



Metro-North Railroad Procurements

Omar Messado, 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 \$8.5M.

Subject	Request for Authorization to Award Various Procurements				
Department	MTA Procurement				
Department Head Name	Lisette Camilo				
Department Head Signature					
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	6/24/24			
2	Board	6/26/24			

June 20, 2024			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President		<i>CAR</i>
	SVP Operations Support		
	VP & General Counsel		Haley Stein HS
			Sofia Hubscher SH

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 Metro-North Committee of these procurement actions.

DISCUSSION

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

Procurements Requiring Two Thirds Vote:	# of Actions	\$ Amount
Schedule A: Noncompetitive Purchases and Public Work Contracts	1	\$ 8.5 M
SUBTOTAL	1	\$ 8.5 M

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

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

TOTAL	1	\$ 8.5 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.

JUNE 2024

LIST OF NONCOMPETITIVE ITEMS 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. **Loram Maintenance of Way, Inc.** **\$8,449,068 (est.)** *Staff Summary Attached*
Three-year base w/ two 1-year Options
Contract # 211929

Award of a contract for contract for a Continuous Work Platform.

Schedule A: Noncompetitive Purchases and Public Work Contracts

Item Number: 1

Vendor Name (Location) Loram Maintenance of Way, Inc. (Hamel, Minnesota)	Contract Number 211929	Renewal? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Continuous Work Platform Services	Total Amount: \$8,449,068 (estimated) Three-Year Base = \$4,884,266 Two 1-Year Options = \$3,564,802	
Contract Term (including Options, if any): Three Years with two 1-year options	Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: CTDOT	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	Requesting Department Maintenance of Way: Michael Loney, Vice President	
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:		

Discussion:

Metro-North Railroad (“MNR”) requests Board approval to award a three-year noncompetitive public work contract for a Continuous Work Platform (“CWP”) to Loram Maintenance of Way, Inc. (“Loram”) in the estimated quantity amount of \$8,449,068. The Board is also requested to authorize the MNR Assistant Deputy Chief Procurement Officer to approve the exercise of two 1-year options in the amount of \$3,564,802, pending the approval of funding in 2027.

The CWP is a self-propelled mobile platform consisting of eight gondola cars capable of quickly and efficiently performing a variety of wayside track maintenance activities, including heavy digging, rail and tie pickup, tie distribution and the placement of riprap. It is also equipped with an on-board excavator and has a total storage capacity of 350 tons. Material can be loaded throughout the full length of the CWP, thereby eliminating the need to switch out cars.

Loram’s CWP will be primarily used to perform work in MNR’s operating territory in the State of Connecticut, while the MNR-owned CWP will continue to be used to perform work in New York. The contractor is responsible for providing the CWP, labor, materials, tools, and maintenance necessary to perform the services April through October, based on a 10-hour/50-hour work week along MNR’s operating territory. The CWP will also be used to respond to emergency conditions as a result of inclement weather conditions.

In accordance with MTA Procurement Guidelines, an advertisement for the above-referenced services was publicly advertised in the *New York Post*, *New York State Contract Reporter*, *Daily Challenge*, and posted on the MTA website. Eighteen industry contractors received the Invitation for Bid documents. On December 8, 2023, a single bid was received from Loram.

Loram’s bid indicated the firm’s ability to perform the work. However, Loram took exception to several terms and conditions of the contract including cybersecurity requirements and its bid was therefore determined to be non-responsive. As there were no other viable options for the required service, MNR elected to negotiate with Loram. As such, MTA Board approval is being sought in accordance with the MTA All-Agency General Procurement Guidelines and Sections 1209 and 1265-a of the Public Authorities Law.

Loram submitted its Year 1 pricing with fixed rates totaling \$1,569,308. The MTA reviewed and evaluated the pricing to determine cost reasonableness against historical data (2017–2023 previous contract award) and the Consumer Price Index (“CPI”). Based on the aforementioned, the pricing submitted by Loram is considered to be fair and reasonable. All rates for the subsequent years will be adjusted in accordance with the CPI.

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.

Schedule A: Noncompetitive Purchases and Public Work Contracts

Loram 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 set zero percent MWBE/SDVOB goals on this contract due to the lack of subcontracting opportunities and MWBE/SDVOB firms in the marketplace. Loram Maintenance of Way, Inc. has not recently completed any MTA contracts with goals; therefore, no assessment of the performance is available at this time.

Impact on Funding

This project will be funded by MNR's Operating budget and the Connecticut Department of Transportation ("CTDOT"). CTDOT will reimburse MNR 75 percent of the cost of the CWP service.

Alternatives

None. MNR does not have the additional resources to provide these services.