



## **Metro-North Railroad Procurements**

**Omar Messado**, Acting Assistant Deputy Chief Procurement Officer – MTA Office of the Chief Procurement Officer



## PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$55M.

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

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	03/25/24			
2	Board	03/27/24			

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

March 20, 2024
<b>Department</b>
<b>Department Head Name</b>
<b>Department Head Signature</b>

Internal Approvals			
	Approval		Approval
	President		CAR
	SVP Operations Support	X	
	VP & General Counsel	X	RD

**PURPOSE**

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

**DISCUSSION**

**Metro-North proposes to award Noncompetitive procurements in the following categories: None**

**Metro-North proposes to award Competitive procurements in the following categories:**

Procurements Requiring Majority Vote:

	# of Actions	\$ Amount
Schedule G: Miscellaneous Service Contracts	1	\$ 55 M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 55 M</b>

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

<b>TOTAL</b>	<b>1</b>	<b>\$ 55 M</b>
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**COMPETITIVE BIDDING REQUIREMENTS:** The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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

## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

**MARCH 2024**

**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.)

- |                                 |                                 |                                      |
|---------------------------------|---------------------------------|--------------------------------------|
| <b>1. Various Bus Companies</b> | <b>\$55,000,000 (estimated)</b> | <b><i>Staff Summary Attached</i></b> |
| <b>5 years</b>                  |                                 |                                      |
| <b>Contract #426684</b>         |                                 |                                      |

Award of zero-dollar contracts to retain qualified vendors to provide emergency and scheduled bus services on an as-needed basis for railroad passengers and/or crews between stations throughout the Railroads' New York and Connecticut operating territories.

## Schedule G: Miscellaneous Service Contracts

Item Number: 1

<b>Vendor Name(s) (Locations)</b> Various Bus Companies	<b>Contract Number</b> 426684	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description</b> Emergency and Scheduled Bus Services	<b>Total Amount:</b> <b>\$55,000,000</b> (est.) MNR: \$30,000,000 (aggregate) LIRR: \$25,000,000 (aggregate)	
<b>Contract Term (including Options, if any):</b> Five years	<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: State of CT	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	<b>Requesting Departments</b> <b>MNR:</b> Station Operations, Philip Diaz, Chief Stations Operations Officer <b>LIRR:</b> Stations, Theresa Dorsey, Chief Stations Officer. Service Planning, Charles McKiernan, General Manager	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive		
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Sole Source		

### Discussion:

Metro-North Railroad (“MNR”), on behalf of itself and Long Island Rail Road (“LIRR”) (collectively, the “Railroads”), requests Board approval to award competitively solicited and negotiated miscellaneous service contracts to furnish emergency and scheduled bus services on an as-needed basis for railroad passengers and/or crews between stations throughout the Railroads’ New York and Connecticut operating territories during scheduled and emergency track outages and service disruptions.

These contracts are for a period of five years; the estimated aggregate budget is \$55 million (MNR \$30 million; LIRR \$25 million). Zero-dollar contracts will be awarded to qualified firms with no guarantee of spend amount.

The Railroads are continually evaluating the way bus services are provided with the intent of leveraging private resources to achieve better responses within geographic zones and contain overall costs. The Railroads sought proposals from third-party vendors for both emergency and scheduled bus operations. Emergency busing is defined as the need for immediate service due to a sudden and unanticipated disruption. Scheduled busing is a request for service to supplement a planned disruption in scheduled train service because of capital and operating projects.

The qualified vendors will provide emergency and scheduled bus services in the zones defined below for MNR and at various station locations in the specified New York counties for LIRR.

<b>MNR</b>	Zone 1 (CT)	New Haven to Bridgeport (Waterbury Branch)
<b>MNR</b>	Zone 2 (CT)	Bridgeport to State line (Danbury and New Canaan Branches)
<b>MNR</b>	Zone 3 (NY)	Hudson line north of Croton Harmon to Poughkeepsie, Harlem line north of White Plains to Wassaic
<b>MNR</b>	Zone 4 (NY)	Hudson line from Croton Harmon and south, Harlem line from White Plains and South
<b>MNR</b>	Zone 5 (NY)	West of Hudson, Rockland, and Orange Counties
<b>LIRR</b>	Long Island	Nassau, Western Suffolk, Eastern Suffolk, Queens, King, and New York Counties

The Request for Proposal (“RFP”) was publicly advertised in the *New York State Contract Reporter* and *Journal News* and posted on MNR’s website on June 13, 2023. The RFP was also formally issued to 19 bus companies. The RFP established minimum vendor requirements and requested supporting information that would demonstrate the vendors’ capabilities to meet the requirements on an ongoing basis. In an effort to increase the pool of qualified vendors, proposers were given the opportunity to propose on one or more of the locations based on zones and counties as specified in the RFP.

Thirteen proposals were received on July 24, 2023. The Selection Committee (“SC”), comprised of representatives from the Railroads’ Passenger Services, Station Operations, Safety & Environmental Compliance, Train Operations, Service Planning, and Procurement departments, evaluated the proposals using the following established selection criteria set forth in the RFP: (1) Demonstrated understanding of the Workslope requirements, including but not limited to the quality and completeness of any required submissions; (2) confidence level of the proposer concerning the project, commitment of relevant resources to the project including the qualifications of key personnel and reliability to perform the Services including Subconsultant/Subcontractor Services; (3) project plan (detailed description of how the Services will be performed); (4) past experience on similar projects; and (5) cost.

## Schedule G: Miscellaneous Service Contracts

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The SC unanimously agreed to recommend 13 participating firms for contract award. The actual distribution of services among the vendors will be based upon geographical zone, operational requirement, vendor capacity, and proposed cost with the goal of meeting service requirements. The recommended firms are:

TERRITORY COVERED	BUS COMPANY
MNR	Leprechaun Lines, Inc.
MNR	Peter Pan Bus Lines, Inc.
MNR / LIRR	Academy Express, LLC
MNR / LIRR	Charter Bus Pros Inc d/b/a Charter Linkz
MNR / LIRR	Community Coach
MNR / LIRR	DPV Transportation, Inc.
MNR / LIRR	J&F Tours Transportation
MNR / LIRR	Red Carpet Coach Ltd.
LIRR	Bus Around Town Corp. d/b/a Coachman Luxury Transport
LIRR	D&J Service, Inc.
LIRR	Huntington Coach Corp.
LIRR	M&V Corporate Transportation
LIRR	Suffolk Transportation Services, Inc.

The agencies performed a Cost Price Analysis, in conjunction with the NYC Transit Cost Price Analysis Unit, on the proposed hourly rates using comparative and historical data of previous rates and determined the rates to be fair and reasonable for the services to be provided. The price schedule is fixed for the five-year term.

These agreements will provide bus services within five defined MNR zones and six defined LIRR counties, back-up services for scheduled work, and hourly rate structures based on a four-hour minimum service block. The Railroads will utilize these bus company agreements to provide a comprehensive plan for emergency and scheduled bus services throughout each Railroad’s territory in the most responsive and cost-effective manner.

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.

All Bus Companies participating in this contract have certified pursuant to EO 16 that they are not doing business in Russia.

In connection with the review of Academy’s responsibility pursuant to the All-Agency Responsibility Guidelines, Academy was found to be responsible notwithstanding Significant Adverse Information (“SAI”) and the award of the contract is subject to the approval of such responsibility finding by the MTA Chief Administrative Officer in consultation with the MTA General Counsel.

In connection with a previous contract awarded to Community Coach, Community Coach was found to be responsible notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MNR Acting President in consultation with the MNR General Counsel in January 2018. No new SAI has been found relating to Community Coach and Community Coach has been found to be responsible.

### M/W/DBE Information

The MTA Department of Diversity and Civil Rights has established a zero percent DBE goal on this contract due to the lack of subcontracting opportunities and DBE firms in the marketplace.

## Schedule G: Miscellaneous Service Contracts

### **Impact on Funding**

This procurement will be funded by each Railroad's respective Operating Budget, Capital Budget, the Connecticut Department of Transportation ("CDOT") and/or FTA Funds, as the case may be. CDOT will reimburse MNR 100 percent for the costs of bus service on the New Canaan, Danbury, and Waterbury branches.

### **Alternatives**

None. The Railroads do not have the resources to provide these services in-house.