

NYCT Committee
ACTIONS and PRESENTATIONS
SUMMARY for APRIL 2023

Responsible Department	Vendor Name	Total Amount	Summary of action
NYCT	C2K Partners	\$23,700,000	Exercise Option 1 to provide consulting support for the R34211 Subway Car Contract for the purchase of 640 additional subway cars.



New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations



PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$23.7M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Kuvershen Ayer					
Department Head Signature					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	04/24/23			
2	Board	04/26/23			

April 19, 2023			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President NYCT	X	Pres. MTABC /SVP DOB
	Deputy CFO	X	SVP 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: None

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 H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 23.7 M
SUBTOTAL		\$ M

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

TOTAL	1	\$ 23.7 M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

APRIL 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

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

- | | | |
|--|---------------------|--------------------------------------|
| 1. C2K Partners | \$23,664,468 | <i>Staff Summary Attached</i> |
| 7-year Base + Options | | |
| Contract# R84505 AWO 9 | | |
| Exercise Option 1 to provide consulting support for the R34211 Subway Car Contract for the purchase of 640 additional subway cars. | | |

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 1

Vendor Name (Location) C2K Partners (New York, New York)
Description: Post Award Consulting Services for the R211 Subway Car Contract
Contract Term (including Options, if any) 7 years (base) + 2 years (Option 1) + 1.5 years (Option 2)
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: Department of Subways, Demetrius Crichlow

Contract Number R84505	Modification # 9
Original Amount:	\$62,623,706
Prior Modifications:	\$30,430,570
Current Amount:	\$93,054,276
This Request:	\$23,664,468
% of This Request to Current Amount:	25.4%
% of Modifications (including This Request) to Original Amount:	86.4%

Discussion:

NYC Transit is seeking Board approval to exercise Option 1 of Contract R84505, Post Award Consulting Services for the R34211 Subway Car Contract, awarded to C2K Partners (“C2K”), a joint venture comprised of LTK Engineering Services of New York LLP and CH2M Hill New York, Inc. (“CH2M”), in the estimated amount of \$23,664,468, to provide consulting support for Option 1 of the R34211 Subway Car Contract for the purchase of 640 additional subway cars, approved by the Board in October 2022. The base R34211 contract is for the design, manufacturing, and delivery of 440 closed-end cars (R211A), 20 open-gangway cars (R211T) for NYC Transit’s “B” Division, and 75 cars (R211S) for Staten Island Railway.

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

There have been eight previous modifications to this contract to: (1) incorporate certain discounts on travel expenses; (2) address a cost reduction; (3) adjust the overhead rate of one of the subconsultants; (4) provide additional consulting support for procurement activities for the R211 Option 1 negotiations with Kawasaki Rail Car Inc.; (5) provide other administrative functions in support of the R34211 contract; (6) provide additional engineering support to ensure adequate staffing for NYC Transit’s management of the R34211 Contract; and (7) add a new subconsultant. NYC Transit is currently processing Modification 8 to address cybersecurity requirements. The total value of the previous modifications was \$30,430,570.

The consulting services to be provided under this Option will primarily cover the inspection support and other engineering support that may be required for 640 R211A Option 1 subway cars for a term of two additional years.

C2K submitted its proposal of \$23,991,259 based on the estimated annual labor rate adjustment calculated in accordance with a price index formula set forth in the R84505 Contract, as well as the adjusted overhead rates and travel expenses. Negotiations resulted in the final price of \$23,664,468, which represents a reduction of \$326,791. Procurement and NYC Transit’s Cost Price Analysis Unit have determined the price to be fair and reasonable.

CH2M has been found to be responsible notwithstanding Significant Adverse Information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and CEO in consultation with the MTA General Counsel in December 2013¹. No new SAI has been found relating to CH2M and CH2M has been found to be responsible.

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

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

Impact on Funding

This modification is funded with FTA funds from the 2020–2024 Capital Program.

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