



MTA Headquarters Procurements

Lisette Camilo, Chief Administrative Officer/Interim Chief Procurement Officer

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$19.4M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Lisette Camilo					
Department Head Signature <i>Lisette Camilo</i>					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	03/25/24			
2	Board	03/27/24			

March 22, 2024			
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>Procurements Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 19.4 M
SUBTOTAL	1	\$ 19.4 M

MTA Headquarters proposes to award Ratifications in the following categories: None

TOTAL	1	\$ 19.4 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.

MARCH 2024

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. **Action Carting Environmental Services, Inc. \$19,353,002** *Staff Summary Attached*
5 years
Contract # 60000000022916 Supplemental Agreement #2
Modification to the miscellaneous service contract for Transit-Wide Refuse Removal and Recycling in order to add a two-year extension for continued refuse removal and recycling services.

Item Number: 1

Vendor Name (Location) Action Carting Environmental Services Inc (Teaneck, New Jersey)
Description: Transit-Wide Refuse Removal and Recycling
Contract Term (including Options, if any) February 1, 2019–April 30, 2024
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 checked="" type="checkbox"/> Bid <input type="checkbox"/> Other: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: MTA Supplier Management, Paul Dvoskin

Contract Number 60000000022916	Supplemental Agreement # 2
Original Amount:	\$ 39,170,973
Prior Modifications:	\$ 995,000
Current Amount:	\$ 40,165,973
This Request:	\$19,353,002
% of This Request to Current Amount:	48%
% of Modifications (including This Request) to Original Amount:	52%

Discussion:

MTA Headquarters is seeking Board approval to extend the miscellaneous service contract awarded to Action Carting Environmental Services Inc (“Action Carting”) to continue Refuse Removal and Recycling Services for New York City Transit, MTA Bus, and Staten Island Railway stations, yards, barns, depots, and administrative facilities for a two-year period (May 1, 2024–April 30, 2026) in the amount of \$19,353,002.

The base contract was awarded in February 2019 for \$39,170,973. To date, there has been one change order to increase the contract by \$995,000 (from \$39,170,973 to \$40,165,973) and extend the period of performance by three months (February 1, 2024–April 30, 2024).

The purpose of this extension is to (1) facilitate the time needed to allow the MTA’s objective of consolidation of services through a category management approach that will aggregate requirements across the Agencies in common geographic regions and potentially generate cost savings associated with awarding multiple contracts based on geographical territories; (2) allow time for the NYC Commercial Waste Zone (“CWZ”) program to fully implement; and (3) allow Project Management time to prepare and execute a third-party audit of the waste stream (the complete flow of waste from its source through recovery, recycling or final disposal), which will assist in shaping the scope of work for the new consolidated solicitation and provide a guideline for the credit percentage to be received for the recyclables.

On November 20, 2019, Local Law 199 of 2019 requiring the establishment of CWZs throughout New York City was signed into law by the city’s mayor. The CWZ program divided the city into 20 zones, each served by up to three carting companies selected through a competitive process. Five citywide contracts will also be awarded for the collection of containerized waste and compactors. This approach is intended to reduce truck traffic associated with commercial waste collection by 50 percent, eliminating millions of heavy-duty truck miles from NY City streets each year while strengthening service standards and allowing for customer choice. While it has been determined that the MTA is exempt from this program¹, the full impact is unknown at this time as its implementation is not expected to be completed until the end of 2024. This could affect the quantity and quality of vendors available to contract with the MTA, which may influence the procurement approach.

MTA Procurement was able to negotiate and maintain zero percent increases for the following line items: (1) as-needed hauling and disposal of track debris; (2) office trailers and Conex Boxes; (3) bulk subway station refuse; (4) recyclables; (5) document destruction; (6) transfer station charges for Sunday operations; and (7) emergency services. Due to industry-wide regulated increases, extension pricing for the following contract line items were increased in line with Producer Price Index escalation: (1) pickup and disposal of compacted/uncompact subway/non-subway refuse, (2) disposal of construction and demolition debris, and (3) hauling of open-top containers. Pricing will remain firm for the two-year extension period. The total cost for the two-year extension is \$19,353,002. The pricing for this extension is deemed fair and reasonable.

It is recommended that the MTA proceed with a two-year extension for the reasons outlined above.

¹The exemption status of B&T is currently under review.

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

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.

Impact on Funding

This contract is funded by the MTA NYC Transit operating budget.

Alternatives

None. A lapse in these services will be detrimental to operations. The extension will allow sufficient time for MTA Procurement to solicit a new contract that will address current and anticipated future needs.