

New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed estimated expenditure of \$6.0M.

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	09/23/24			
2	Board	09/25/24			

September 20, 2024			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President NYCT	X	Pres. MTA Bus/SVP DOB
X	Deputy CFO	X	VP Paratransit
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 Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$Amount</u>
Schedule B: Competitive Request for Proposals	1	\$ TBD M
<u>Schedules Requiring Majority Vote:</u>		
Schedule H: Modifications of Personal/Miscellaneous Service Contracts	1	\$ 6.0 M
SUBTOTAL	2	\$ 6.0 M

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

TOTAL	2	\$ 6.0 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.

SEPTEMBER 2024

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)
(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|---|------------------------------|--------------------------------------|
| 1. Contractor to be determined
Contract Term to be determined
Contract# TBD | Cost to be determined | <i>Staff Summary Attached</i> |
| Issue a competitive Request for Proposal for the procurement of a Paratransit Camera Security System for NYC Transit. | | |

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.)

- | | | |
|---|--------------------|--------------------------------------|
| 2. Feigi Taub Halberstam Audiology & Speech Pathology d/b/a Omni Rehab
Five years base + 2-year Options
Contract# 6%29162.3 | \$6,000,000 | <i>Staff Summary Attached</i> |
| Contract for eligibility assessment services for Paratransit; Modification to establish an assessment center at 3 Stone Street in the borough of Manhattan. | | |

Item Number: 1			
Department, Department Head Name: MTA Deputy Chief Procurement Officer, Louis A. Montanti			
Internal Approvals			
Order	Approval	Order	Approval
1	Procurement		
2 X	Law		
3	Deputy CFO		
4	VP Paratransit		
5	President, NYCT		

SUMMARY INFORMATION	
Vendor Name RFP Authorizing Resolution	Contract No. TBD
Description Purchase of Paratransit Camera Security System	
Total Amount: TBD	
Contract Term (including Options, if any) TBD	
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"/> Noncompetitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose

To request that the Board declare competitive bidding impractical or inappropriate for the procurement of a Paratransit Camera Security System (“PCSS”) for NYC Transit and that it is in the public interest to issue a competitive Request for Proposals (“RFP”) pursuant to New York State Public Authorities Law, Section 1209, subdivision 9(g).

Discussion

The Public Authorities Law, Section 1209, subdivision 9(g) permits NYC Transit to use the competitive RFP process in lieu of competitive bidding to award contracts based on a formal evaluation of characteristics such as quality, delivery, and cost against stated selection criteria. NYC Transit is desirous of utilizing such a procedure with respect to the procurement of a PCSS.

The PCSS consists of a series of cameras to be installed on each of the MTA’s Paratransit-owned vehicles operated by the primary carriers to capture video images, which will be wirelessly uploaded along with a system health report for use in managing data and ensuring proper operation of the on-board equipment. This process will assist Paratransit in enhancing the safety and security of its operators and customers as well as address operational issues in real time to enhance customer service and the customer experience. Additionally, the PCSS will allow NYC Transit to view post-accident and incident video to evaluate the circumstances surrounding the accident or incident should a complaint or legal claim be filed.

Utilizing the RFP process will allow NYC Transit to select the proposal(s) that offers the best overall value through negotiations and evaluation based on criteria that reflect the critical needs of the Authority. By utilizing the RFP process for the acquisition of the PCSS, NYC Transit will be able to (1) weigh factors such as overall project price, overall quality of proposer and product; (2) negotiate specific contract terms, such as warranty and payment terms; (3) negotiate technical matters as deemed appropriate; and (4) include any other factors that NYC Transit deems relevant to its operation. Upon completion of the RFP process, NYC Transit will obtain Board approval prior to making an award.

Alternative

Issue competitive Invitations for Bid. Not recommended, given the complexity of this procurement and the advantages offered by the RFP process.

Impact on Funding

It is anticipated that this project will be 100 percent locally funded.

Recommendation

That the Board declare competitive bidding impractical or inappropriate for the procurement of a PCSS and that it is in the public interest to issue a competitive RFP pursuant to New York State Public Authorities Law, Section 1209, subdivision 9(g) for NYC Transit

Item Number: 2

Vendor Name (Location) Feigi Taub Halberstam Audiology & Speech Pathology d/b/a Omni Rehab (Brooklyn, New York)	Contract Number 6%29162	AWO/Mod. # 3
Description: Eligibility Assessment Services for Paratransit and Reduced Fare	Original Amount:	\$ 5,153,978 Base \$ 2,274,012 Option
Contract Term (including Options, if any) 5-year Base Term: January 7, 2022–January 6, 2027 2-year Option (if exercised): January 7, 2027–January 6, 2029	Prior Modifications:	\$ 0
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	Current Amount:	\$ 5,153,978
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	This Request: \$ 3,414,298	\$1,782,000 Base \$1,632,298 Option
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	% of This Request to Current Amount:	66.3%
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of Modifications (including This Request) to Original Amount:	66.3%
Requesting Department: Paratransit, Rachel Cohen Acting VP		

Discussion:

NYC Transit is seeking Board approval to modify Contract 6%29162 with Feigi Taub Halberstam Audiology & Speech Pathology, P.C. d/b/a Omni Rehab (“Omni”) to provide eligibility assessments for Paratransit in the total estimated amount of \$3,414,298 (\$1,782,000 for the base award and \$1,632,298 for the option years). The eligibility assessment center, established for 3 Stone Street in lower Manhattan, is anticipated to open on October 1, 2024. The base contract period for this modification runs concurrent with the original base term (through January 6, 2027) with an option to extend the term for up to two additional years.

NYC Transit provides origin-to-destination, demand responsive, shared-ride paratransit service for disabled individuals who meet the eligibility criteria set forth in the Americans with Disabilities Act. This service is provided through Access-A-Ride (“AAR”), which is managed and operated by the Department of Paratransit (“Paratransit”). The Eligibility Assessment Service contracts provide Paratransit with an independent eligibility recommendation based on an assessment of an applicant’s disability and how it may or may not prevent their use of fixed-route transportation. These contracts are also utilized to provide NYC Transit with eligibility assessments for its reduced-fare program.

In July 2021, Request for Proposal (“RFP”) 354071 was competitively solicited with the intent of providing assessment centers throughout the five boroughs of New York City. The December 2021 Board approved the awards of three, 5-year, estimated quantity, miscellaneous service contracts to Gramercy Park Physical Therapy (“Gramercy”), Theradynamics Rehab Management, LLC (“Theradynamics”), and Omni. Each contract included an option to extend the term for up to two additional years. Gramercy was awarded a contract to operate an eligibility assessment center in the borough of Staten Island; Theradynamics in the boroughs of Brooklyn, Queens, and the Bronx; and Omni in the borough of Brooklyn. A Manhattan eligibility assessment center was not awarded at the time of the RFP because a suitable facility could not be identified.

NYC Transit is modifying Omni’s current Eligibility Assessment Services contract to add a facility in the borough of Manhattan to provide AAR assessments only. As it does for operating the Brooklyn assessment center, Omni will provide licensed medical staff (trained by Paratransit’s Eligibility Determination Unit) to evaluate applicants of AAR via an interview and/or performance of a functional assessment and provide Paratransit with a detailed report of their findings to assist NYC Transit in determining applicant eligibility for the program. Additionally, it should be noted that the 3 Stone Street location to be utilized by Omni is building space currently leased by the MTA. The decision to utilize MTA-leased space was prompted by the lack of adequate, affordable, and available space for an eligibility assessment center in Manhattan.

In May 2022, Modification 1 to Omni's Contract adjusted the quantities for the Brooklyn Price Schedule to properly reflect 60 percent of the estimated quantities for Brooklyn per the Contract award. In May 2024, Modification 2 to Omni's Contract added the Triborough Bridge and Tunnel Authority as an authorized User of the Contract in preparation for Individual Disability Exemption Plan Assessment Services, which is currently on hold.

Pricing is based on a per-assessment rate for each assessment category (e.g., Interview Only/Interview and Functional/Cognitive). Through negotiations, the average price per assessment for the base term is \$110, and \$113.35 for the option period. MTA's Cost/Price Unit performed an analysis and deemed the average price per assessment for both the base and option periods to be fair and reasonable.

NYC Transit has utilized Omni as its Brooklyn Assessment Center location for approximately years. Paratransit's Project Manager states that Omni successfully provides independent assessments by their trained medical professionals and responds to inquiries in a swift and appropriate manner. All required reporting is submitted in a timely fashion in accordance with the service contract.

The NYC Transit Controller's Office performed an updated financial analysis of Omni and found it to be financially qualified to perform the work.

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

The contract awarded to Omni resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Omni has certified compliance with the MTA's cybersecurity requirements.

M/W/DBE Information

The Department of Diversity and Civil Rights ("DDCR") established M/WBE goals of 15 percent Minority and 15 percent Women-owned businesses to Eligibility Assessment contracts. Omni continues to work with DDCR to attain the assigned goals through utilization of both the Brooklyn and Manhattan locations.