



Metropolitan Transportation Authority

November 2022

MTA Board Action Items



MTA Board Meeting

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

**Wednesday, 11/30/2022
10:00 AM - 12:00 PM ET**

1. PUBLIC COMMENT PERIOD

2. PRESENTATIONS

3. CFO PRESENTATION ON MTA 2023 FINAL PROPOSED BUDGET AND NOVEMBER FINANCIAL PLAN 2023-2026(Materials distributed separately)

4. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Board Meeting Joint Minutes - October 26, 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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5. COMMITTEE ON CAPITAL PROGRAM

C&D Procurements

C&D Procurements - Page 17

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

MNR Procurements Report

MNR Procurement - Page 46

7. COMMITTEE ON NYCT & BUS

NYCT & Bus Procurements Report

NYCT Procurement - Page 52

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

9. COMMITTEE ON FINANCE

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 68

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 72

iii. Ratification

MTAHQ Ratifications - Page 77

Information Item

i. 2021-2022 Station Maintenance Receivable

Station Maintenance Billing - Page 80

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 83

10. CORPORATE GOVERNANCE COMMITTEE

Action Items

i. MTA Policies in connection with Provisions of the Public Authorities Law

Staff Summary Public Authorities Law Required Policies November 2022 - Page 95

ii. All-Agencies Responsibility Guidelines Revisions

Staff Summary - Page 96

Responsibility Guidelines - Page 97

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

**Joint Minutes of the
Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, Metro-North Commuter Railroad Company,
MTA Construction & Development, the MTA Bus Company and
the First Mutual Transportation Assurance Company
Regular Board Meeting
2 Broadway
New York, NY 10004
Wednesday, October 26, 2022
10:00 a.m.**

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

**Hon. Janno Lieber, Chair & CEO
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Frank Borelli, 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 Frankie Miranda
Hon. Robert F. Mujica
Hon. Harold Porr, III
Hon. John Samuelsen
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 member was absent:

Hon Sherif Soliman

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, Hugo Pizzaro, Chief People Officer, Demetrius Crichlow, Senior Vice President, Subways, Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer, Jessica Mathew, Senior Advisor for Special Projects & Initiatives, Mark Roche, Deputy Chief Development Officer - Delivery, Daniel Randell, Assistant Director, Government & 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 October 2022 Board meeting.

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

A recorded audio public safety announcement was played.

1. PUBLIC SPEAKERS' SESSION.

The MTA Moderator announced that the following public speakers will speak 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 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):

Charlton D'Souza, President, Passengers United
Jack Nierenberg, Passengers United
Aleta Dupree, private citizen*
Michelle Grossman, private citizen*
Jean Ryan, President, DIA
Cara Liebowitz, Advocacy Coordinator, BCID
Elizabeth Valdez, BCID*
Rick Horan, Queens Link*
Jason Anthony, Amazon Labor Union
Tashia Lerebowrs, CIDNY
Yaneer Bar-Yam, World Health Network*
Anna Pakman, private citizen*
Susan Levin, private citizen
Jane Buchcanan, private citizen
Lisa Gesson, BCID*
Inna Lokshina, private citizen*
Bruce Hain, private citizen
Kara Gurl, PCAC
Corey Bearak, private citizen*
Lucy Koteen, private citizen*
Lisa Daglian, Executive Director, PCAC
Sally Wolf, private citizen
Kimberly Phelan, CURES*
TD Mitchell, private citizen*
Gian Pedulla, private citizen
Allie Ryan, private citizen*
Ben Sands, private citizen*
Myra Batchelder, private citizen*
Miriam Fisher, private citizen*
Maria Giffen-Castro, 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 thank the Board for joining this month's meeting.

Chair Lieber stated that at the beginning of this year, the MTA set out an ambitious agenda for the agency that included improving service, bringing ridership back, delivering on the capital program faster, better, and cheaper, and stabilizing the MTA financially in the face of the fiscal cliff. Chair Lieber stated that this morning he will highlight some of the progress the

agency has made in each of the key areas, because with the help of the amazing MTA team, the agency is really executing the agenda that was presented nine months ago.

Chair Lieber stated that before discussing the MTA’s ambitious agenda, he will discuss safety.

Last month the MTA heard from NYPD Chief of Department, Kenneth Corey, about the progress that is being made on subway safety. At the Board meeting and on NY1, Chief Corey enumerated NYPD and MTA efforts and the results:

- Lower rate of crime per million riders
- Reduction in gun violence
- More arrests vs. 2021
- More fare evasion enforcement
- Reduced numbers of subway homeless due to the success of the outreach program, including the end of line operation that was conceived by the MTA and executed in tandem with partners in New York City and NYPD
- Dramatically fewer quality of life incidents at Penn Station.

Chair Lieber stated that unfortunately in the past month the MTA has seen some horrific high-profile incidents in the system. Several incidents involved random attacks and several involved people with a history of severe mental illness. The Chair stated that these past few weeks have wiped out the gains in rider perception that the agency has been slowly making throughout the year resulting from the MTA attacking safety and security issues since the beginning of the year and even before.

Chair Lieber stated that the priority after the peak of the pandemic was just getting police officers back into the system. As many Board members recall, in 2020 and 2021 when ridership was at its bottom the agency was pushing the prior City Hall administration to add more police officers, and he credited Sarah Feinberg, former President of NYCT, for leading that effort. However, Chair Lieber stated that the MTA really did not get anywhere with the prior administration in this effort. When he was appointed Acting Chair in August of 2021, he began pushing City Hall and the NYPD to deploy police officers onto platforms and trains—locations where riders feel most vulnerable.

Chair Lieber stated that things changed at the beginning of 2022 with the inauguration of Mayor Adams, who, as a former Transit Police Officer, understands the importance of this issue. Together with Governor Hochul, the Mayor rolled out the Subway Safety Plan last January, which included a range of strategies and initiatives to improve safety and to address the large number of homeless people sheltering in the transit system. Chair Lieber stated that, among other things, the Plan called for deploying SOS - “Safe Options Support”—outreach teams and clinicians to help get those New Yorkers who are sheltering in the system to deliver the care that they needed. The MTA helped in those efforts by conceiving and organizing a coordinated operation at the end of its subway lines, which includes NYPD officers, outreach workers and MTA professionals, who try to persuade people out of the system and out of the public space and into treatment and shelter that is better for them and the public.

The Chair stated that, together with this effort, the MTA developed a major communications campaign to remind riders of its code of conduct. The agency worked with the NYPD to make sure officers understood the importance of enforcing these rules—rules about vandalism, loitering, drug use and the presence of oversized and dangerous shopping carts, which have led to some terrible episodes in the past. NYPD responded, and on top of the transit bureau deployments, they sent patrol officers into subway stations as part of their normal rounds, increased platform presence, and increased fare enforcement and ultimately issued more summonses.

Chair Lieber stated that the daily reports made clear that having police officers on platforms leads to a significant increase in arrests during and immediately after crimes or disputes. The Chair stated that more than a few of the quality-of-life stops have led to arrests of people carrying guns and other weapons. Chair Lieber commented on one episode that occurred last night where police officers approached a man drinking in the system. When the police officers ran the man's identification, they found that the man had an assault warrant against him, and following a search of the man, the police officers uncovered a loaded gun. Chair Lieber stated that this kind of enforcement is having an effect.

Chair Lieber stated that having more police officers in the system is not enough if police officers are not visible to the customers. That is why in recent weeks the MTA and the NYPD have begun implementing a new system where officers identify themselves to train conductors as trains pull into stations, so that announcements can be made to let riders know that law enforcement is on the platform and if there is an issue, customers can get assistance.

Chair Lieber stated that the other piece of the puzzle is cameras. The MTA has been stepping up its game since the onset of COVID by significantly accelerating installation of new devices during the pandemic, extending coverage at 200+ stations in just 12 months, resulting in 472 stations having coverage since last year. There are 10,000+ cameras helping the NYPD identify and arrest criminals every single day. Chair Lieber stated that the MTA is stepping up the program to put cameras on the train cars, which has never been attempted before. Chair Lieber noted that President Rich Davey, almost immediately following his appointment as President, conducted a pilot of this program and the agency is committed to extending the program to the entire system—buying another 5,400 cameras so the entire fleet can be covered.

Chair Lieber stated that these efforts helped get the agency to where it was last month, when Chief Corey was touting the improvement. However, the last few weeks have been incredibly challenging and upsetting, and as a result, the MTA is again partnering with the Mayor and the Governor to supplement the Subway Safety Plan with a new initiative that Governor Hochul is calling Cops, Cameras and Care. As part of this new plan, the NYPD is adding 1,200 additional officer shifts each day, the equivalent of the entire MTA police force, a major increase.

Chair Lieber stated that the MTA is contributing to the effort by leveraging its staffing at headquarters and at the commuter rail hubs to help the NYPD. The MTAPD will cover some of the subway areas within the commuter rail hubs, while continuing their normal operation.

The State police have been deploying additional people to help the MTA in its operations, so that there will be no reduction in the MTAPD operations.

Chair Lieber stated that the MTA will continue accelerating the pace of the installation of cameras. Clinicians will be retrained on the proper utilization of their powers under the mental hygiene law, which is to hospitalize people suffering from severe mental illness who are in the subway system. Police officers, ambulance drivers and other people who participate in helping people get to a secure care setting will receive new training. The Chair noted that the Governor has directed the creation of two dedicated in-patient units at psychiatric centers to allow people suffering with severe mental illness, who are sheltering in the subway system, to get in-house treatment so they can start the road to recovery.

Chair Lieber stated that within the same program, the MTA is also setting up services for people to transition to an outpatient setting once they have completed the treatment process. The Chair stated that he is also pushing the courts to use their powers to ban criminals from the transit system more often, which he first discussed a couple of weeks ago when he went to court in the Bronx with an MTA employee who had been brutally assaulted. Chair Lieber stated that just this past Monday he sent letters to each of the City's five district attorneys and to the district attorneys in the MTA region in the counties that are outside of the city but still in the MTA service area. Chair Lieber sent letters to several judges reiterating the request that was made to the criminal justice partners. Chair Lieber stated that there is no good reason why a rider-on-worker assault is ban-eligible, but rider-on-rider assaults are not, especially in cases discussed this morning by public speakers about repetitive rider-on-rider assaults, which needs to be addressed.

With respect to fare evasion, Chair Lieber stated that not every fare evader is a criminal, but experience has shown virtually every criminal is a fare evader. It is important that MTA has the tools and the deployments to intercept people at the fare array and block criminality in the system, and the agency has made a lot of progress in this area. The Chair stated that the NYPD is issuing more summonses—60% more in fact, but enforcement is not the only answer. That is why the MTA created a blue-ribbon panel of outside civic leaders, including people not just from law enforcement but from the social justice and education communities. Chair Lieber stated that to really solve this issue, the agency will need a more sophisticated and comprehensive approach, and he is looking forward to hearing the results of the panel's work.

Chair Lieber stated that the MTA is not waiting until the panel's final recommendations to act, which is why the agency has launched a pilot deploying uniformed but unarmed guards next to emergency gates, which is already showing impact on the frequency of fare evasion in those stations. The MTA has also included the addition of 50 guards per month over the next few months, as part of the new Cops, Cameras, and Care initiative that was announced over the weekend. Chair Lieber stated that the MTA will not stop until the transit system is a safe and inviting place for everybody.

Chair Lieber stated that improving service across all modes is as important as improving safety, and the MTA is making good on that mission. Subway service delivery increased again

in September to almost 94%, and apart from August, customer journey time performance was at its highest level in 15 months, with 84% of customers getting to their destination, including wait time and time on board, within a couple minutes of schedule, which is progress.

The Chair stated that with respect to accessibility, which is another MTA core value, during the pandemic the agency completed upgrades at a record 15 subway stations—more than the entire seven-year period between 2012 and 2018. Another 70 stations are in the works right now as part of the MTA’s historic Capital Program. The MTA has settled the litigation with the disability advocates, which had been lingering for many years, and has devised a joint plan on how to achieve 95% accessibility in the entire subway system.

Chair Lieber stated that last month the MTA marked a year since the City Council adopted the zoning proposal, known as Zoning for Accessibility (“ZFA”), which created incentives for private developers building near transit to include ADA projects in their designs. In the last 12 months, the MTA has used ZFA to get upgrades at no cost to the MTA at four stations in three boroughs: 53rd St in Manhattan, 57th St and Fifth Avenue in Manhattan, Queensboro Plaza in Queens and Union Street in Brooklyn, which are portrayed on the map. Chair Lieber stated that the MTA is firing on all cylinders to achieve full accessibility.

Noting another accessibility milestone this month, the launch of OMNY for Reduced-fare customers, Chair Lieber stated that, as announced on Monday, all reduced-fare customers who currently use MetroCards will now be able to use OMNY to get in the system. This is a first for US transit systems, that will apply to over a million New Yorkers. Chair Lieber stated that no other agency in the country is currently offering reduced fares on OMNY, the tap and go personal payment system. The Chair stated that the MTA expects this new availability to help in the continued growth of the OMNY market share, which currently stands at 35% across the system. Chair Lieber stated that OMNY use is obviously higher on subways, but with the impending new marketing campaign, that will encourage reduced-fare customers, which includes many seniors, to make the switch to tap and go, growth in this area is expected.

Chair Lieber stated that the MTA is also focused on delivering the historic \$55 billion capital program, and this has been a huge year for project completions. The Chair congratulated President Jamie Torres-Springer and the entire C&D team and stated that it is an especially big year for Long Island. Earlier this month the agency cut the ribbon on Third Track, and Chair Lieber stated that the agency is still putting some final touches on a few stations, but today the entire 10-mile Third Track is fully operational, along with the seven bridges that were raised and the eight grade crossings that were eliminated, principally by creating under grade crossings. Chair Lieber noted the event held with the Governor and other elected officials a few weeks ago, which was attended by many Board members and staff.

Chair Lieber stated that Third Track has been, from start to finish, the MTA’s model megaproject, completed on time and \$100 million under budget. This is proof that the new “faster, better, cheaper” motto that the agency set as the goal for MTA C&D is working. Chair Lieber noted that Deputy Chief Development Officer Mark Roche will present the lessons learned from Third Track later in the meeting.

Chair Lieber stated that the MTA also celebrated this month the bidirectional service at Elmont UBS-Arena, which is the LIRR's first new station in almost half a century. The Chair stated that there were promises made for the opening of that arena last year and for the initiation of Islanders hockey this year about the remaining platform being done. Right now the station is only offering service for game days and concerts, but once the transition is made to full-time service after Grand Central Madison opens, there will be a lot more service at Elmont.

Chair Lieber stated that if the agency is going to keep the ball rolling, it will need to stabilize its finances, an issue that the Chair stated he has been discussing, and which is really a national issue. The Chair presented a graph showing how big the fiscal cliff is for the MTA and for other major transit systems. Chair Lieber stated that the MTA needs a new system of funding mass transit, one that reflects its vital importance to New York, whether it includes new federal funding or funding from Albany, as the organization enters a new period shaped by the ridership realities of COVID.

Chair Lieber stated that next month staff will present the November Financial Plan for Board information and the Board will vote on the plan in December. The plan lays out the latest adjustments and some serious modifications that were made over the summer in the July Plan. Moreover, the Chair stated that we are hoping that the latest adjustments will not need to be quite so severe, but this is the essence of what this Board must address and deal with in the months to come.

Chair Lieber stated that the agency has known all along that the clock will run out eventually on the fiscal cliff. Discussions with elected leaders are already underway, but the MTA will surely need public support. The Chair stated that he and staff are determined to protect MTA services from counterproductive service cuts and massive fare hikes, because service cuts have a risk of starting a downward spiral for the city, for MTA ridership and the people who depend on the system. Chair Lieber reiterated that the MTA will need New Yorkers to speak up about how important a high functioning mass transit system is to their lives and to the region's future.

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. IMPROVING CUSTOMER EXPERIENCE.

Richard Davey, President, NYCT, presented the strategic action plan for improving customers' experience.

Chair Lieber thanked Richard Davey 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 Richard Davey's presentation and Board members' comments and discussion.

4. IMPROVING BICYCLE, PEDESTRIAN AND MICRO-MOBILITY (BPM) ACCESS.

Jessica Mathew, Senior Advisor for Special Projects & Initiatives, provided an update on the MTA's action plan for improving Bicycle, Pedestrian and Micro-mobility (BPM) access.

Chair Lieber thanked Jessica Mathew 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 Jessica Mathew's presentation and Board members' comments and discussion.

5. THIRD TRACK MODEL PROJECT.

Mark Roche, MTA C&D Deputy Chief Development Officer - Delivery, provided a progress report on the Third Track Model Project.

Chair Lieber thanked Mark Roche 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 Mark Roche's presentation and Board members' comments and discussion.

6. COASTAL RESILIENCE.

Jamie Torres-Springer, President, MTA C&D, introduced a video presented by Demetrius Crichlow, Senior Vice President, Subways, marking the 10th anniversary of Superstorm Sandy and providing an update on the rebuilding of the system following the storm.

Chair Lieber thanked Jamie Torres-Springer and Demetrius Crichlow 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 Jamie Torres-Springer's remarks, the video presented by Demetrius Crichlow and Board members' comments and discussion.

7. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on September 21, 2022.

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

8. 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.

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

A. Procurements:

Board Member Samuel Chu stated that there are no items to report for Board approval for the Joint Long Island Rail Road and Metro-North Railroad Committee.

10. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. Procurement Items:

Upon a motion duly made and seconded, the Board:

1. Approved a multi-agency non-competitive contract with Plasser American Corporation, contract #SSE386665, 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.
2. Approved the award of Modification 6, Post Award consulting services for the R34211 Subway Car Contract to C2K Partners (contract # R84505), a joint venture comprised of LTK Engineering Services of New York LLP and CH2M Hill New York, Inc., for the design, manufacturing, and delivery of 535 subway cars comprising 440 closed-end cars (R211A), 20 open gangway cars (R211T) for NYCT's "B" Division, and 75 cars (R211S) for Staten Island Railway.
3. Approved the modification of a contract to exercise 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 NYCT's Department of Subways from Kawasaki Rail Car, Inc. (contract # R34211).
- 4&5. Approved the ratification of an immediate operating need to approve the purchase of 20 Paratransit Ford Cutaway buses manufactured by Coach & Equipment MFG. Corp. (contract #6%30329) and 20 Paratransit Ford Transit vans from Fenton Mobility Projects Inc. (contract #6%30440).

Refer to the staff summaries and documentation filed with the records of this meeting for the details on these items.

11. CAPITAL PROGRAM COMMITTEE.

A. Procurement Items:

Upon a motion duly made and seconded, the Board:

- 1) Adopted a resolution declaring competitive bidding impractical or inappropriate for all MTA design/build contracts through the end of 2025 and determined 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 MTA All Agency General Contract Procurement Guidelines.
- 2) Approved the award of 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.
- 3) Approved the award of a modification to the Rutgers Tube Rehabilitation contract (P36444) with TC Electric/J-Track JV for the installation of switchgear equipment at Sutton Place in the amount of \$1,997,500.

Refer to the staff summaries and documentation filed with the records of this meeting for the details on these items.

12. MTA COMMITTEE ON FINANCE.

A. Procurement Items.

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

1. CH2M Hill NY, Inc. – Consulting Services for NYCT’s New Fare Payment System – No. A-86071 AWO 13. Approved the modification to the non-competitive contract with CH2M Hill NY, Inc. to provide consulting services in support of NYCT’s New Fare Payment System, adding a three-year extension. (November 1, 2022 – October 31, 2025) and additional funding.
2. Various Contractors – All-Agency Enterprise Asset Management Consulting Services – #s 15133-0100 through 15133-2000 AWO 1. Approval to extend a competitively negotiated personal service contract for 14 firms for two years and to add \$49.17 million to the contract for the ongoing and future Enterprise Asset Management digitalization and sustainment efforts.

3. Scheidt & Bachmann Fare Collection Systems GmbH - # 90000000002860 AWO 8. Approved the three-year extension and additional funds for an existing competitive miscellaneous service contract with Scheidt & Bachmann Fare Collection Systems GmbH to continue comprehensive maintenance and support services to Metro-North and Long Island Rail Road's ticket selling systems and equipment.

B. 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.

Metro-North Railroad

1. License agreement with LAZ Parking NY/NJ, LLC for the operation and maintenance of thirty-six (36) commuter parking facilities at various Metro-North stations.
2. License agreement with the Town of East Fishkill for the construction and maintenance of a bike path along Metro-North's Maybrook-Beacon line (parcel #34751) in the Town of East Fishkill in the Hamlet of Hopewell Junction, Dutchess County, N.Y.
3. Release of a repurchase right for a portion of the Village of Croton-on-Hudson's commuter parking facility, Croton-Harmon Station -1 Croton Point Avenue, Croton-on-Hudson, N.Y.
4. Mutual termination of lease agreement with the Village of Scarsdale for the Scarsdale station building located at 1 Depot Plaza, Scarsdale, N.Y.

Long Island Rail Road

5. License agreement with Ruchita Patel for retail space at Jamaica Station.

13. 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.

14. PUBLIC SESSION RESUMES.

Chair Lieber announced that in Executive Session the Board approved:

1. Two identical collective bargaining agreements between MTA Headquarters and two separate bargaining units of the Transportation Communications Union ("TCU") Local

- 643: TCU Local 643 – BSC, representing titles at the Business Service Center; and TCU Local 643 – Procurement, representing Procurement titles.
2. Collective bargaining agreement between the Staten Island Railway and the Transportation Communications Union.
 3. Collective bargaining agreement between MTA Bus Company and the Amalgamated Transit Union, Local 1181 (ATU-Local 1181).
 4. Collective bargaining agreement between New York City Transit/Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA) and the United Federation of Law Enforcement Officers (UFLEO).
 5. Collective bargaining agreement between MTA Headquarters and the Police Benevolent Association (PBA).

15. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:57 p.m.

Respectfully submitted,

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

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

Mariel A. Thompson
Assistant Secretary
NYCT

David K. Cannon
Assistant Secretary
MTA C&D

Paul Friman
Acting General Counsel
and Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Contracts Department

David Cannon, Vice President

PROCUREMENT PACKAGE

November 2022

PROCUREMENTS

The Procurement Agenda this month includes twelve actions for a proposed expenditure of \$1.6B.

Subject Request Authorization to Award Various Procurement Actions					
Contract Department David K. Cannon, Vice President					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		

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

Purpose

To obtain the approval of the Board to award 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>
C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)	11	\$1,584,486,018
SUBTOTAL	11	\$1,584,486,018
<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
I. Modifications to Purchase and Public Work Contracts	1	\$ 7,063,032
SUBTOTAL	1	\$ 7,063,032
TOTAL	12	\$1,591,549,050

Budget Impact

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

Recommendation

That 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.

November 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Third Vote:

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

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

- | | | | |
|----|---|----------------------|--------------------------------------|
| 1. | Elevated Accessibility Enhancements
Contract No. A37140
15 years following substantial completion of the Project | \$965,257,102 | <u>Staff Summary Attached</u> |
|----|---|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited Public-Private Partnership contract for the design, construction, financing and maintenance of elevators and other ADA improvements at selected New York City Transit Subway Stations.

- | | | | |
|----|---|----------------------|--------------------------------------|
| 2. | Citnalta/Scalamandre Joint Venture
Contract No. 6478
Thirty-Six Months | \$114,571,000 | <u>Staff Summary Attached</u> |
|----|---|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for design-build services for ADA improvements to nine Long Island Rail Road stations.

- | | | | |
|----|---|----------------------|--------------------------------------|
| 3. | DeFoe Corporation
Contract No. RK-93
840 Calendar Days | \$108,173,500 | <u>Staff Summary Attached</u> |
|----|---|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for design-build services to reconstruct the Randall’s Island ramps of the Robert F. Kennedy Bridge.

- | | | | |
|------|---|----------------------|---|
| 4&5. | Judlau Contracting, Inc.
Contract No. A37145
852 Calendar Days | \$106,398,530 | <u>Staff Summary Attached</u>
↓ |
|------|---|----------------------|---|

- | | | | |
|--|--|---------------------|---|
| | Modern Elevator Innovations
Contract No. To Be Determined
Fifteen Years | \$ 2,358,680 | ↓ |
|--|--|---------------------|---|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for design and construction of accessibility upgrades at the Borough Hall Station and the award of a long-term elevator maintenance contract.

- | | | | |
|----|--|----------------------|--------------------------------------|
| 6. | MLJT
Contract No. 6382
1008 Calendar Days | \$ 91,794,500 | <u>Staff Summary Attached</u> |
|----|--|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for design-build services for a new railroad bridge and two new mainline tracks in Hall Interlocking.

Dept & Dept Head Name: Stations, Delivery/Barney Gray, Senior Vice President
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Contracts Department Mark Zancolli, Associate General Counsel

Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/29/22	X		
2	Board	11/30/22	X		

Internal Approvals

Order			
	Approval	Order	Approval
X	Deputy Chief, Development	X	President
X	Deputy Chief, Delivery	X	Executive Vice President & General Counsel

SUMMARY INFORMATION

Vendor Name Elevated Accessibility Enhancements	Contract Number A37140
---	----------------------------------

Description
Design, Construct, Finance and Maintain Services for ADA Accessibility Upgrades at Thirteen Stations - Package 3

Total Amount	
1. A37140 Award:	\$965,257,102 ¹
A) Periodic Progress Payments	\$ 68,970,111
B) Completion Payments	\$200,000,000
C) Availability Payments	\$696,286,991
2. Stipend Payments:	\$ 4,000,000

Contract Term
15 years following substantial completion of the Project

Option(s) included in Total Amount? Yes No N/A

Renewal? Yes No

Procurement Type
 Competitive Non-competitive

Solicitation Type
 RFP Bid Other:

Funding Source
 Operating Capital Federal Other

MTA Construction & Development ("C&D") requests Board approval to award a publicly advertised and competitively solicited contract for the design, construction, financing and maintenance of American with Disabilities Act ("ADA") accessibility upgrades at thirteen stations throughout New York City (the "Project") to Elevated Accessibility Enhancements ("EAE" or the "Developer") in the amount of \$965,257,102.

EAE's key contractors include Halmar International, LLC, as design and construction ("D&C") contractor and maintenance contractor who will engage Otis Elevator Company ("Otis") as elevator supplier and maintainer. In accordance with MTA policy, to enhance competition and defray proposal costs, and consistent with comparable Public Private Partnership (P3) precedent, this solicitation includes a stipend of \$2,000,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$4,000,000 to the two unsuccessful proposers.

Discussion

Contract A37140 (the "Contract") is one of a series of ADA projects in support of the MTA's commitment to make stations accessible. The Contract includes designing and constructing the improvements for ADA compliance, including installation of twenty-one new elevators,

¹ This amount is subject to adjustment for changes in interest rates between award and close (no later than March 2023) and for actual CPI through the contract term which will inflate the maintenance portion of the availability payment component.

path-of-travel improvements, and associated state of good repair work at the following eight New York City Transit Authority subway stations (“Stations”): Church Avenue Station, Sheepshead Bay Station, Rockaway Boulevard Station, Kings Highway Station, Woodhaven Boulevard Station, Steinway Street Station, Junius Street Station, and Mosholu Parkway Station, and fourteen elevator replacements, path-of-travel improvements and associated state of good repair work at the following five Stations: 34th Street-Penn Station, Euclid Avenue Station, 161st Street-Yankee Stadium Station (B/D lines), 161st Street-Yankee Stadium Station (4 line), and 3rd Avenue-149th Street Station (the foregoing thirty-five elevators, together with related equipment being “the New Elevators”). The Contract is the first of the ADA elevator projects to be awarded using the P3 project delivery model, which, among other things, incorporates into the Contract, the requirement that Developer maintain the New Elevators, and finance a portion of the Project.

The availability payments to the Developer contain a capital availability payment component (“Capital Availability Payment”), for the payment of debt and equity return, and a maintenance availability payment component (“Maintenance Availability Payment”), for the payment of ongoing maintenance (together the “Availability Payments”). Failure of the Developer to satisfy maintenance performance requirements in the Contract results in the reduction of the Maintenance Availability Payment and/or the equity payment component of the Capital Availability Payment, providing the elevator maintainer, the Developer, and the Developer’s equity owners with strong incentives to satisfy the maintenance performance requirements in the Contract. Under the P3 model, by having the Developer finance a portion of the Project with equity that is only repaid if the Developer successfully delivers and maintains the Project to the MTA’s maintenance standards, MTA was able to provide the teams flexibility to propose performance-based solutions to project delivery, which resulted in total project savings versus MTA C&D’s internal estimates.

The Contract has a fifteen-year maintenance period, commencing with achievement of substantial completion of the Project; and two additional 5-year option periods, exercisable at MTA’s discretion at fixed prices included in the Contract.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of three Statements of Qualification, which were evaluated against the pre-established threshold criteria (addressing completeness, timeliness, capacity, responsibility and financial capability) and substantive criteria (addressing key personnel and organization, project approach, prior experience, past performance and diversity compliance). All three firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- Elevator Accessibility Enhancements (“EAE”), a joint venture between ASTM North America Inc. (equity) and Halmar International, LLC (“Halmar International”) (D&C contractor and maintenance contractor), with Halmar International engaging Otis, as maintenance contractor;
- New York Transit Access Partners (“NYTAP”), a joint venture among Star America NYTAP, LLC (equity), an unincorporated Judlau-ECCO Joint Venture between Judlau Contracting, Inc. and ECCO III Enterprises, Inc. (D&C contractor), Atkins Architecture & Engineering (lead designer), U.S. Facilities, Inc. (maintenance contractor) and Otis (maintenance contractor);
- Plenary Iovino Infrastructure Partners (“PIIP”), a joint venture among Plenary Americas US Holdings Inc. (equity), MLJTC2 (D&C contractor), AECOM USA, Inc. (lead designer), and Modern Elevator Installation, Inc (maintenance contractor),

The procurement process included:

- a number of interactive one-on-one meetings during which each Proposer provided legal, financial and technical feedback on the Contract, including “alternative technical concepts” in regards to the design of the Project;
- various opportunities for the Proposers to submit requests for information (“RFIs”) on any aspect of the Project;
- the issuance of formal responses by MTA to those RFIs and;
- the issuance by MTA of various scheduled addenda to the Contract and technical documents to reflect MTA’s position following such feedback and RFIs from the Proposers.

Following this process, each of the Proposers submitted administrative forms, technical proposals and financial proposals (together the “Proposals”) in response to the RFP. The selection committee, consisting of representatives from C&D and New York City Transit, first reviewed the technical proposals and heard oral presentations from each of the Proposers. The selection committee evaluated the technical proposals using the pre-established selection criteria which assessed Proposers’ major participants, key personnel, schedule, construction plan, approach regarding maintenance, management plans, safety and quality, past performance and other relevant matters.

The selection committee also reviewed the financial proposals which were as follows:

- EAE: \$965,257,102 (comprising Periodic Progress Payments: \$68,970,111; Completion Payments: \$200,000,000 and Availability Payments: \$696,286,991);
- NYTAP: \$1,234,001,207 (comprising Periodic Progress Payments: \$298,306,163; Completion Payments: \$200,000,000 and Availability Payments: \$735,695,044); and
- PIIP: \$1,254,461,031 (comprising Periodic Progress Payments: \$289,997,519; Completion Payments: \$200,000,000 and Availability Payments: \$764,463,512).

“Periodic Progress Payments” refers to the total of five percentage of work complete payments made by C&D to the Developer during construction of the Project and “Completion Payments” refers to the total of two (2) payments made by C&D to the Developer on achievement of substantial completion and final completion of the Project.

Consistent with P3 procurement methodologies and noting the structured procurement design, the procurement process did not include a “best and final offer” component, due to the RFP’s requirement of the committed financing (both debt and equity) in the Proposal. After review of the Proposals, the Selection Committee unanimously recommended EAE for the award of the Contract. The Selection Committee determined that EAE’s Proposal offered the best overall value considering the strength of their technical proposal, their understanding of the work, their time reductions to the Project schedule (which will minimize the impact of the work on MTA’s customers), the strength of their financial proposal (including their lowest proposed cost) (as defined by the total Periodic Progress Payments), strength of their debt commitments and executability of the financial plan. EAE’s prices are considered fair and reasonable. Compared to the standard project delivery by MTA, EAE’s Proposal provides cost savings to MTA after adjusting for the risks that would be absorbed by the Proposer, including construction cost overruns, higher maintenance payments and unexpected major capital costs, as well as for higher handback condition requirements than in a traditional MTA contract.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights (“DDCR”) has established a goal of 15% MBE participation, 15% WBE participation and 6% SDVOB participation for the D&C Work. Halmar International is projecting to exceed the required MBE/WBE/SDVOB goals. Halmar International has achieved its DBE/MBE/WBE goals on previously completed projects.

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

Impact on Funding

Funding for progress payments (including Completion Payments) [and stipends for the two unsuccessful Proposers] will come from MTA’s Capital Programs. The portion of progress payments associated with construction will be funded from the 2020-2024 MTA Capital Program. The portion of progress payments associated with design will be funded from both the 2015-2019 and 2020-2024 MTA Capital Programs, depending on the station. Funding of the Availability Payments during the maintenance period will come from a combination of operating sources for the Maintenance Availability Payment, and from the debt service budget for the Capital Availability Payment. The Capital Availability Payment will be secured as a subordinated contract obligation under the Transportation Revenue Bond Resolution.

Alternatives

None recommended. Currently, MTA lacks available in-house technical personnel to perform the scope of work associated with this Contract and the P3 model is the recommended structure for the Project as it requires the Developer (including equity) to stand behind the maintenance services for the Project to the standard required by the Contract.

Dept & Dept Head Name: LIRR Business Unit ADA Stations/Poonam Lalwani, PCEO					
Contracts Department: Ian Goldrich, SVP and Deputy General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name Citnalta/Scalamandre Joint Venture	Contract Number 6478
Description Design-Build Services for the Long Island Rail Road ADA Station Improvements Package #1	
Total Amount	
1. 6478:	\$114,571,000
2. Stipend Payments:	\$ 300,000
Contract Term Thirty-Six Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	

Purpose/Recommendation

MTA Construction and Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to Citnalta/Scalamandre Joint Venture (a joint venture consisting of Citnalta Construction Corporation and Scalamandre & Sons Inc.), for design-build services for Long Island Rail Road (“LIRR”) ADA Station Improvements Package #1 in the amount of \$114,571,000 and a duration of thirty-six 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 of \$150,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$300,000 to the two unsuccessful proposers.

Discussion

The work under this contract (the “Contract”) provides for Americans with Disabilities Act (“ADA”) improvements to nine LIRR stations in Nassau, Suffolk, and Queens counties. The Amityville, Copiague, Lindenhurst, Massapequa Park, Laurelton, St. Albans, and Locust Manor stations are not currently wheelchair accessible but will become fully ADA compliant under this Contract. At the Auburndale and Valley Stream stations, existing elevators and escalators will be replaced along with other improvements to bring these stations into ADA compliance. Other improvements at the stations will include electrical and mechanical upgrades, new structural foundations and superstructure elements, platform repairs and upgrades and various architectural improvements.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised, resulting in the submission of four Statements of Qualifications that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing key personnel and organization, project approach, prior experience, past performance, financial strength and diversity compliance). Based on these criteria, all four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- Forte Construction Corp./J-Track Joint Venture, a joint venture consisting of Forte Construction Corporation and J-Track LLC (“Forte/J-Track”)
- Skanska USA Civil Northeast, Inc. (“Skanska”)
- Citnalta/Scalamandre JV (CSJV)
- John P. Picone, Inc. (“Picone”)

Subsequently, Skanska withdrew its participation citing business-related reasons.

All three remaining proposers submitted technical and costs proposals. The selection committee, consisting of representatives from the C&D Delivery and Development Departments, and LIRR Engineering, first reviewed the technical proposals and heard oral presentations from each of the proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria: design, overall project schedule and construction impact mitigation approach, management approach, financial strength, experience, record of performance, safety and quality, and diversity practices. They determined that all three proposers submitted technical proposals that were responsive and acceptable. The selection committee then opened the cost proposals which were as follows: Forte/J-Track JV – \$130,920,000; CSJV – \$107,077,000; and Picone – \$124,300,000.

Discussions were held with each of the three proposers focusing on proposal details and clarifications, and costs. Following those discussions, each proposer was offered the opportunity to submit a revised cost proposal. Picone elected not to update its proposal. Both Forte/J-Track and CSJV elected to update their proposals as follows:

- Forte/J-Track \$129,650,500
- CSJV \$115,957,000

CSJV’s proposal increased due to repair work that was required at Locust Manor and other clarifications of the scope that they did not account for in their original cost proposal. Nevertheless, upon review of the technical proposals and revised cost proposals, the selection committee unanimously recommended CSJV to be brought in for negotiations as their proposal provided the best value to the MTA based on a combination of both technical and cost factors. Negotiations with CSJV focused on additional areas for potential cost savings and following negotiations, CSJV submitted their Best and Final Offer in the amount of \$114,571,000 which is considered to be fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights has established a 22.5% DBE goal for the Contract. Although this is a design-build contract with some undefined scope, CSJV is projecting to meet the required DBE goal requirements. Citnalta Construction Corporation has achieved their assigned D/M/WBE goals on previously completed MTA Contracts. Scalamandre & Sons, Inc. has not completed any MTA contracts with goals; therefore, no assessment of their MWDBE performance can be determined at this time.

Impact on Funding

Funding for this Contract and the stipends for the two unsuccessful proposers is included in the LIRR part of the 2020-2024 Capital Program and will be funded with federal funds.

Alternatives

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

Dept & Dept Head Name: B&T Business Unit/Joe Keane, SVP & Program Executive					
Contracts Department: David K. Cannon, VP and Chief Procurement Officer					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Bridges and Tunnels Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name DeFoe Corporation	Contract Number RK-93
Description Design-Build Services for the Reconstruction of Randall's Island Ramps	
Total Amount	
1. Base:	\$98,173,500
2. Option:	\$10,000,000
3. Stipend Payments:	\$ 300,000
Contract Term 840 Calendar Days	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input checked="" 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 DeFoe Corporation for design-build services to reconstruct the Randall’s Island ramps of the Robert F. Kennedy Bridge in the amount of \$108,173,500 and a duration of 840 Calendar Days. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$100,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$300,000 to the three unsuccessful proposers.

Discussion

The work under this contract (the “Contract”) provides for reconstruction of the three vehicular ramps and two pedestrian ramps of the Robert F. Kennedy Bridge on Randall’s Island. The Contract also includes an option, which may be exercised in the MTA’s sole discretion, for a third pedestrian ramp.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of nine statements of qualifications, which were evaluated against pre-established criteria organization of key personnel, past performance of the proposed teams/firms, record of performance together as a team or individually design-build projects. The following four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- DeFoe Corp. (“DeFoe”)
- ECCO III Enterprises, Inc. (“ECCO III”)
- Halmar International, LLC (“Halmar”)
- Walsh Construction Co. II, LLC (“Walsh”)

All four of the selected firms submitted technical and price proposals in response to the RFP. The selection committee, consisting of representatives from C&D Delivery and Contracts, first reviewed the technical proposals and heard oral presentations from each of the Proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria set forth in the RFP: technical approach, key personnel, overall design-build team organization, schedule, and diversity practices. The selection committee determined that all four teams submitted technical proposals that were responsive and acceptable. The selection committee next opened the cost proposals, which were as follows: DeFoe \$109,596,150 (\$99,596,150 Base and \$10,000,000 Option) ECCO III \$131,676,000 (\$119,176,000 Base and \$12,500,000 Option); Halmar \$112,264,750 (\$102,774,750 Base and \$9,490,000 Option); and Walsh \$185,697,000 (\$167,697,000 Base and \$18,000,000 Option).

Based upon its review of the technical and price proposals, the selection committee determined that DeFoe was the highest ranked technical proposer due to the strength of its lead designer, key personnel, technical approach to the work, extensive prior experience, and a track record of completing similar projects on time and within budget. DeFoe also offered the lowest price. Accordingly, the selection committee unanimously determined that DeFoe's proposal provided the best value to the MTA and recommended that DeFoe be invited for negotiations.

The negotiations with DeFoe focused on technical clarifications and overall costs. Following negotiations, DeFoe submitted its Best and Final Offer in the amount of \$108,173,500 (\$98,173,500 Base and \$10,000,000 Option) which is considered to be fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE, 15% WBE and 6% SDVOB for the Design/Build Contract. Although this is a design-build contract with some undefined scope, DeFoe is projecting to meet the required MBE/WBE/SDVOB goal.

DeFoe has achieved its DBE/MBE/WBE goals on previously completed contracts.

Impact On Funding

Funding for this Contract and the stipends for the three unsuccessful proposers is included in the Bridges and Tunnels portion of the 2020-2024 Capital Program and the Bridges and Tunnels operating budget.

Alternatives

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

Maintenance Contract. The term of the Maintenance Contract is fifteen year period, commencing on achievement of Substantial Completion of the Design-Build Contract plus two five-year option periods, exercisable at MTA's discretion.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised, resulting in the submission of six Statements of Qualifications that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing key personnel and organization, project approach, prior experience, past performance, financial strength and diversity compliance). Based on these criteria, the following four firms were selected to receive the Request for Proposal ("RFP") in Step 2:

- Citnalta-Forte JV ("CFJV")
- John P. Picone ("Picone")
- Judlau Contracting, Inc. ("Judlau")
- MLJ Contracting Corp and TC Electric, LLC JV ("MLJTC2")

In response to the RFP, all four teams submitted technical and price proposals. The selection committee, consisting of representatives from C&D Delivery and Contracts Departments and NYCT's Elevator and Escalator Division, first reviewed the technical proposals and heard oral presentations from each of the proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria: design and construction, schedule, maintenance, management plan, experience, record of performance, safety and quality, diversity compliance, and other relevant matters. The selection committee determined that all four teams submitted technical proposals that were responsive and acceptable. The selection committee next opened the price proposals, which were as follows: CFJV \$132,172,000 (Maintenance: \$3,087,472.16); Picone \$116,000,000 (Maintenance: \$2,358,680); Judlau \$104,998,530 (Maintenance: \$2,358,680); and MLJTC2 \$132,800,000 (Maintenance: \$3,087,472.16). For the installation and the long-term maintenance of the elevators, CFJV and MLJTC2 proposed Mid-American Elevator Co. ("MAE") and Picone and Judlau proposed Modern Elevator Installations, Inc. ("Modern").

Based upon its review of the technical and cost proposals, the selection committee determined that the proposals submitted by Picone and Judlau demonstrated an understanding of the project, included a reduction in the overall contract duration, and identified potential risks and detailed risk mitigation measures. In addition, Judlau also proposed the least diversions of the selected Design-Builders. While both CFJV and MLJTC2 submitted strong technical proposals, their cost proposals were significantly higher than both Picone and Judlau, and contained fewer schedule reductions. Judlau plans to use lessons learned on their previous ADA Upgrades Project to contribute to the success of this project. For the reasons stated above, the selection committee unanimously recommended that Picone and Judlau be invited in for negotiations.

Negotiations with Picone and Judlau included discussions of design requirements and cost, project schedule, the number of diversions of service, and overall cost. Discussions also included the scope of the communication, electrical, and waterproofing work required under this contract. Following negotiations, a Best and Final Offer ("BAFO") was requested from Picone and Judlau. The results of the BAFOs were as follows:

- Picone \$114,800,000 (Maintenance: \$2,358,680)
- Judlau \$106,398,530 (Maintenance: \$2,358,680)

After review of the BAFOs, the Selection Committee unanimously recommended Judlau for award of the Design-Build Contract and Modern for the award of the long-term Maintenance Contract. The Selection Committee determined that Judlau's proposal offered the best overall value considering their technical proposal, their understanding of the work, their lowest proposed cost, and reductions to schedule and diversions of service, which will minimize the impact of the work on MTA's customers. Judlau's and Modern's prices are considered fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights has established a 22.5% DBE goal for the Contract. Judlau's utilization plan is under review. Judlau has achieved its DBE/MBE/WBE goals on previously completed contracts.

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



Impact on Funding

Funding for the Contract, and stipends for the three unsuccessful proposers, are included in the NYCT portion of the MTA's 2020-2024 Capital Program. Funding for the Maintenance Contract is included in the NYCT operating budget.

Alternatives

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

Dept & Dept Head Name: LIRR Business Unit, Delivery/Andrew Wilson					
Contracts Department: Ian Goldrich, SVP and Deputy General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name MLJT	Contract Number 6382
Description Design-Build Services for the LIRR Hall Interlocking Expansion Project	
Total Amount	
1. 6382 Base:	\$ 91,794,500
2. Option	\$ 500,000
3. Stipend Payment:	\$ 450,000
Contract Term 1008 Calendar Days	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> MTA	

Purpose/Recommendation

MTA Construction and Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to MLJT (a joint venture consisting of MLJ Contracting Corp. and J-Track LLC) for design-build services for the Long Island Rail Road (“LIRR”) Hall interlocking expansion project in the amount of \$92,294,500 and a duration of 1008 Calendar Days. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$150,000 to be paid to each unsuccessful proposer whose proposal met defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$450,000 to the three unsuccessful proposers.

Discussion

The work under this contract (the “Contract”) includes the construction of a new railroad bridge, extending the existing LIRR “E-Yard” over 150th Street and the Atlantic Branch Track #1, and thereby creating two new mainline tracks in Hall Interlocking. The contract also includes an option to be exercised at the MTA’s sole discretion, for two cantilevered signal platforms.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised, resulting in the submission of four Statements of Qualifications that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing key personnel and organization, project approach, prior experience, past performance, financial strength and diversity compliance). Based on these criteria, all four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- Michels Corporation/ARUP (“Michels/ARUP”)
- MLJT
- RCC/Civetta Joint Venture, a joint venture consisting of Railroad Construction Corp./John Civetta & Sons JV (“RCC/Civetta JV”)
- Schiavone Construction Co. LLC (“Schiavone”)

All four teams submitted technical and price proposals in response to the RFP. The selection committee, consisting of representatives from C&D Delivery, LIRR Engineering, and LIRR Operational Support Group, first reviewed the technical proposals and heard oral presentations from each of the proposers. The selection committee evaluated the technical proposals using the following pre-established

selection criteria: design, overall project schedule and construction impact mitigation approach, management approach, financial strength, experience, record of performance, safety and quality, and diversity practices. The Selection Committee next opened the price proposals, which were as follows: Michels/ARUP - \$113,670,000 (\$113,070,000 Base + \$600,000 Option); MLJT - \$88,780,000 (\$88,280,000 Base + \$500,000 Option); RCC/Civetta JV - \$110,990,000 (\$110,565,000 Base + \$425,000 Option); and Schiavone - \$104,480,200 (104,282,430 Base + \$197,770 Option).

After evaluation of the technical and price proposals, the selection committee determined that the proposals submitted by MLJT, RCC/Civetta JV and Schiavone were in the competitive range and should be brought in for cost discussions. Discussions with MLJT focused on whether it was capable of performing the work at its proposed price while discussions with RCC and Schiavone focused on ways to reduce costs. At the conclusion of discussions with MLJT, the selection committee determined that they could perform the work under the Contract at the proposed price. RCC and Schiavone were both requested to submit updated price proposals. The following updated price proposals were submitted by RCC and Schiavone:

- RCC/Civetta JV \$107,890,000 (\$107,465,000 Base + \$425,000 Option)
- SCHIAVONE \$102,480,200 (102,282,430 Base + \$197,770 Option)

The cost discussions with RCC/Civetta JV and Schiavone did not result in the magnitude of reduction that would allow their updated offerings to compare favorably to the price proposal submitted by MLJT. Therefore, the selection committee unanimously determined that MLJT's proposal offered the best overall value to the MTA as they were technically qualified and provided a cost that was considerably lower (13%) than the second lowest proposer.

Negotiations were held with MLJT focusing on scope clarifications. Following negotiations, MLJT submitted their Best and Final Offer in the amount of \$92,294,500 (\$91,794,500 Base and \$500,000 Option). This pricing includes additional cable work not in the original solicitation, and updated subcontractor pricing from their original price submissions.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights has established a 20% DBE goal for the Contract. Although this is a design-build contract with some undefined scope, MLJT is projecting to meet the required DBE goal requirements. MLJT has not completed any MTA contracts with MWDBE goals; therefore, no assessment of their MWDBE performance is available at this time. MLJ Contracting Corp. and J-Track LLC have individually achieved their assigned DBE/MBE/WBE goals on previously completed MTA contracts.

Impact on Funding

Funding for this Contract and the stipends for the three unsuccessful proposers is included in the LIRR part of the 2020-2024 Capital Program and will be funded with federal funds.

Alternatives

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

Dept & Dept Head Name: Stations/Barney Gray, Senior Vice President					
Contracts Department: Mark Zancolli, Associate General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name Skanska USA Civil Northeast Inc.	Contract Number A37693
Description Design-Build Services for Circulation Improvements at Grand Central – 42nd Street Station	
Total Amount 1. A37693: \$74,470,000 2. Stipend Payments: \$ 750,000	
Contract Term 715 Calendar Days	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other	

Purpose/Recommendation

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to Skanska USA Civil Northeast Inc. for design-build services for circulation improvements at Grand Central – 42nd Street Station in the amount of \$74,470,000 and with a duration of 715 calendar days. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$250,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$750,000 to the three unsuccessful proposers.

Discussion

Contract A37693 (the “Contract”) is for design-build services for circulation improvements at Grand Central – 42nd Street Station, including the construction of a new passageway, new stairs, and widening of existing stairs.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications (“RFQ”) was advertised, resulting in the submission of six Statements of Qualifications that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (major participants, personnel and organizational capacity, project approach, prior experience, past performance, and diversity compliance). Based on these criteria, the following four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- Citnalta-Forte JV (“CFJV”)
- John Civetta & Sons, Inc. (“Civetta”)
- MLJ Contracting Corp. (“MLJ”)
- Skanska USA Civil Northeast Inc (“Skanska”)

All four of the selected teams submitted technical and price proposals. The selection committee, consisting of representatives from C&D Delivery and Contracts Departments and NYCT Maintenance of Way and Operations Planning, first reviewed the technical proposals and heard oral presentations from each of the Proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria: design and construction, schedule, maintenance, management plan, experience, record of performance,

safety and quality, diversity compliance, and other relevant matters. The selection committee determined that all four teams submitted technical proposals that were responsive and acceptable. The selection committee next opened the price proposals, which were as follows: CFJV \$67,871,000; Civetta \$87,572,500; MLJ \$98,200,000; and Skanska \$84,930,000.

Based on the technical and price proposals, the selection committee invited CFJV, Civetta, and Skanska for negotiations to discuss technical clarifications and pricing. The technical proposal from MLJ was limited in project specific information and their price was outside of the competitive range. Negotiations with CFJV, Civetta, and Skanska included discussions of design requirements, project schedule, and overall price. Following negotiations, Best and Final Offers (“BAFO”) were requested from CFJV, Civetta, and Skanska requesting revised pricing and revised milestone durations. The results of the BAFOs were as follows:

- CFJV \$67,337,000 with an overall duration of 730 days
- Civetta \$72,767,500 with an overall duration of 730 days
- Skanska \$74,470,000, with an overall duration of 715 day

After review of the BAFOs, the selection committee unanimously determined that the proposal submitted by Skanska provided the best value to the MTA. The selection committee’s determination was based on Skanska being unanimously ranked the highest technical proposer, based on their demonstrated experience on similar work, vast tunneling experience and detailed understanding of the project scope. In addition, Skanska offered reductions in the number of diversions of service as well as the shortest schedule duration which provided additional cost savings.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights (“DDCR”) has established 15% MBE, 15%WBE and 6% SDVOB goals for the Contract. Skanska’s utilization plan is under review. Skanska has achieved its DBE/MBE/WBE goals on previously completed contracts.

Impact on Funding

Funding for the Contract, and stipends for the three unsuccessful proposers are included in the NYCT portion of the MTA’s 2020-2024 Capital Program.

Alternatives

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

Dept & Dept Head Name: Systems, Deliver /Mark Bienstock, Senior Vice President					
Contracts Department: Daniel L. Tentler, SVP, Deputy General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name CRC Associates Inc.	Contract Number C52146
Description Design-Build Services for Laser Intrusion Detection Systems Installation for Under River Tubes, Phase 3	
Total Amount 1. C52146: \$52,550,000 2. Stipend Payments: \$ 150,000	
Contract Term 1460 Calendar Days	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other	

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to CRC Associates, Inc. for design-build services to provide a laser intrusion detection system for under river subway tubes and subway stations in the amount of \$52,550,000 and a duration of 1460 Calendar Days. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$75,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$150,000 to the two unsuccessful proposers.

Discussion

This contract (the “Contract”) is for design-build services to provide a laser intrusion detection system in thirteen under-river subway tubes and twenty-nine subway stations. The Contract will also include updating existing CCTV equipment, upgrading access control and fiber distribution panels, and integration and commissioning of the equipment into the existing physical security information management system.

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 that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (major participants, personnel and organizational capacity, project approach, prior experience, past performance, and diversity compliance). Based on these criteria, the following three firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- CRC Associates, Inc (“CRC”)
- EJ Electric Installation Co. (“EJ”)
- TC Electric, LLC (“TC”)

All three of the selected firms submitted technical and price proposals in response to the RFP. The selection committee, consisting of representatives from C&D’s Delivery and Contracts Departments and New York City Transit’s Department of Security, first reviewed the technical proposals and heard oral presentations from each of the Proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria: design and construction, schedule, maintenance, management plan, experience,

record of performance, safety and quality, diversity compliance, and other relevant matters. The selection committee determined that all three teams submitted technical proposals that were responsive and acceptable. The selection committee next opened the price proposals, which were as follows: CRC \$52,550,000; EJ \$60,400,000; and TC \$71,700,000.

Based upon its review of the technical and price proposals the selection committee unanimously recommended award to CRC. The selection committee based their recommendation on the strength of CRC's technical proposal, its considerable reduction in schedule (8 months), as well as having submitted the lowest cost proposal. The selection committee considered CRC's proposal to offer MTA the best value. The pricing submitted by CRC is considered to be fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights ("DDCR") has established 13% MBE, 13% WBE and 0% SDVOB goals for the Contract. CRC's utilization plan is under review. CRC has achieved its DBE/MBE/WBE goals on previously completed contracts.

Impact on Funding

Funding for the Contract, and stipends for the two unsuccessful proposers are included in the NYCT portion of the MTA's 2020-2024 Capital Program.

Alternatives

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

Dept & Dept Head Name: Stations/Barney Gray, Senior Vice President					
Contracts Department: Mark Zancolli, Associate General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name J-Track, LLC	Contract Number E30645
Description Design and Construction Services for Escalator Replacements in Manhattan and Queens	
Total Amount	
1. E30645:	\$48,299,000
2. Stipend Payments:	\$ 96,000
Contract Term 967 Calendar Days	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other	

Purpose/Recommendation

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract for design-build services for the replacement of six escalators to J-Track, LLC in the amount of \$48,299,000 and a duration of 967 Calendar Days. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$48,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$96,000 to the two unsuccessful proposers.

Discussion

This contract (the “Contract”) is for design-build services for escalator replacements at West 4th Street in Manhattan and Sutphin Boulevard in Queens. The project will replace the two escalators at the West 4th St. - 8th Avenue Line station and the four escalators at the Sutphin Blvd-Archer Ave-JFK Airport station with new heavy-duty transit escalators that are suitable for 24-hour continuous operation. The work also includes the replacement of equipment in the escalator machine rooms and “state of good repair” work in the vicinity of the escalators, such as replacing tile finishes on walls, adding new handrails to stairwells adjacent to the escalators, and replacing existing lighting with new LED lighting.

A two-step procurement process was conducted for this Contract. In Step 1, a Request for Qualifications was advertised, resulting in the submission of three Statements of Qualifications that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing key personnel, and organization, project approach, prior experience, past performance, and diversity compliance). Based on these criteria, all three firms were selected to receive the Request for Proposals (“RFP”) in Step 2:

- Forte Construction Corp. (“Forte”)
- J-Track, LLC (“J-Track”)
- Paul J. Scariano, Inc. (“PJS”)

All three firms submitted technical and price proposals in response to the RFP. The selection committee, consisting of representatives from C&D Delivery and Contracts Departments, first reviewed the technical proposals and heard oral presentations from each of the

Proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria: design and construction, schedule, management plan, experience, record of performance, safety and quality, diversity compliance, and other relevant matters. The selection committee determined that all three teams submitted technical proposals that were responsive and acceptable. The selection committee next opened the price proposals, which were as follows: Forte \$54,122,500; J-Track \$49,998,000; and PJS \$61,600,000.

Based upon its review of the technical and price proposals, the selection committee determined that the proposal submitted by J-Track demonstrated a technically superior approach to the design and construction work and full understanding of potential risks and included reductions in both the number of diversions of service and the overall contract duration which provided significant cost savings to the MTA. While PJS submitted a strong technical proposal, its price proposal was significantly higher than J-Track and its proposal did not contain any schedule reductions. Forte's technical proposal lacked project-specific detail and during their oral presentation, several key personnel were not in attendance, as is required. Additionally, Forte did not present any schedule reductions. For the reasons stated above, the selection committee unanimously recommended that only J-Track be invited in for negotiations.

Negotiations with J-Track included discussions of design requirements, project schedule, and overall cost. Following negotiations, J-Track submitted their Best and Final Offer in the amount of \$48,299,000 which is deemed to be fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights ("DDCR") has established 10% MBE, 10%WBE and 2% SDVOB goals for the Contract. J-Track's utilization plan is currently under review. J-Track has achieved its DBE/MBE/WBE goals on previously completed contracts.

Impact on Funding

Funding for the Contract, and stipends for the two unsuccessful proposers, are included in the NYCT portion of the MTA's 2020-2024 Capital Program.

Alternatives

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

Dept & Dept Head Name: LIRR Business Unit, Delivery/Andrew Wilson, Acting Chief					
Contracts Department: Ian Goldrich, SVP and Deputy General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name Power Resources International Inc.	Contract Number 6359
Description Design-Build Services for the Replacement of Babylon and Hillside Motor Generators	
Total Amount \$13,255,286	
Contract Term Twenty -Eight Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	

Purpose/Recommendation

MTA Construction and Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to Power Resources International Inc. for design-build services to provide two new prefabricated motor generator buildings in the amount of \$13,255,286 and a duration of twenty-eight months.

Discussion

The work under Contract 6359 (the “Contract”) provides for the design and construction of one signal power motor generator at 170-55 Douglas Ave, Jamaica, NY (“Hillside”) and one signal power motor generator at 2 Paris Ct., Babylon, NY (“Babylon”) in order to address current and future signal system requirements.

A one-step procurement process was conducted for this Contract. The Request for Proposals (“RFP”) for this contract was publicly advertised in the New York State Contract Reporter, the N.Y. Post, and on the MTA website. In response to the RFP, proposals were received from the following firms:

- Power Resources International, Inc. (“PRI”)
- Verde Electric Corporation (“Verde”)
- VOLTAMP Electrical Contractors, Inc. (“VOLTAMP”)
- Mass Electric Construction Co. (“Mass Electric”)
- T. Moriarty & Son, Inc. (“Moriarty”)

The selection committee, consisting of members from the C&D Delivery and Development Departments and from the Long Island Rail Road Engineering Department first reviewed the technical proposals from each of the Proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria set forth in the RFP: technical approach, demonstrated ability to meet the contract schedule, qualifications and experience of proposed staff; qualifications and experience of overall firm and diversity practices. Based on the selection committee’s review of the technical proposals, PRI, Moriarty and Verde were deemed to be in the

competitive range and were invited to give oral presentations on their technical proposals. The selection committee next opened the price proposals of the three firms which were as follows: PRI \$14,787,151; Moriarty \$16,503,218; and Verde \$17,723,244.

Although all three firms submitted acceptable technical proposals, based upon its review of their technical and price proposals, the selection committee unanimously determined that PRI was the highest ranked proposer. PRI's proposal demonstrated a thorough and comprehensive understanding of the project and adequately responded to all of the selection committee's questions. In addition, the means, methods, and design proposed by PRI mitigated many significant project risks. PRI also offered the lowest price among the three proposers. Accordingly, the selection committee unanimously determined that PRI's proposal provided the best value to the MTA and recommended that PRI be invited for negotiations.

Negotiations with PRI focused on cost-savings initiatives and scope clarifications. Following negotiations, PRI submitted its Best and Final Offer in the amount of \$13,255,286 (a reduction of \$1,531,865 or 10%) which is considered to be fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights has established a DBE goal of 5% for the Contract due to the limited subcontracting opportunities. Although this is a design-build contract with some undefined scope, PRI is projecting to exceed the required DBE goal requirements. PRI has achieved the assigned D/M/WBE goals on previous completed contracts.

Impact On Funding

Funding for this Contract is included in the LIRR portion of the 2015-2019 Capital Program.

Alternatives

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

Dept & Dept Head Name: MNR Business Unit/ Delivery Ziona Rubin, Vice President					
Contracts Department: John Abili, Sr. Vice President & Deputy General Counsel					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/22	X		
2	Board	11/30/22	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	President		
X	Deputy Chief, Delivery	X	Executive VP & General Counsel		

SUMMARY INFORMATION	
Vendor Name J-Track LLC	Contract Number 131618
Description Design-Build Services for Moodna Viaduct Timber Ties Replacement	
Total Amount \$7,358,420	
Contract Term Twenty-Four Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	

Purpose/Recommendation

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract to J-Track LLC for design-build services to replace of the timber ties on the Moodna Viaduct in the amount of \$7,358,420 and a duration of twenty-four months.

Discussion

This contract (the “Contract”) provides for the replacement of the timber bridge ties on the Moodna Viaduct on Metro-North’s (“MNR”) Port Jervis Line in Orange County, New York. The Moodna Viaduct is a 3,201 feet long steel railroad viaduct located in Salisbury Mills and Cornwall NY. The work under the Contract includes design, survey, procurement, fabrication and installation for the replacement of timber ties and rail connection parts, along with the removal and disposal of the existing timber bridge ties.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised, resulting in the submission of six Statements of Qualifications that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing key personnel and organization, project approach, prior experience, past performance, financial strength and diversity compliance). Based on these criteria, all three responding firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- J-Track LLC (“J-Track”)
- Railroad Construction Company (“RCC”)
- Tracks Unlimited, LLC (“Tracks Unlimited”)

All three firms submitted technical and price proposals in response to the RFP. The selection committee, consisting of representatives from C&D Delivery and MNR, 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 the following pre-established selection criteria: technical approach, qualifications of the firm, team organization, schedule, and diversity practices. The selection committee determined that all three firms submitted technical proposals that were responsive and acceptable. The selection committee then opened the price proposals, which were as follows: J-Track - \$7,428,420; RCC - \$9,365,000; and Tracks Unlimited - \$7,720,400.



Based upon its review of the technical and price proposals, and discussions during the oral presentations, the selection committee determined that the proposal submitted by J-Track was the highest ranked technically, provided the lowest prices and provided the best value to the MTA as it demonstrated a superior combination of technical approach, price, and schedule. J-Track's proposal demonstrated a strong understanding of all components of the scope of work as established in their technical approach, and their key personnel have successfully completed design-build projects of similar scope and magnitude. Of the three teams, J-Track submitted the most aggressive schedule and also offered the lowest price. J-Track has successfully completed similar projects.

Based on their evaluation, the selection committee unanimously recommended J-Track be invited to negotiations.

Negotiations focused on technical approach, schedule and costs. Following negotiations, J-Track submitted a Best and Final Offer in the amount of \$7,358,420 which was deemed to be fair and reasonable.

DBE/MBE/WBE/SDVOB Information

The MTA Department of Diversity and Civil Rights has established a 22.5% DBE goal for the Contract. Although this is a design-build contract with some undefined scope, J-Track is projecting to meet the required DBE goal. J-Track has met has achieved its goals on all recently completed contracts.

Impact on Funding

Funding for the Contract is included in the MNR's portion of the MTA's 2015-19 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 12

Vendor Name (& Location) Schindler Elevator Corporation (New York, New York)
Description Vertical Circulation Elements for the East Side Access Project
Contract Term (including Options, if any) 4,481 days
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: East Side Access, R. Troup

Contract Number	Modification Number
VM014	25
Original Amount:	\$ 24,077,558
Prior Modifications:	\$ 15,624,352
Exercised Options:	\$ 1,787,351
Current Amount:	\$ 41,489,261
This Request	\$ 7,063,032
% of This Request to Current Amount:	17%
% of Modifications (including This Request) to Original Amount:	94%

Discussion:

Contract VM014 (the “Contract”) provides engineering and fabrication for all of the elevators and escalators (also referred to as vertical circulation elements) for the East Side Access project. MTA Construction and Development requests Board approval to award a modification to the Contract for the maintenance of all of the elevators and escalators at the new Grand Central Madison Terminal for a period of up to seven months from the commencement of revenue service.

The new Grand Central Madison Terminal (“GCMT”) includes twenty elevators and thirty-eight escalators (including seventeen high rise escalators). This modification to the Contract requires Schindler Elevator Corporation (“Schindler”) to be on-site twenty-four hours a day, seven days a week to provide maintenance of these elevators and escalators from the revenue service date of the Long Island Rail Road service into GCMT until the long-term facility maintenance contract (MS21001) is in place. The MS21001 scope of work which includes the maintenance of the GCMT elevators and escalators, is currently in the solicitation phase and is scheduled to be awarded in the first quarter of 2023. This modification will also allow the future MS21001 contractor enough time to mobilize staff and ramp up for their eventual take-over of the maintenance of these elements.

Schindler’s proposal for this modification was \$9,029,154 for the seven month period. Negotiations were held and the parties agreed to a cost of \$235,434 per week for a total not to exceed amount of \$7,063,032 for the seven month period. The negotiated cost is deemed to be fair and reasonable. Schindler will be paid at unit price rates and will only be entitled to the costs associated with the time period for which the MTA requires these services.

In connection with review of Schindler’s responsibility pursuant to the All-Agency Responsibility Guidelines, Schindler was found to be responsible notwithstanding significant adverse information and such responsibility finding was approved by the MTA Deputy Chief Operating Officer in consultation with the MTA General Counsel.



Metro-North Railroad

Procurement

Subject Request for Authorization to Award One Non-Competitive Procurement					
Department MTA Procurement					
Department Head Name Kuvershen Ayer					
Department Head Signature <i>Kuvershen Ayer</i>					
Project Manager Name Jonathan Rodriguez-Rojas					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	11/29/22			
2	Board	11/30/22			

November 18, 2022			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President		<i>CAR</i>
	VP & General Counsel		<i>ss</i>

Internal Approvals (cont.)

Order	Approval	Order	Approval	Order	Approval	Order	Approval

PURPOSE

To obtain approval of the Board to award one non-competitive contract, and to inform the Metro-North Committee of this procurement action.

DISCUSSION

Metro-North Railroad proposes to award one Noncompetitive procurement in the following category:

<u>Procurements Requiring Two Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Noncompetitive Purchases and Public Work Contracts	1	\$ 3.9 M
SUBTOTAL	1	\$ 3.9 M

Metro-North Railroad proposes to award Competitive procurements in the following categories: None

Metro-North Railroad proposes to award Ratifications in the following categories: None

TOTAL 1 \$ 3.9 M

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

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose, which costs will be apportioned between CDOT (74 percent) and Metro-North (26 percent).

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

NOVEMBER 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.)

- | | | |
|--|-------------|-------------------------------|
| 1. Powell Electric Systems, Inc.
Five years
Contract# 209669 | \$3,872,640 | <i>Staff Summary Attached</i> |
|--|-------------|-------------------------------|
- New and/or refurbished original equipment manufacturer circuit breakers at seven alternating current traction power substations on Metro-North's New Haven line in both Connecticut and New York.

Schedule A: Noncompetitive Purchases and Public Work Contracts



Item Number: 1

Vendor Name (Location) Powell Electric Systems Inc. (Houston, Texas)
Description OEM Circuit Breaker Replacement and/or Refurbishment on New Haven Line
Contract Term (including Options, if any) Five years
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole-Source

Contract Number 209669	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$3,872,640
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: CDOT	
Requesting Department Maintenance of Way-Power, Stephen Walsh, Deputy Chief Engineer	
Contract Manager Zulma Rosario	

Discussion:

Metro-North Railroad (“Metro-North”) requests Board approval to award a five-year noncompetitive estimated quantities contract in the amount of \$3,872,640 to Powell Electric Systems Inc. (“Powell”) for the provision of new and/or refurbishment of original equipment manufacturer (“OEM”) circuit breakers and to conduct testing for seven alternating current (“AC”) traction power substations on Metro-North’s New Haven Line (“NHL”) in both Connecticut and New York.

Metro-North maintains 19 AC traction power substations on the NHL, which feed into the traction power system and provide electricity for the movement of trains. Seven of these 19 substations were designed and built for Metro-North by Powell in the 1990’s and include circuit breakers (approximately 30 per substation) designed specifically for railroad use on traction power systems. The circuit breakers in the 7 substations have reached the end of their useful life. The contract calls for the refurbishment of 208 circuit breakers at a maximum price of \$17,455 each, and the purchase of 15 new circuit breakers at a maximum price of \$29,997 each. The new circuit breakers are to be used as spares, which will be swapped with the existing circuit breakers undergoing refurbishment in order to avoid any disruptions. Metro-North’s forces will remove and install the circuit breakers during the term of the contract.

The circuit breakers, which are beginning to fail more frequently, act as the primary safety mechanisms to prevent the flow of electric current to a circuit when there is an electrical fault. If a circuit breaker fails, it will affect the corresponding track, disrupt train service, and possibly cause damage to the substation. The proactive replacement and refurbishment of these circuit breakers will ensure safe and uninterrupted train service for Metro-North’s ridership. This will also have the added benefit of extending the useful life of the seven substations by an estimated 15 years and forestall the need for a complete replacement of the substations, which is estimated to cost approximately \$25 million each.

Powell, as the designer and OEM, is uniquely qualified and experienced with the requisite electrical components for these substations. Additionally, as the OEM, Powell will also be able to ensure proper form, fit and functionality of the circuit breakers including integration into the substations. If Metro-North were to have another vendor perform refurbishment services on this equipment, Metro-North could run the risk of a potential decrease in the functionality and reliability of the circuit breakers.

Based on a comparative price analysis between Powell and another vendor that performed a one-time limited emergency repair on a Powell circuit breaker last year, the emergency repair cost was 113 percent higher than Powell’s current pricing for a more comprehensive refurbishment. Further, by refurbishing the 208 circuit breakers rather than replacing them with new circuit breakers, Metro-North is further achieving a savings of approximately \$3 million. As for new circuit breakers, other vendors are not able to provide new circuit breakers and ensure compatibility with the substation equipment given Powell’s unique and proprietary design of the circuit breakers for Metro-North’s use.

In requesting Board authorization, Metro-North has complied with the public advertisement requirements of PAL Section 1265-a (3) and PAL Section 1265-a(4)(b), as well as with the MTA All Agency General Contract Procurement Guidelines for the procurement of sole-source items. An advertisement notice was placed in the New York State Contract Reporter, Journal News and New Haven Register and posted on the Metro-North website. These efforts did not yield interest from other vendors.

Schedule A: Noncompetitive Purchases and Public Work Contracts



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

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

Impact on Funding

Funding for this procurement will be apportioned between the Connecticut Department of Transportation (State of Connecticut) (\$2,857,586 or 74 percent) and Metro-North (\$1,015,054 or 26 percent).

**NYCT Committee
ACTIONS and PRESENTATIONS
SUMMARY for NOVEMBER 2022**

Responsible Department	Vendor Name	Total Amount	Summary of action
NYCT	JBA Change Management Corp	\$31,384,369	Consulting services for improving the maintenance of Track, Signal, Power and Infrastructure assets.
NYCT	Transit Sourcing Services	\$14,830,000	ION for 10,000 Subway Car Wheels
NYCT	Nova Bus	\$230,715,000	Exercise options for 289 low -floor 40-foot diesel buses
	New Flyer America		
NYCT	Cubic Transportation Systems, Inc.	\$27,500,00	Modify the New Fare Payment System – One Metro New York contract to implement software and hardware enhancements that will unify the Metro-North Railroad , Long Island Rail Road, and NYC Transit Configurable Vending Machine designs, streamline maintenance and Revenue Collection activities, upgrade the communication switch for more efficient and flexible operations, and provide improvements to both internal and external security measures.



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 \$304.4M.

Subject	Request for Authorization to Award Various Procurements				
Department	MTA Procurement				
Department Head Name	Kuvershen Ayer				
Department Head Signature	<i>Kuvershen Ayer</i>				
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	11/28/22			
2	Board	11/30/22			

November 22, 2022			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President NYCT		Deputy CFO 11/22/22
X	COO	X	Subways
X	Law	X	Diversity/Civil Rights

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>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Service Contracts	1	\$ 31.4 M
Schedule I: Modifications to Purchase and Public Works Contracts	1	27.5 M
SUBTOTAL	2	\$ 58.9 M

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule I: Modifications to Purchase and Public Works Contracts	2	\$ 230.7 M
SUBTOTAL	2	\$ 230.7 M

NYC Transit proposes to award Ratifications in the following categories:

<u>Schedules Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule D: Ratification of Completed Procurement Actions	1	\$ 14.8 M
SUBTOTAL	1	\$ 14.8 M
TOTAL	5	304.4 M

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

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

NOVEMBER 2022**LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL****Procurements Requiring Majority Vote:****F. Personal Service Contracts**

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

1. **JBA Corporation** **\$31,384,369** **Staff Summary Attached**
Two Years
Contract # SSE 388617

Approval to award a two-year, personal service contract for consulting services for the NYC Transit Department of Subways, Division of Maintenance of Way.

I. Modifications to Purchase and Public Work Contracts

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

2. **Cubic Transportation Systems, Inc** **\$27,500,000** **Staff Summary Attached**
13 Years, 7 months
Contract # A34024 AWO 8

New Fare Payment System – One Metro New York: Modification to implement software and hardware enhancements that will unify the Metro-North Railroad, Long Island Rail Road, and NYC Transit Configurable Vending Machine designs, streamline maintenance and Revenue Collection activities, upgrade the communication switch for more efficient and flexible operations, and provide improvements to both internal and external security measures.

Staff Summary

Item Number 1			
Department: MTA Procurement, Kuvershen Ayer, CPO			
Internal Approvals			
Order	Approval	Order	Approval
1	Materiel	6	President
2	X Law		
3	X DDCR		
4	X Subways		
5	CFO		

SUMMARY INFORMATION	
Vendor Name JBA Change Management Corporation	Contract No. SSE 388617
Description Consulting Services for NYC Transit Department of Subways, Division of Maintenance of Way	
Total Amount: \$31,384,369	
Contract Term (including Options, if any) 2 Years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Unique Source	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal	

Purpose

It is requested that the Board approve the award of a non-competitive two-year, personal service contract to JBA Change Management Corporation (“JBA”) pursuant to the All-Agency Service Contract Procurement Guidelines, Article III-C(5), for consulting services for the NYC Transit Department of Subways (“Subways”), Division of Maintenance of Way (“MOW”) that will build on its previous work and focus on longer-term preventative work and maintenance strategy.

Discussion

Subways requested this consultant engagement in order to build on prior work performed by JBA under the Subway Action Plan (“SAP”) and increase the overall subway system’s reliability and safety. JBA is uniquely qualified to perform the work under this contract due to the fact that this work builds on and is an extension of two years’ worth of work already performed by JBA under the SAP. From 2017 to 2019, JBA was hired under the auspices of the SAP to help MOW develop and implement new processes, methods, materials, and tools to improve maintenance and inspections with the overall goal of reducing major subway incidents. As these incidents have decreased significantly, the effort under this contract will build on JBA’s previous work and guide MOW in improving equipment inspections and developing maintenance and monitoring programs based on best industry practices.

MOW’s subdivisions of Track and Signals have recently lost a considerable number of personnel through attrition, which contributed to an overall loss of institutional knowledge. During the pandemic, the focus was on staff safety and service delivery. Engaging this consultant will ensure that the prior investment cited above is preserved and expanded upon.

Under this contract, JBA will be tasked with improving the maintenance of track, signal, power, and infrastructure assets that affect the reliability of the subway track and signal systems to preemptively prevent system failures and improve reliability, and will include: (1) strengthening and reinforcement of process improvements from JBA’s prior work under the SAP; (2) improvement of track inspection program; (3) development and implementation of a Scheduled Maintenance System program for the Track and Signals subdivisions; (4) evaluation and development of a plan to increase the compliance with maintenance and testing standards for signals, power, and third rail; (5) identification of best practices for MOW Engineering inspection guidelines and maintenance methods; (6) development of key performance indicators for monitoring maintenance quality in Track and Signals; and (7) recommendation of institutional changes to sustain long-term improvement in the aforementioned initiatives.

Staff Summary

JBA has a singular combination of SAP expertise, international rapid-transit industry experience, immediate availability, and previous experience with NYC Transit, including JBA's prior work when tasked by the MTA as a best practices consultant for rolling stock procurements.

JBA submitted its initial proposal of \$34,497,452. As a result of negotiations, JBA's final proposal was reduced to \$31,384,369, a savings of \$3,113,083. JBA will receive \$29,384,369 for successful completion of all tasks during this two-year engagement; however, up to an additional \$2 million will be available to JBA if certain performance and cost savings objectives are met. The final maximum price of \$31,384,369 was deemed to be fair and reasonable.

Although a financial review conducted by MTA Controller's Office revealed that JBA was not financially qualified, Subways and Procurement made a business decision to proceed with this recommendation for contract award to JBA based on a low risk as payments will only be made after work has been performed.

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 terms and conditions.

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

M/W/DBE Information

The MTA Department of Diversity and Civil Rights has established zero percent MWBE/SDVOB goals on this contract due to lack of subcontracting opportunities and a lack of MWBE/SDVOB firms in the marketplace. JBA Corporation has not completed any contracts with MWBE goals; therefore, an assessment of the firm's MWBE/SDVOB performance is unavailable at this time.

Impact on Funding

Funding will be from Operating funds.

Alternatives

None recommended. JBA is uniquely qualified to provide these consulting services based on previous engagement with NYC Transit and international rapid-transit industry experience.

Recommendation

It is recommended that the Board approve the award of a two-year, personal service contract to JBA Change Management Corporation in the amount of \$31,384,369 for consulting services for the NYC Transit Department of Subways, Division of Maintenance of Way.

Schedule I: Modifications to Purchase and Public Work Contracts



Item 2

Vendor Name (Location) Cubic Transportation Systems, Inc. (San Diego, California)
Description: New Fare Payment System – One Metro New York (OMNY)
Contract Term (including Options, if any) November 1, 2017–July 31, 2030
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: MTA Fare Payment Program, Amy Linden

Contract Number A34024	AWO/Mod. #: 8
Original Amount:	\$ 553,827,839
Prior Modifications	\$ 49,247,457
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 604,555,296
This request:	\$ 27,500,000
% of This Request to Current Amount:	4.5%
% of Modifications (including This Request) to Original Amount:	13.9%

Discussion:

NYC Transit is seeking Board approval to modify the contract with Cubic Transportation Systems, Inc. (“Cubic”) for New Fare Payment System – One Metro New York (“OMNY”) to implement software and hardware enhancements that will unify the Metro-North Railroad (“MNR”), Long Island Rail Road (“LIRR”), and NYC Transit Configurable Vending Machine (“CVM”) designs, streamline maintenance and Revenue Collection activities, upgrade the communication switch for more efficient and flexible operations, and provide improvements to both internal and external security measures.

Performing these enhancements to the original design of the CVM improves the customer experience as well as operations between both Railroads’ Revenue Operations, NYC Transit Electronics Maintenance Division, and Revenue Control. The CVM will replace the existing MetroCard Vending Machines currently in use and become the primary distribution method for customers to purchase OMNY cards in stations.

OMNY is an account-based, open-payment system based on proven payment industry standards and open architecture principles, allowing customers to pay fares using diverse options, including mobile apps, digital wallets (e.g., Apple Pay, Google Pay, and Samsung Pay), contactless bank cards, and MTA-issued contactless transit cards. When completed, OMNY will provide customers with multiple 24/7 self-service options for managing their accounts and options to purchase and reload fare media online, at local retailers, and at subway stations.

Under the base contract, Cubic will deliver and install 1,720 CVMs to NYC Transit and, under the options exercised via Change Order No. 6, will deliver and install 594 additional CVMs to MNR and LIRR. This change order also includes 61 additional CVMs for MNR and LIRR, for a total of 655.

This change order includes nine unique enhancements to all 2,375 CVMs, the overall highlights of which are:

- *Implementation of a Bill Note Recycler.* This is a physical bin that allows for simultaneous cash inflow and outflow management. The original design was modeled after the MetroCard Vending Machine, which had separate bins for cash in and cash out. Having one bin reduces the frequency of restocking the machines with bills.
- *Internal Barcode Reader.* The reader is internal to the machine and allows for maintenance, inventory control, and tracking of the CVM’s modular and interchangeable components, including internal OMNY-card inventory and cash inventory.
- *Addition of Cyberlocks.* Cyberlocks are programmable electronic locks that replace mechanical locks. Like mechanical locks, Cyberlocks provide security by controlling access, but in addition provide visibility into which keys are being used, and when.
- *Implementation of a Secure Coin Loader.* The coin loader is a prefilled and inventoried lockbox of coins from Revenue Control. The loader will replace the comparatively insecure coin bag currently in use, thus eliminating human interaction with money.
- *Deployment of Rodent Ingress Protection kits.* This is a mesh system at the base of the CVM that deters animals from entering the machine, but also does not trap or harm them.
- *Replacement of LED dot-matrix Marquee Display with LCD Marquee Display.* This allows for a more effective display and conveyance of information.

Cubic submitted a price proposal for equipment, engineering, and technical and software support costs for this change order in the amount of \$29,448,030. The base contract contains preestablished unit prices for various equipment as well as labor rates included in the scope of this change order. After negotiations, Cubic provided an updated proposal in the amount of \$27,500,000, consisting of: (1) \$22,895,251 for equipment including installation and warranty; (2) \$2,428,863 for engineering costs; (3) \$446,310 for Service Support through Substantial Completion; (4) \$1,150,891 for Service Support for the seven-year base after substantial completion; and (5) \$578,682 for Project Management. A total savings of \$1,988,030 was achieved. Cubic's pricing for this change order 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.

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

Impact on Funding

This requirement will utilize Capital funds.

NOVEMBER 2022

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

I. Modifications to Purchase and Public Work Contracts

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

3. Nova Bus, Inc. \$137,359,059 **Staff Summary Attached**

4. New Flyer of America, Inc. \$93,355,950



112 Months from Original Notice of Award

Contract #s B40666-1 Modification 3

B40666-2 Modification 5

Option to furnish and deliver 289 low-floor 40-foot diesel buses by NYC Transit on behalf of MTA Bus Company; 173 buses from Nova Bus, Inc. and 116 diesel buses from New Flyer of America, Inc.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 3-4

Vendor Name (Location) Nova Bus, Inc. (Plattsburgh, New York) New Flyer of America, Inc. (St. Cloud, Minnesota)
Description Options to Furnish and Deliver 289 Low-Floor 40-Foot Diesel Buses
Contract Term (including Options, if any) 112 months from original Notice of Award (inclusive of delivery of all buses and provision of warranty support)
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: MTA Bus Company, Frank Annicaro

Contract Number	AWO/Mod. #
B40666-1 (Nova Bus)	3
B40666-2 (New Flyer)	5
Original Amount:	\$ 218,905,330
Option Amount:	\$ 382,289,747
Total Amount:	\$ 601,195,077
Prior Modifications:	\$ 3,063,000
Prior Budgetary Increases:	\$
Current Amount:	\$ 604,211,457
This Request:	\$ 230,715,009
Nova Bus: \$137,359,059 New Flyer: \$93,355,950	
% of This Request to Current Amount:	38.18%
% of Modifications (including This Request) to Original Amount:	281.41%

Discussion:

It is requested that the Board approve the modification of two contracts for the purchase of a total of 289 low-floor 40-foot diesel buses by NYC Transit on behalf of MTA Bus Company: 173 buses from Nova Bus, Inc. (“Nova Bus”) in the estimated amount of \$137,359,059; and 116 diesel buses from New Flyer of America, Inc. (“New Flyer”) in the estimated amount of \$93,355,950; for a combined total estimated award amount of \$230,715,009.

The base contracts (B-40666-1 and B-40666-2) were the result of a competitively solicited and negotiated Request for Proposal (“RFP”) for the purchase of 275 low-floor 40-foot diesel-electric hybrid buses to replace buses that were beyond their 12-year service life as well as related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training. The original RFP resulted in a 60/40 split award approved by the Board in December 2019. Each of the resulting contracts included options to purchase up to 558 additional buses, which could be unilaterally exercised by the Authority. Contract B-40666-1 was awarded to Nova Bus in the amount of \$132,349,722 for 165 hybrid buses and Contract B-40666-2 was awarded to New Flyer in the amount of \$86,555,608 for 110 hybrid buses. Contract modifications to purchase additional buses were subsequently awarded: 335 additional buses (126 hybrid and 209 diesel) from Nova Bus in the estimated amount of \$227,233,620; and 223 additional buses (84 hybrid and 139 diesel) from New Flyer in the estimated amount of \$155,056,127. The current combined total estimated award amount of these contracts including various technical changes is \$604,211,457. Nova Bus is scheduled to complete delivery of the 500 buses (291 hybrid and 209 diesel) previously awarded under contract B40666-1 in April 2023 and New Flyer is scheduled to complete delivery of the 333 buses (194 hybrid and 139 diesel) previously awarded under contract B40666-2 in December 2023.

The 289 buses that are the subject of these modifications will replace buses that are beyond their 12-year service life. The award to Nova Bus will consist of 173 diesel buses in the estimated amount of \$137,359,059 (\$793,983 per bus) and the award to New Flyer will consist of 116 diesel buses in the estimated amount of \$93,355,950 (\$804,793 per bus). Pricing for these option buses is based on the price per bus competitively obtained in the base contracts to which an adjustment formula, also established in the base, reflecting changes in labor and material cost indices, currency exchange rates, and other agreed-upon factors is applied. The pricing from both bus manufacturers was reviewed by the Cost Price Analysis Unit and found to be fair and reasonable.

An analysis of recent inflationary trends suggests exercising these options will result in a cost avoidance of approximately 10 percent or \$23,071,501 as delivery of these buses will be at least eight months earlier than if achieved through a new RFP. Additionally, by splitting the award between two bus manufacturers, the Authority will realize an overall earlier delivery by up to 19 weeks versus a single award. The combined delivery of the 289 diesel option buses is scheduled to begin in September 2023 and be completed in June 2024, for an overall delivery period of 76 weeks from Notice of Award. Nova Bus will deliver between October 2023 and June 2024, while New Flyer will deliver between September 2023 and April 2024. It should also be noted that this approach fosters technological competition and allows MTA Bus Company to mitigate potential performance and supply risks between two bus manufacturers instead of relying on only one for an order of this size.

These buses will be outfitted with new features including improved driver visibility, driver barriers, pedestrian turn warning, Wi-Fi, USB charging ports, digital information screens, automatic passenger counters, and prewiring for OMNY and an automated bus lane enforcement system.

Both New Flyer and Nova Bus have met the goals established in their base contracts and will continue to collaboratively work with the Authority in order to maximize the goals attained under these contracts and to establish an expanded MWBE supplier base for future procurements.

Nova Bus has committed to meeting the New York State Content of 35.0%, and New Flyer has committed to meeting the New York State Content of 21.2%. The total combined New York State Content for these modifications will be \$67,867,132, which represents 29.4% of the total award.

Both Nova Bus and New Flyer have certified pursuant to EO 16 that they do not do business in Russia.

These contracts have 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.

Impact on Funding

These options will be funded with 100 percent MTA funds. Funds have been approved in the MTA Bus 2020–2024 Capital Plan. An overall funding shortfall of \$35.6 million exists for the project. This shortfall will be funded from a deferral of approximately 50 other buses included in the MTA Bus Capital Plan. WAR certificates will be secured prior to award.

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.)

5. **Transit Sourcing Services, Inc.** **\$14,830,000** **Staff Summary Attached**
Six Months
Contract # 6-30583

Ratification of an Immediate Operating Need for the purchase of 10,000 subway car wheels.



Schedule D: Ratification of Completed Procurement Actions

Item Number: 5

Vendor Name (Location) Transit Sourcing Services, Inc. (Fort Mill, South Carolina)
Description Purchase of 10,000 subway car wheels (wheels)
Contract Term (including Options, if any) September 2022–March 2023
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need

Contract Number 6-30583	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$14,830,000 (est.)	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department: Department of Subways, Demetrius Crichlow	

Discussion:

It is requested that the Board formally ratify the declaration of an Immediate Operating Need (“ION”) approved by the MTA Deputy Chief Procurement Officer, waiving competitive bidding pursuant to Article III.B.1. of the All-Agency Procurement Guidelines and Public Authorities Law Section 1209, subsection 9(a) and approve the award made to Transit Sourcing Services, Inc. (“TSS”) for 10,000 subway car wheels (wheels).

Wheels are one of the most critical components to the maintenance of NYC Transit’s subway car fleet and are on the Qualified Products List (“QPL”). The QPL is a list of NYC Transit inventory items requiring the purchase of pre-qualified products for reasons of safety, compatibility, and maintenance reliability. Four manufacturers are approved on the QPL to supply wheels: MWL Brasil (“MWL” - located in Brazil), Sumitomo Corporation (Japan), Standard Steel (US), and Bonatrans (the Czech Republic).

In order to meet operational requirements, in 2019, NYC Transit conducted a competitive procurement resulting in the issuance of two concurrent 36-month estimated quantity contracts to approved suppliers to ensure a timely and sufficient supply of wheels: one to MWL for 18,000 wheels and one to Sumitomo Corporation for 12,000 wheels.

In August 2022, MWL notified NYC Transit that it filed bankruptcy and would not be able to manufacture additional wheels. Because the future of MWL’s business was uncertain, it was critical to supplement the wheels that were to be supplied by MWL. As a result, the Division of Car Equipment (“DCE”) requested the MTA Deputy Chief Procurement Officer approve the declaration of an ION to allow Procurement to engage an additional approved wheel supplier to provide 10,000 wheels to satisfy DCE’s ongoing Scheduled Maintenance System and normal maintenance requirements.

As a result of the ION, Procurement contacted the other three approved wheel suppliers. Procurement requested that Sumitomo Corporation increase its monthly output but was advised by Sumitomo that it could not provide additional wheels due to various supply chain issues and capacity limitations. Standard Steel advised that it does not have the capacity to provide NYC Transit with wheels in 2022 or 2023. The only remaining supplier, TSS (the sole distributor of wheels manufactured by Bonatrans), advised that it would be able to deliver wheels to NYC Transit 180 days after receipt of the order.

Utilizing the ION procedure, a noncompetitive solicitation for 10,000 wheels was issued. TSS originally submitted a quote in the amount of \$1,548 per wheel. Procurement conducted price negotiations, which resulted in a price reduction to \$1,483 per wheel, a savings of \$65/wheel or \$650,000. NYC Transit’s Cost Price Analysis Unit was requested to perform an urgent review of current market conditions and the cost data supplied by TSS. Based on its findings, the Cost Price Analysis Unit determined that TSS’s price of \$1,483 per wheel was fair and reasonable. On September 9, 2022, a six-month estimated quantity contract guaranteeing 10,000 wheels was issued to TSS.

Deliveries will commence in March 2023 and conclude in January 2024. TSS advised that Bonatrans is working to improve its quoted lead time.

The MTA Office of the Controller performed a financial review and found there is reasonable assurance that TSS is financially qualified to perform the work under this contract.

TSS certified that pursuant to EO 16 they are 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 contract.

Impact on Funding

This requirement will utilize Operating funding.



MTA Headquarters Procurements

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



PROCUREMENTS

The Procurement Agenda this month includes 4 actions for a proposed estimated expenditure of \$499.7M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Kuvershen Ayer					
Department Head Signature <i>Kuvershen Ayer</i>					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	11/28/22			
2	Board	11/30/22			

November 23, 2022			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	CAO		
	Legal		
	CFO		

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 MTA Headquarters Committee of these procurement actions.

DISCUSSION

MTA Headquarters proposes to award Noncompetitive procurements in the following categories: None

MTA Headquarters proposes to award Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule G: Miscellaneous Service Contracts	1	\$ 32.0 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	2	\$ 428.5 M
SUBTOTAL	3	\$ 460.5 M

MTA Headquarters proposes to award Ratifications in the following categories:

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K: Ratification of Completed Procurement Actions	1	\$ 39.2 M
SUBTOTAL	1	\$ 39.2 M
TOTAL	4	\$ 499.7 M

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

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

- | | | |
|---|---------------------|--------------------------------------|
| 1. PruTech, Inc.
Five years w/two 1-year Options
Contract# RFP 351189 | \$31,979,099 | <i>Staff Summary Attached</i> |
| Award of an estimated quantity contract to provide staffing to support the non-adjudicatory functions and responsibilities of the Transit Adjudication Bureau under the supervision of NYC Transit's Executive Director of TAB. | | |

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. Caremark PCS Health, LLC
4.5 years
Contract# 0006000020 AWO 2 | \$425,000,000 | <i>Staff Summary Attached</i> |
| Modification of a personal service contract to continue to provide pharmacy benefit management services for active NYC Transit represented employees, retirees, and their dependents in accordance with the collective bargaining agreements. | | |
| 3. TDX Construction Corporation
Six years, three months
Contract# 16148-0100 AWO 7 | \$3,500,000 | <i>Staff Summary Attached</i> |
| Modification of a personal service contract to provide mentoring services for the MTA's Small Business Mentoring Program, in order to extend the contract for a period of up to 13 months. | | |

Schedule G: Miscellaneous Service Contracts



Item Number: 1

Vendor Name (Location) PruTech Solutions, Inc.
Description Staffing to Manage, Maintain and Operate the Transit Adjudication Bureau
Contract Term (including Options, if any): Five years with two 1-year options
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

Contract Number RFP 351189	Renewal? <input type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	\$31,979,099
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department: MTA Law Department, David Farber	

Discussion:

MTA Headquarters is requesting that the Board approve the award of an estimated quantity contract to PruTech Solutions, Inc., a New York State-certified Minority- and Woman-Owned Business Enterprise, to provide staffing to support the non-adjudicatory functions and responsibilities of the Transit Adjudication Bureau (“TAB”) under the supervision of NYC Transit’s Executive Director of TAB, in the estimated amount of \$31,979,099 for a term of five years plus two 1-year options. TAB was established under New York State law to provide a forum for the processing and adjudication of Notices of Violations issued for violations of the Transit Rules of Conduct governing the use of the Transit System.

Under the current contract (6%13709), the contractor provides all supervisors and staff necessary to perform various duties including administrative functions, data entry and quality control, adjudication support, payment processing, information and customer services, telephone collections, judgment enforcement, and on-site unarmed security.

A Request for Proposals (“RFP”) advertised in November 2021 yielded responses from six firms: Staffing 101 Group LLC; General Workforce LLC; New Wave People, Inc. (“NWP”); PruTech Solutions, Inc. (“PruTech”); Montco Inc. (“Rotator”); and the incumbent, Republic Parking System, LLC (“Republic”). The Selection Committee (“SC”), comprising TAB’s executive director and payment analyst, and the MTA assistant auditor general, evaluated the proposals in accordance with the evaluation criteria set forth in the RFP. Four firms were invited for oral presentations: NWP, PruTech, Rotator, and Republic.

Following oral presentations, the SC selected all four firms for negotiations. The evaluation criteria included the proposers’ transition plan, plan for managing the Work and Quality Control program; the proposer and its proposed project management’s relevant prior experience; the proposer’s responsiveness to the RFP and demonstration of a clear understanding of the NYC Transit’s expectations and requirements; overall cost; and diversity practices. After being shortlisted, NWP declined further participation in the RFP, citing its pricing model.

Negotiations with the remaining proposers focused on pricing. Upon completion of negotiations, Best and Final Offers (“BAFOs”) were requested and received by October 11, 2022, from the following firms: PruTech - \$32,855,496; Rotator - \$31,989,662; and Republic - \$29,722,962. The SC reviewed the BAFOs and, in accordance with the evaluation criteria, selected PruTech for award. PruTech was the highest technically ranked proposer and its BAFO submission represents savings of \$7,749,790 or 19 percent from its initial proposal. The SC noted that PruTech provided a clear and detailed transition plan, demonstrated a clear understanding of and enthusiasm for meeting NYC Transit’s business requirements and expectations, and has an extensive record of successfully executing for New York City agencies on projects of similar size, scope, and complexity. Although PruTech is not the lowest cost proposer, the SC determined that PruTech’s proposal provided the best value to NYC Transit, and with all evaluation criteria taken into consideration, rated it highest overall. Based on the foregoing, PruTech’s BAFO pricing was found to be fair and reasonable.

PruTech will begin service approximately 60 days after award to ensure a smooth transition of the Work from the incumbent provider.

Subsequent to BAFO submissions, PruTech offered a unilateral price concession that reduced its price further, from \$32,855,496 to \$31,979,099, which is a reduction of \$876,397 or 2.7 percent.

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.

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

M/W/DBE Information

The MTA Department of Diversity and Civil Rights reviewed the Scope of Work and established goals of 15 percent MBE, 15 percent WBE and 6 percent SDVOB. PruTech Solutions, Inc submitted an MWBE/SDVOB utilization plan that meets the required 36% MWBE/SDVOB goal. PruTech Solutions, Inc has achieved its MWDBE goals on previously completed contracts.

Impact on Funding

Funding is available in the MTA Law Department’s operating budget under RC 6320, General Ledger number 712252 and Function 950.

Alternatives

None. The Law Department lacks in-house staff to perform all aspects of the Work.

Recommendation

Award a competitively negotiated personal services contract to PruTech to provide staffing to manage, maintain and operate the Transit Adjudication Bureau at NYC Transit.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number: 2

Vendor Name (Location) CaremarkPCS Health, LLC (Woonsocket, Rhode Island)	Contract Number 0006000020	AWO/Mod. # 2
Description: Pharmacy Benefits Manager (PBM) Program	Original Amount:	\$ 944,600,000
Contract Term (including Options, if any) June 1, 2019–December 31, 2023	Prior Modifications:	\$ 0
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	Prior Budgetary Increases:	0
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	Current Amount:	\$ 944,600,000
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Modification	This Request:	\$ 425,000,000
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	45%
Requesting Department: Human Resources, Margaret Connor	% of Modifications (including This Request) to Original Amount:	45%

Discussion:

MTA Headquarters is seeking Board approval to extend a competitively negotiated personal service contract with CaremarkPCS Health, LLC (“CVS Health”) for 13 months and add funding in the amount of \$425 million for the continuation of pharmacy benefit management services for active NYC Transit represented employees, retirees, and their dependents (collectively “NYCT”) in accordance with the collective bargaining agreements for approximately 150,000 active employees, early retirees, and Medicare lives. The CVS Health contract extension until December 31, 2023, is needed to provide coverage while a new Request for Proposal (“RFP”) for a successor contract is completed. The requested total amount of \$425 million includes additional funding for the current contract term (through November 27, 2022) inclusive of the 180-day unilateral extension option and the 13-month extension period (November 28, 2022–December 31, 2023). The originally approved \$944.6 million must be adjusted upward by \$56.7 million based on higher-than-expected utilization during the 180-day extension. The revised total contract amount (\$1.37 billion) is the sum of the originally approved \$944.6 million plus \$56.7 million to cover the current term, plus \$368.3 million to cover the 13-month extension.

In March 2019, the Board approved a three-year contract with CVS Health (June 1, 2019–May 31, 2022) in the amount of \$944.6 million (“Contract”). Under the Contract, CVS Health provides Pharmacy Benefit Manager (“PBM”) services to NYCT as a third-party administrator of prescription drug programs and is primarily responsible for processing and paying prescription drug claims. By aggregating prescription drug purchases, PBMs can negotiate favorable rebates and discounts on the behalf of its clients. The services include two plans: (1) a commercial plan that primarily serves members ineligible for Medicare, and (2) an Employer Group Waiver Plan (“EGWP”) that serves Medicare-eligible members, taking advantage of financial incentives for employers that are made available through the Affordable Care Act.

The Contract includes an MTA option for a unilateral 180-day term extension (June 1, 2022–November 27, 2022), which the MTA exercised. This 13-month extension is necessary to cover the time required to issue and complete a successor RFP for these services, which has been delayed due to resource constraints. Benefits advisory consultant Mercer Health & Benefits, LLC (“Mercer”) was engaged to benchmark CVS Health’s pricing terms for this extension period by comparing the aggregate value of the discounts, dispensing fees, administration fee pricing terms of the MTA with the aggregate value of the discounts, administration fee pricing terms available in the marketplace at time of the market check, for plans comparable in size and plan design receiving comparable services from CVS Health. Mercer’s analysis determined that while some of CVS Health’s financial terms are competitive, there are a few components that should be improved to align with the benchmark terms for competitive financial arrangements. As a result of negotiations, CVS Health provided a revised proposal that offers \$200,000 in savings for the commercial plan and \$16.9 million in savings for the EGWP. Based on the foregoing analysis and negotiations, CVS Health’s pricing terms are determined to be fair and reasonable.

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

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

Impact on Funding

Funding is included in NYC Transit’s Operating Budget.

Item Number: 3

Vendor Name (Location) TDX Construction Corporation (New York, New York)	Contract Number 16148-0100	AWO/Mod. # 7
Description: Small Business Mentoring Program	Original Amount:	\$ 9,882,653
Contract Term (including Options, if any) August 15, 2016–November 30, 2022	Prior Modifications:	\$ 3,257,706
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	Current Amount:	\$ 13,140,360
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	This Request:	\$ 3,500,000
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	% of This Request to Current Amount:	26.6%
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of Modifications (including This Request) to Original Amount:	51%
Requesting Department: MTA Department of Diversity and Civil Rights, Michael Garner		

Discussion:

MTA Headquarters seeks Board approval to amend the All-Agency competitively negotiated contract with TDX Construction Corporation (“TDX”) that provides mentoring services for the MTA’s Small Business Mentoring Program (“SBMP”). This modification will extend the contract term for up to 15 months (November 20, 2022–February 28, 2024) as set forth in the contract terms and conditions. The extension period will run concurrently with the Small Business Development Program (“SBDP”) contract issued to TDX in 2018. During this time, a new solicitation will be issued that will combine the services of both SBMP and SBDP programs under one Request for Proposal (“RFP”).

The Board previously approved two Small Business Mentoring Services contracts: SBMP (July 2018–November 2022), and SBDP, (March 2022–February 2024) to TDX Construction Corporation. The MTA is looking to combine these two services under one procurement as the two programs are closely related. Vendors that initially participate in the SBMP generally advance to the SBDP. Combining the two programs will be advantageous to the MTA, as it will provide the consultant the ability to seamlessly recommend small business vendors having successfully completed the SBMP to join the more advanced SBDP. Additionally, market research has shown that combining the two programs into one solicitation will likely result in a larger pool of vendors responding to the RFP.

The SBMP provides small businesses in the construction trades the opportunity to acquire knowledge about and gain experience with MTA construction projects by providing the tools necessary to successfully compete for MTA public works contracts independent of the SBMP. Small businesses admitted into the program are prequalified and receive training, technical assistance, and mentoring from MTA’s construction managers. TDX works closely with the small businesses of this program during the bidding process, assisting them through necessary project details. Through this program, the participating small businesses bid on projects valued up to \$1 million. The goal of the SBMP is to address the impediments small businesses face in competing for MTA capital construction projects and expand the pool of qualified and diverse contractors.

The SBDP was created to expand on the SBMP by further developing and growing small business contractors through on-the-job and classroom training with prime contracts within the MTA Agencies. The SBDP addresses advanced topics such as developing construction-related estimates, large-scale project scheduling, quality assurance/quality control plans, contractor’s performance, and change orders. The SBDP also provides project-specific mentorship, training and information on contractor bank loan repayment administration, bonding programs, information technology training, and contractor payment tracking. Through this program, small businesses bid on projects valued up to \$3 million. Pricing for this modification will remain consistent with the awarded contract rates and is therefore deemed fair and reasonable.

Pricing for this modification will remain consistent with the base contract rates and is therefore deemed fair and reasonable. The Authority is working with TDX to include applicable cybersecurity requirements prior to finalizing the supplemental agreement.

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

Impact on Funding

In order to finance the cost of the mentoring contract and other administrative training costs of the SBMP, this contract extension will be charged to the Capital Program.

Alternatives

None. The MTA does not have the resources to perform these services in-house.

NOVEMBER 2022

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

K. Ratification of Completed Procurement Actions (Involving Schedule E-J)

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

- | | | |
|---------------------|--------------|-------------------------------|
| 1. Various | \$39,244,076 | <i>Staff Summary Attached</i> |
| Various | | |
| Contract #s Various | | |

Ratification of contracts awarded pursuant to the COVID-19 Immediate Operating Need.

Item Number:

Vendor Name (Location) Various
Description Procurement Actions Pursuant to Covid-19 ION
Contract Term (including Options, if any) Various
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: MTA Procurement, Kuvershen Ayer

Contract Number Various	Modification #
Original Amount:	\$
Prior Modifications:	\$
Prior Budgetary Increases:	\$
Current Amount:	\$
This Request:	\$ 39,244,076
% of This Request to Current Amount:	
% of Modifications (including This Request) to Original Amount:	

Discussion:

This is to request that the Board ratify contracts awarded pursuant to the COVID-19 Immediate Operating Need (“ION”) declared by the Chief Procurement Officer on August 18, 2021 to address and procure urgent services for the MTA resulting from the pandemic. The ION was extended on November 30, 2021, to address the continued need for COVID-19 related emergency contracts.

The COVID-19 ION authorized the procurement of COVID-19-related materials and services based on an immediate operating need (Emergency, Critical Need or Unforeseen Circumstances as per the All-Agency Procurement Guidelines) to allow contracts to be used to address the need for immediate, available and necessary COVID-19 related services. The following is a list of the services that were procured under the ION:

Category	Totals	Number of Contracts
Supplemental Paratransit Access-A-Ride Service	\$18,900,287	4
COVID-19 Testing	\$20,343,789	1
Grand Total	\$39,244,076	5

Supplemental Paratransit Access-A-Ride (“AAR”) Service

The Supplemental AAR Service Program was necessary to maintain zero denial and accommodate the need for additional wheelchair-equipped AAR service that is provided by Dedicated Service Providers (“DSP”). DSPs are known as Primary AAR Carriers whose business is to transport NYC Transit AAR customers using NYC Transit-owned, lift-equipped vehicles that are leased to the DSPs. Procuring additional service providers was necessary to support the DSPs who were experiencing performance and service issues, including driver shortages and a decline in resources due to the impacts of COVID-19. The additional service providers (“Contractors”) are: D&J Service, Inc.; GoGo Bus Tours, Inc.; VGM Gov. Biz, LLC; and Abba Local Transportation, Inc., d/b/a US Ambulette, for a contract term of one year, with an option to extend for an additional one year.

Under the Supplemental Scope of Work, the Contractors utilized dedicated vehicles and drivers for a specified block of time to respond only to NYCT Paratransit’s needs and serve only NYCT Paratransit’s customers during that block of time. Drivers are dedicated to this program and receive specialized training for assisting and interacting with persons with disabilities. Drivers transporting persons with cognitive disabilities receive enhanced support training. The Contractors utilize their own vehicles, which can be lift-equipped cutaway vehicles licensed and registered under New York State Department of Transportation regulations or Wheelchair Accessible Vehicles (“WAVs”) licensed and operated under New York City Taxi and Limousine Commission requirements. Drivers for cutaway vehicles must have Commercial Driver’s Licenses; drivers for WAVs must have NYC TLC licenses. All drivers are subject to Federal Drug and Alcohol testing requirements (like Primary Carrier and Broker drivers). The contract also permits the Contractors to serve as back-up service providers to perform same-day trips.

All the above-named Contractors have certified that pursuant to EO 16 they are not doing business in Russia.

These contracts have 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.

COVID-19 Testing

On September 2, 2021, the MTA entered into a one-year contract with Mount Sinai to provide for COVID-19 testing of employees as well as temporary staff to support the MTA’s COVID-19 response. The contract provided for lab testing and temperature checks. Mount Sinai administered and analyzed weekly tests and was able to provide 25,000 tests per day. The initial contract with Mount Sinai was \$10 million, but as the pandemic spread and Mount Sinai continued to provide services to the MTA, modifications to the contract were needed to address MTA’s immediate need for COVID-19 testing of personnel as MTA sought to manage the safety of its operations. As a result, the contract increased to a total value of \$20,343,789. Mount Sinai was the only provider with Emergency Use Authorization from the U.S. Food and Drug Administration for its saliva-based COVID-19 test, which is as accurate as a nasal PCR test and, as such, did not require a nasal PCR test for confirmation of positive COVID-19 test results. The saliva-based test offered by Mount Sinai was more convenient, more comfortable and lower cost than equivalent nasal PCR tests.

Based on the informal competition that was conducted to the extent practicable during the COVID-19 emergency, the pricing in these contracts were found to be fair and reasonable.

Staff Summary

Subject						Date			
2021-2022 Station Maintenance Receivable						November 17, 2022			
Department						Vendor Name			
Chief Financial Officer									
Department Head Name						Contract Number			
Kevin Willens									
Department Head Signature						Contract Manager Name			
Project Manager Name						Table of Contents Ref #			
James McGovern <i>JMG</i>									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance Com.	11/29/22				1	Legal		
2	Board	11/30/22							
Narrative									
<p>The MTA billed the counties and the City of New York for station maintenance for the period 04/01/21 – 03/31/22 based on a statutory formula, which incorporates an annual CPI adjustment factor.</p> <p>Under Section 1277 of the Public Authorities Law, if a municipality fails to make a full payment of the amounts owed the MTA, the Chief Executive Officer of the MTA or such other person as the Chairman shall designate and shall certify to the State Comptroller for the collection of the amount due and owing.</p> <p>The attached schedule shows the Station Maintenance billings and collections as of September 30, 2022.</p>									

**METROPOLITAN TRANSPORTATION AUTHORITY
STATION MAINTENANCE RECEIVABLE AS OF SEPTEMBER 30, 2022**

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	<u>AMOUNT BILLED</u>	<u>AMOUNT RECEIVED</u>	<u>BALANCE DUE</u>
NEW YORK CITY	\$108,160,936	\$108,160,936	\$ 0
NASSAU	33,802,863	33,802,863	0
SUFFOLK	20,834,694	20,834,694	0
WESTCHESTER	23,361,493	23,361,493	0
DUTCHESS	2,785,004	2,785,004	0
PUTNAM	1,089,118	1,089,118	0
ORANGE	576,139	576,139	0
ROCKLAND	61,254	61,254	0
TOTAL	<u><u>\$190,671,501</u></u>	<u><u>\$190,671,501</u></u>	<u><u>\$ 0</u></u>

Metropolitan Transportation Authority
 Station Maintenance Period Ending September 30, 2022

2022	New York	Nassau	Suffolk	Westchester	Rockland	Dutchess	Orange	Putnam	Total
Date	City	County	County	County	County	County	County	County	County
Billed Amount	\$ 108,160,936	\$ 33,802,863	\$ 20,834,694	\$ 23,361,493	\$ 61,254	\$ 2,785,004	\$ 576,139	\$ 1,089,118	\$ 190,671,501
Billed %	56.73%	17.73%	10.93%	12.25%	0.03%	1.46%	0.30%	0.57%	100.00%
Receipts:									
July 2022	\$ 108,160,936				\$ 61,254		\$ 576,139		\$ 108,798,329
August 2022		\$ 33,802,863	\$ 20,834,694			\$ 2,785,004		\$ 1,089,118	\$ 58,511,679
September 2022				\$ 23,361,493					\$ 23,361,493

Balance due
 September 30, 2022 \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ -

NOVEMBER 2022
MTA REAL ESTATE
ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

MTA LONG ISLAND RAIL ROAD

Acquisition of property interests for Phase 2 of the Jamaica Capacity Improvement Project, Queens, NY

MTA NEW YORK CITY TRANSIT

Acquisition of property interests for the Jamaica Bus Depot Reconstruction Project – Eminent Domain Procedure Law Determination of Findings, Queens, NY

Lease extension agreement between Raisin Realty Inc. and New York City Transit

Staff Summary

Subject ACQUISITION OF PROPERTY INTERESTS FOR THE JAMAICA CAPACITY IMPROVEMENT PROJECT PHASE II
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name NEIL MASTROPIETRO

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

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/29/2022	X		
2	Board	11/30/2022	X		

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

AGENCY: Metropolitan Transportation Authority (“MTA”) and MTA Long Island Rail Road (“LIRR”)
SELLER: Various sellers, see attached schedule
LOCATION: Various locations, see attached schedule
ACTIVITY: Acquisition of property interests through negotiated agreement or eminent domain
ACTION REQUESTED: Authorization to acquire various property interests through negotiated agreement or eminent domain
COMPENSATION: To be determined separately for each property interest via negotiation or eminent domain

COMMENTS:

The LIRR is advancing the Jamaica Capacity Improvement (JCI) Phase II project. JCI is a transformative project that will increase train throughput and decrease travel times for LIRR passengers traveling through Jamaica, lengthen all existing Jamaica Station platforms, upgrade Jamaica’s rail systems, and implement a state-of-good-repair to all infrastructure within the project limits.

In connection with this project, a number of permanent property acquisitions will be required along the LIRR right-of-way. The properties listed on the attachment to this Staff Summary are identified for acquisition for JCI.

The MTA will endeavor to acquire all property interests for the project through negotiated agreements. But for a project of this magnitude, the MTA may not be able to reach agreements with all property owners and will be compelled to acquire some property interests by eminent domain. Thus, Board approval is being sought for MTA Real Estate to begin taking steps to satisfy the requirements of the Eminent Domain Procedure Law in order to preserve MTA’s rights, lessen the potential for future delays to the project and ensure the timely acquisition of the necessary property interests. If a negotiated agreement to acquire any of the property interests is reached prior to the filing of condemnation papers with the court, the terms of any such agreement will be presented to the Finance Committee and MTA Board for further approval.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the acquisition, by negotiated agreement or condemnation, of the noted property interests, on the above-described terms and conditions.

BOARD RESOLUTION

WHEREAS, the MTA is undertaking the construction of the second phase of the MTA Long Island Rail Road Jamaica Capacity Improvement (JCI) project;

WHEREAS, in connection with the JCI project, a number of permanent acquisitions of real property interests will be required as set forth on the attachment to this Resolution;

WHEREAS, the MTA will endeavor to acquire the property interests through negotiated voluntary agreements with the affected property owners and tenants, but to preserve MTA's rights and lessen the potential for future delays to the project if agreements cannot be negotiated in a timely manner, MTA must take preliminary steps under the Eminent Domain Procedure Law to secure the private property interests needed for the JCI project;

NOW THEREFORE, BE IT RESOLVED that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the Authority is authorized to proceed with the acquisition of permanent interests in the properties described by negotiated agreements or eminent domain and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with these acquisitions.

BE IT FURTHER RESOLVED, that the proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews.

See attachment for list of properties.

This resolution shall take effect immediately upon its adoption.

Staff Summary

<u>Borough</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Reputed Owner</u>	<u>Type of Interest</u>
Queens	10152	195	ARCHER AVENUE, QUEENS 11433	145-25/26a Liberty Ave, LLC/ NYC Street	Permanent Full Taking
Queens	9998	7501	147-40 ARCHER AVENUE #4, 11435	HP JAMSTA Housing Dev. Fund Company Inc.	Permanent Partial Taking
Queens	9998	119	149-10 ARCHER AVENUE, 11435	Khans Karworks LLC	Permanent Partial Taking
Queens	10156	40	166-10 ARCHER AVENUE, 11433	166 Archer Ave Co LLC	Permanent Partial Taking
Queens	10155	49	94-10 MERRICK BOULEVARD, 11433	Casagrande Realty Corp	Permanent Partial Taking
Queens	10155	7501	92-61 165 STREET, 11433	Archer Merrick HDFC	Permanent Partial Taking
Queens	10217	138	93-20 170 STREET, 11433	Hossain, MD Z	Permanent Partial Taking
Queens	10217	48	168-23 DOUGLAS AVENUE, 11433	AREC 30, LLC	Permanent Partial Taking
Queens	10217	45	93-30 170 STREET, 11433	Churchill Investors, LLC	Permanent Partial Taking

Staff Summary

Subject ACQUISITION OF PROPERTY INTERESTS FOR JAMAICA BUS DEPOT RECONSTRUCTION PROJECT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name RAYMOND SMYTH / MICHAEL DANIELS

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

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/29/2022	X		
2	Board	11/30/2022	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")
PROJECT: Jamaica Bus Depot Reconstruction (the "Project")
ACTIVITY: Acquisition of fee interests and temporary easements in properties listed on the attached Determination of Findings for the Project
ACTION REQUESTED: Approval of Determination of Findings under the New York State Eminent Domain Procedure Law with respect to the acquisition of property needed to facilitate the Project

COMMENTS:

The existing Jamaica Bus Depot ("JBD") is located a 165-18 Tuskegee Airmen Way in Jamaica Queens. The site is bounded by Tuskegee Airmen Way to the north, Merrick Boulevard to the east, 107th Ave to the south and 165th Street to the west. The JBD has remained in operation since its construction in 1939 and has served as a critical component of the Queens Division bus depot network.

The Project will both reconstruct and expand JBD to manage the operation, maintenance, and on-site storage for up to 272 Standard Bus Equivalents ("SBE") to serve current bus assignments and allow additional capacity for future surface transit demands in southeastern Queens.

In addition to the 272 SBE capacity, the Project plan includes 15 maintenance bays, 1 chassis wash station, 3 fueling lanes, 3 bus wash lanes, 2 interior bus wash stations, administrative space for Maintenance & Transportation Divisions, adequate storage space for equipment, and infrastructure support for the operation and maintenance of an entirely zero-emissions bus fleet with a minimum of 60 electric buses assigned to the depot immediately upon completion of the Project.

In addition to the larger fleet that will be supported out of the JBD location, where a 200-bus fleet currently operates, the facilities where employees work to operate and maintain the buses will be brought up to current industry standards, including modern relief and support facilities. The depot will also be built to better integrate into the community by placing all bus storage and operations internal to the depot behind sound barrier walls and by creating an improved streetscape along Merrick Boulevard and public art on the exterior wall of the building. Additionally, the Project will benefit the public by providing a LEED certified building with green roof and architectural lightings with landscaping.

Staff Summary

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR JAMAICA BUS DEPOT RECONSTRUCTION PROJECT (Cont'd.)

The MTA was the “lead agency” under the New York State Environmental Quality and Review Act, or “SEQRA”, and was responsible for conducting the environmental review for the Project. As part of the SEQRA process, the MTA fully evaluated alternatives. A Draft Environmental Impact Statement or “DEIS” was published and public comments were received. A Public Hearing covering the DEIS for the Project was held on June 27, 2019 and held open for additional written comments until July 19, 2019. Substantive comments were received on the DEIS. Thereafter, the MTA prepared a Final Environmental Impact Statement or “FEIS”. The FEIS for the Project was published in September 2019. The analysis determined that Alternative A best meets the goals and objectives of the Project.

On September 12, 2022, the MTA held a New York State Eminent Domain Procedure Law (“EDPL”) public hearing to inform the public and to receive the public’s comments on proposed property acquisitions for the Project. The MTA requires various property interests in Queens in support of the Project, which are set forth in a chart on the attached Determination of Findings. Efforts will be made to acquire these property interests by negotiated agreements. In those instances where the MTA cannot reach agreements with the affected property owners, legal proceedings must be commenced under Article 2 of the EDPL. MTA held the public hearing in person and via simultaneous internet streaming to describe the use, benefits, purposes, and location of the work elements covered by the Project, the property interests to be acquired, and the Project’s general impact on the environment. Notices of this public hearing were published in newspapers as required under the EDPL. Property owners, affected tenants, and other interested parties were also given advance notice of the hearing by certified mail. The MTA Construction & Development (“MTA C&D”) personnel attended the public hearing virtually via internet connection. At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on September 23, 2022.

The following summarizes the comments received:

- Concerns about the effect of construction activities on the structural integrity of certain abutting property as well as the general impacts of construction adjacent to residential property including noise, dust, vibration, and quality of life concerns.
- Questions/concerns about the selected design from the Environmental Impact Statement.
- Questions about the storage of personal property located in impacted sheds/garages during the Project.
- Concerns about pollutants during demolition of the old depot.
- Concerns about the impacts to vehicle access and street parking in the immediate area around the Project.
- Questions/concerns regarding why the offers of compensation to the abutting residential property owners are allegedly low as well as general dissatisfaction with the offers of compensation.
- Concerns about the impact of construction activities on the community services provided by a church in the area.
- Support for the Project to create jobs and a more sustainable future.
- Support for MTA to acquire the properties on 165th Street in fee.
- Concerns about how the Project might impact the health conditions of residences adjacent to the depot.

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

All oral comments received at the public hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

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

A copy of the Determination and Findings under the EDPL is attached for the Board’s consideration and approval. MTA staff hereby requests Board approval of the attached Determination and Findings. This action will authorize MTA staff and the EDPL proceedings to acquire the required property interests described in the Determination and Findings by eminent domain, if necessary.

Staff Summary

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR JAMAICA BUS DEPOT RECONSTRUCTION PROJECT (Cont'd.)

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

JAMAICA BUS DEPOT RECONSTRUCTION PROJECT

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

1. EDPL Public Hearing. On September 12, 2022, MTA held an EDPL public hearing to inform the public and to receive the public's comments on proposed property acquisitions for the Jamaica Bus Depot Reconstruction Project (the "Project"). All oral comments received at the hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

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

At the September 12, 2022 public hearing and in letters and maps mailed to property owners and interested parties prior to the public hearing, MTA provided more detailed descriptions of the required property interests and estimated time frames when the property interests would be needed for the Project, currently scheduled to commence from late 2023 through late 2024.

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

3. Public Use, Purpose and Benefits. The existing Jamaica Bus Depot ("JBD") is located at 165-18 Tuskegee Airmen Way in Jamaica Queens. The site is bounded by Tuskegee Airmen Way to the North, Merrick Blvd to the east, 107th Ave to the south and 165th St. to the west. The JBD has remained in operation since its construction in 1939 and has served as a critical component of the Queens Division bus depot network.

The project will both reconstruct and expand JBD for it to manage the operation, maintenance and on-site storage for up to 272 Standard Bus Equivalent ("SBE") to serve current bus assignments and allow additional capacity for future surface transit demands in southeastern Queens.

In addition to the 272 SBE capacity, the Project plan includes 15 maintenance bays, 1 chassis wash station, 3 fueling lanes, 3 bus wash lanes, 2 interior bus wash stations, administrative space for Maintenance & Transportation Divisions, adequate storage space for equipment, and infrastructure support for the operation and maintenance of an entirely zero-emissions bus fleet with a minimum of 60 electric buses assigned to the depot immediately upon completion of the Project.

Staff Summary

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR JAMAICA BUS DEPOT RECONSTRUCTION PROJECT (Cont'd.)

In addition to the larger fleet that will be supported out of the JBD location, where a 200-bus fleet currently operates, the facilities where employees work to operate and maintain the buses will be brought up to current industry standards, including modern relief and support facilities. The depot will also be built to better integrate into the community by placing all bus storage and operations internal to the depot behind sound barrier walls, and creating an improved streetscape along Merrick Blvd and public art on the exterior wall of the building. Additionally, the Project will benefit the public by providing a LEED certified building with green roof and architectural lightings with landscaping.

4. Reasons for Selecting the Project Locations: MTA is the “lead agency” under the New York State Environmental Quality and Review Act, or “SEQRA”, and responsible for conducting the environmental review for the Project. As part of the SEQRA process, MTA fully evaluated alternatives. A Draft Environmental Impact Statement or “DEIS” was published and public comments received. A Public Hearing covering the DEIS for the Project was held on June 27, 2019 and held open for additional written comments until July 19, 2019. Substantive comments were received on the DEIS. Thereafter, MTA prepared a Final Environmental Impact Statement or “FEIS”, The FEIS for the Project was published in September, 2019. The analysis determined that Alternative A best meets the goals and objectives of the Project.

5. General Effect of the Project on the Environment and Residents of the Locality. The environmental impacts of the Project as a whole are thoroughly covered in the FEIS. The Project will take place largely within the existing JBD property, however, some additional property is required for certain Project elements.

The Project will have adverse impacts to only a select number of environmental technical areas during construction. Although these impacts would be temporary/short duration impacts, during the construction phase of the Project, all efforts will be made to minimize to the extent practicable these impacts, through mitigation, and ensuring the contractor abides by the MTA C&D and applicable regulatory requirements. Specifically, the EIS demonstrated construction-related effects/impacts for: traffic, transit, pedestrian, parking, air quality, noise and vibration, socioeconomic conditions, historic and cultural resources, natural resources, and safety and security.

Construction activities for the Project will initially consist of demolition of the existing properties along Merrick Boulevard to make space for the construction of the new depot structure. The existing JBD will continue to operate for bus servicing until the new facility is operational. Once the new JBD is completed, the existing JBD will be demolished.

As mentioned above, the new JBD will better integrate into the community. All bus storage and operations internal to the depot will be placed behind sound barrier walls with improved streetscape along Merrick Blvd and public art on the exterior wall of the building. Additionally, the new JBD will have LEED certification with green roof and architectural lightings with landscaping.

Ambient noise levels may increase intermittently during construction. However, noise increases will be minimized with strict adherence to the NYC Department of Environmental Protection’s (“NYCDEP”) Code regarding noise preventive measures for those elements of the Project identified to be of elevated impact. MTA C&D contract specifications would require the contractor to meet the requirements set forth in the NYCDEP Noise Control Code and develop a Noise Mitigation Plan(s).

Staff Summary

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR JAMAICA BUS DEPOT RECONSTRUCTION PROJECT (Cont'd.)

There is a potential for damage to one structure located on 104-09 165th Street from vibration impacts because it is located within three feet of the construction zone. Also, the small garage structures located along 165th Street and certain properties near the construction activity would require implementation of vibration control measures to minimize vibration to the extent practicable. Prior to construction, vibration would be monitored at all buildings within a 200-foot radius of the Project. MTA NYCT and/or its contractors would be responsible for any vibration damage incurred during construction.

To help minimize potential impacts, MTA will make every reasonable effort to maintain access; control dust, noise and vibration; screen construction activities; control rodents and pests; and minimize other disruptions, where practicable. MTA's goal is to create an active program of construction security and quality of life controls to ensure community safety.

COMMENTS

Staff Summary

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR JAMAICA BUS DEPOT RECONSTRUCTION PROJECT (Cont'd.)

At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on September 23, 2022.

The following summarizes the comments received:

- Concerns about the effect of construction activities on the structural integrity of certain abutting property as well as the general impacts of construction adjacent to residential property including noise, dust, vibration and quality of life concerns.
- Questions/concerns about the selected design from the Environmental Impact Statement.
- Questions about the storage of personal property located in impacted sheds/garages during the Project.
- Concerns about pollutants during demolition of the old depot.
- Concerns about the impacts to vehicle access and street parking in the immediate area around the Project.
- Questions/concerns regarding why the offers of compensation to the abutting residential property owners are allegedly low as well as general dissatisfaction with the offers of compensation.
- Concerns about the impact of construction activities on the community services provided by a church in the area.
- Support for the Project to create jobs and a more sustainable future.
- Support for MTA to acquire the properties on 165th Street in full.
- Concerns about how the Project might impact the health conditions of residences adjacent to the depot.

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

DETERMINATION

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

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

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

ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE A LEGAL PROCEEDING IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL § 207 AND § 208, THE EXCLUSIVE VENUE FOR SUCH PROCEEDING IS THE APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT, 45 MONROE PLACE, BROOKLYN, NEW YORK 11201.

Staff Summary

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR JAMAICA BUS DEPOT RECONSTRUCTION PROJECT (Cont'd.)



Acquisition of fee interests and temporary easements for the Jamaica Bus Depot Reconstruction Project:

<u>BOROUGH</u>	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TYPE OF INTEREST</u>
Queens	10164	74	104-28 Merrick Boulevard	Permanent Full Taking
Queens	10164	76	104-32 Merrick Boulevard	Permanent Full Taking
Queens	10164	79	105-02 Merrick Boulevard	Permanent Full Taking
Queens	10164	89	105-22 Merrick Boulevard	Permanent Full Taking
Queens	10164	90	106-04 Merrick Boulevard	Permanent Full Taking
Queens	10164	95	166-15 Merrick Boulevard	Permanent Full Taking
Queens	10164	5	104-83 165 STREET	Temporary Easement
Queens	10164	6	104-81 165 STREET	Temporary Easement
Queens	10164	7	104-79 165 STREET	Temporary Easement
Queens	10164	8	104-77 165 STREET	Temporary Easement
Queens	10164	9	104-73 165 STREET	Temporary Easement
Queens	10164	12	104-69 165 STREET	Temporary Easement
Queens	10164	13	104-67 165 STREET	Temporary Easement
Queens	10164	14	104-65 165 STREET	Temporary Easement
Queens	10164	15	104-63 165 STREET	Temporary Easement
Queens	10164	16	104-59 165 STREET	Temporary Easement
Queens	10164	17	104-57 165 STREET	Temporary Easement
Queens	10164	18	104-55 165 STREET	Temporary Easement
Queens	10164	19	104-53 165 STREET	Temporary Easement
Queens	10164	20	104-51 165 STREET	Temporary Easement
Queens	10164	21	104-49 165 STREET	Temporary Easement
Queens	10164	23	104-45 165 STREET	Temporary Easement
Queens	10164	24	104-43 165 STREET	Temporary Easement
Queens	10164	26	104-41 165 STREET	Temporary Easement
Queens	10164	27	104-39 165 STREET	Temporary Easement
Queens	10164	28	104-35 165 STREET	Temporary Easement
Queens	10164	29	104-33 165 STREET	Temporary Easement
Queens	10164	30	104-27 165 STREET	Temporary Easement
Queens	10164	31	104-25 165 STREET	Temporary Easement
Queens	10164	32	104-23 165 STREET	Temporary Easement
Queens	10164	34	104-19 165 STREET	Temporary Easement
Queens	10164	38	104-15 165 STREET	Temporary Easement
Queens	10164	39	104-09 165 STREET	Temporary Easement

Staff Summary

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

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

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11-28-2022	X		
2	Board	11-30-2022	X		

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

AGENCY: MTA New York City Transit ("NYCT")
LESSOR: Raisin Realty
LOCATION: 70-10 74th Street, Glendale, NY 11385
ACTIVITY: Lease extension
ACTION REQUESTED: Approval of a lease extension
EXTENSION TERM: January 12, 2022 to June 30, 2023
SPACE: Approximately 60,000 square feet of warehouse space
COMPENSATION: \$44,166.66 month / \$8.83 per square foot

COMMENTS:

NYCT's Infrastructure Capital Construction (ICC) and Electronic Maintenance Division (EMD) have occupied the Space since September 2001. The current lease term expires on January 10, 2022. The Lessor proposed a 5 ½ month lease extension through June 30, 2023 to allow for additional time to negotiate a long-term lease.

The Lessor has agreed to maintain the current base rent of \$8.83 through the Extension Term. CBRE, the MTA's third-party broker, determined the rent to be below market. The long-term plan is for CBRE and MTA Real Estate to negotiate a long-term agreement of an additional 10-years at a market rate. That extension will be brought to the Finance Committee and Board for approval.

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

Staff Summary

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

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

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	11/29/22	X		
2	Board	11/30/22	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Corporate Compliance 		
2	Legal 		

Purpose:

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

Discussion:

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

Recommendation:

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

Staff Summary

Subject All Agency Responsibility Guidelines
Department MTA Legal
Department Head Name Paige Graves
Department Head Signature 
Project Manager/Division Head Sam Schaffner

Date November 17, 2022
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	11/29	X		
2	Board	11/30	X		

Internal Approvals			
Order	Approval	Order	Approval
3	Chief of Staff		
2	Procurement		
1	Corporate Compliance 		Other

Purpose:

To obtain Board approval of revisions to the MTA’s All Agency Responsibility Guidelines (the “Guidelines”) to incorporate the use of MTA C&D’s new contractor evaluation program (“CEP”) and MTA’s VENDEVAL performance evaluation program in making determinations of responsibility for contractors, consultants and vendors.

Discussion and Background:

The Guidelines are designed to provide structure and guidance in assessing a contractor’s responsibility to perform a contract with the MTA or one of its agencies (i.e., the assessment of whether the contractor has the experience, technical skill, and ethical and financial wherewithal to perform the requisite work). Paragraphs 5 and 6 of the current Guidelines outline the manner in which contractor evaluations from the MTA’s existing All Agency Contractor Evaluation Program (“ACE”) are used in connection with the responsibility determination. Changes have been made to these Guidelines to incorporate the use of CEP program evaluations and MTA’s VENDEVAL program evaluations in responsibility determinations. MTA’s VENDEVAL performance evaluation program is currently used to evaluate performance on contracts that are not capitally funded as well as rolling stock contracts. The CEP is used to evaluate performance on new capital construction and consultant contracts. ACE is still being used on capital construction contracts and consultant contracts that were awarded before the implementation of the CEP.

Recommendation:

That the Board approve revisions to the All-Agency Responsibility Guidelines to incorporate the use of MTA C&D’s new CEP program and MTA’s VENDEVAL performance evaluation program in making determinations of responsibility for contractors, consultants and vendors.



ALL-AGENCY RESPONSIBILITY GUIDELINES

Adopted by the Board on November 30, 2022

(Note: The term “Contractor” refers to both a bidder/proposer and to the firm awarded the contract)

Statement of Purpose - These All-Agency Guidelines (the “Guidelines”) are designed to provide structure and guidance in assessing contractors’ responsibility in the performance of contracts with the Metropolitan Transportation Authority and each of its subsidiaries and affiliates (collectively “MTA”). The Guidelines establish standards of compliance and procedures for remedying non-compliance with contractual and ethical obligations undertaken to MTA.

1. These guidelines shall apply to contract awards where the estimated value of the contract at the time of award is equal to or greater than \$1 million and to Significant Subcontracts, as defined herein. For contract awards below that amount, each agency may use these procedures or establish simplified procedures appropriate to such awards. Nothing in these guidelines is intended to preclude an agency in particular cases from requiring bidders/proposers (“bidder”) to provide more information or data than set forth herein. No contract to which these Guidelines apply should be awarded unless all questions on the applicable Contractor Responsibility Form have been answered and reviewed, or duly waived in writing.
2. An agency shall require each bidder to complete and submit, as part of its bid/proposal, the information specified on the Contractor Responsibility Form or provide a Certification of No Change as described in Paragraph 3 below. An agency may require as part of the solicitation, or in connection with a qualification review or hearing, answers to additional questions or additional representations by a bidder as the agency deems appropriate in each instance.
3. If the Contractor has previously submitted a Contractor Responsibility Form within the last year and there have been no material changes in the information specified on that form, a Certification of No Change may be submitted in lieu of a new Contractor Responsibility Form, subject to the same execution requirements applicable to the Contractor Responsibility Form.
4. A bidder has the obligation to demonstrate its responsibility prior to award and to remain a responsible contractor during the term of the contract, including any extension thereof. After receipt of a completed Contractor Responsibility Form, an agency may require a bidder to provide additional information or to clarify or supplement information

already furnished, including but not limited to information relating to its past performance, its plan for performing the contract, investigations, indictments, convictions, safety practices and record, and financial condition. An agency may conduct site visits to a bidder's plant, current work sites, and other locations and may also perform additional inquiries with other public and private agencies such as the MTA Inspector General, the New York City Department of Investigation, public prosecutor offices and state, federal and local agencies and authorities, as appropriate. If any such investigation uncovers allegations of improprieties or other matters that give rise to concerns about wrongdoing, appropriate agencies may be contacted.

5. Information obtained with regard to a bidder shall be incorporated into the responsibility determination record. If the agency personnel authorized to determine a bidder's responsibility ("contracting officer") determines that Significant Adverse Information ("SAI") regarding a bidder has been obtained, the determination that the bidder is responsible or not responsible shall include the rationale for the decision in light of the SAI and, if the determination is that the bidder is responsible, shall be approved in writing by the agency President and in the case of contracts with an estimated value at the time of contract award of \$3 million or greater, the MTA Chief Operating Officer or equivalent title reporting to the Chairman, in consultation with the MTA's General Counsel. SAI includes but is not limited to: (A)(i) an overall unsatisfactory final performance evaluation in the MTA's All-Agency Contractor Evaluation ("ACE") system, (ii) an overall grade of "F" on a substantial completion evaluation under MTA Construction & Development's contractor evaluation program ("CEP"), or (iii) an overall unsatisfactory final performance evaluation issued under MTA's VENDEVAL contractor evaluation program, within the three (3) years prior to the date when the contracting officer makes the determination or recommendation regarding the contractor's responsibility; or (B) an answer of "Yes" to any question in Part IV of the Contractor Responsibility Form. If the award of a contract is subject to Board approval, a notation stating that SAI exists shall be included in the staff summary.

6. Adverse information ("AI") exists where there are a total of three (3) or more (i) overall marginal final ACE performance ratings, (ii) overall grades of "D" on substantial completion evaluations under the CEP, or (iii) overall marginal final performance evaluations under VENDEVAL, within the three (3) years prior to the date when the contracting officer makes the determination or recommendation regarding the Contractor's responsibility. In order for an agency to find such a Contractor to be responsible notwithstanding such AI, the agency President's written authorization is required.

7. If an agency President determines that it is in the agency's best interest, they may suspend the requirement to conduct performance evaluations on a contract specific basis.

The decision, as well as the reasons for that decision, must be documented in the agency file, with a copy to the agency General Counsel, the MTA General Counsel and to the MTA Inspector General.

8. In order to permit a finding of responsible or not responsible, the evaluation of a bidder's responsibility by the contracting officer will include, but not be limited to, consideration of relevant factors within the last ten (10) years, such as:

- A. The bidder's general business experience and stability, with consideration of the organizational structure of the bidder, its management expertise and depth, length of time in business, ability to secure bonding by an acceptable surety, and prior history of defaults, debarments and non-responsibility determinations;
- B. The bidder's cash flow and balance sheet and the financial demands that will be imposed on the bidder by its performance of the contract;
- C. The size, capacity and capability of the bidder in relation to the work to be performed and in relation to other work being performed by the bidder. This includes an evaluation of the availability to the bidder of the management, professional or technical expertise to perform the work, the availability of the physical plant or equipment required for the work, previous experience relevant to the work, and the effect on the bidder of other work being performed or about to be performed by it;
- D. The record of performance of the bidder on other contracts of the agency, affiliated agencies, other governmental agencies, and non-governmental entities, including Workers Compensation experience rating, compliance with safety standards, compliance with DBE/WBE/MBE requirements on prior contracts, and claims loss history;
- E. The bidder's record with respect to integrity and business ethics including with regard to criminal activity or other misconduct; (i) the nature of any alleged criminal activity or other misconduct; (ii) the status and disposition of any investigation into such activity; (iii) the nature of any criminal or administrative penalty imposed; (iv) the time-frame encompassed by the alleged activity; (v) the general condition of the relevant industry in terms of such factors as integrity and competitiveness; and (vi) any remedial steps taken by the firm to address concerns about its responsibility;
- F. Whether, pursuant to applicable law or regulation, the bidder is barred by any federal, state, local or other public or governmental entity from the award of a

contract or submission of bids/proposals;

- G. The risks associated with the project in general and if the contract is awarded to the bidder in terms of: (i) the extent to which the work of the project impacts the safety of the general public, customers, and employees; (ii) the agency's operations; (iii) the agency's finances; (iv) the best interests of the agency; and (v) whether, if requested by an agency, the firm will agree to address concerns about its responsibility through such techniques as the appointment of a monitor or the termination of the relationship between the firm and specific person(s) or other firm(s); and
- H. Any other factors considered relevant by the agency.

Where a bidder is a newly-formed firm, such information may be obtained with respect to predecessor firms or the prior experience of the principals of the new firm.

9. When an agency considers whether it should require the appointment of a Monitor where there is SAI or a serious violation of the MTA Vendor Code of Ethics found, the agency shall take into account the following factors:
- A. Whether the conduct comprising the SAI can be effectively deterred by the appointment of a monitor;
 - B. The relationship between the specific entity that will perform the contract and the entity(ies) implicated in the SAI (*i.e.*, whether the bidder entity itself committed the SAI or a remote or non-controlling parent, subsidiary or affiliate of the bidder entity committed the SAI);
 - C. Whether the SAI is indicative of a defective corporate culture which may benefit from the imposition of a monitor, or whether the SAI results from the isolated actions of one or more individuals (and if the latter, whether such individual(s) have been separated from the bidder);
 - D. Whether a monitor was previously put in place or other actions and controls were instituted by the bidder in response to the SAI, and the apparent effectiveness of any such prior remedial actions;
 - E. Whether a level of government or law enforcement agency has debarred or sanctioned the entity or affiliate;
 - F. The severity of the SAI and its proximity in time; and
 - G. Any other factors deemed relevant by the agency, including commercial considerations, such as where the bidder is the only available source for the product or service, or whether its absence from the process would substantially

reduce the competition for the product or service or is likely to result in adverse pricing or terms.

The procurement/contract file shall document the agency's determination. Where a monitor is required: (i) the scope of such services shall be reasonably targeted as to the entity(ies) covered, the area(s) of concern to be monitored, and the time period for which such monitoring services shall be required; and (ii) the bidder shall be required to bear the associated costs, provided that in unique circumstances (*e.g.*, sole source procurements), the agency may determine to take on all or part of such costs. A monitor may be either internal (within the MTA) or external (by a third party), depending on the severity of the conduct giving rise to the necessity for the monitorship and the availability of internal resources. The agency shall have the discretion to determine whether to use an internal or external monitor.

10. Before an agency makes a final determination that a bidder is not responsible, the agency must give notice to the bidder of the reasons that lead to such finding, and the bidder must be offered a reasonable opportunity to respond to such reasons. The bidder's response, at the agency's option, may be in writing or made in person.

11. An agency may, if it deems it necessary, convene a hearing to determine or make a recommendation with respect to: (i) a bidder's pre-contract award qualification/responsibility; and/or (ii) post-contract award information about a Contractor. A recording or transcript of the hearing may be made if the agency deems it appropriate to do so.

12. The agency shall document its findings and the reasons for those findings in its procurement/contract file and, if a finding of non-responsibility is made, may award the contract to the next low bidder or best proposer whose proposal best meets the agency's requirements and is responsive and responsible or may take any other action in accordance with applicable law and established procedures.

13. An agency's contract documents shall include provisions granting the agency discretion to terminate the contract for convenience without payment for profit and overhead for work not performed or to take such other action as the agency may deem appropriate if, among other reasons, during the contract term: (i) the contractor, a contractor director, officer, principal, or managerial employee, or owner of a 10% or more interest in the contractor is convicted of a crime involving a public contract that would constitute SAI under the All-Agency Responsibility Guidelines; (ii) significant concerns about the contractor's integrity are raised based upon an evaluation of the events underlying any other determination, or an indictment or other allegation, that the contractor or a contractor director, officer principal, managerial employee, or owner of a 10% or more

interest in the contractor has been involved in any felony or a misdemeanor related to truthfulness and/or business conduct in the past ten (10) years; or (iii) an agency determines that a bidder submitted materially false or incomplete information in its Contractor Responsibility Form or otherwise in obtaining the award; or (iv) the Contractor has failed to disclose events or circumstances that have changed and would render its Contractor Responsibility Form inaccurate or incomplete. Nothing herein shall be construed to limit an agency's contract documents from providing the agency discretion to terminate a contract for convenience on grounds other than those set forth in this paragraph.

14. After a contract is awarded, the Contractor has a continuing obligation to update and correct the information provided in response to the Contractor Responsibility Form. Any updates or corrections should be included in the agency's contract records and should be taken into account in the management and administration of the contract with respect to present responsibility determinations.

15. These guidelines are intended for the guidance of officers and employees of the MTA. Nothing contained herein is intended or shall be construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under, or by reason of, any requirement or provision hereof.

16. Nothing contained in these guidelines shall be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of these Guidelines.

17. These Guidelines shall be applied to subcontractors for Significant Subcontracts, with the exception that if the subcontractor is found to be responsible despite the existence of SAI, only approval by the agency head, or his/her designee shall be required, irrespective of the dollar value. "Significant Subcontracts" means subcontracts in which the subcontractor is proposed to perform work valued at \$1 million or more and more than 10% of the contract value, as well as any subcontract valued at \$5 million or more. Where applicable federal, state or local laws, ordinances, codes, rules or regulations contain requirements which are in conflict with or impose greater obligations upon the agency than these guidelines, such requirements shall take precedence. In addition, these guidelines shall be applied to subcontractors for subcontracts of \$100,000 or more in such areas as the MTA may designate from time to time (referred to as "Special Circumstances").