATH & WALKING RAIL

Page 2 of 2

- 1) Access to Hopewell Yard across Segments 3 & 4 of the trail will be reserved by MTA/Metro-North at all times throughout the term.
- 2) Segment 4 is a Federal Railroad Administration "Pathway," therefore all improvements must adhere to the grade crossing safety requirements set forth in 49CFR234 of the US DOT, Federal Railroad Administration regulations.
- 3) Per Metro-North Safety, pedestrian stop signs (similar to those installed at the Bronx River Parkway trail crossing at Fisher Lane) should be considered in the event that the path crosses the active roadway to the yard.

Currently, there is an existing non-exclusive license agreement with Dutchess County encompassing a portion of the proposed trail which is utilized primarily for parking and access to the Dutchess County Rail Trail. Based upon discussion with Dutchess County, the Town's proposed joint/shared use of the subject area for bicycle and pedestrian access is compatible with and mutually beneficial to Dutchess County's existing use.

All plans, specifications, work, and improvements are subject to Metro-North's insurance and indemnification requirements, which must be met to Metro-North's satisfaction before work may begin.

This license will be granted pursuant to MTA Real Estate Procedures for the Licensing of Real Property, Circumstance 4, which provides that property may be licensed to municipalities for municipal purposes, or to nonprofits for beautification purposes.

Based on the foregoing, it is recommended that MTA Real Estate enter directly into a license agreement with the Town.

# Staff Summary

<b>Subject</b> <b>RELEASE OF A REPURCHASE RIGHT FOR A PORTION OF CROTON-HARMON STATION COMMUTER PARKING LOT</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>NEIL MASTROPIETRO</b>

<b>Date</b> <b>OCTOBER 26, 2022</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/24/22	X		
2	Board	10/26/22	X		

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

**AGENCY:** MTA Metro-North Railroad ("Metro-North")  
**OWNER:** The Village of Croton-on Hudson (the "Village")  
**LOCATION:** Croton-Harmon Station -1 Croton Point Ave, Croton-on-Hudson New York  
**ACTIVITY:** Approval of terms  
**TERM:** Permanent  
**SPACE:** 1.619 Acres  
**COMPENSATION:** N/A

## COMMENTS:

The Village currently owns and operates a commuter parking facility comprised of approximately twelve (12) acres and is located on the east side of the Hudson Line (the "Village's Property"). The Village is working with Sol Systems to construct a solar panel canopy over the Village's Property (the "Solar Project").

The Village's Property was originally purchased from the New York Central Railroad Company ("NYCRC"), Metro-North's predecessor, in May 1964. As part of that sale, the NYCRC retained a right to repurchase the Village's Property for transportation purposes. In 1966, the Village requested and NYCRC granted, the release of the repurchase right for an area of approximately 1.07 acres of the Village's Property to construct a public street. The remaining area, conveyed pursuant to the 1964 deed, for which the MTA has a repurchase right is approximately 1.619 acres.

MTA Legal has reviewed the repurchase language, as stated in the 1964 Deed, and has determined that said language is a "right" and not a property interest. This being the case, PAL disposition requirements are not applicable.

In exchange for the MTA's release of its remaining right of repurchase the Village will enter into multiple agreements to assume maintenance on MTA property as follows:

- Village to assume maintenance and repair of the sidewalks along Croton-Harmon station, including snow removal.
- Village to assume maintenance and repair of the adjacent Metro-North owned employee parking area.

# Staff Summary

## FINANCE COMMITTEE MEETING

### RELEASE OF A REPURCHASE RIGHT FOR A PORTION OF CROTON-HARMON STATION COMMUTER PARKING LOT (Cont'd.)

Page 2 of 2

- Village Water Department to undertake maintenance responsibility for approximately 1,500 linear feet of a water main.
- Village to grant approximately five (5) temporary staging/access areas and one (1) permanent easement in support the current Metro-North Hudson Line Communication and Signal Project.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the transactions described with the Village of Croton on Hudson on the above-described terms and conditions.

# Staff Summary

<b>Subject</b> <b>MUTUAL TERMINATION OF LEASE WITH THE VILLAGE OF SCARSDALE FOR THE SCARSDALE STATION BUILDING</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>NEIL MASTROPIETRO</b>

<b>Date</b> <b>OCTOBER 26, 2022</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/24/22	X		
2	Board	10/26/22	X		

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

**AGENCY:** MTA Metro-North Railroad ("Metro-North")  
**LANDLORD:** The Village of Scarsdale (the "Village")  
**LOCATION:** 1 Depot Plaza, Scarsdale, New York  
**ACTIVITY:** Mutual termination of lease  
**ACTION REQUESTED:** Approval of terms  
**SPACE:** 1,200± square foot station building  
**COMPENSATION:** N/A

**COMMENTS:**

On September 29, 1961 the Village and The New York Central Railroad Company and The New York and Harlem Railroad Company (jointly referred to as "New York Central" and both predecessors in interest to MTA and Metro-North) entered into a lease for the Scarsdale station building for New York Central's use of the station building for a ticket office, waiting room and rest room for passengers as long as New York Central operated a railroad through the Village. Previously the Village had condemned the station.

The Village inquired if Metro-North would be amenable to terminating the lease. While Metro-North continues to maintain a passenger station, it no longer has any use for the station building itself and is amenable to terminating the lease and surrendering possession to the Village. This will provide a cost savings to Metro-North in utilities, maintenance and repairs.

Based on the above, the MTA Real Estate Department requests authorization for MTA and Metro-North to execute a mutual termination of lease agreement with the Village of Scarsdale.

# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT WITH RUCHITA PATEL FOR RETAIL SPACE AT JAMAICA STATION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>NEIL MASTROPIETRO</b>

<b>Date</b> <b>OCTOBER 26, 2022</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/24/22		X	
2	Board	10/26/22		X	

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

**AGENCY:** MTA Long Island Rail Road ("LIRR")  
**LICENSEE:** Ruchita Patel  
**LOCATION:** Jamaica Station  
**USE:** Retail travel convenience  
**TERM:** Five (5) years subject to at will revocation on sixty (60) days' notice, at no cost  
**SPACE:** Unit 05 (+/- 100 square feet) ("Licensed Area")

COMPENSATION:	Period	Total Annual Compensation	Total Monthly Compensation
	License Year 1	\$ 21,600.00	\$ 1,800.00
	License Year 2	\$ 22,248.00	\$ 1,854.00
	License Year 3	\$ 22,915.44	\$ 1,909.62
	License Year 4	\$ 23,602.90	\$ 1,966.91
	License Year 5	\$ 24,310.99	\$ 2,025.92

**COMMENTS:**

Pursuant to MTA Board policy of July 22, 2020 as extended on June 29, 2022 governing the licensing of real property for vacant spaces, MTA Real Estate advertised the two vacant retail units via a Solicitation of Interest for Available MTA Retail Units. The first qualified proposal received was submitted by Ruchita Patel.

After careful evaluation of Ruchita Patel's proposal and satisfactory background investigation, it was determined MTA Real Estate would proceed with Mrs. Patel's proposal. Mrs. Patel's financials support the proposed improvements as well as her payment of compensation throughout the 5-year term. The present value of rental stream is \$21,600.00 with a 3% annual increase. The proposed compensation falls within an acceptable competitive range, as determined by an

# Staff Summary

## FINANCE COMMITTEE MEETING



Metropolitan Transportation Authority

## [ LICENSE AGREEMENT WITH RUCHITA PATEL FOR RETAIL SPACE AT JAMAICA STATION ] (Cont'd.)

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independent opinion of value of the rent, especially when taking into consideration the current challenging market conditions caused by the Covid-19 pandemic.

Mrs. Patel intends to invest up to \$10,775.00 into the Licensed Area to improve the retail unit to operate a travel convenience location offering prepackaged foods, hot and cold non-alcoholic beverages, and other goods. She will be responsible for the improvements, operation, and maintenance of the retail unit. Ms. Patel is also a tenant of MTA New York Transit where she is completing construction of a travel/convenience use in the Steinway Street station.

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