



Metropolitan Transportation Authority

March 2021

MTA Board Action Items



MTA Board Meeting

2 Broadway
20th Floor Board Room
New York, NY 10004

Wednesday, 3/17/2021
10:00 AM - 5:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Committee & Regular Meeting Joint Minutes - February 18, 2021

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA B&T

MTA Construction & Development

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3. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL ROAD

LIRR Procurements Report (no items)

MNR Procurements Report

MNR Procurements - Page 32

i. Non-Competitive (no items)

ii. Competitive

MNR Competitive - Page 36

iii. Ratifications (no items)

MTA C&D Procurements Report

MTA C&D Procurements - Page 39

i. Non-Competitive (no items)

ii. Competitive (no items)

iii. Ratifications

MTA C&D Ratifications - Page 43

4. COMMITTEE ON NYCT & BUS (no items)

5. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

B&T Procurement Item (no items)

MTA C&D Procurements Report

MTA C&D Procurements - Page 46

i. Non-Competitive (no items)

ii. Competitive

MTA C&D Competitive - Page 49

iii. Ratifications (no items)

6. COMMITTEE ON FINANCE

Action Items

i. East Side Access: Extension of Owner Controlled Insurance Program

East Side Access: Extension of Owner Controlled Insurance Program. - Page 56

ii. Board Authorization to File for an Accept Federal Funds

Board Authorization to File for and Accept Federal Funds - Page 58

iii. All-Agency Annual Procurement Report, 2020 (Report Available in Directors Desk Document Center and mta.info)

All-Agency Annual Procurement Report - Page 62

iv. Ratification of Payroll Mobility Tax (PMT) Resolutions and Approval of PMT Supplemental Resolutions (Resolutions available in Exhibit book and MTA.info)

Payroll Mobility Tax (PMT) Staff Summary - Page 63

Information Item

i. All Agency Prompt Payment Annual Report

All Agency Prompt Payment Report - Page 67

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 70

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 73

iii. Ratifications (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 80

7. COMMITTEE ON CORPORATE GOVERNANCE

Action Items

i. Review and Approve Procurement Guidelines (Guidelines available in Exhibit book)

Staff Summary Procurement Guidelines - Page 86

ii. Review and Approve Mission Statement and Performance Measurement Report (Report available in Exhibit book)

Staff Summary Mission Statement and Measurement Report - Page 87

iii. Review and Approve MTA Policies in connection with Provisions of the

Public Authorities Law

Staff Summary Public Authorities Law Required Policies - Page 89

8. PRESENTATION

Inspector General Report

9. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)

**Joint Committee and Board Meeting of the Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit
Operating Authority, the Staten Island Rapid Transit Operating Authority, the
Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, the Metro-North Commuter Railroad Company,
MTA Construction & Development, the MTA Bus Company and
the First Mutual Transportation Assurance Company**

Minutes

2 Broadway

New York, NY 10004

Thursday, February 18, 2021

10:00 a.m.

The following Board Members were present in person or by videoconference:

Hon. Patrick Foye, Chairman & CEO

Hon. Jamey Barbas

Hon. Frank Borelli

Hon. Victor Calise

Hon. Lorraine Cortés-Vázquez

Hon. Michael Fleischer

Hon. Randolph Glucksman

Hon. Rhonda Herman

Hon. David Jones

Hon. Linda Lacewell

Hon. Kevin Law

Hon. Robert W. Linn

Hon. David Mack

Hon. Haeda B. Mihaltses

Hon. Robert F. Mujica

Hon. Lawrence Schwartz

Hon. Vincent Tessitore, Jr.

Hon. Neal Zuckerman

The following alternate non-voting members were present by videoconference:

Hon. Andrew Albert

Hon. Norman Brown

Hon. John Samuelson

The following staff members attended in person or by videoconference:

Thomas J. Quigley, General Counsel, Robert Foran, MTA Chief Financial Officer, Paul Fama, MTA Chief People Officer, Anthony McCord, MTA Chief Transformation Officer, Patrick Warren, Chief Safety Officer, Sarah E. Feinberg, Interim President, NYCT, Craig Cipriano, Acting President, MTA Bus/Senior Vice President, NYCT Department of Buses, Janno Lieber, MTA Chief Development Officer, MTA Construction & Development, Phillip Eng, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Daniel DeCrescenzo, Acting President, TBTA, Chief Kathleen O'Reilly, NYPD Chief of Transit, Mark Young, Vice President, Management and Finance and Chief Financial Officer, LIRR, Patrick McCoy, Director of Finance, Marcia Tannian, Deputy Director of Finance, Kuvershen Ayer, Chief Procurement Officer, David Florio, Director, R.E. Operations, Leasing & Acquisitions, Michael J. Garner, Chief Diversity Officer, Abbey Collins, Chief Communications Officer, Monica Murray, Chief Administrative Officer, NYCT President's Office, and Quemuel Arroyo, MTA Chief Accessibility Officer.

The Board of the Metropolitan Transportation Authority also met as the Boards of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, the Metro-North Commuter Railroad Company, MTA Construction & Development, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless noted otherwise, votes reflected in these minutes are those of each Committee and that of the MTA Board.

1. CHAIRMAN FOYE'S OPENING REMARKS.

Chairman Foye called the meeting to order, stating that the MTA regular Board meeting is being held jointly with the Joint Metro-North Railroad and Long Island Rail Road Committee, the New York City Transit Committee, the Bridges and Tunnels Committee, Finance Committee, the Capital Program Oversight Committee, and the Diversity Committee.

Chairman Foye stated that the meeting is being conducted remotely via videoconference, pursuant to Governor Cuomo's Executive Order 202.1, which has been extended, suspending the Open Meetings Law requirements; accordingly any requirements in the MTA By-Laws that meetings are open to in-person attendance by the public and that Board members may participate only in person are also suspended.

Thomas Quigley, MTA General Counsel, conducted the roll-call and confirmed the presence of a quorum.

Chairman Foye stated that later in the meeting, Agency Presidents and staff will submit their agency reports, procurements and actions for a vote. The Board members' participation in the meeting but silence at the time of a vote will be considered an affirmative vote for the record. The Chairman advised Board members that if any member would like to vote in opposition or abstain from any action, that Board member should state his/her name and indicate that.

Chairman Foye stated that speakers for the public comment period were able to register on Tuesday, February 15, 2021 and send in their video or voice comments. The Chairman noted that the first 30 minutes of speakers' comments will be delivered at today's meeting and comments made by other speakers will be published on the MTA website.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chairman Foye's opening remarks.

2. PUBLIC SPEAKERS SESSION.

The MTA Moderator announced that the first 30 minutes of speakers' comments will be delivered at today's meeting and comments made by other speakers will be published to the MTA website. The MTA Moderator reminded speakers of the two-minute speaking limit and that speakers will be alerted when 30 seconds remain to conclude their remarks.

There were 32 registered public speakers, the following 17 speakers commented by videoconference during the public speakers' session. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers' statements, and to MTA.info for comments made by other public speakers.

Tony Utano, TWU, Local 100
Aleta Dupree, private citizen
Kevin Zeng, private citizen
Yuki Endo, private citizen
Jason Anthony, The Congress of Essential Workers
Lukas Wolpiuk, private citizen
Andy Quito, Passengers United
Charlton D'Souza, President, Passengers United
Eman Rimawi, NYLPI
Lisa Daglian, Executive Director, PCAC
Rachael Fauss, Reinvent Albany
Murray Bodin, Concerned Grandparents
Mary Parisen Lavelle, CURES
Andy Pollack, Passengers United
Gerard Bringmann, LIRRCC
Isabella Reichenbach, private citizen
CN, private citizen

3. CHAIRMAN FOYE'S REMARKS.

Chairman Foye thanked everyone for joining this month's virtual meeting of the MTA Board. The Chairman stated that it is with a heavy heart that we begin today's meeting with another moment of silence to acknowledge members of the MTA family who have passed since our last meeting. We recognize and honor their service and their memory.

Interim NYCT President Sarah Feinberg read the names of the following NYCT employees:

- Peter Starace
- Efrain Martinez
- Eric Peterson
- Wilfredo Ferran
- Raymond Malapoe

Craig Cipriano, Acting President, read the names of the following MTA Bus employees:

- Dennis Fagan
- Errol Lezama
- Herbert Miller
- Joseph Williams

Phillip Eng, President, Long Island Rail Road, read the name of the following LIRR employee:

- Anthony Okolo

Following the reading of the names, Chairman Foye asked everyone to join him in a moment of silence in honor of these employees.

Chairman Foye began the meeting with a few words on safety and security, which he stated is always the MTA's top priority. The Chairman referred to the shocking and tragic events of last weekend, stating that the MTA is taking very seriously these devastating and horrific crimes. Chairman Foye expressed gratitude to the New York Police Department ("NYPD") for their aggressive and rapid response in apprehending the perpetrator and obtaining a confession. The Chairman stated that the MTA also needs to do everything it can to ensure a safe and secure system for customers and employees.

Chairman Foye stated that he and Interim New York City Transit ("NYCT") President Sarah Feinberg have called on Mayor de Blasio and Commissioner Shea to assign an additional 1,000 NYPD officers to the Transit Bureau to patrol subways and buses—above the 500 officers they have committed to deploying. The Chairman stated that Interim President Feinberg has been consistently advocating for an enhanced security presence in the system since her time on the MTA Board and throughout her service as Interim President of New York City Transit, and it is clearer than ever before that this is the right call.

Chairman Foye thanked the Mayor and Commissioner Shea for acting quickly to deploy an additional 644 officers to the system, and Transit Chief Kathleen O'Reilly for her hard work and partnership. The Chairman stated that this is a good first step, but we are going to need roughly 900 more police officers to provide the kind of coverage and security that our customers and dedicated employees deserve. Chairman Foye noted that the MTA's request

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would bring back the level of NYPD staffing in the subways that existed in 1995, when the NYCT Police merged with the NYPD to form today's NYPD Transit Bureau.

Chairman Foye stated that the MTA also needs the City of New York to commit more mental health resources to address the growing crisis facing our city and for which the subway has been ground zero, as the MTA's heroic frontline employees are transit workers, not social workers. The Chairman stated that the MTA must ensure services and resources are available to the people in the city who need them. As a start, Chairman Foye stated that the MTA has asked the City to include the subway system in its 311 system, so customers and employees can alert the proper authorities about New Yorkers in need of assistance rather than having to go through the NYPD, as is now required—Police need only get involved in cases where a person poses a threat to themselves or others.

Chairman Foye stated that the MTA must and will continue to do everything it can, so that customers and employees feel safe in the system, which is more important than ever as the MTA begins its phased reopening of the subways. The Chairman stated that, as you all know, the subways have been closed overnight from 1:00 a.m. through 5:00 a.m. since May 6th of last year. Under a change that was announced with Governor Cuomo earlier this week, the subway will stay open until 2:00 a.m. and reopen at 4 a.m., starting in the early morning hours of this coming Monday, February 22nd.

Chairman Foye stated that this development reflects the City's ongoing reopening—the positive trends seen with increasing vaccinations; a drop in the COVID-19 infection and hospitalization rates, resumption of indoor dining at limited capacity; extended closing times for bars and restaurants, and the reopening of stadiums and arenas with limited spectators. The Chairman noted that by maintaining a two-hour service suspension, the MTA can continue its enhanced disinfecting regime, which has led the subway to be the cleanest it has ever been. The MTA's customer surveys show that the cleaning and disinfecting effort is an important factor to 76% of the customers in returning to the system.

Chairman Foye stated that the MTA continues to focus on vaccinating its own employees, who are eligible as public transit workers to receive the vaccine under the State's Distribution Plan. So far, approximately 7,000 MTA employees have been vaccinated. The MTA plans to vaccinate another 2,000 employees by the end of the month, bringing the organization to a little over 10% of the workforce having been vaccinated. Chairman Foye stated that the MTA is working tirelessly to expand vaccine access to every single employee who wants one, so employees can keep doing the great job that they have been doing during the pandemic.

Chairman Foye stated that even as the rollout moves full speed ahead, the MTA must stay vigilant. He urged everyone to continue to wear a mask at all times while in the transit system. The Chairman stated that he is proud to report that mask compliance is at approximately 97%; this trend needs to continue in order to beat the pandemic. Chairman Foye stated that to date, the MTA has distributed 7.2 million masks to customers in stations and through its volunteer Mask Force, who will be out again in the subways and on buses on February 25th. The MTA has distributed 6.6 million N95 and KN95 masks and 8 million surgical masks to MTA employees.

With respect to the MTA's finances, Chairman Foye stated that today, Chief Financial Officer Robert Foran will present the February update to the MTA's proposed Financial Plan. Despite already receiving extraordinary sums of federal aid last year— \$4 billion in the CARES Act, another \$4 billion in CRRSSA in December, and borrowing a total of \$3.4 billion through the Municipal Lending Facility—the Chairman stated that the MTA is still in desperate need of substantially more funds over the Financial Plan period. Chairman Foye stated that, thanks to the federal aid received in December of last year, he has some good news. With the additional \$4 billion in CRRSSA, the MTA has been able to eliminate the worst-case service reductions that had been previously on the table for 2021. The Chairman stated that with improved financial results from last year, the MTA is now able to take these worst-case reductions off the table in 2022 as well. However, the drastic service reductions must remain on the table for 2023 and 2024 without future federal aid to offset the remaining \$8 billion projected deficit over the Financial Plan period.

Chairman Foye stated that fortunately there is reason for optimism on this front. A letter from Speaker Pelosi to the New York Congressional Delegation was recently made public, outlining the specifics of relief coming to the State, which includes \$8.8 billion for New York area transit. The Chairman stated that this news, together with reports that President Biden's \$1.9 trillion American Rescue Plan will include at least \$30 billion for mass transit nationally, helps the MTA breathe a little easier. The Chairman stated that the MTA is grateful to Speaker Pelosi, Majority Leader Schumer and the entire New York Delegation for their perseverance on behalf of the agency.

Chairman Foye stated that the fact however remains that even with additional federal aid in the pipeline, the MTA must continue to take action to protect its fragile budget. The Chairman stated that last month fare adjustments were postponed, and although the MTA does not take the thought of raising tolls lightly, the planned increase will help maintain essential services throughout the MTA system.

Chairman Foye stated that it is also important to recognize that vehicle traffic has rebounded strongly since the height of the pandemic. He reported that while ridership remains down by more than 70% on average across subways and commuter rails and buses, crossings on MTA Bridges and Tunnels have come back more quickly; since January 1st, traffic is down between 10% and 20% on the bridges and tunnels on any given day compared to pre-pandemic levels.

Chairman Foye stated that biennial toll increases are assumed in MTA Financial Plans, including the most recent budget, which the MTA was only able to balance as a result of significant federal emergency aid and by borrowing the maximum allowable amount through the Federal Reserve's Municipal Liquidity Facility. He noted that since 2010, the MTA has relied on biennial toll increases to provide predictable increases for its budget, increases that typically do not keep pace with inflation growth. Chairman Foye stated that given the pandemic's devastating impact on the MTA's finances, it is all the more important that we move forward with consideration of toll increases this year.

Chairman Foye stated that prior to the discussion and vote on the 2021 toll increases later in the meeting, he wanted to take this opportunity to reassure Staten Island commuters, as he did last month, that the MTA will continue their resident discount. The importance of maintaining

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this discount was clearly conveyed to the MTA during the public hearing process by elected officials from Staten Island and the MTA customers. Chairman Foye stated that if the Board moves forward with the recommended toll increase, it will be evenly applied to all current rates, including those with resident discounts, which means the actual toll paid by Staten Island residents crossing the Verrazzano Bridge would rise 20 cents from \$2.75 to \$2.95. Chairman Foye noted that this would mark the first increase for Staten Island residents since 2013, even as the MTA raised tolls on the rest of its crossings in 2015, 2017 and 2019, still less than the 11.3% increase in inflation since 2013.

Recognizing MTA Chief Operating Officer Mario Péloquin for his service, Chairman Foye stated that Mr. Péloquin has been at the center of the MTA's pandemic response, putting the agency and its needs ahead of his own family during this unprecedented public health crisis. The Chairman stated that Mr. Péloquin will be moving on from the MTA at the end of this month. The Chairman will announce plans to appoint an Acting COO at a later date. He thanked Mr. Péloquin for his service and wished him all the best in his next chapter.

Chairman Foye welcomed a new member of the senior leadership team who started earlier this month, Quemuél Arroyo, appointed as MTA Chief Accessibility Officer. The Chairman stated that it is the first time the MTA has had such a position systemwide and Mr. Arroyo's hiring reflects the MTA's commitment to accessibility issues. Chairman Foye stated that Mr. Arroyo is a seasoned leader and accessibility expert who spent five years at the New York City Department of Transportation as Chief Accessibility Specialist and ADA Coordinator/Disability Service Facilitator. Mr. Arroyo's strategic guidance and leadership will be invaluable to the MTA as it continues to advance accessibility across the system. The Chairman stated that MTA is delighted to welcome Mr. Arroyo to the MTA family.

Mr. Arroyo thanked the Chairman for his warm welcome and stated that he looks forward to working with the MTA on ensuring accessibility for all.

Chairman Foye announced that Interim President Sarah Feinberg and her team at New York City Transit have been working hard to coordinate new announcements with some iconic New York voices, who have recorded a special message for the MTA's incredible workforce this morning.

Interim President Feinberg introduced the video, stating that it is over seven minutes and includes celebrity voices speaking about their experiences on the subway system and the impact that the system has had on their lives. The video thanking MTA workers for their services was played.

Chairman Foye stated that it is important to note that Jerry Seinfeld's message was not about nothing – it was about thanking the MTA workers. The Chairman thanked all the celebrities and performers who participated in this special video message.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chairman Foye's remarks.

4. CHIEF SAFETY OFFICER’ S PRESENTATION.

Patrick Warren, MTA Chief Safety Officer, provided an update on COVID-19.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Warren’ s presentation.

5. NYPD TRANSIT BUREAU CHIEF OF POLICE PRESENTATION.

Chief Kathleen O’Reilly presented an update on safety and security.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chief O’Reilly’s presentation.

6. MTA OTHER BUSINESS

A. Update on the 2021 Adopted Budget and 2021-2024 Financial Plan.

Chairman Foye introduced Robert Foran, Chief Financial Officer to present the February Financial Plan. Chairman Foye stated that the February Plan is presented as an informational item and does not require a Board vote. It provides technical adjustments to the MTA 2021 Budget and the 2021-2024 Financial Plan, which was approved by the Board at the December 16, 2020 meeting.

Chief Financial Officer Robert Foran presented an update on MTA’s February Financial Plan and 2021 Adopted Budget.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Chairman Foye’s remarks, Mr. Foran’s presentation and Board members’ comments and discussion.

B. TBTA Crossing Charge Increases and MTA Rebate Program Adjustments

Mark Young, LIRR Vice President - Management & Finance and Chief Financial Officer, presented the proposed action items regarding the TBTA crossing charge increases and MTA Rebate Program adjustments formalized across five resolutions. Mr. Young stated that the first two resolutions relate to the crossing charge increases at TBTA’s Bridges and Tunnels; the remaining three resolutions relate to adjustments to the MTA Rebate Programs at the Verrazzano-Narrows Bridge and the Cross Bay Veterans Memorial Bridge.

Upon motion duly made and seconded, the Board unanimously approved and adopted the five resolutions listed below:

1. Crossing Charge Increases (Environmental and “Just and Reasonable” Determination). TBTA Resolution that involves the analyses and determinations made in the Environmental Assessment and TBTA Negative Declaration prepared under the State Environmental Quality Review Act (SEQRA) that the proposed increases to the Crossing Charge Schedule will have no significant adverse impact on the environment; authorizing and directing the TBTA President or his designee to execute the TBTA Negative Declaration; and finding that the proposed Crossing Charge increases are “just and reasonable,” as discussed in that report.
2. Crossing Charge Increases. TBTA Resolution repealing the prior Crossing Charge Schedule for use of the TBTA’s Bridges and Tunnels facilities and authorizing the TBTA President or his designee to take all such steps that may be necessary and desirable to establish, implement and permanently adopt the new Crossing Charge Schedule attached thereto.
3. Verrazzano-Narrows Bridge & Cross Bay Veterans Memorial Bridge Rebates – Environmental Determination. MTA Resolution that involves the analyses and determinations made in the Environmental Assessment and MTA Negative Declaration prepared under SEQRA that the proposed adjustments to the MTA’s Verrazzano-Narrows Bridge (VNB) and Cross Bay Veterans Memorial Bridge (CBB) Rebate Programs will have no significant adverse impact on the environment; authorizing and directing the MTA Chairman or his designee to execute the MTA Negative Declaration; and finding that the proposed adjustments to the MTA Toll Rebate Programs at the VNB and CBB are “just and reasonable,” as discussed in that report.
4. Verrazzano-Narrows Bridge Rebate Program Adjustment. MTA Resolution approving the adjustments to the MTA’s Verrazzano-Narrows Bridge Rebate Programs to provide a \$0.73 rebate of the toll amount for registered Staten Island Residents using their New York Customer Service Center E-ZPass tag at the VNB and a 15% rebate of the toll amount for eligible trucks and other commercial vehicles using their NYCSC E-ZPass tag at the VNB; providing that if funds are not available at the time and in the amount necessary to effectuate the credit to the participants in the respective VNB Rebate Program, participants in the VNB Staten Island Resident Rebate Program would be charged the applicable resident discount toll rate without such further rebate and trucks and other commercial vehicles in the VNB Commercial Rebate Program would be charged the applicable New York Customer Service Center E-ZPass toll rate without such further rebate for their trips across the VNB; and authorizing the MTA Chairman, in consultation with the TBTA President, to make such changes, alterations, modifications and revisions to the Rebate Programs, including the adjustment of the amount and/or percentage of either rebate, without further Resolution.
5. Cross Bay Veterans Memorial Bridge Rebate Program Adjustment. MTA Resolution approving the adjustments to the MTA’s Cross Bay Veterans Memorial Bridge Rebate Program to increase the current rebate amount to \$1.60 toward an increased \$1.60 toll amount for registered Rockaway/Broad Channel Residents using their New York Customer Service Center (NYCSC) E-ZPass tag at the Cross Bay Veterans

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Memorial Bridge (CBB), resulting in an effective, fully-rebated toll rate of \$0.00; providing that if funds are not available at the time and in the amount necessary to effectuate the credit to the participants in the CBB Rebate Program, those participants would be charged the applicable resident discount toll rate without such further rebate for their trips across the CBB; and authorizing the MTA Chairman, in consultation with the TBTA President, to make such changes, alterations, modifications and revisions to the Rebate Program, including the adjustment of the amount and/or percentage of the rebate, without further Resolution.

The details of Mr. Young's presentation and the discussions with regard to TBTA's toll increase and the MTA's Rebate Program adjustments are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records. The above items are filed with the minutes of the meetings of the MTA and the TBTA held on this day.

C. All-Agency Responsibility Guidelines.

Thomas J. Quigley, General Counsel, presented a summary of the Responsibility Guidelines for Board approval.

Upon motion duly made and seconded the Board approved the resolution and adopted the revised MTA All-Agency Responsibility Guidelines, effective immediately. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Quigley's summary presentation.

7. CHIEF DEVELOPMENT OFFICER'S PRESENTATION.

A. Report on MTA Construction and Development Operations and, CPOC Report:

MTA Chief Development Officer ("CDO") and C&D President Janno Lieber gave a presentation on C&D Operations and the status of the Capital Program.

CDO Lieber discussed 2020-2024 capital funding, reporting that the MTA has identified how to get the funding sources back on track. CDO Lieber noted that throughout 2020, federal funding was a primary source of funding, along with tolls collected by MTA Bridges & Tunnels ("B&T"). It was through those two sources that the capital work advanced the 2020-24 Capital Program as much as it could due to the limitation of the COVID-19 related impacts on the MTA budget and revenue sources. CDO Lieber further stated that the federal funding and B&T tolls remain the most secure source of funding and together they represent about 20% of the funding for the 2020-24 Capital Program.

CDO Lieber reported that things are beginning to look up for the MTA. A major step forward in the rebuilding or reconstituting of the capital program is the 2020-21 Governor's Executive Budget, in which New York State (the "State") re-committed itself to its \$3B contribution to the MTA's 2020-24 Capital Program. In addition, the State re-doubled its commitment to the existing 2015-19 Capital Program which CDO Lieber noted is very

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important, as a lot of the projects that C&D currently has underway are projects from that Program. CDO Lieber continued that the State's commitments bring the MTA up to 26% of funding for its original 2020-24 Capital Program as approved by the MTA Board, the State Legislature and the Governor at the outset of 2020. With the State's commitment, the MTA is counting on the City of New York to follow suit with its \$3B commitment.

CDO Lieber expressed confidence in funding in light of the Biden Administration's COVID rescue plan, which calls for significant resources to be directed to cities and states, which is another six percent back towards the 2020-24 Program. He further reported that the MTA's expectation is with the Biden administration's significant COVID-19 Relief Bill which is in progress, and that the capital from new revenue sources (approximately \$10B of the original 2020-24 Program, which was supposed to come from the new mansion tax and the new internet sales tax) which had been reallocated to cover MTA operating needs, will now be available for capital needs starting in 2022. The CDO further stated that while this is a funding source that will be determined by economic conditions, the MTA is optimistic that the vast majority of this anticipated funding will be available and the agency will be able to bond against it starting sometime in 2022. He also noted that this funding brings the MTA all the way back to 50% of where the agency started at the beginning of last year.

CDO Lieber reported that the grant application for \$2.9B for funding of Phase II of the Second Avenue Subway Project ("SAS 2") has had approvals pending with United States Department of Transportation ("USDOT") for a year and a half. He pointed out that, much like the Central Business District Tolling Program ("CBDTP"), this has sat, unacted upon under the prior Presidential administration. The CDO stated that he is confident that the new Presidential administration is going to be more responsive and advance this important project which has been promised to the residents of East Harlem since the 1940s when they started tearing down the Second and Third Avenue elevated lines. CDO Lieber stated that the MTA has both an equity and moral obligation to those residents and the Governor is really pushing this with the Federal government, making the MTA confident that it will receive the funding. CDO Lieber reported that when the MTA does receive that commitment it will add another 5% back into the 2020-24 Capital Program bringing it up to 55%. CDO Lieber reported the two remaining big pieces of the puzzle are the CBDTP (the \$15B that we bonded against) and the MTA bonds.

CDO Lieber continued that on the CBDTP front, the good news is that in recent weeks the MTA has heard from the Federal Highway Administration that they will be fast tracking the MTA's environmental process, which will certainly get the MTA moving forward towards being able to realize this source of funds and instituting CBDTP. While the MTA is not certain about the exact timeline, there is hope that the funding stream will be restored before the end of this Capital Program and the MTA hopes well in advance of that. That is another \$15B which brings the MTA to \$40B.

CDO Lieber reported that with low ridership and uncertainty of many variables in the MTA's financial future, there is still uncertainty regarding the final piece of the 2020-24 Capital Program funding, the close to \$10B MTA fare-backed bonds. The MTA does not know what amount will be available. CDO Lieber pointed out that CFO Foran is the expert

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in managing this aspect of our financial future but the MTA does know by what has been presented, that it is in a position to restore an ambitious Capital Program that attacks many of the priorities that the MTA Board has set. CDO Lieber noted that this would be before the MTA takes into account the possibility of a significant stimulus initiative that Congress, and the Biden Administration are already moving forward on, which would provide additional funding. He also noted that if and when that happens, that is an opportunity to address and correct the historical shortchanging of New York in the Federal transportation formula.

CDO Lieber reported that the MTA's 2021 goal for commitments is \$6.2B, which is the floor. As some of the variables that were discussed earlier become clearer as to when funding will come back into the Capital Program and when the MTA can bound certain revenues, the agency expects to grow that \$6.2B and is hoping to get more than \$7B and possibly into the \$8B and \$9B range. The MTA could possibly push the \$6.2B into billions more and is moving a lot of design work forward in anticipation of being able to procure the construction work if there is money available and to grow the overall program.

The CDO reported that the commitment goals by agency are distributed not so much dissimilar from the 2020–24 Capital Program at large except when you take into account the expansion projects. He further reported that the quarter by quarter analysis shows that C&D will be ramping up work as the year goes on. That is a result of having to virtually shutdown the pipeline of projects in the second half of 2020 while the new Capital Program was on pause. He further reported that the MTA will have to catch up with the procurement phase on this work, which is going to take up to six months. As the agency continues to move forward, the program includes State of Good Repair (“SOGR”) work, which is always the first priority especially safety sensitive work, a ton of in-house work utilizing the MTA workforce, re-signaling, Station ADA accessibility and the Grand Central train shed.

CDO Lieber reported that included in the \$6.2B are:

- \$1.44B for work on our Stations. In particular, ADA work at nine stations, including three stations at 14th Street in Manhattan. The MTA completed work on eleven ADA stations last year and is going to try to get in double figures every year in terms of new ADA projects that it starts. Along with new ADA work on stations, the MTA is going to be replacing sixteen elevators in existing ADA stations as stations work continues to be a priority.
- \$3.25B for work on infrastructure as the agency continues to make the investment necessary to ensure that the system does not decline as it did after the financial crisis of 2008–2012.
- \$625M for track work which is the heart of SOGR. CDO Lieber noted that the MTA has to avoid the conditions that led to the Subway Action Plan. Fortunately, the agency has tremendous in-house capacity to maintain the investment it will be making on tracks and signals.

- \$172M for work on MTA Bridges and Tunnels (B&T) facilities. CDO Lieber noted that B&T had an amazing 2020, where they did a tremendous amount of acceleration work by taking advantage of the reduced traffic over their crossings due to the COVID-19 pandemic. They completed work on the Verrazzano Narrows Bridge Approaches, the new ramp from the Robert F. Kennedy Bridge to the Harlem River Drive.

CDO Lieber reported that the MTA is planning for this year to be the biggest year for completions in MTA history. That is a reflection of not stopping the projects that were on-going when the pandemic hit. Working with CFO Foran, the agency was able to keep the existing projects going. Credit goes to the contractors and our union work force that brought into the fact that work could be done safely, as the MTA had incredible success keeping projects going while having relatively low rates of infection. The CDO further reported that a lot of innovative methods were used to accomplish this work, including the use of remote video. He noted that the agency's partners in labor, the trade unions and contractors deserve credit for allowing the MTA to get so much done and they continue to deliver.

CDO Lieber also noted that he and the Independent Engineering Consultant are on hand to answer any questions on the materials contained in the Capital Program Committee Oversight ("CPOC") book.

Board Member Victor Calise thanked Janno for his presentation and keeping ADA in the forefront. Board Member Calise stated that he liked the idea of replacing elevators, as we need the elevators in those existing ADA stations to run well, in addition to adding ADA accessibility to other stations. Board Member Calise also brought attention to the ADA compliance report in the Board book, which shows that the MTA did not meet the time frame for making the 100 key stations accessible by the July 2020 date. Board Member Calise stated that he is hoping that the work on the remaining three key stations can be accelerated as quickly as possible as he knows that CDO Lieber has done some creative things to keep work going through the pandemic and hopes such creativity could be used in this case. Board Member Calise also stated that he would like a Board briefing on the plan with people with disabilities for congestion pricing in the CBDTP. CDO Lieber responded that one of the three key stations remaining from the list of 100 key stations is the 14th Street Station, which is presently in the solicitation phase and noted that the MTA is focused on that element of the ADA program.

Board Member Randolph Glucksman commented that he liked the CDO's report and it is always nice to see the work that is going on. Board Member Glucksman inquired if the PATH was involved with the work at the 14th St. Stations as they have a Station at 14th Street and 6th Ave. CDO Lieber responded that as far as he knows they are not but he will double check. Board Member Glucksman responded that the MTA can always use some of their money.

Board Member Robert Linn inquired what is the best metric to figure out how far the MTA has come back as a percentage of what the agency thought it was going to do. CDO Lieber responded that one metric would be that the MTA finished 2020 with \$5.3B of new commitments while it had planned to commit \$13B, meaning that the agency is behind in

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commitments by \$8B. CDO Lieber noted that the MTA does have an opportunity to catch up on some of the commitments but there are some constraints in the procurement process in terms of how much work the industry can do, along with how many outages we have going on simultaneously. CDO Lieber further stated that the MTA can report to the Board regularly in terms of where it is in getting back to the original goal that was set at the outset of 2020.

Board Member Lorraine Cortés-Vázquez inquired about the plan of making stations in the Bronx on the elevated portion of the No. 6 Line between Parkchester and Pelham Bay ADA accessible. Board Member Cortés-Vázquez stated the area in question has a high concentration of older people and accessibility is an issue. Board Member Cortés-Vázquez also expressed pleasure in hearing the MTA's new Chief Accessibility Officer, Quemuel Arroyo mention "aging" as one of the categories that he is going to be focusing on in his remarks earlier. CDO Lieber responded that he will send Board Member Cortés-Vázquez a list with a map of all the stations that were in the 2020–24 Capital Program so she can see which of the stations along the No. 6 Line is included. CDO Lieber mentioned that he visited one station at 176th St. and Jerome Ave. recently and that there is a focus on the North and Northeast Bronx. The CDO stated that the goal is to get to the point that a passenger is never more than two stations away from an ADA accessible station. He also noted that the seventy station selection process was done in a partnership approach with disability advocates and other experts, and was done to address the ADA accessible desserts and to make significant progress on the two station away goal at the same time we are doing geographic equity.

Board Member Haeda Mihaltses stated the ADA lawsuit brought against the MTA was for the Middletown Train Station on the No. 6 Line and is on the list.

Board Member Andrew Albert commented that the Board loves the CDO's reports as it is very encouraging to see what is happening with our projects. Board Member Albert inquired if he has metrics that determines which projects will move forward and which will remain suspended pending the resumption of the full 2020–24 Capital Program. CDO Lieber responded that one variable is that the MTA is systematically (the system is still in development) using asset condition and criticality Enterprise Asset Management("EAM") data is fed into its planning and prioritization system. Another variable is which project is further along in the design process in terms of being ready go. The third variable is the ability of the contracting community and our capacity for outages. There is a continuum of issues and they are all being factored in as we review which projects go and in which order. Board Member Albert stated that CDO Lieber's response makes perfect sense but noted that the Board heard from Board Member Cortés-Vázquez about the stretch on the No. 6 Line between Pelham Bay and Parkchester not having accessible stations, and inquired if one of those variables to choose a project or balance out a particular line or to make it no more than two stations away from one that is accessible. CDO Lieber responded that when he uses the word "criticality", that includes how urgent the requirement is for what that project is to deliver.

B. Procurement Report:

CDO Lieber presented C&D's procurement package.

Transit and Bus Committee

CDO Lieber reported that C&D has one procurement action being brought through the Transit and Bus Committee for approval this month.

The item requests Board ratification of a modification to the 8th Avenue Line CBTC contract with L. K. Comstock & Company, Inc. for the removal and disposal of out-of-service equipment and associated hardware accessories on the Flushing Line, in the amount of \$12.5M.

The contract for the Flushing Line CBTC signal system was awarded in 2010 and did not include the removal of the decommissioned signal equipment due to funding constraints and cash flow issues at the time. It was contemplated that the removal work would be contractually bundled with other planned work on the Flushing Line, however, as a result of the COVID-19 pandemic, that work has been delayed.

CDO Lieber stated that what the MTA is proposing to do through this modification is to accelerate the removal of this equipment, which does cost money to maintain while it is still in place. He noted that if it is not maintained, the MTA runs the risk of it being dislodged and falling off the elevated structure. He further stated that this modification will expedite the completion of the work by permitting the work to start in early 2021 during the current period of low ridership, will take advantage of already scheduled outages resulting in reduced support costs and will further mitigate the risk of out-of-service equipment coming loose and falling from the elevated structure. He also noted that L.K. Comstock is an experienced contractor that the MTA is working with on other CBTC projects, such as the Queens Boulevard Line ("QBL"), QBL West and the 8th Ave. Line, and they are familiar with the out-of-service equipment as they were the installation subcontractor on the Flushing Line CBTC project.

Upon a motion duly made and seconded, the Board:

Ratified a retroactive modification (No. 8) to CBTC 8th Avenue Line (59th Street to High Street) "B" Division (IND) in the Boroughs of Manhattan and Brooklyn contract (S-48006) for the removal and disposal of out-of-service equipment and associated hardware accessories on the Flushing Line from the Time Square Station in Manhattan to the Main Street Station in Queens, including the Corona Yard. for the amount of \$12,500,000.

A copy of the Resolution and the Staff Summary for the above item is filed with the records of the Regular Board Meeting of the MTA of this date.

Refer also to the staff summary and documentation filed with the records of this meeting for the details of this item.

8. DIVERSITY COMMITTEE.

Michael Garner, Chief Diversity Officer, provided an executive summary report and information on diversity items.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Mr. Garner's presentation.

9. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Minutes of the Joint Committee and Board meeting of the MTA and MTA Agencies held on January 21, 2021, amended to correct a typo, changing the word "covert" to "convert" in President Eng's remarks on page 14, as noted by Board member Andrew Albert.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for the details.

10. LIRR AND METRO-NORTH RAILROAD JOINT COMMITTEE.

A. Metro-North President Catherine Rinaldi's Report:

President Rinaldi reported that Metro-North is off to a good start this year with respect to train performance. January was a relatively quiet month with service delivery operating above goal at 98.2%, which was eight tenths of one percent (0.8%) better than January 2020. There were no significant service disruptions during the month. West of Hudson service operated at 93.7% for the month of January.

February started with a powerful nor'easter which brought blizzard-like conditions to the Metro-North service territory. As always, Metro-North employees rallied to the cause and remained on-site for the duration of the nor'easter. As the storm made its way through the region, Metro-North crews were working hard throughout the day and into the night spreading salt and clearing surfaces of snow and ice, removing fallen trees, keeping signals, switches, and third rail clear, and preparing trains for service. Thanks to these efforts, Metro-North was able to resume regular service less than twelve hours after a temporary shutdown was implemented during the storm. To the awesome and dedicated workforce of Metro-North, who always do what it takes until the job is done, President Rinaldi expressed her thanks on behalf of Metro-North's customers and the entire region. Since the nor'easter there has been a parade of storms throughout the month of February; nevertheless, Metro-North's service delivery remains strong at 97.3% as of yesterday. There is yet another snowstorm hitting the region today into tomorrow (Thursday, February 18, 2021 into Friday, February 19, 2021) and Metro-North's crews stand at the ready and are prepared to handle whatever mother nature throws their way.

President Rinaldi acknowledged Dan Delgado, an engineer for special projects with Construction and Development. Dan started with Metro-North five years ago and can now proudly call himself a Railway Age 2021 “Fast Tracker Under 40” honoree. Dan was selected by Railway Age for this year’s “20 Under 40” awards program. The annual awards are presented to top railroaders under the age of 40 in the United States, Canada and Mexico for making an impact in their fields or within their companies. Since graduating high school, it was Dan’s dream to be part of Metro-North someday. When he became an Associate Engineer in 2017, it was like winning the lottery for him. It did not take long for Dan, who is 25, to make a positive impression with his fellow railroad colleagues. Since then, Dan has played an integral role on many Metro-North capital endeavors, including the on-call paving project and Harlem-125th Street lighting project. Most recently, he managed the all-important Ossining Station roof project, a restorative effort that brought the historic station back to life. On behalf of the MTA family, President Rinaldi congratulated Dan on this well-deserved achievement.

At the end of January, President Rinaldi was at North White Plains station as part of the MTA’s most recent mask force effort and was joined there by State Senator Shelley Mayer, Assembly Member Chris Burdick, and Metro-North’s own superhero, Metro-Man. President Rinaldi remarked that we all know by now how important it is to wear a mask while out in public, but for those who still need to be reminded, she teamed up with elected officials and Metro-Man to help with mask distribution and safety tips. It is always great to thank customers in person for wearing their masks when they are riding the railroad and to have Metro-North’s helpful staff out there every day to assist any customers who may have forgotten their masks at home. Station ambassadors continue to assist customers at some of Metro-North’s major outlying stations and ushers in Grand Central Terminal provide masks for anyone who needs one.

President Rinaldi also reported that vaccines and expanded COVID-19 testing bring new hope this year as the MTA continues to battle this public health crisis. As of yesterday, over 900 Metro-North front-line employees have already received the first dose of the COVID-19 vaccine. This number represents approximately 21% of employees who have expressed an interest in getting vaccinated. Front-line employees continue to roll up their sleeves to receive the vaccine at the Javits Center and we look forward to the expansion of the vaccination program. While Metro-North continues to see a downward trend in the positivity rate of COVID-19, Metro-North is still offering all employees COVID-19 testing and remains focused on the safety of all customers and employees.

Metro-North is excited to celebrate and honor Black History Month with a video series that highlights two and sometimes three generations of Black American families at the railroad. The history of each family and how they came to be working from one generation to the next at the railroad speaks to Metro-North’s diversity, but also to their unique history and family dynamics which are explored in this series. The series will feature Alainia Tucker, who started at Metro-North in 2012 as a conductor and transferred to training in 2015 where she now does block training. Her father also worked at Metro-North and her grandfather Robert Tucker, who retired in 2004 in his 80s, was one of the first black conductors at Metro-North in 1983, after starting with the New Haven Railroad in 1962.

The series will also feature Dwayne McNeil, a conductor on the Hudson Line who started out as a coach cleaner in 2013, and his father, Wainwright “Wayne” McNeil, who retired last January after beginning his railroad career as a third rail worker for Conrail at the age of 19. Wayne served as a foreman, engineer, trainmaster, training officer, followed by deputy director of training for Metro-North. Prior to his retirement, Wayne is credited with having created the locomotive engineer training simulation room and implementing PTC training for Metro-North’s engineers. Also, Wayne Ebanks Sr., a locomotive engineer and ACRE local chairman at Grand Central Terminal who started as a custodian, then became a customer service representative, a conductor, and finally progressed to become a locomotive engineer. His son Wayne Ebanks, Jr. started at Metro-North in 2011 at the age of 19 when he became the youngest conductor. Finally, Leslie Jones, who took the conductor test on the day of her 12-year-old son Derrick’s middle school graduation—which she missed because of the test—but she got the job. She has been with the railroad 17 years as a conductor on all three lines. Her father worked at New York City Transit for 30 years also as a conductor and her son, Derrick Jones, followed in her footsteps to become a conductor starting here in 2012.

Metro-North proudly highlights these families as they have shown progress from the early twentieth century of railroading when Black Americans served mostly as porters and laborers. The newest generation are hopscotching their parents by becoming conductors at an early age or moving over to management after working in operations.

President Rinaldi also reported that the U.S. Department of Transportation and the Federal Highway Administration recently announced that the MTA and Metro-North will receive a \$19.7 million federal grant to provide critical safety improvements to nine grade crossings on Metro-North’s Harlem Line. The MTA and Metro-North will now work in tandem with the New York State Department of Transportation to implement the work to upgrade or replace existing at-grade crossing warning systems and reconstruct the railroad crossing structures and approaches that are currently in place. This work follows a grant last year from the Federal Railroad Administration that awarded \$2.5 million to the New York State Department of Transportation, the MTA and Metro-North to upgrade the railroad crossing at Hudson Avenue in Peekskill. President Rinaldi remarked that Metro-North looks forward to working closely with its federal, state and local partners to efficiently deliver these safety improvements, which will complement the safety enhancements Metro-North is already undertaking under the Way Ahead strategic plan.

After President Rinaldi’s presentation, Board Member Albert asked President Rinaldi why the “ridership on other carriers” table located in the monthly New York City Transit Board books did not reference Metro-North, yet references other carriers including New Jersey Transit, PATH, and Long Island Rail Road. President Rinaldi was unaware of this table and responded that she would coordinate with New York City Transit for a response.

Board Member Brown stated that there were positive ridership statistics as well as mean distance between failures (“MDBF”) statistics and asked President Rinaldi to articulate whether she felt these positive statistics were a function of reliability-centered maintenance working or something else. President Rinaldi credited the Maintenance of Equipment Department and the leadership of Dave Kubicek, Vice President of Maintenance of

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Equipment, and Jim Heimbuecher, Chief Mechanical Officer, who have really focused on issues affecting the reliability of Metro-North's equipment and have made great strides to improve the overall maintenance and reliability of Metro-North's equipment. She also emphasized the hard work and dedication of the entire Maintenance of Equipment Department.

The video recording of the meeting produced by the MTA and maintained in MTA records contains a complete record of President Rinaldi's report and comments made by Board members. Additionally, the details of the following Metro-North Committee items are contained in reports filed with the records of this meeting:

B. Metro-North Information Item:

- Metro-North Adopted Budget/Financial Plan 2021
- Metro-North 2020 Annual Operating Results
- Metro-North Diversity-EEO Report- 4th Quarter 2020

C. Other Metro-North Committee Items:

- Minutes of the Joint Metro-North and Long Island Rail Road Committee Meeting held January 21, 2021
- Metro-North 2021 Work Plan
- Metro-North Safety Report
- MTA Police Report – Metro-North
- Metro-North Operations, Performance Metrics, Finance, Ridership, and Capital Program Reports

A. LIRR President Phillip Eng's Report:

As President Eng reported earlier in the meeting, the Long Island Rail Road lost another member of its family to COVID-19, Anthony Okolo, a Stockman in the Stores department, who died on February 5th. Mr. Okolo joined LIRR in 1997 and dedicated 24 years of his career to public service at the LIRR. A proud member of the Transportation Communications Union, Mr. Okolo took pride in everything he did behind the scenes ensuring that staff had supplies for service, materials for capital projects, and appropriate safety gear, including all the vital PPE helping to keep his colleagues and the public safer during this pandemic. President Eng reported that to the public, Anthony Okolo is an unsung hero, but to LIRR, he is a man of faith whose every action demonstrated his love of his family, his colleagues and his job. President Eng expressed LIRR's heartfelt condolences to Anthony Okolo's colleagues, his friends and family. President Eng asked that everyone please join him in keeping Anthony Okolo in their thoughts and prayers, along with his wife Olushola, their three children and all his family, friends.

President Eng stated that at the end of 2020, the MTA delivered full completion of the FRA-mandated Positive Train ("PTC"). He can definitively say that with Debbie Chin,

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Executive Director of PTC leading the way, he was confident that we would complete the project on time. President Eng stated that most do not know that Debbie stayed on to ensure that we fulfilled our commitment, met the FRA deadline and completed PTC. President Eng stated that it is with great happiness for Debbie and mixed emotions for himself, that he announces that she has decided to retire at the end of the month, after a storied 32-year career at the MTA. Debbie first joined New York City Transit in 1988 as an Assistant Electrical Engineer, and progressively rose through the ranks to become Chief Systems Engineer and Program Officer, before joining the LIRR in 2015 to lead our PTC Project. President Eng noted that coincidentally, as we begin the Chinese Lunar New Year, in Chinese culture, the year of the Ox represents hard work and movement. Appropriately so, because of Debbie, we are reaping the benefits of her hard work; year in and year out. President Eng thanked Debbie for all she has done, stating that we will certainly miss her leadership, dedication and expertise but most of all daily presence. He asked that everyone join him in congratulating her on a successful career in public service and wishing her the best in her next chapter.

President Eng stated that everything we do is truly about safety. And last week, our workforce across all MTA agencies were out braving the elements as they are today. With zero visibility at times due to heavy bands of snow and wind, they took care of business, helping us to quickly and safely dig out of the worst snowstorm we've seen in recent years. President Eng stated that he is proud of our workforce and their efforts as they are continually ensuring that we can and are operating safely for the public and one another.

President Eng stated that keeping the public informed during the storm is another critical component. Information gives our riders the power to make decisions regarding their travels, a continuously improving customer communication with timely information will always be a priority. President Eng reported that last month, under the lead of Chief Innovation Officer Will Fisher, we launched our new chat feature as part of LIRR TrainTime. This new and improved app gives our riders the comprehensive information they need so they can make informed decisions during storms like these.

During the storm, President Eng stated that riders were able to chat live with LIRR customer agents. He noted they can do that every day from 6 a.m. to 10 p.m. within the app, getting answers to questions about service and other railroad-related matters. President Eng reported that since the launch, the feedback from both customers and our own staff has been overwhelmingly positive. Since the January 18 launch last month, we've responded to more than 1,100 chats. Our busiest chat day so far was the day of the snowstorm, February 1, where our reps handled nearly 450 chats. President Eng stated that this new tool is allowing us to help customers more quickly and seamlessly, giving them information, they need to help make their traveling decisions easier. President Eng stated that all of this speaks to our mission in keeping safety and customer service at the forefront of everything we do for all that we serve.

President Eng reported that our LIRR Care service is still going strong, despite the pandemic. In 2020, our customer service ambassadors helped over 1500 customers. Overall, since we launched the program in July 2018, we've helped over 6000 customers. President Eng stated that to compare, in the two years prior to the launch of LIRR Care, we only had 36 requests through our prior program. President Eng stated that he is proud

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of our staff for their team effort, from customer service agents fielding calls, to station ambassadors, to platform ushers and train crews -- they are the reason this service is successful.

President Eng stated that we welcome the MTA's first all-agency Chief Accessibility Officer Quemuel Arroyo to the team. We're looking forward to working closely with him and further building on efforts to date and collaboratively tackling the needs and fulfilling our vision to make the LIRR fully accessible.

President Eng stated that at the turn of the year, Governor Cuomo opened the new Moynihan Train Hall in Manhattan, which serves as a new home to LIRR customers, alongside Amtrak. Moynihan is something that New York State will be proud of for generations to come. It's a sign of the future for MTA and LIRR as we continue building for the future. President Eng congratulated the Empire State Development group for this major accomplishment. He also thanked Neville Perkins, John Hyland, Janie Chen and the whole LIRR team who were so integral in this project and help bring it to life. President Eng stated that their contributions are greatly appreciated and can be felt by the millions of people who will be using this phenomenal terminal for generations to come.

Regarding the January On-Time-Performance ("OTP"), President Eng reported that LIRR trains operated on-time at 97.2%, exceeding our monthly goal of 94% and representing a 3.9 percentage point increase over the same month in 2020. President Eng stated that LIRR has been committed to continually tackling vital infrastructure needs throughout the last few years and all the great work done by our workforce is evident by the record OTP for the railroad. President Eng stated that our 2020 Performance Summary is in the Committee book and that we continue to ensure we stay focused on state of good repair replacing components and ensuring a more reliable trip on LIRR.

Reporting on the March Timetable, President Eng stated that ridership remains at 23% to 24% of our pre-pandemic weekday levels. On March 8, new schedules will be in place supporting both service needs and critical work as we rebuild LIRR. President Eng stated that this new schedule maintains 24/7 service to all 11 branches, knowing that our ridership is spread throughout the day. President Eng stated that we continue to monitor ridership patterns and adjust where possible, to ensure that we can rightsize service and accommodate customer needs. President Eng stated that we encourage customers to check our website and TrainTime for the new timetables and schedules which will be posted shortly.

President Eng congratulated Metro North employee Dan Delgado for being selected as a Railway Age honoree. He stated that he is also proud to announce that one of our standout employees, will be recognized in *Railway Age* magazine: Muneeb Abbas, who was selected as an honorable mention as part of their "Fast Trackers" 20 Under 40 awards for this year. Muneeb has been with us at the LIRR for four years as a Project Coordinator, overseeing the scope, schedule, and budget of the annual Track State of Good Repair Program. This includes leading the Outage Planning Process across all operational departments from the beginning to end including piggybacking opportunities resulting in savings and efficiencies. President Eng congratulated Muneeb and stated that we're proud of our innovative minds that help make the LIRR better each day.

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In conclusion, President Eng thanked our customers and our workforce for doing all they do, day-in and day-out, to ensure our system operates as safely and efficiently as possible. President Eng also thanked the over 120 students from across our service territory who submitted entries in our 2020-2021 School Safety Slogan Contest. This year's winner was second-grader Evan Munjal at Mount Pleasant Elementary School in the Smithtown for his slogan, "Stay Alive. Stand Behind the Yellow Line." Our middle school winner, Mia Schutte, a sixth grader at Sayville Middle School, won for her slogan: "Watch the Tracks and Not Your Apps". President Eng stated that we appreciate the efforts of our school districts and students to promote awareness and emphasize the importance of safety in their communities. President Eng stated, let's all care for one another, practice safety and continue to wear appropriate face coverings in public and on trains, and getting vaccinated when eligible.

The video recording of the meeting produced by the MTA and maintained in MTA records contains a complete record of President Eng's report. Additionally, the details of the following LIRR Committee items are contained in reports filed with the records of this meeting:

B. LIRR Information Items:

- LIRR Adopted Budget/Financial Plan 2021
- LIRR 2020 Annual Operating Results
- LIRR Diversity-EEO Report- 4th Quarter 2020
- March Timetable & Trackwork Programs

C. LIRR Procurement Report:

- Competitive RFP

President Eng requested MTA Board approval to award a competitively negotiated contract in the amount of \$3,186,584 to Corys, Inc. to design, manufacture, test and deliver Train Simulator Systems for each of its M-7/M-9, Dual Mode (DM) Locomotive and C-3 fleets. These three simulators will support increased training requirements for (1) train crews required in advance of operating equipment within East Side Access (ESA) territory to Grand Central Terminal, (2) Positive Train Control (PTC), and (3) new equipment familiarization i.e. M-9. These simulators will also support potential remedial training, emergency situations, equipment failures, physical characteristics, and numerous operating scenarios.

Upon motion duly made and seconded, the Board approved the foregoing LIRR Procurement. The details of the approved Procurement are contained in the staff summary and documentation filed with the records of this meeting.

D. Other LIRR Committee Items:

- Minutes of the Joint Metro-North and Long Island Rail Road Committee Meeting held January 21, 2021
- LIRR 2021 Work Plan
- LIRR Safety Report
- MTA Police Report – LIRR
- LIRR Operations, Performance Metrics, Finance, Ridership, and Capital Program Reports

11. NYCT INTERIM PRESIDENT SARAH FEINBERG'S PRESENTATION.

A. NYCT President's Report:

Interim President Feinberg commented on the frequent snowstorms and icy weather over the last month and thanked the NYCT workforce and teams for their hard work, daily planning, constant vigilance and long hours. She also thanked NYCT customers for their patience throughout this time.

Interim President Feinberg then spoke about issues relating to crime that had previously been addressed by Chief of Transit Kathleen O'Reilly. She thanked the NYPD for their partnership, noting that both Police Commissioner Dermot Shea and Chief O'Reilly have been incredibly responsive, cooperative and ready to have conversations with NYCT at any time. Feinberg also thanked the MTA police, who she said are a constant presence in the system, along with our EAGLE teams and security forces who do a great job.

Interim President Feinberg stated that there are two points overall which have to guide us as we are thinking about this issue. First, that it is really important for NYCT to provide a safe and secure environment for customers, and second, that customers also have to actually feel safe and secure traveling. She emphasized the importance of confidence in our customers relating to crime and safety as they are re-entering their commute. Ms. Feinberg said that even one incident is too much in our system, and that if NYCT is going to reach the goal of what we want our system to be, which is the shining star of transit for all of North America, it has to be and feel like a safe and secure system. Feinberg said that while we are getting there, we have a way to go and the last couple of weeks have been troubling. Feinberg reiterated her appreciation for the partnerships of everyone involved to help keep the system safe.

Interim President Feinberg explained that when we talk about crime and incidents in the system, we are also talking about the mental health crisis in the City which should not be overlooked. She said NYCT has been asking the City for additional resources for over three years and has requested that they step up and allow the 311 system to work in the subway system, which NYCT believes is an easy technical fix. Interim President Feinberg noted that finally over the last weeks it appears this issue has received attention at City Hall. Feinberg stated that if that 311 system can work in the subway system, and if 311 operators can understand and acknowledge and address issues in the system, if the City will allow mental health professionals in the system, this will all go a long way towards

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impacting some of the issues. Interim President Feinberg reminded everyone that the subway system should not be “out of sight out of mind” simply because it is largely underground.

Interim President Feinberg then discussed the announcement that this coming Sunday night (Monday morning) NYCT will go from being closed from 1am – 5am to 2am - 4am, which gives people an extra hour at night and earlier in the morning to ride the system. She said they will continue to clean 24/7 as they always have. Interim President Feinberg noted that while cleaning may be less efficient from 1am-2am and 4am-5am, she is still confident that NYCT will do whatever it can do to keep the system clean and disinfected. Interim President Feinberg said there has been some talk about “hygiene theater”, but reminded everyone that NYCT has always had an all-of-the-above approach to safety and disinfecting and cleaning since the beginning of the pandemic, when we did not know a whole lot about the virus, until now when we know a great deal more. NYCT has been cleaning, disinfecting, focusing on strong air filtration to address aerosol spread, wiping down surfaces, experimenting with technologies like UV lighting, and making sure that NYCT is constantly speaking about the importance of wearing masks and being vigilant about their masks. Interim President Feinberg said that to this day, agencies like the EPA, CDC and FTA and other medical and health experts continue to tell NYCT to clean, and so long as they say it is important NYCT is going to continue to do so. Interim President Feinberg noted that cleaning is obviously much more efficient to do when people are not in the system and cleaners are told not to attempt to clean around people especially if they are sleeping or otherwise engaged and related it to trying to clean your kitchen in your house when a bunch of people are in there. But Interim President Feinberg said she is looking forward to the system being open more hours to serve more people for those hours and noted that this is a signal that the economy and the City are opening up again.

Finally, Interim President Feinberg thanked everyone who was able to stop by the system to see the memorial honoring transit workers lost to COVID-19. She noted that many were able to do so, and she expressed how truly gratifying it was for NYCT and MTA to work on this, though clearly emotional. Interim President Feinberg said she is grateful they were able to put this memorial out there to the public and offer New Yorkers the opportunity to pause and take a moment to say thank you and show their gratitude for the MTA and NYCT employees lost during this pandemic.

B. Procurement Report:

Non-Competitive: Upon motion duly made and seconded, the Board approved non-competitive procurements requiring a two-thirds vote (Schedule A in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority/MTA Bus Company. Please refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of any discussion surrounding these items.

12. TBTA ACTING PRESIDENT DANIEL DeCRESCENZO'S REPORT.

A. B&T's President's Report:

Mr. DeCrescenzo opened his remarks by stating that TBTA continues to make progress with COVID-19 mitigation measures and that approximately 32% of the TBTA workforce has received at least one dose of the vaccine. He thanked TBTA employees and the medical workers who have helped TBTA in its efforts to combat COVID-19 with the vaccination program.

With regard to the Customer Environment Report for 2020, Mr. DeCrescenzo stated that the total collision rate improved by 35% in 2020 and the collision-with-injury rate was 19% better than in 2019; that over 88,000 linear feet of roadway was striped, 954 potholes were repaired, and 13,000 miles of roadway were swept; and that approximately 91% of roadway lighting is provided by high efficiency, low maintenance LED fixtures.

Mr. DeCrescenzo also remarked on the Construction and Development Presentation made by Janno Lieber, Chief Development Officer, and stated that several TBTA roadway and other construction projects were accelerated in 2020, taking advantage of reduced traffic. With better safety performance and timely incident response by TBTA personnel, aided by lower traffic levels, TBTA was able to provide customer travel times at or near all-time lows in 2020 despite the increase in construction activity. This helped to keep customers and essential workers moving safely and efficiently during the pandemic with minimal traffic congestion delays.

Mr. DeCrescenzo thanked all TBTA personnel for their outstanding winter storm performance in clearing snow, maintaining critical supplies and equipment, and keeping TBTA facilities open and safe for all customers and employees throughout recent multiple snowstorms and extreme winter conditions.

B. Procurements Report:

Mr. DeCrescenzo stated that there are no procurements.

13. MTA COMMITTEE ON FINANCE.

A. Action Items.

1. TBTA Supplemental Resolutions Authorizing the Issuance of Bonds and Notes to Finance Central Business District Tolling Program ("CBDTP") Costs. Marcia Tannian, Deputy Director of Finance, presented a summary of the item for Board approval.

Upon motion duly made and seconded, the Board approved the supplemental resolutions and necessary documentation to provide for the issuance of TBTA CBDTP Second Subordinate Revenue Obligations (Central Business District Tolling Program) in an amount not to exceed \$506 million to fund costs related to the design, build, and

MTA and Agencies' Joint Committee and Regular Board Meeting
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installation of infrastructure, tolling systems and allowable implementation expenses necessary for the operation of the CBDTP, plus an amount necessary to fund certain financing costs as described in more detail in the staff summary. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Ms. Tannian's summary presentation.

2. Mortgage Recording Tax ("MRT") Escalation Payment to Dutchess, Orange and Rockland Counties. David Keller, MTA Senior Deputy Budget Director, presented a summary of the item for Board approval.

Upon motion duly made and seconded, the Board approved escalator payments to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Keller's summary presentation.

3. 2020 TBTA Operating Surplus. David Keller, MTA Senior Deputy Budget Director, presented a summary of the item for Board approval.

Upon a motion duly made and seconded, the Board approved resolutions pertaining to the transfer of the 2020 TBTA operating surplus, as follows. The specifics are set forth in the staff summary and documentation filed with the minutes of the meeting held on this day.

- i. Certifying and transferring \$472,754,532 in operating surplus to the MTA and NYCT pursuant to section 1219-a (2) (b) of the Public Authorities Law;
- ii. Transferring \$763,475 representing 2020 investment income to the MTA pursuant to section 569-c of the Public Authorities Law; and
- iii. Advancing the 2021 TBTA Surplus.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Keller's summary presentation.

- B. Real Estate Items: David Florio, Director, R.E. Operations, Leasing & Acquisitions, presented a summary of the following real estate items for Board approval.

Upon motion duly made and seconded the Board approved the real estate items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

Metro-North Railroad

4. Acquisition of easements located at Aqueduct Road (Section 8.300, Block 234, Lot 5) and Greenacres Avenue (Section 8.360, Block 260, Lot 1) in the hamlet of Hartsdale, in support of the Hartsdale Station Improvements, Town of Greenburgh, N.Y.

Metropolitan Transportation Authority

5. New policy to award telecommunications and utility companies licenses for constructing and maintaining in-ground or above ground occupancies along any MTA Agencies' right-of-way.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of Mr. Florio's summary of the real estate items.

14. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:25 p.m.

Respectfully submitted,

Susan Sarch
Vice President,
General Counsel and Secretary
Metro-North Railroad

Paige Graves
Vice President,
General Counsel and Secretary
Long Island Rail Road Company

Mariel A. Thompson
Assistant Secretary
NYCTA

David K. Cannon
Assistant Secretary
MTA C&D

Julia R. Christ
General Counsel and
Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ



Metro-North Railroad

Procurements

Subject	Request for Authorization to Award Various Procurements
Department	Procurement and Material Management
Department Head Name	Anthony Gardner, Senior Director
Department Head Signature	
Project Manager Name	

Date	March 4, 2021
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	MTA Joint Comm/ Board Mtg.	3-17-21	X		

Internal Approval			
	Approval		Approval
X	President 		
X	V.P. & General Counsel 		

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

PURPOSE:
To obtain approval of the Board to award various contracts/contract modifications and purchase orders, and to inform the MTA Metro-North Railroad Committee of these procurement actions.

DISCUSSION:
MNR proposes to award non-competitive procurements in the following categories:

	# of Actions	\$ Amount
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>	NONE	
SUB TOTAL:		

MNR proposes to award competitive procurements in the following categories:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	TBD
<ul style="list-style-type: none"> • Request to Use the RFP Process 		
<u>Schedules Requiring Majority Vote</u>	NONE	
SUB TOTAL:	1	TBD

MNR presents the following procurement actions for Ratification:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>	NONE	
SUB TOTAL:		
TOTAL:	1	TBD

The contractors noted above and on the following Staff Summary Sheets have been found in all respects responsive and responsible and are in compliance with State laws and regulations concerning procurements.

BUDGET IMPACT: The purchases/contracts will result in obligating MNR operating and capital funds in the amount listed. Funds are available in the current MNR 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.)

METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain change orders to procurement, public work, and miscellaneous procurement contracts; and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All Agency Guidelines for Procurement of Services, 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 the 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 it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.

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. The Board ratifies each action taken set forth in Schedule D 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.

Staff Summary

Item Number B					
Dept. & Dept. Head Name: Procurement & Material Management, Anthony Gardner, Senior Director					
Division & Division Head Name: Executive Vice President, Susan Doering					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MTA Joint Comm/Board Mtg.	3-17-21	x		
Internal Approval					
Order	Approval	Order	Approval		
X	President 				
X	V.P. & General Counsel 				

SUMMARY INFORMATION	
Vendor Name TBD	Contract Number 340274
Description Request to use the RFP Process – Pest Control Services in Grand Central Terminal.	
Total Amount TBD	
Contract Term (including Options, if any) Five years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
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:	

Narrative

I. PURPOSE/RECOMMENDATION:

MTA Metro-North Railroad (MNR) requests that the Board adopt a resolution declaring that competitive, sealed bidding is impractical or inappropriate and that it is therefore, in the public interest to use the competitive Request for Proposal (RFP) process, pursuant to Public Authorities Law Section 1265-a, for Integrated Pest Management Services in Grand Central Terminal.

II. DISCUSSION:

MNR is seeking a pest control firm to provide proactive integrated pest management (IPM) services for Grand Central Terminal (GCT) facilities and retail shops. The scope includes, but not limited to office towers, crew facilities, loading docks, the Station Master’s Office (SMO), track areas, fresh food and non-food retail operations located within GCT.

Pest control in GCT is made more complex because of the elaborate surrounding infrastructure, sewer connections, utility chases and structural voids in walls, ceilings and floors including openings connected to the subway system as well as several adjacent office buildings which presents conditions that can cause increases in pest populations. IPM is a sustainable approach to pest management that emphasizes non-chemical control of pests. Through the use of the RFP process, MNR will select a progressive pest management firm offering a proactive approach that implements practices appropriate to a massive and complex combined commercial and transportation facility above and beyond what typical commercial structures require. The successful pest control firm will be selected based on evaluation criteria which

Staff Summary

include a review of their understanding of the work scope requirements, technical expertise, resources, cost and prior experience on similar projects.

III. D/M/WBE INFORMATION:

Goals will be set in consultation with the MTA Department of Diversity and Civil Rights.

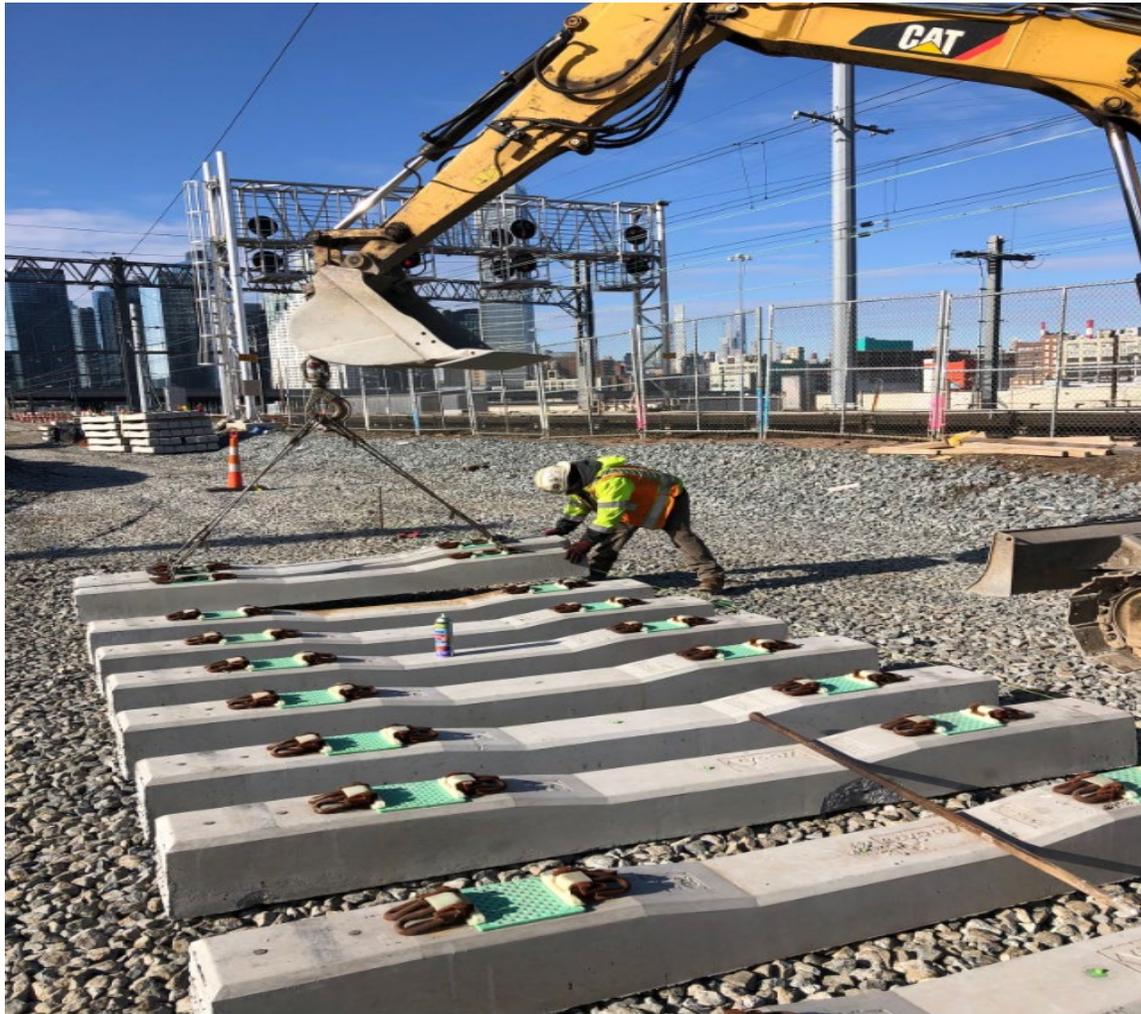
IV. IMPACT ON FUNDING:

This procurement is to be funded by MNR's Operating Budget.

V. ALTERNATIVES:

The alternative is to use the invitation for bid process and award to the lowest responsive and responsible bidder; however, the RFP method allows MNR to consider other factors such as experience, resources, personnel expertise, and safety record.

PROCUREMENT PACKAGE
March 2021

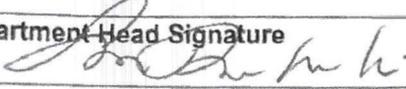


The picture above depicts the Installation of concrete ties in Harold Interlocking in Queens. The work is being performed under Contract CH058A.

PROCUREMENTS

The Procurement Agenda this month includes two procurement actions for a proposed expenditure of \$7.8M

Staff Summary

Subject Request for Authorization to Award Various Procurement Actions					
Department Contracts					
Department Head Name & Title Steve Plochocki, Sr. Vice President					
Department Head Signature 					
Board Action					
Order	To	Date	Approval	Info	Other
1	MNR and LIRR Joint Committee	3/17/21	X		
2	Board	3/17/21	X		

Date: March 8, 2021			
Internal Approvals			
	Approval		Approval
M.R.	Deputy Chief Development Officer, Delivery		President
	Deputy Chief Development Officer, Development		Executive Vice President & General Counsel

PURPOSE

To obtain the approval of the Board to award various procurement actions and, to inform the Long Island Rail Road Committee of these procurement actions.

DISCUSSION

MTA Construction & Development proposes to award a Ratification in the following category:

Schedules Requiring Majority Vote

K. Ratification of Completed Procurement Actions	<u>2</u>	<u>\$7,847,665</u>
TOTAL	2	\$7,847,665

Budget Impact:

The approval of these procurement actions will obligate the capital funds in the amounts listed. Funds are available in the capital budget for this purpose.

Recommendation:

The procurement actions be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

MTA Construction & Development

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a of the Public Authorities Law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts;

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Guidelines for Procurement of Services, 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; 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 2021

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule K. Ratification of Completed Procurement Actions (Involving Schedules E-J)

(Staff Summaries required for items requiring Board Approval)

- | | | | |
|----|--|--------------------|--------------------------------------|
| 1. | Skanska USA Civil Northeast Inc.
Contract No. CH058A.31 | \$6,200,000 | <u>Staff Summary Attached</u> |
|----|--|--------------------|--------------------------------------|

MTA Construction and Development requests the Board ratify a retroactive modification for furnishing and installation of track, special trackwork, third rail, and catenary for the Loop 1A track in F Interlocking.

- | | | | |
|----|--|--------------------|--------------------------------------|
| 2. | Tutor Perini Corporation
Contract No. CS179.421 | \$1,647,665 | <u>Staff Summary Attached</u> |
|----|--|--------------------|--------------------------------------|

MTA Construction and Development requests the Board ratify a retroactive contract modification to extend the Backbone Communication System to support phones, Public Address and Variable Message Signs, and the Automatic Temperature Control system into the Mid-Day Storage Yard.

Item Number 1

Vendor Name (& Location) Skanska USA Civil Northeast Inc. (New York, NY)
Description Harold Structures - B/C Approach
Contract Term (including Options, if any) 831 Days
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"/> Non-competitive
Solicitation Type <input checked="" 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 Dept/Div & Dept/Div Head Name: East Side Access, Rob Troup

Contract Number	AWO/Modification #	
CH058A	31	
Original Amount:	\$	60,168,000
Prior Modifications:	\$	24,196,373
Options:	\$	2,200,000
Current Amount:	\$	\$86,564,373
This Request	\$	6,200,000
% of This Request to Current Amount:		7.2%
% of Modifications (including This Request) to Original Amount:		51%

Discussion:

This Contract is for construction of the Tunnel B/C Approach Structure, construction of catenary poles and ductbanks and the installation of track and special track work for the East Side Access (“ESA”) Project. This retroactive modification is for furnishing and installation of track, special trackwork, third rail, and catenary for the Loop 1A track in F Interlocking.

The completion of the Loop 1A infrastructure, which provides access for LIRR to the new Mid-Day Storage Yard and for Amtrak to the Sunnyside Yard/Acela maintenance facility, is a predecessor for the East Bound Reroute long term outage work, planned for the fourth quarter of 2021. East Bound Reroute will provide alternative routes through F and Harold Interlockings, which will provide for increased speeds heading east and north.

This scope of work was originally planned to be performed by Force Account but because of capacity and timing issues the work must be performed by a third-party contractor. It is now being accelerated to take advantage of the current Amtrak and LIRR reduced operating schedules resulting from low ridership caused by the Covid-19 pandemic which provides an opportunity to schedule the outages necessary to perform the Loop 1A work between February 2021 and April 2021 while minimizing the disruption of train operations. The CH058A Contractor is currently working in the area of the track and will be mobilizing specialty equipment for track and special trackwork in the Harold Interlocking that is similar in nature to the Loop 1A work.

In order to take advantage of scheduled outages, the President approved a Retroactive Memorandum and, on February 12, 2021, the Contractor was directed to commence a limited scope of work consisting of aligning and profiling a track turnout, furnishing and installing a guy anchor, and installing 1200 feet of catenary cable.

The Contractor submitted a cost proposal of \$7,676,951 to install the Loop 1A track. After negotiations, both parties agreed to a cost of \$6,200,000, which is considered fair and reasonable. This Modification will also extend the Contract Substantial Completion date from March 17, 2021 to April 30, 2021 to address this additional scope.

In connection with a previous contract awarded to Skanska USA Civil Northeast Inc. (“Skanska”), Skanska was 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/CEO in consultation with the MTA General Counsel in December 2018. No new SAI has been found relating to Skanska and Skanska has been found to be responsible.

Item Number 2

Vendor Name (& Location) Tutor Perini Corporation (Peekskill, New York)	
Description Systems Facilities Package No. 1	
Contract Term (including Options, if any) 75 Months	
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"/> Non-competitive
Solicitation Type	<input checked="" 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 Dept/Div & Dept/Div Head Name: East Side Access, R. Troup	

Contract Number	AWO/Modification #
CS179	421
Original Amount:	\$ 333,588,000
Prior Modifications:	\$ 173,208,771
Exercised Options:	\$ 216,800,001
Current Amount:	\$ 723,596,772
This Request	\$ 1,647,665
% of This Request to Current Amount:	0.2 %
% of Modifications (including This Request) to Original Amount:	52.4 %

Discussion:

Contract CS179 provides the systems for the East Side Access (“ESA”) project. This retroactive contract modification is to extend the Backbone Communication System to support phones, Public Address and Variable Message Signs, and the Automatic Temperature Control system into the Mid-Day Storage Yard.

As a result of an apparent design omission in the CS179 Contract Documents, the Backbone Communication System does not extend into the Mid-Day Storage Yard. This change will provide the necessary interface and complete the connectivity required so that the phones, Public Address and Variable Message Signs, and the Automatic Temperature Control system perform as intended within the Mid-Day Storage Yard. Cost recovery for this omission is being pursued against the designer.

To avoid delay to the Contract Schedule, the President approved a retroactive memorandum and on January 17, 2020 the Contractor was directed to proceed with the early engineering associated with this Modification, up to a Not-To-Exceed value of \$200,000. On February 16, 2021 the Contractor was further directed to proceed with the full scope of this Modification, up to a Not-To-Exceed value of \$1,647,665.

The Contractor’s proposal for this Modification was \$3,024,090. The parties agreed to \$1,647,665 for all work under this Modification, which is deemed to be fair and reasonable. The parties agreed that there is no schedule impact caused by this change.

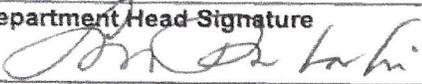
In connection with a previous contract awarded to Tutor Perini Corporation (“TPC”), TPC was found to be responsible notwithstanding Significant Adverse Information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in February 2017. No new SAI has been found relating to TPC and TPC has been found to be responsible.

**PROCUREMENT PACKAGE
March 2021**

PROCUREMENT

The Procurement Agenda this month includes six procurement actions for a proposed expenditure of \$43.3M.

Staff Summary

Subject		Request for Authorization to Award a Procurement Action			
Department		Contracts			
Department Head Name		Steve Plochochi			
Department Head Signature					
Board Action					
Order	To	Date	Approval	Info	Other
1	B&T Committee	3/17/21	X		
2	Board	3/17/21	X		

Date: March 8, 2021			
Internal Approvals			
	Approval		Approval
	Deputy Chief Development Officer, Delivery		President
	Deputy Chief Development Officer, Development		Executive Vice President & General Counsel

PURPOSE:

To obtain the approval of the Board to award six (6) procurement actions and to inform the Bridges and Tunnels Committee of the procurement actions.

DISCUSSION:

MTA Construction & Development proposes to award Competitive Procurements in the following category:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule C: Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)	1	\$32,845,000.00
<u>Schedules Requiring Majority Vote</u>		
Schedule F: Personal Service Contracts	5	\$10,454,231.52
TOTAL	6	\$43,299,231.52

Budget Impact:

The approval of the procurement actions will obligate capital and operating funds in the amounts listed. Funds are available in the capital and operating budgets for this purpose.

Recommendation:

The procurement actions be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

MARCH 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

**Schedule C. Competitive Requests for Proposals (Award of Purchase/Public Work Contracts)
(Staff Summaries required for all items greater than \$1M)**

- | | | | |
|----|--|-----------------|--------------------------------------|
| 1. | El Sol Contracting/ES II Enterprises JV
Contract No. VN-X4
One Year and Seven Months | \$32,845,000.00 | <u>Staff Summary Attached</u> |
|----|--|-----------------|--------------------------------------|

MTA Construction and Development seeks Board approval to award a competitively solicited public work contract for Design-Build Services for Installation of the Safety Fence on the Upper and Lower Roadways at the Verrazzano-Narrows Bridge.

Procurements Requiring Majority Vote:

**Schedule F. Personal Service Contracts
(Staff Summaries required for all items greater than \$1M)**

- | | | | |
|------|---|-----------------|---|
| 2-5. | Thornton Tomasetti, Inc.
Contract No. PSC-20-3043A
Two Years and Nine Months | \$ 2,496,512.60 | <u>Staff Summary Attached</u>
↓ |
| | Stantec Consulting Services, Inc.
Contract No. PSC-20-3043B
Two Years and Nine Months | \$ 2,242,054.60 | ↓ |
| | Hardesty & Hanover, LLC
Contract No. PSC-20-3043C
Two Years and Nine Months | \$ 1,800,550.00 | ↓ |
| | HNTB New York Engineering
and Architecture, P.C.
Contract No. PSC-20-3043D
Two Years and Nine Months | \$ 1,512,390.48 | ↓ |

MTA Construction and Development seeks Board approval to award four personal service contracts from a competitive solicitation for the 2021 Biennial Bridge Inspections.

- | | | | |
|----|--|-----------------|--------------------------------------|
| 6. | Stantec Consulting Services, Inc.
Contract No. PSC-20-3044
Two Years and Nine Months | \$ 2,402,723.84 | <u>Staff Summary Attached</u> |
|----|--|-----------------|--------------------------------------|

MTA Construction and Development seeks Board approval to award a competitively solicited personal service contract for the 2021 Routine Tunnel Inspections at the Queens Midtown and Hugh L. Carey Tunnels.

Dept & Dept Head B&T Business Unit, Joe Keane, PE, VP and Chief Engineer <div style="text-align: center;"><i>Joe Keane</i></div>						SUMMARY INFORMATION																									
Contracts Department Brian Bajor, Vice President & Chief Procurement Officer <div style="text-align: center;"><i>Brian Bajor</i></div>						<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 2px;">Vendor Name</td> <td style="width: 30%; padding: 2px;">Contract Number</td> </tr> <tr> <td style="padding: 2px;">El Sol Contracting/ES II Enterprises JV</td> <td style="padding: 2px;">VN-X4</td> </tr> </table>		Vendor Name	Contract Number	El Sol Contracting/ES II Enterprises JV	VN-X4																				
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Board Reviews						Description Design-Build Services for Installation of the Safety Fence on the Upper and Lower Roadways at the Verrazzano-Narrows Bridge																									
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Order</th> <th style="width: 15%;">To</th> <th style="width: 15%;">Date</th> <th style="width: 15%;">Approval</th> <th style="width: 10%;">Info</th> <th style="width: 10%;">Other</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>B&T Committee</td> <td style="text-align: center;">3/17/21</td> <td style="text-align: center;">X</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">2</td> <td>Board</td> <td style="text-align: center;">3/17/21</td> <td style="text-align: center;">X</td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>						Order	To	Date	Approval	Info	Other	1	B&T Committee	3/17/21	X			2	Board	3/17/21	X									Total Amount \$32,845,000- Award; \$192,000- Stipends	
Order	To	Date	Approval	Info	Other																										
1	B&T Committee	3/17/21	X																												
2	Board	3/17/21	X																												
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Approval	Approval																														
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<i>MR</i> Deputy Chief, Delivery	Executive Vice President & General Counsel																														
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Procurement Type																															
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive																															

PURPOSE/RECOMMENDATION

Construction and Development (C&D) is seeking Board approval to award a competitively solicited public work contract for Design-Build Services for Installation of the Safety Fence on the Upper and Lower Roadways at the Verrazzano-Narrows Bridge (VNB) to El Sol Contracting/ES II Enterprises JV (El Sol) in the negotiated amount totaling \$32,845,000 with a Substantial Completion duration of one (1) year, seven (7) months. Also, this solicitation included stipends in the amount of \$48,000 to be paid to each unsuccessful proposer whose proposal met defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$192,000 to the four unsuccessful proposers.

DISCUSSION

The Contract VN-X4 solicitation utilized a competitive Request for Proposal (RFP) process for the proposed design-build (D-B) services for the installation of the safety fence on the Verrazzano-Narrows Bridge. The Work requires the design and installation of the safety fence on the upper and lower levels of the suspended spans between the Brooklyn Anchorage and Staten Island Anchorage. The goals under this project include: (i) providing a fence that enhances the safety of the public and those on the roadway and prevents public access to bridge areas outside the bridge envelope; (ii) maximizes the investment by sequencing construction to minimize impacts to traffic, reduce future maintenance requirements, minimize the effects on neighboring residents and businesses without impacts to the environment; (iii) minimizing the impacts for future bridge inspection and maintenance initiatives; and (iv) maintaining the bridge's visual and aesthetic qualities.

A 2-Step procurement selection process was conducted for this contract. In Step 1, the service requirements were publicly advertised; nine (9) firms submitted qualification information and based on a review of their qualifications, five (5) firms were deemed qualified to receive the RFP and submit proposals under Step 2. All five (5) firms submitted proposals: Ahern Painting Contractors, Inc. (Ahern) - \$47,882,100; El Sol Contracting/ES II Enterprises JV (El Sol) - \$32,945,000; Judlau Contracting, Inc. (Judlau) - \$46,833,000; Kiewit Infrastructure Co. (Kiewit) - \$42,000,000; and Tully Construction Co. (Tully) - \$28,730,000. The proposals were evaluated against established criteria set forth in the RFP, including: proposed price; D-B technical approach; schedule; D-B experience; key personnel and management approach.

Technical Proposals were evaluated by the Selection Committee (SC) prior to evaluation of the cost proposals. The SC unanimously recommended El Sol as the highest rated firm after combining technical and cost scoring based on several factors: (i) the technical proposal provides a simplified, maintainable safety fence solution, which meets B&T's requirements resulting in overall cost savings; (ii) superior understanding of the project technical specifications and risks; (iii) a realistic aggressive proposed schedule; (iv) the best understanding to effectively coordinate the Work of this project with the ongoing work, as compared to the other proposers; (v) submission of a competitively priced proposal. The other proposers provided responsive proposals, which were deemed as technically acceptable by the SC. However, El Sol's proposal best optimized the design-build process efficiencies.

El Sol submitted a proposal in the amount of \$32,945,000 and a schedule of one (1) year, seven (7) months, which shall become the Contract Substantial Completion duration (5 months shorter than the RFP requirement). Negotiations with El Sol included discussions concerning the technical requirements, design assumptions, coordination of work with other contractors on the bridge and construction approach resulting in a reduced agreed Contract price totaling \$32,845,000. The negotiated price is below the internal estimate and is considered fair and reasonable. El Sol's negotiated proposal is considered the best value and in C&D's best interest. El Sol is deemed to be a responsible contractor.

D/M/WBE/SDVOB INFORMATION

The MTA Department of Diversity and Civil Rights (DDCR) has established 10% MBE, 10% WBE and 0% SDVOB goals on this contract. El Sol Contracting/ES II Enterprises, Joint Venture submitted an MWBE Utilization Plan that is projected to meet the MWBE/SDVOB goal requirements. El Sol Contracting/ES II Enterprises has achieved its MWDBE goals on previous MTA Contracts.

IMPACT ON FUNDING

Funding for the design and installation of the safety fence, and stipend for the four (4) unsuccessful proposers are included in the B&T's 2020-2024 Capital Program.

ALTERNATIVES

None recommended. Currently, C&D does not possess the in-house technical personnel to perform the scope of work associated with the Design-Build Contract.

Dept. & Dept. Head: B&T Business Unit, Joe Keane, VP & Chief Engineer <i>Joe Keane</i>					
Contracts Department Brian Bajor, Vice President & Chief Procurement Officer <i>Brian Bajor</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	B&T Committee	3/17/21	X		
2	Board	3/17/21	X		
Internal Approvals					
	Approval		Approval		
<i>D</i>	Deputy Chief, Development	<i>JUL</i>	President		
<i>MR</i>	Deputy Chief, Delivery	<i>ZZ</i>	Executive Vice President & General Counsel		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Thornton Tomasetti, Inc.	PSC-20-3043A
Stantec Consulting, Inc.	PSC-20-3043B
Hardesty & Hanover, LLC	PSC-20-3043C
HNTB NY Eng. & Arch., P.C.	PSC-20-3043D
Description	
2021 Biennial Bridge Inspection & Design of Miscellaneous Structural Repairs at the Throgs Neck, Bronx-Whitestone, Marine Parkway, Cross Bay, Henry Hudson Bridge and Hugh L. Carey Tunnel Approach Bridge	
Total Amount: \$8,051,507.68 (A) \$2,496,512.60; (B) \$2,242,054.60; (C) \$1,800,550.00; (D) \$1,512,390.48	
Contract Term	
Two (2) Years, Nine (9) Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
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/RECOMMENDATION

Construction & Development (C&D) is seeking Board approval to award four personal service contracts for the 2021 Biennial Bridge Inspections in the not-to-exceed (NTE) contract amounts to the following firms: (i) Contract PSC-20-3043A - Throgs Neck Bridge (TNB) to Thornton Tomasetti, Inc. (TTI) in the NTE amount of \$2,496,512.60; (ii) Contract PSC-20-3043B - Bronx-Whitestone Bridge (BWB) to Stantec Consulting Services, Inc. (Stantec) in the NTE amount of \$2,242,054.60; (iii) Contract PSC-20-3043C - Marine Parkway Bridge (MPB) and Cross Bay Bridge (CBB) to Hardesty & Hanover, LLC (H&H) in the NTE amount of \$1,800,550.00; and (iv) Contract PSC-20-3043D - Henry Hudson Bridge (HHB) and the Hugh L. Carey Tunnel (HLCT) Approach Bridge to HNTB New York Engineering and Architecture, P.C. (HNTB) in the NTE amount of \$1,512,390.48. Each contract will be for a duration of approximately two (2) years, nine (9) months through December 31, 2023.

DISCUSSION

This contract solicitation requires the services of engineering consultant firms to perform biennial bridge inspections and miscellaneous engineering and design services at the: TNB, BWB, MPB and CBB, and HHB and HLCT Approach Bridge. The scope of services includes: mandated biennial bridge inspections; underwater inspections (TNB and BWB); follow-up special inspections; miscellaneous related design and engineering services; and materials testing. The biennial inspections assist in keeping bridge assets in a state of good repair as mandated by the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT).

The requirements were publicly advertised. Eight (8) firms submitted qualification information for review and evaluation by the selection committee. Six (6) firms were chosen to receive the RFP based on a review of those qualifications: H&H, HNTB, KB Group of NY, Inc. (KB), Stantec, TTI, and WSP USA, Inc. (WSP). Each of those firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications

of the firm for specific personnel proposed, diversity practices and cost. Based on the selection committee's review of all submittals and its consideration of the costs proposed, the selection committee recommended TTI for Group A (TNB), Stantec for Group B (BWB), H&H for Group C (MPB and CBB) and HNTB for Group D (HHB and HLCT Approach Bridge). These selections are based on the highest technically rated firm with the most advantageous cost proposal being recommended for award. Proposers may not inspect the same facility in consecutive biennial cycles.

The Selection Committee's recommendations were based on the following:

- TTI submitted the most comprehensive technical proposal for Group A and provided additional supporting documentation and detail during its oral presentation. The firm also displayed a clear understanding of the biennial inspection processes and unique inspection requirements of long span bridge facilities like the TNB.
- Stantec's proposed Project Manager has demonstrated strong experience performing similar long span bridge inspections, proposed sufficient staffing to complete the inspection in an efficient and timely manner and demonstrated a clear understanding of the processes and inspection requirements.
- H&H proposed well-qualified structural teams for the MPB and CBB. H&H possesses a proactive management with experience with biennial inspections and demonstrated a thorough understanding of the operational requirements.
- HNTB presented a well-qualified project team and submitted a technical proposal that demonstrated an understanding of and plan to address C&D's inspection requirements with regard to the HHB and the HLCT Approach Bridge.
- The other two firms were technically qualified. However, KB's and WSP's proposed hours and costs were consistently above the estimates, indicating a lack of complete understanding of the inspection scopes. Both firms were ranked lower as compared to the selected firms in the over-all group scoring.

The not-to-exceed contract amounts are considered fair and reasonable. All consultants (TTI, Stantec, H&H and HNTB) are deemed responsible consultants.

D/M/WBE/SDVOB INFORMATION

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE, 15% WBE and 6% SDVOB for each of these contracts. HNTB, TTI, Stantec and H&H have all submitted utilization plans projected to meet the goal requirements. HNTB, TTI, and H&H have each achieved their MWDBE goals on previous MTA contracts. Stantec has not achieved its MWDBE goals on previous contracts, however; it has demonstrated good faith effort towards meeting these goals.

IMPACT ON FUNDING

Funding in the amount of \$8,051,507.68 is available in the Operating Budget under GFM-538, General Ledger #711101.

ALTERNATIVES

There are no recommended alternatives. Other than those tasks being performed with internal forces, C&D does not have the resources required to perform these FHWA and NYSDOT mandated inspection requirements.

Dept. & Dept. Head: B&T Business Unit, Joe Keane, P.E., VP & Chief Engineer <i>Joe Keane</i>						SUMMARY INFORMATION	
Contracts Department: Brian Bajor, VP & Chief Procurement Officer <i>Brian Bajor</i>						Vendor Name: Stantec Consulting Services, Inc.	Contract Number: PSC-20-3044
Board Reviews						Description: 2021 Routine Tunnel Inspections at the Queens-Midtown and Hugh L. Carey Tunnels	
Order	To	Date	Approval	Info	Other	Total Amount \$2,402,723.84	
1	B&T Committee	3/17/21	X			Contract Term Two (2) years, nine (9) months	
2	Board	3/17/21	X			Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
						Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Internal Approvals						Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
	Approval		Approval	Solicitation Type			
<i>Ⓜ</i>	Deputy Chief, Development	<i>JM</i>	President	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:			
<i>MR</i>	Deputy Chief, Delivery	<i>[Signature]</i>	Executive Vice President & General Counsel				
				Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:			

PURPOSE/RECOMMENDATION:

Construction & Development (C&D) is seeking Board approval under the All Agency Service Procurement Guidelines to award a personal service contract for the 2021 Routine Tunnel Inspections at the Queens Midtown Tunnel and Hugh L. Carey Tunnel to Stantec Consulting Services, Inc. (Stantec) in the not-to-exceed amount of \$2,402,723.84. The duration of this contract will be for two (2) years and nine (9) months.

DISCUSSION:

This contract solicitation requires the services of a consultant to perform the 2021 Routine Tunnel Inspection at the Queens Midtown Tunnel and Hugh L. Carey Tunnel. The tunnel inspections support keeping tunnel assets in a state of good repair and are mandated by the Federal Highway Administration (FHWA) as well as NYSDOT Laws & Regulations.

The requirements were publicly advertised. Six (6) firms submitted qualification information for review and evaluation by the Selection Committee. Three (3) firms were chosen to receive the Request For Proposal (RFP) based on a review of those qualifications and all three (3) submitted proposals: AECOM USA, Inc. (\$2,370,294.33), Stantec Consulting Services, Inc. (\$2,586,613.53) and Mott MacDonald, NY, Inc. (\$3,411,683.00). The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of specific personnel, diversity practices and cost. Based on the Selection Committee's review of all submittals and its consideration of proposed costs, the Selection Committee unanimously recommended Stantec.

The Selection Committee's recommendation was based on the following:

- Stantec demonstrated a superior understanding of the RFP Technical Requirements and proposed qualified teams with personnel that met or exceeded the required qualifications. Stantec also presented the most comprehensive allocation of hours based on the tasks specified in the RFP.
- The team presented by AECOM was less qualified as compared to Stantec.
- Mott MacDonald's proposed hours and cost were more than 30% above the Engineer's Estimate. Also, their proposed team was less qualified as compared to Stantec.

Stantec submitted a cost proposal in the amount of \$2,586,613.53. The not-to-exceed amount of \$2,402,723.84 is 7.11% below the original cost proposal and 0.24% above the previously awarded Tunnel Inspection contract. Therefore, the not-to-exceed amount is considered fair and reasonable.

D/M/WBE/SDVOB INFORMATION

The MTA Department of Diversity and Civil Rights (DDCR) has established 15% MBE, 15% WBE and 6% SDVOB goals on this contract. Stantec Consulting Services, Inc. submitted an MWBE/SDVOB utilization plan that is projected to meet the goal requirements. Stantec has not achieved its MWDBE goals on previous contracts, however; it has demonstrated good faith effort towards meeting these goals.

IMPACT ON FUNDING

Funding in the not-to-exceed amount of \$2,402,723.84 is available in the Operating Budget under Project GFM-539/PSC-20-3044, General Ledger # 711101.

ALTERNATIVES

There are no recommended alternatives. C&D does not possess the resources required to perform these mandated inspections.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number:

Page 1 of 2

Vendor Name (& Location): Willis of New York	Contract Number:	AWO/Modification # 9
Description: Extension of Owner Controlled Insurance for East Side Access	Original Amount:	\$93,000,000
Contract Term (including Options, if any):	Prior Modifications:	\$518,201,498
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	\$
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$611,201,498
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$48,798,502
Funding Source: <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	8%
Requesting Dept/Div & Dept/Div Head Name: Risk and Insurance Management / Phyllis Rachmuth	% of Modifications (including This Request) to Original Amount:	610%

PURPOSE:

To obtain Board approval to extend the insurance policies of the MTA's Owner Controlled Insurance Program (OCIP) for the East Side Access Project through March 31, 2023.

- Authorization to extend Primary Workers Compensation and General Liability Insurance with Liberty Mutual.
- Authorization for MTA's Captive subsidiary, First Mutual Transportation Assurance Company (FMTAC) to extend the Deductible Reimbursement policy and the first layer of Excess Liability Insurance.
- Authorization to extend Excess Liability with Navigators and a consortium of London and Bermuda Insurers.
- Authorization to extend Builders Risk primary FMTAC policy and additional coverage with Swiss Re and Zurich.
- Authorization to extend Railroad Protective liability with Chubb/ACE.
- Authorization to extend Pollution Liability with AIG/Chartis
- Authorization to extend the broker service contract with Willis of NY.
- Total additional funding requested: \$48.8 million.

SUMMARY:

The East Side Access Project is currently insured through an MTA Owner Controlled Insurance Program (OCIP), which was approved by the Board on December 17, 1998. Willis of NY, the OCIP broker, selected through a competitive RFP process, subsequently marketed and placed OCIP policies in 1999, based upon the then-scheduled completion date and estimated third party construction costs. These policies were subsequently extended, with Board approval in 2010, to April 1, 2016. In 2016 the Board approved coverage extensions to April 1, 2021 to reflect an estimated third-party construction cost of \$7.025 billion including Regional Investments. Authorization was also granted to extend the Excess Liability, Pollution Liability and Railroad Protective Liability policies through March 31, 2021 upon their expirations. The current authorization request will extend the coverage to April 1, 2023. An additional \$48.8 million is required.

DISCUSSION:

The East Side Access Project OCIP provides the MTA and each architect, engineer, contractor, and subcontractor working on the project with uniform Professional Liability (E&O), Environmental Liability, Workers Compensation (WC), General Liability (GL), Excess Liability, Railroad Protective Liability, and Builders Risk Insurance. Policies are underwritten by insurance companies with A.M. Best ratings of A or greater and/or equivalent financial strength. The carriers were competitively selected based upon policy terms, conditions, services and costs offered for this program. The original OCIP Program budget for all policies was \$93 million based upon a project cost of \$2.3 billion and project completion in 2010. In 2010, the Board approved an extension of these policies to reflect a third-party construction value of \$5.075 billion and construction completion by the first quarter of 2016. In 2016, the Board approved extending the program to March 31, 2021 based upon a third-party construction value including Regional investments of \$7.025 billion. Revenue service is anticipated by December 31, 2022. These policy extensions will cover the remaining ESA contracts and Regional Investment contracts to be completed by April 1, 2023.

Primary Workers Compensation and General Liability

The Liberty Mutual primary policies expire on April 1, 2021. The extension of these policies to April 1, 2023 will result in additional premium of \$4.1 million.

FMTAC

The FMTAC policies expire on April 1, 2021. The Deductible Reimbursement policy pays the first \$750,000 of each WC loss and the first \$1,900,000 of each GL loss. The FMTAC layer of Excess Liability Insurance covers the project for \$10million per occurrence and in the annual aggregate for losses above the Liberty Mutual primary GL coverage of \$2 million per occurrence and \$5 million in the aggregate. Based upon actuarial analysis and increases in construction value and payroll, the extension of these policies to April 1, 2023 will result in additional premium of \$10.1 million.

Excess Liability

The Excess Liability policies underwritten by Navigators and a consortium of London and Bermuda based insurers expire on April 1, 2021. These policies together provide \$290 million in policy term aggregate liability coverage. Additional premium to extend to April 1, 2023 is \$21.8 million.

Builders Risk

FMTAC insures the primary builders risk for the first \$50 million of a covered loss. An additional \$350 million in coverage above FMTAC is provided by a consortium led by Swiss Re, and Zurich. These policies expire on June 1, 2021. The FMTAC policy will be extended until revenue service at no cost. Quotes have been received to extend the additional coverage until January 1, 2023 when revenue service is anticipated. The risk is currently being evaluated. If the extension is exercised at the full \$350 million limit, it will result in additional premium of \$7.2 million.

Railroad Protective Liability

The Chubb/ACE policy expires on April 1, 2021. The policy provides \$25 million in coverage to protect the interests of Amtrak and other non-MTA railroad that operate within project limits. The extension to April 1, 2024 will result in additional premium of \$780,000.

Pollution Liability

The AIG/Chartis policy expires on July 1, 2021. The policy provides \$25 million in coverage subject to a \$1 million retention for the sudden and accidental release of pollutants during construction. The extension to April 1, 2023 will result in additional premium of \$530,000.

Willis of NY

The broker service contract with Willis of NY will need to be extended for two years to match with the insurance program. The extension will result in additional fee of \$750,000.

The total amount necessary to extend is \$45.3 million. In addition, we are requesting a contingency of \$3.5 million. The primary WC and GL policies are subject to audit based upon the payroll reported during the policy period. The builders risk is also subject to audit based upon the date of revenue service and the total construction value at completion. The contingency will allow for variances from the current estimates.

MTA is obligated under its construction contracts to provide continuing Owner Controlled Insurance coverage. Risk and Insurance Management has been able to achieve favorable extension terms. MTA Risk and Insurance Management has weighed the risk of loss and the cost of available insurance and concluded that this program is reasonable, cost effective and in the best interests of the MTA.

IMPACT ON FUNDING:

The additional \$48.8 million will be funded in 2015-2019 and 2020-2024 Capital Programs.

ALTERNATIVES:

The alternative would be to require each construction contractor to carry their own Workers Compensation, General Liability, Excess Liability, Environmental Liability and Railroad Protective Liability for their work. This approach would not be cost effective as the additive cost of each contractor's policy would most likely exceed the cost of the MTA policy. Also, contractor insurance would expire upon completion of a contract leaving completed works without coverage. By purchasing a single insurance program, the MTA can cover all completed and active construction works of the East Side Access Project until construction completion under a uniform program with high limits suitable for a project such as East Side Access.

Staff Summary

Subject Board Authorization to File for and Accept Federal Grants
Department Capital Programs
Department Head Name Stephanie DeLisle
Department Head Signature
Project Manager Name Catherine Corless

Date March 17, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action-					
Order	To	Date	App	Info	Other
1	Finance	3/17/2021	x		
2	Board	3/17/2021	x		

Internal Approvals			
Order	Approval	Order	Approval
1	CFO		
2	Legal		

Narrative

Purpose

To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2021.

Discussion

Enclosed is a resolution for Board action prepared in conformance with past practices to:

- 1) Authorize filing of applications in request of Federal capital assistance for the FFY 2021.
- 2) Authorize the Chairman or any of his designees to make required certifications.
- 3) Authorize acceptance of grants.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2021. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

In accordance with FTA regulations, a Public Hearing inviting public comment on the projects proposed to be submitted for federal funding was advertised beginning on January 29, 2021. Written comments (via mail or the MTA.info website) were solicited, and a virtual hearing to solicit comments was held on Tuesday, February 23, 2021 (via Zoom). At the virtual hearing, the Deputy Director of Grants Management read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

A transcript of the virtual hearing and written comments submitted in conjunction with the hearing are available on the Director's Desk. Thirteen members of the public gave testimony at the virtual Public Hearing, and twelve on-line comments were received. Collectively, these statements/comments were about the need for accessibility at subway and commuter railroad stations, maintenance, service and safety improvements, design elements, system expansion as well as comments in support of the proposed capital projects included in this hearing. In accordance with applicable federal requirements, MTA and agency staff have reviewed and considered all substantive public comments concerning the proposed program of capital projects for federal funding.

Recommendation

It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal capital assistance for FFY 2021.

**RESOLUTION ADOPTED AT A MEETING OF
METROPOLITAN TRANSPORTATION AUTHORITY
Tuesday, February 23, 2021**

WHEREAS, on and after January 29, 2021, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of the Fixing America's Surface Transportation Act (FAST Act) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, which Notice contained a summary of the capital improvement program for federal fiscal year 2021 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, MTA Capital Construction Company, MTA Bus Company, Staten Island Rapid Transit Operating Authority; and

WHEREAS, the full program of projects, including descriptions of individual projects, for federal fiscal year 2021, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Metropolitan Transportation Authority (the "Authority"); and

WHEREAS, all of the principal elected officials of each general purpose unit of government within the service areas of the public transportation operators for whom assistance is being sought under the said project application were notified by mail of such application; and

WHEREAS, on Tuesday, February 23, 2021, the Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

WHEREAS, the members of the Authority have had an opportunity to review the testimony given at the said Public Hearing, and the statements submitted in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN TRANSPORTATION AUTHORITY:

1. The Chairman, or any of his designees, be and each of them hereby is, with respect to applications for grants for projects under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit under Title I of FAST Act, authorized to certify to the United States Department of Transportation that the Authority has (a) afforded an adequate opportunity for a Public Hearing on the projects pursuant to adequate prior notice, and has held such Hearing; (b) considered the economic and social effects of the projects and their

impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act and other applicable federal environmental statutes, and their consistency with goals and objectives of such urban planning as has been promulgated by the affected communities; (c) found that the projects are consistent with the official plans for the comprehensive development of the urban area to be affected; and (d) found that the projects are in the best overall public interest taking into consideration the need for fast, safe and efficient public transportation services, and conservation of environment, historic sites and natural resources and the cost of eliminating or minimizing any adverse effects.

2. The Chairman, or any of his designees be, and each of them hereby is, authorized to deliver to the said department a copy of the published notices of and transcript of the said Hearing, including those written statements submitted in connection therewith, and to advise the said department (a) that it may consider the applications as the Authority's final applications, subject to such revisions as the Chairman, or his designees may deem acceptable; (b) that the views, if any, concerning the projects of those principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said applications, are as set forth in the transcript of the said Public Hearing and those written statements submitted in connection therewith.
3. The Chairman, or any of his designees be, and each of them hereby is, authorized to execute and file applications and accept from the United States of America, on behalf of the Authority, grants of financial assistance under successor legislation to Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of Fast Act (in such amounts as may become available) in connection with the projects upon such terms and conditions as the Chairman, or any of their designees shall deem acceptable.

CERTIFICATION

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 23rd day of February 2021, held virtually, via Zoom webinar which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement
Assistant Secretary

Dated: _____

Staff Summary

Subject 2020 Annual Procurement Report
Department MTA Procurement
Department Head Name Kuvershen Ayer
Department Head Signature
Division Head Name

Date February 26, 2021
Vendor Name Various
Contract Number Various
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/17/21	X		
2	Board	3/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Procurement Officer		
2	Chief Compliance Officer		
3	General Counsel		
4	CFO		

Purpose:

To authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2020- December 31, 2020 as required under Section 2879 of the Public Authorities Law ("PAL").

This report includes the following required material:

1. Contracts awarded with payments made in 2020 as prepared by each agency and
2. Contracts awarded prior to 2020 with payments made in 2020 as prepared by each agency.

The report, which is being submitted separately, conforms to the format/content requirements of both PAL Section 2879 as well as the Public Authorities Reporting Information System (PARIS) overseen by the New York State Independent Authorities Budget Office. Once approved by the Corporate Governance Committee, the All-Agency Procurement Guidelines will be attached to the report prior to filing, as required by PAL Section 2879.

Many of the contracts on this list came before the Board during the course of the calendar year. The active contracts that were awarded prior to this calendar year were also included in the prior years' annual procurement reports, which have previously been reviewed by the Board.

Staff Summary

Subject
Approval of Triborough Bridge and Tunnel Authority Payroll Mobility Tax Obligation Resolution authorizing the issuance of bonds and notes to finance approved Capital Program Transit and Commuter Projects
Department
Finance
Department Head Name
Robert E. Foran, Chief Financial Officer
Department Head Signature
Project Manager Name
Patrick J. McCoy, Director, Finance

Date
March 17, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	3/17/21	X		
2	Board	3/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		

PURPOSE:

The MTA Finance Department is seeking Triborough Bridge and Tunnel Authority (“TBTA” or “MTA Bridges and Tunnels”) Board ratification of the previously approved annexed Triborough Bridge and Tunnel Authority Payroll Mobility Tax Obligation Resolution and approval of supplemental resolutions to provide for the issuance of senior lien or second lien TBTA Payroll Mobility Tax Obligations (“TBTA PMT Bonds”) to finance approved Capital Program Transit and Commuter Projects as described in approved Capital Programs. Even though the Board has previously approved the forms and substance of the annexed agreements, the TBTA Act requires this additional approval following MTA Capital Program Review Board (“CPRB”) approval, which is scheduled to become effective at 12:01AM on March 17, 2021, before TBTA can issue its bonds and notes to finance approved Capital Program Transit and Commuter Projects.

The approval of the annexed agreements further authorizes TBTA to issue bonds and notes to finance the remaining \$1.3 billion of transit and commuter projects authorized to be financed during 2021 that was previously approved by the MTA Board in December 2020. The use of the TBTA PMT Resolution will broaden MTA’s access to the credit markets with a highly rated credit in addition to the existing Transportation Revenue Bond (“TRB”) and Dedicated Tax Fund (“DTF”) credits.

The annexed resolutions authorize TBTA to finance such projects through the issuance of bonds, notes, commercial paper, or other forms of indebtedness that are payable from and secured by Payroll Mobility Tax Receipts (“Mobility Tax Receipts”) and the Aid Trust Account Receipts (“ATA Receipts” and, collectively with the Mobility Tax Receipts, the “PMT Receipts”) described below.

The MTA Finance Department has provided for the development of separate senior lien and second lien bond resolutions secured by the PMT Receipts on a parity basis that (1) permits MTA to issue bonds to finance COVID-19 lost revenues and increased costs and fund working capital of the MTA agencies and TBTA in accordance with legislation enacted in March 2020 and (2) permits TBTA to issue bonds to finance approved Capital Program Transit and Commuter Projects. In order to provide the mechanism for the MTA and TBTA to share the PMT Receipts ratably, MTA and TBTA will enter into the PMT Financing Agreement which contains provisions for the allocation and transfer of the PMT Receipts between

Staff Summary

the two resolutions. The MTA adopted its MTA Payroll Mobility Tax Obligation Resolution (“MTA PMT Resolution”) in November 2020.

SUMMARY OF PROPOSAL:

MTA is seeking approval of the attached (1) TBTA Payroll Mobility Tax Obligation Resolution and Annexes (collectively, the “TBTA PMT Resolution”), (2) Payroll Mobility Tax Financing Agreement between MTA and TBTA (the “PMT Financing Agreement”), (3) TBTA PMT New Money Supplemental Resolution (the “TBTA PMT New Money Supplemental Resolution”) that provides for the issuance during 2021 of up to \$1.3 billion of TBTA PMT Bonds to finance approved Capital Program Transit and Commuter Projects, (4) TBTA PMT Bond Anticipation Note Supplemental Resolution that provides for the issuance during 2021 of up to \$1.3 billion of bond anticipation notes (“TBTA PMT BANs”) that can be sold in anticipation of the issuance of TBTA PMT Bonds and TBTA PMT Refunding Obligations, and (5) TBTA PMT Refunding Obligations Supplemental Resolution that provides for the issuance at any time of refunding obligations to refund, refinance or restructure outstanding TBTA PMT BANs and TBTA PMT Bonds.

CREDIT HIGHLIGHTS OF PROPOSED TBTA PMT OBLIGATIONS

- Senior and Second Lien Revenue Pledge: Mobility Tax Receipts and ATA Receipts.
- Debt Service Set-Aside: Monthly 1/5th interest and 1/10th principal.
- Additional Bonds Test: 2.25x Senior Maximum Annual Debt Service and at least 1.50x aggregate Senior and Second Lien Maximum Annual Debt Service with details and level of coverage requirement to be delegated to staff prior to initial issuance based upon rating agency discussions, investor feedback and market conditions.
- TBTA PMT Resolution authorizes bonds solely for approved Capital Program transit and commuter projects.
- After monthly set-aside, excess pledged revenues are available for debt service on Transportation Revenue Bonds and then transit and commuter operating expenses.
- Non-impairment covenant of the State in the TBTA Act.

DISCUSSION AND BACKGROUND:

In 2009, legislation was enacted to provide MTA with the receipts generated by (1) a payroll mobility tax (the Mobility Tax Receipts) imposed within the MTA Commuter Transportation District (the “MCTD”) and (2) supplemental motor vehicle license and registration fees within the MCTD, a fifty-cent tax per certain taxicab rides originating in New York City and a supplemental tax on the cost of automobile rentals within the MCTD (the ATA Receipts). In 2011, the State made changes to the Payroll Mobility Tax that reduced the amount available to MTA from the imposition of that tax and provided for the State’s payment to MTA through the State’s budget of moneys to offset a portion of the amounts lost due to the Payroll Mobility Tax reductions (the “PMT Revenue Offset”). The PMT Revenue Offset funds are not being pledged to the payment of the TBTA PMT BANs or TBTA PMT Bonds. MTA’s expectation since 2009 has been to create a separate highly rated bond credit secured by the PMT Receipts to reduce reliance on the issuance of obligations through the Transportation Revenue Bond Resolution.

On November 18, 2020, the MTA Board approved the MTA PMT Resolution authorizing the MTA to issue bonds, notes and other obligations secured by the PMT (but not the PMT Revenue Offset) and the Aid Trust Account Monies for the purposes of offsetting decreases in revenue and increases in costs caused by the pandemic as authorized by legislation enacted in 2020. In December 2020, MTA issued a \$2.9 billion bond anticipation note to the Municipal Liquidity Facility to finance COVID-19 lost revenues and working capital. The approval of the annexed resolutions and agreements following CPRB approval continues the ability to use the PMT Receipts to finance approved transit and commuter projects with a highly rated credit.

BNY Mellon was appointed as the Trustee under the MTA PMT Resolution with the understanding that the firm would also serve as the Trustee under the TBTA PMT Resolution under the parity arrangement anticipated in the MTA PMT Resolution.

Staff Summary

MTA BRIDGES AND TUNNELS BOARD ACTION:

MTA Bridges and Tunnels Board approval is now sought for the following resolutions, documents and supplemental resolutions attached hereto and activities in connection with the issuance of TBTA Payroll Mobility Tax Obligations in bonds, notes, commercial paper or other form of indebtedness:

- TBTA PMT Resolution, including the Annexes attached thereto;
- PMT Financing Agreement; and
- Separate Supplemental Resolutions (collectively, the “TBTA PMT Supplemental Resolutions”) authorizing senior lien and second lien new money obligations (“TBTA PMT Bonds”), bond anticipation notes (“TBTA PMT BANs”) and refunding obligations (“TBTA PMT Refunding Obligations”), including providing for the following:
 - The issuance of TBTA PMT Bonds and TBTA PMT BANs under the TBTA PMT Resolution, in one or more series from time to time, in an amount not to exceed \$1.3 billion (reduced by TRB Bonds, TRB BANs, DTF Bonds or DTF BANs) and TBTA Refunding Obligations to refund, refinance or restructure the TBTA PMT Bonds and TBTA PMT BANs under the TBTA PMT Resolution or other MTA or TBTA obligations issued to finance transit and commuter projects, in one or more series from time to time,
 - Issuance of such TBTA PMT Bonds, TBTA PMT BANs and TBTA PMT Refunding Obligations in competitive or negotiated public sales, by direct placement or in connection with a revolving credit or other loan agreement, and
 - Parity Obligations and other Parity Debt in an amount sufficient to secure any Credit Facilities entered into in connection with the issuance of the TBTA PMT Bonds, TBTA PMT BANs and TBTA PMT Refunding Obligations.

With respect to the above-referenced financial transactions, MTA Bridges and Tunnels Board approval is also sought:

(a) delegating authority to the Chairman, the Chair of the Finance Committee, the Chief Financial Officer, the Deputy Chief, Financial Services, or the Director, Finance of MTA, or their designees, to make revisions to the TBTA PMT Resolution, PMT Financing Agreement and the TBTA Supplemental Resolutions as necessary or convenient, including to incorporate revisions requested by the rating agencies and others, and to award the obligations either pursuant to a competitive bid or to members (or entities related to such firms) of the Board-approved MTA underwriting syndicate or to federal and State programs, and to execute and/or deliver in each case, where appropriate: Notices of Sale and bid forms; Purchase Agreements with underwriters and/or other purchasers; Direct Purchase Agreements; Revolving Credit Agreements or other Loan Agreements; Official Statements and other disclosure documents; Continuing Disclosure Agreements and related filings; Remarketing Agreements and Firm Remarketing Agreements; Dealer and Broker/Dealer Agreements; Issuing and Paying Agent and Tender Agent Agreements; Credit Facilities and related Parity Reimbursement Obligations and Parity Debt; Investment Agreements; and Deposit Account Control Agreements with financial institutions to accept deposits, make transfers or withdrawals from the accounts and subaccounts established under, or in connection with, the resolutions. Any such documents will be in substantially the form of any document previously entered into by MTA or TBTA for previous issues, with such changes as approved by any one or more of the foregoing officers; and

(b) authorizing such officers to terminate, amend, supplement, replace or extend any such documents, including Credit Facilities (and related Parity Reimbursement Obligations and Parity Debt), as they shall deem advisable, and to take such other actions as may be necessary or desirable to effectuate the issuance of bonds, notes, commercial paper or other form of indebtedness and other financial transactions set forth above, on behalf of TBTA.

To maintain the ability of TBTA to finance capital projects in the capital improvement programs on a tax-exempt or tax-advantaged basis, consistent with Federal tax law, the TBTA Board must adopt a reimbursement resolution. Federal tax law requires that official action that sets forth the issuer’s intent to spend tax-exempt bond proceeds on a project must be taken by an issuer that wants to reimburse itself from tax-exempt bond proceeds for capital project costs that were funded from another source of revenue.

Staff Summary

The MTA Bridges and Tunnels Board is also requested to approve the attached reimbursement resolution.

In addition, due to the MTA Transformation Plan, new positions and titles are being created and the duties and responsibilities of those titles and positions are being restructured to streamline the organization. Prior resolutions and actions taken by this Board for the MTA and its subsidiaries and affiliates may have designated specific positions or titles to take certain actions, especially in financial transactions. It is therefore important that the Board delegate to the Chairman and the Chief Financial Officer the power to designate authorized officers and representatives to take all actions under any and all financial agreements, including, without limitation, bond resolutions, trust indentures, trust agreements and other financial agreements and instruments, in substitution for or in addition to such prior designations. Attached hereto is a resolution delegating to the Chairman and the Chief Financial Officer the power to make those designations for all financial agreements.

ALTERNATIVES:

The approval of the attached agreements and resolutions continues the transit and commuter financing program previously envisioned and adopted by MTA and TBTA and there are no viable alternatives.

RECOMMENDATION:

It is recommended that the MTA Bridges and Tunnels Board authorize the above-referenced resolutions and documents and all other actions described above, including the execution and delivery of such other documents, and the taking of all other actions, from time to time deemed necessary or desirable by such officers in connection therewith, including the ratification of the trustee and paying agent and other fiduciaries and consultants thereunder previously chosen by the MTA for the corresponding MTA bond resolution that meets the requirements of the resolutions, in order that MTA Bridges and Tunnels can begin to issue obligations to finance the costs of transit and commuter projects in approved Capital Programs. The authorization to issue the bonds, notes, commercial paper or other forms of indebtedness and take other related actions hereunder shall continue in effect without any further action by the MTA Bridges and Tunnels Board until the adoption by the MTA Bridges and Tunnels Board of subsequent bond supplemental resolutions relating to 2022 note and bond issues (except that 2021 BANS and Bonds may still be issued to refinance 2021 BANS outstanding at any time) unless (a) the MTA Bridges and Tunnels Board shall have confirmed the effectiveness of this authorization for an additional period, or (b) the MTA Bridges and Tunnels Board shall have modified or repealed this authorization.

Staff Summary

Subject MTA Prompt Payment Annual Report 2020
Department Chief Financial Officer
Department Head Name Robert Foran
Department Head Signature
Project Manager/Division Head Noemi Lopez

Date March 2, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	3/17/21		x	
2	Board	3/17/21		x	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		

Purpose:

To report to the Board the compliance by the MTA Business Service Center with the New York State Prompt Payment Legislation.

Discussion:

The Prompt Payment Legislation, implemented in April 1988 requires that the Authority must pay amounts due under its contracts within 30 days of the receipt of a proper invoice or the receipt of the goods or services, whichever is later. When payment of a proper invoice is delayed beyond the allotted time, the agency must pay interest at the rate set forth by the New York State Commission of Taxation and Finance which is currently at 7.5%, if such interest payment exceeds a ten dollars threshold.

Additionally, the Prompt Payment Legislation requires that the MTA issue an annual report within ninety days after each fiscal year. This report shall include the following:

- 1) A listing of the types of categories of contracts which the Authority entered into during the twelve month period covered by the report, together with a brief description of whether each such type or category of contract was subject to the prompt payment requirements promulgated by the Authority and, if not, the reasons why;
- 2) The total amount and number of interest payments made to vendors for contracts allocated to the type or category;
- 3) The number of interest "chargeable" days and the total number of days required to process each delayed/late contract vendor payment; and
- 4) A summary of the "principal" reasons why such delayed/late payments occurred.

For the current period, the total amount of prompt payment interest paid, Agency-wide is \$40,813 on a total invoice value paid of \$11,318,451,494.78. This is an 80% decrease in the amount of prompt payment interest compared to the 2019 amount paid which was \$202,670.

The principal reason for the late payments is as follows:

- 1) Public works (Capital) related invoices are approved in a capital system outside of the PeopleSoft environment. On occasion (0.0040%) invoices are not remitted timely to PeopleSoft for payment.

The Legislation requires the MTA to file the report with the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance committee, and the Chairman of the Assembly Ways and Means Committee.

Enclosed is a copy of the Annual Prompt Payment Report for 2020, which will be filed by the MTA in accordance with the legislation requirement.

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2011 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	55,915	469,672,581	193	6,636	0.3452%	0.0014%
MNR	55,475	442,413,198	158	3,848	0.2848%	0.0009%
MTA	31,590	4,573,334,432	31	607	0.0981%	0.0000%
LIB	13,655	73,634,145	3	4.29	0.0220%	0.0000%
NYCTA	194,520	2,869,352,413	-	-	0.0000%	0.0000%
SIRTOA	455	581,052	-	-	0.0000%	0.0000%
B & T	9,238	95,215,104	57	1,650	0.6170%	0.0017%
BUS	49,284	115,563,716	28	18,424	0.0568%	0.0159%
TOTALS	410,132	8,639,766,641	470	31,170	0.1146%	0.0004%

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2010 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	52,031	1,057,285,548	56	5,970	0.1076%	0.0006%
MNR	65,880	359,061,186	-	-	0.0000%	0.0000%
MTA	35,209	5,371,540,551	6	369	0.0170%	0.0000%
LIB	13,475	52,716,872	71	2278	0.5269%	0.0043%
NYCTA	86,623	1,059,400,000	512	32,667	0.5911%	0.0031%
SIRTOA	2,147	15,334,580	-	-	0.0000%	0.0000%
B & T	12,776	466,311,223	1	1	0.0078%	0.0000%
TOTALS	268,141	8,381,649,960	646	41,285	0.2409%	0.0005%

PROCUREMENTS

The Procurement Agenda this month includes 3 actions for a proposed expenditure of \$ 46.3M.

Staff Summary

Subject Request for Authorization to Award Various Procurements
Department MTA Procurement
Department Head Name Kuvershen Ayer
Department Head Signature
Division Head Name

Date March 9, 2021
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/17/21	X		
2	Board	3/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Procurement	3	CFO
2	Legal		

PURPOSE:

To obtain approval of the Board to award various contracts/contract modifications and purchase orders, as reviewed by the MTA Finance Committee.

DISCUSSION:

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote:

Schedule F: Personal Service Contracts

Schedule G: Miscellaneous Service Contracts

SUBTOTAL

	<u># of</u>	<u>\$</u>	<u>Amount</u>
	<u>Actions</u>		
	1	\$	25,000,000
	2	\$	21,344,613
	3	\$	46,344,613
TOTAL	3	\$	46,344,613

BUDGET IMPACT: The purchases/contracts will result in obligating MTAHQ operating and capital funds in the amount listed. Funds are available in the current MTAHQ 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

METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 120 of the Public Authorities Law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain change orders to procurement, public work, and miscellaneous procurement contracts; and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All Agency Guidelines for Procurement of Services, 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 the 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. The Board ratifies each action taken set forth in Schedule D 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 works 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.

7. The Board authorizes the budget adjustments to estimated quantity contracts set forth in Schedule L.

MARCH 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

F. Personal Service Contracts

(Staff Summaries required for all items greater than \$1M.)

- | | | |
|---|---|---|
| <p>1. Various
 Transportation Planning and Conceptual Design Services
 Contract No. 15553
 Competitively negotiated – 14 proposals – 60 months</p> <p>a. AECOM USA Inc.
 b. Arup and Partners PC
 c. Gannett Fleming Engineers and Architects, PC
 d. HDR Inc.
 e. HNTB New York Engineering and Architecture PC
 f. NV5 New York – Engineers, Architects, Landscape Architects, and Surveyors
 g. Parsons Transportation Group of New York INC
 h. Sam Schwartz Engineering
 i. STV Inc.
 j. VHB Engineering, Surveying, Landscaping Architecture and Geology, PC
 k. WSP USA Inc.</p> | <p>\$25,000,000
 (aggregate)</p> | <p><u>Staff Summary Attached</u></p> |
|---|---|---|

Board approval is sought to award eleven competitively negotiated, personal service contracts for the Transportation Planning and Conceptual Design Retainer Contract Panel on an as-needed basis.

G. Miscellaneous Service Contracts

(Staff Summaries required for all items greater than \$1M: Sole Source; Other Non-Competitive; RFP.)

- | | | |
|--|--|---|
| <p>2. Various
 Implementation of Contact Center Transformation
 Contract No. 90000000003715
 Competitively negotiated – 10 proposals – 60 months plus options of 3 years and 2 years</p> <p>a. Guidehouse LLP
 b. DiRad Technologies</p> | <p>\$8,694,613
 (not-to-exceed)</p> | <p><u>Staff Summary Attached</u></p> |
|--|--|---|

Board approval is sought to award two competitively negotiated miscellaneous services contracts to Guidehouse and DiRAD Technologies to facilitate transforming three technologically obsolete and un-optimized customer call centers into a transformed, all-agency, customer-led, operationally efficient, multi-channel MTA Customer Contact Center.

- | | | |
|--|---|---|
| <p>3. Slalom LLC
 Customer Relationship Management Solution
 Contract No. 90000000003770
 Competitively negotiated – 8 proposals – 36 months plus 2 one-year options</p> | <p>\$12,650,000
 (not-to-exceed)</p> | <p><u>Staff Summary Attached</u></p> |
|--|---|---|

Board approval is sought to award a competitively negotiated miscellaneous services contract to Slalom LLC to provide a scalable cloud-based Customer Relationship Management (CRM) solution that includes an integrated Knowledge Management system

Staff Summary

Schedule F: Personal Service Contracts

Item Number: 1					
Dept & Dept Head Name: MTA Construction & Development / Fredericka Cuenca					
Division & Division Head Name: Regional Planning / Michael Shiffer					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	3/17/21	X		
2	Board	3/17/21	X		
Internal Approvals					
Order	Approval	Order	Approval		
1	HQ Procurement	4	Legal		
2	MTA C&D	5	CFO		
3	DDCR				

SUMMARY INFORMATION	
Vendor Name: Various	Contract Number: 15553-0100 thru 1100
Description: Transportation Planning and Conceptual Design Retainer	
Total Amount: \$25,000,000	
Contract Term (including Options, if any): April 1, 2021 to March 31, 2026	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

PURPOSE/RECOMMENDATION

Board approval is sought to award 11 competitively negotiated, personal services contracts for the Transportation Planning and Conceptual Design Retainer Contract Panel on an as-needed basis for a period of 60 months from April 1, 2021 to March 31, 2026 for MTA and its agencies. The aggregate budget allocated to planning studies in this contract is a not-to-exceed amount of \$25,000,000. The proposed firms are:

- | | |
|---|---|
| 1. AECOM USA Inc | 7. Parsons Transportation Group of New York INC |
| 2. Arup and Partners P.C. | 8. Sam Schwartz Engineering |
| 3. Gannett Fleming Engineers and Architects, P.C. | 9. STV INC |
| 4. HDR Inc | 10. VHB Engineering, Surveying, Landscaping
Architecture and Geology, P.C. |
| 5. HNTB New York Engineering and Architecture, P.C. | 11. WSP USA Inc |
| 6. NV5 New York - Engineers, Architects, Landscape
Architects, and Surveyors | |

DISCUSSION

The MTA and its operating agencies require the services of transportation planning firms to conduct research projects on an as-needed basis to support capital investments and improvements, identify priorities and strategies for strategic business development, and policy making decisions; the current all-agency contracts expire on May 31, 2021. These retainer contracts include firms that will be able to use advanced statistical methods related specifically to demand modeling for service planning, cost/benefit analyses for capital investments and budget priority setting, sample design for large origin and destination surveys, demand estimation and forecast studies, feasibility and fare policy studies, and long-term service planning and strategic business initiatives.

Examples of projects planned in the next five years include: update and recalibration of MTA's Modeling Tool, subway capacity studies, bus network redesigns, origin and destination surveys of transit and commuter railroads required by Federal Transportation Authority regulations, conceptual service planning and design, cost estimating, assessment of regional economic impacts, specific corridor studies to determine travel needs, environmental impact studies, regional analysis of future transportation needs and services, new technologies such as traffic simulations for toll crossings and new payments systems, and targeted service studies for specific railroads and subway lines. These contracts are critical to the Regional Planning unit and others at the MTA because it allows for quick engagement in case of emergencies and unexpected recent events, such as COVID Recovery Support and Essential Connector services when alternative transportation options were made available when the subways were closed overnight for cleaning.

In order to award successor contracts, a Request for Proposals (RFP) was publicly advertised and letters advising potential proposers of the RFP's availability were sent to 74, firms 17 of which were Disadvantaged Business Entities (DBEs); 12 proposals were received. The proposals were evaluated in such areas as transportation planning, research design and analysis, project management, data collection, report writing skills, unique analytical methodologies and modeling techniques and cost. While cost was an evaluation criterion, the recommendation of awards for this panel and individual work assignments is determined by technical qualifications that are consistent with the Brooks Method that is required for federal procurements.

The Selection Committee (SC) consisted of a cross functional team of members with planning experience from MTA C&D (Regional Planning) group), New York City Transit (Operations Planning and Strategic Planning), Long Island Rail Road (Strategic Investments) and Metro-North Railroad (Capital Planning). The SC evaluated all the proposals and determined that the 11 firms listed above are the most technically qualified and best suited firms to perform the services identified in the RFP. The firms recommended for awards demonstrated capabilities and core competencies including, but not limited to, research design and analysis, project management, data collection, report writing, and analytics and modeling in the transportation planning arena. Unless there are extenuating or urgent circumstances, all work assignments will be competitively awarded by a mini-RFP process among the firms.

The firms' proposed Best and Final Offer (BAFO) hourly rates ranged from \$60 to \$120 for junior titles, \$80 to \$148 for intermediate titles, \$77 to \$284 for senior titles, and \$60 to \$477 for advanced titles. The wide range in the rates for the senior and advanced experience levels is attributed to the skill sets required for job titles within the respective experience level. For experience levels Advanced through Junior, rates were negotiated resulting in reductions up to 51%. Rates were negotiated by comparing proposers' rates with other market pricing received in connection with this RFP, as well as previous MTA and state contracts for like services. The negotiated rates will remain firm for a five-year period. The negotiated rates are generally comparable to the rates under current MTA contracts for similar services which have been in effect for the past five (5) years. Based on the above, the negotiated hourly rates are considered fair and reasonable.

MTA has conducted a responsibility review and other due diligence on all firms and all eleven firms have been deemed responsible for award. AECOM was found to be responsible notwithstanding significant adverse information (SAI), and such responsibility finding was approved by the MTA Chairman and CEO in consultation with the MTA General Counsel in January 2021. WSP USA was found to be responsible notwithstanding SAI related to its affiliate Louis Berger, and such responsibility finding was approved by the MTA Chairman and CEO in consultation with the MTA General Counsel in November 2015. No new SAI or adverse information has been found thereafter.

III. DBE INFORMATION

The MTA Department of Diversity and Civil Rights (DDCR) has established a 20% DBE goal on this contract. All eleven firms have submitted DBE utilization plans which have been approved by DDCR. Gannet Fleming Engineering and Architects, HDR, HNTB, Parsons Transportation Group, STV and WSP have achieved their MWDBE goals on previous closed MTA contracts. AECOM USA, ARUP and Partners have not achieved its MWDBE goals however has demonstrated good faith effort towards meeting these goals. NV5, Sam Schwartz, VHB have not completed any MTA contracts with goals; therefore no assessment of the firm's performance can be determined at this time.

IV. IMPACT ON FUNDING

The total cost for work assigned under this contract will not exceed \$25,000,000. Actual expenditures are dependent upon the approval of projects in development by MTA and its agencies. Services may be funded by eligible sources such as Capital, Operating and Federal. Any expenditures incurred will be apportioned to the operating agencies in accordance with the cost of projects actually implemented by an agency.

V. ALTERNATIVES

1. Perform services in-house – This alternative is not practical since the MTA does not have the specialized expertise in the existing workforce for the types of projects contemplated under this contract. The hiring of full and part time employees, factoring the associated overhead costs involved, would not be cost effective. The services to be performed under these contracts would be managed best by independent outside firms capable of providing the necessary recommendations and advice, which would be unbiased and supported by market expertise.
2. Do not approve award – This would severely curtail MTA's ability to implement a comprehensive research program to support capital investments and improve customer service. Also, some of the studies to be performed under these contracts are mandated by the federal government. Therefore, this alternative is not recommended.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Item Number: **2**

Vendor Name (& Location): Guidehouse Inc. and DiRAD Technologies
Description: Implementation of Contact Center Transformation (Contact Center as a Service "CCaaS")
Contract Term (including Options, if any): 5 Year Contract with Options of Three Years and Two Years (5/1/21 - 4/30/31)
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

Contract Number: 900000000003715	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$8,694,613
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: MTAHQ Communications, Abbey Collins	
Contract Manager: Danny Yong, MTA Procurement	

Board approval is sought to award two competitively negotiated miscellaneous services contracts: one to Guidehouse Inc. and the other to DiRAD Technologies, in the not-to-exceed amount of \$8,694,613, to facilitate transforming three technologically obsolete and unoptimized customer call centers into one modernized, operationally efficient, multi-channel MTA Customer Contact Center. Guidehouse will design and re-organize MTA's three siloed agency non-integrated customer-facing call centers (NYCT, LIRR and MNR), and implement a new cloud-based services technology model across the three customer-facing contact centers, as well as the three employee-facing contact centers (Business Service Center (BSC), IT Service Desk (ITSD) and Enterprise Asset Management (EAM)). DiRAD was initially brought in by Guidehouse as a subcontractor but MTA agreed to enter into a separate contract directly with DiRAD in order to realize \$1 million in savings. DiRAD will support implementation of Genesys' Contact Center as a Service (CCaaS) and provide annual license subscriptions, training, and recurring maintenance and technical support for up to ten (10) years; DiRAD has been successfully supporting MTA BSC Call Center since July 2014. CCaaS is standard in the customer service industry and allows large organizations to be nimble, resilient, and recover quickly when unexpected events arise. This is particularly critical in today's environment.

Project services are to stand up a consolidated customer-facing contact center organization with uniform processes and key performance indicators and deploy CCaaS as a single enterprise platform, including software maintenance and support. Concurrent with this action, Board approval is also being sought for a separate action this month for the implementation of the MTA's Customer Relationship Management Solution.

Contact Center modernization was identified as a key transformation initiative. As a large part of the MTA workforce began working remotely during the COVID-19 pandemic, it became more apparent that the need to modernize contact center technologies could not be deferred any longer. Contact Center consolidation will unify operations of three decentralized customer-facing contact centers, simplify workstreams, reduce redundancies and standardize processes. Consolidation in this context pertains to standard practices, protocols, and performance standards across the contact center. There are no plans to physically relocate independent call center operations, infrastructure, or buildings at this time due to costs being prohibitive. Implementation of CCaaS will modernize and replace outdated, redundant and siloed Contact Center infrastructures and technologies that are costly to maintain and support. In fact, some of the technologies are so outdated that maintenance can no longer be provided or very costly, putting the MTA at significant risk. CCaaS architecture includes Automated Call Distributor, Integrated Voice Response, Work Force Management, and analytics, and will integrate with Customer Relationship Management and other MTA applications such as OMNY and Open Trip Planner. Use of conversational Artificial Intelligence tools, that have the potential to divert calls to automated self-service responses and significantly improve customer experience and cost efficiency will also be employed.

Pre-COVID approximate annual call volumes for LIRR and MNR each was 500,000 and for NYCT was:1,000,000. The approximate annual call volume for BSC was 283,000, for ITSD:180,000 and EAM: 15,000. Customer-facing contact centers operating hours are Sun-Mon from 6am-10pm and except for ITSD operating 24x7, BSC and EAM operates during Mon-Fri, business hours. There are 30 agents and 10 supervisors each for LIRR and MNR and 50 agents and 10 supervisors for NYCT. BSC has 35 agents and 10 supervisors, ITSD has 40 agents and 6 supervisors and EAM has 12 agents and 3 supervisors.

Pursuant to Executive Order 202.1, a Request for Proposal (RFP) was released on October 7, 2020 through notices of the RFP's availability sent to 30 pre-qualified proposers. Ten proposals were received: AT&T, Blackbox Network Services, Compulink, ConvergeOne, Genesys, IBM, Guidehouse, NICE inContact, Presidio Networks, and Verizon.

A Selection Committee (SC), comprised of representatives from NYCT, LIRR, MNR, MTAHQ, IT and Transformation Office, was tasked with evaluating the proposals. Its evaluation was based on a set of selection criteria established in the RFP that included contact center organization design and CCaaS capabilities, vendor expertise and experience, past performance, project timeline and costs. Oral interviews were held with three (3) of the 10 proposers. Of the 10 proposals received, the Selection Committee deemed Guidehouse, NICE inContact and Verizon as the most technically capable with implementation approaches consistent with MTA's expectations. Based on the CCaaS proposals, demonstrations, responses to subsequent questions posed by the SC, and Best and Final Offers, the Selection Committee determined that Guidehouse was the most technically qualified firm based on it receiving the highest scores.

MTA conducted responsibility reviews of Guidehouse and DiRAD pursuant to the All-Agency Responsibility Guidelines and both firms were found to be responsible.

Guidehouse's proposal was the lowest price of the three (3) finalists. Guidehouse's original cost estimate was \$11,761,870. Negotiations yielded a Best and Final Offer (BAFO) of \$8,694,613, for a savings of \$3,067,257 or 26%, a million of which was attributed to the MTA entering into a separate contract directly with DiRAD. The BAFO is comprised of the following award values: Guidehouse's final contract price is \$1,483,511 and DiRAD's final contract price is \$7,211,102. The internal cost estimate for contact center transformation implementation was \$13,820,000 for 10 years. Therefore, the BAFO of \$8.7M represents a 37% (\$5.1M) savings from the internal cost estimate. Guidehouse's price is also 22% less than that of the highest finalist. Hourly labor rates will be fixed through the contract term and were discounted by 15% from list price ranging from about \$107 for an analyst to \$425 for an advanced custom developer and are consistent with other Guidehouse contracts deemed fair and reasonable for similar services. Based on the foregoing, the BAFO of \$8.7M is deemed to be fair and reasonable.

The MTA's Department of Diversity and Civil Rights established 15% MBE, 15% WBE and 6% SDVOB goals for this contract. Guidehouse has submitted a utilization plan to meet the required goals. Guidehouse has not achieved its MWDBE goals; however, it has demonstrated good faith effort towards meeting these goals. DiRAD is a New York State certified WBE firm. DiRAD has not completed any MTA contracts with goals; therefore no assessment of the firm's performance can be determined at this time.

Funding will be allocated by each MTA Agency using Operating funds.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Item Number: 3

Vendor Name (& Location): Slalom LLC	Contract Number: 900000000003770	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description: Customer Relationship Management Solution (CRM)	Total Amount: \$12,650,000	
Contract Term (including Options, if any): 3 Year Contract with Two 1 Year Options (5/1/21 - 4/30/26)	Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Requesting Dept/Div & Dept/Div Head Name: MTAHQ Communications, Abbey Collins	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Contract Manager: Nasir Ashfaq, MTA Procurement	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		

DISCUSSION:

Board approval is sought to award a competitively negotiated miscellaneous services contract to Slalom LLC to provide a scalable cloud-based Customer Relationship Management (CRM) solution that includes an integrated Knowledge Management system. A state-of-the-art CRM platform will streamline processes and workflows throughout MTA Agencies required for managing a wide range of subjects and customer issues contained in communications received from various channels between customers and the MTA. This new CRM will also automate current manual processes and provide MTA customers additional self-service options and opportunities to sunset redundant and overlapping applications that will no longer be needed. The current CRM technology the MTA has been using has not been upgraded since 2002 and is no longer viable.

A new CRM solution is a critical component in modernizing the Customer Contact Center, as it will be integrated into the Contact Center as a Service (CCaaS) project, scheduled to begin in the first quarter of 2021. Concurrent with this action, Board approval is also being sought for a separate action this month for the implementation of the MTA's Contact Center Transformation.

The CRM is a technology tool that enables MTA customers to route, categorize and measure feedback by telephone, email, social media, live chat, so that actionable issues can be efficiently handled, processed and managed for resolution and response. At the same time, customers will be able to use self-help tools for common questions, allowing customer service agents to address more complex issues and concerns. The software package includes measurement and reporting tools, critical for improving service operations and guiding future growth strategies. Collectively, these investments in technology will not only achieve efficiencies in business processes for the MTA but will modernize the customer experience as well.

Slalom will deliver a comprehensive cloud-based CRM solution that includes an integrated Knowledge Management ("KM") component, for NYCT, LIRR, and MNR customers. The contract provides for Slalom to assess MTA's current CRM environment, provide a comprehensive plan to modernize our customer-facing operations, develop and implement a new cloud-based CRM solution for NYCT, LIRR and MNR, and to provide annual license subscription, training and technical support for a 5 year term. The total cost for all project services to implement the CRM including software licenses and support is the not-to-exceed amount of \$12,650,000.

This procurement will allow the MTA to save annual costs associated with social relationship management and email marketing by sunsetting various contracts and eliminating ad hoc costs associated with subscriptions, licensing and maintenance. In addition, CRM contains multiple modules with the capability to give MTA's communications teams more flexibility to promptly expand information distribution plans when crises arise without purchasing additional ad hoc subscription arrangements in the future.

Pursuant to Executive Order 202, a Request for Proposal (RFP) was released on December 18, 2020 through notices of the RFP's availability sent to 26 pre-qualified firms. Eight proposals were received (CradleSystems, Guidehouse, IBM, MTX, Oracle, Postlight, Robots & Pencils, and Slalom).

A Selection Committee, comprised of representatives from NYCT, LIRR, MNR, MTA IT and Transformation Office, was convened to evaluate the proposals. Its evaluation was based on a set of selection criteria established in the RFP that included CRM Solution design and capabilities, vendor expertise and experience, past performance, project timeline and cost. Oral interviews were held with five of the eight proposers. Of the eight proposals received, the Selection Committee deemed Guidehouse LLP's and Slalom's proposals as the most technically qualified with an implementation approach consistent with MTA's expectations. Based on their CRM Solution proposals, demonstrations, responses and Best and Final Offers, the Selection Committee determined that Slalom was the most technically qualified.

MTA has conducted a responsibility review of Slalom pursuant to the All Agency Responsibility Guidelines; no significant adverse information was found and Slalom is deemed responsible for award.

Slalom's proposal was the lowest price of the two (2) finalists. Its original cost proposal for the core project was \$13,540,543. Negotiations yielded a Best and Final Offer (BAFO) of \$12,650,000, for a savings of \$ 890,543 or 6.5%. Internal cost estimate for CRM Solution is \$14,000,000 for 5 years. Therefore, Slalom's price of \$12,650,000 is 9.6% or \$1,350,000 below the MTA's internal cost estimate. Slalom's price is also 3% less than the other finalist. Hourly labor rates are fixed through the contract term and were discounted by an additional 20% from list price ranging from about \$185 for an analyst to \$340 for an engagement lead and are consistent with other contracts deemed fair and reasonable for similar professional services. Based on the foregoing, Slalom's BAFO is deemed fair and reasonable.

The MTA's Department of Diversity and Civil Rights established 15% MBE, 15% WBE and 6% SDVOB goals for this contract. Slalom has submitted a utilization plan to exceed the 36% participation. Slalom has not completed any MTA contracts with goals; therefore, no assessment of the firm's performance can be determined at this time.

Funding will be allocated by each MTA Agency using Operating funds.

MARCH 2021
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

MTA NEW YORK CITY TRANSIT

Extension of the lease with 89th Jamaica Realty Company, LLC for the Jamaica Bus Terminal located on 89th Avenue between 165th Street and Merrick Boulevard., Queens, NY

METROPOLITAN TRANSPORTATION AUTHORITY

All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-2897
(Available on Director's Desk Exhibit Book & MTA.INFO)

License agreement with Rosen's Cafe for a food use in the lobby of 2 Broadway, New York, NY

Staff Summary

Subject LEASE EXTENSIONS FOR NYCT AND MTA BUS AT THE JAMAICA BUS TERMINAL
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name MICHAEL DANIELS

Date MARCH 17, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/17/21	X		
2	Board	3/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		

AGENCIES: MTA Bus Company and MTA New York City Transit ('NYCT')

LESSOR: 89th Jamaica Realty Company, LLC

LOCATION: Jamaica Bus Terminal located on 89th Avenue between 165th Street and Merrick Blvd., Queens, NY

SPACE: MTA Bus Company premises is approximately 32,000 SF, and the NYCT premises is approximately 11,000 SF

ACTIVITY: Operation of a bus terminal

ACTION REQUESTED: Authorization to enter into agreements to extend existing the leases for MTA Bus Company and NYCT

TERM: Lease extensions through 9/30/2022

RENT: NYCT: \$22,000 per annum (\$1.99 rsf)
MTA Bus: \$245,900 per annum (\$7.65 rsf)

COMMENTS:

MTA Bus Company's current lease was approved by the MTA Board on July 20, 2015 and will expire on September 30, 2021. NYCT's current lease has been in effect since 1991 and will expire on March 30, 2021. NYCT and MTA Bus Company have each requested extending these leases until September 30, 2022. Both lease extensions will permit NYCT and MTA Bus the continued use of the location to board and discharge passengers along with allowing for temporary layover of buses at the Jamaica Bus Terminal.

NYCT's rent is consistent with the final year of the current lease. MTA Bus' rent represents a 3% year-over-year increase from the final year of the current lease. MTA Real Estate's consultant, CBRE, performed a fair market rental value survey that indicated that the rent is within market range for comparable properties.

Based on the foregoing, MTA Real Estate requests authorization to enter into lease agreements on behalf of NYCT and MTA Bus on the terms and conditions described above.

Staff Summary

Subject PROPERTY DISPOSITION GUIDELINES
Department REAL ESTATE / CORPORATE COMPLIANCE
Department Head Name JOHN N. LIEBER / LAMOND KEARSE
Department Head Signature
Project Manager Name ANDREA TEDESCHE-GOMEZ/JULIE VASADY-KOVACS

Date MARCH 17, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/17/21	X		
2	Board	3/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief of Staff		
4	Chief Financial Officer		

Purpose:

To obtain MTA Board approval of (i) revised and updated MTA Real Estate Department’s Real Property Disposition Guidelines (the “2021 Real Property Disposition Guidelines”) and (ii) updated MTA’s All-Agency Guidelines for the Disposal of Personal Property (the “2021 Personal Property Disposition Guidelines”), and the appointment of the MTA staff persons designated as the Personal Property Disposition Contracting Officers listed on Attachment C, each promulgated in accordance with Section 2895-2897 of the Public Authorities Law.

Discussion:

Section 2896 of the Public Authorities Law, enacted in 2005, requires that public authorities annually review and approve “comprehensive guidelines” adopted by resolution that detail its “operative policy and instructions” regarding disposals of real and personal property, and designate a contracting officer responsible for complying with and enforcing the guidelines. Each year the statute requires each public authority’s governing board to review and approve its guidelines by March 31st and to file a copy of the Guidelines with the State Comptroller. The proposed 2021 Real Property Disposition Guidelines, prepared by the MTA Real Estate Department are annexed as Attachment A to this Staff Summary. The proposed 2021 Personal Property Disposition Guidelines, prepared by MTA Corporate Compliance in consultation with MTA Agency procurement departments, are annexed as Attachment B to this Staff Summary. A list of the MTA staff persons designated as the Personal Property Disposition Contracting Officers is annexed as Attachment C to this staff summary. The attachments are available for review by the MTA Board members in the Director’s Desk Exhibit Book and on MTA.INFO.

Real Property Disposition Guidelines:

In March 2020, the MTA Board approved the MTA Real Estate Department’s current real property disposition guidelines, which detailed MTA Real Estate’s policies and procedures for the disposal of real property.

The proposed 2021 Real Property Disposition Guidelines (see Attachment A) are substantially the same as those approved last year except for those minor changes as shown redlined in Attachment A.

Personal Property Disposition Guidelines:

In March 2020, the MTA Board approved the current All-Agency Guidelines for the Disposal of Personal Property to provide a consistent set of personal property disposal policies and practice, across the MTA agencies.

Staff Summary

FINANCE COMMITTEE MEETING PROPERTY DISPOSITION GUIDELINES (Cont'd.)

The proposed 2021 Personal Property Disposition Guidelines (see Attachment B) have a nonsubstantive title change; therefore, are substantially the same as the 2020 guidelines.

Recommendation:

It is recommended that the Board adopt the resolution attached to this Staff Summary approving the 2021 Real Property Guidelines and the 2021 Personal Property Guidelines, and designating the MTA and MTA agency staff members listed on Attachment C of the Real Property Disposition Guidelines as the Contracting Officers for the MTA and MTA Agencies as the officers responsible for disposition of real property.

RESOLUTION

WHEREAS, the Public Authorities Law in Section 2896 requires annual review and approval of guidelines detailing a public authority's operative policy and instructions regarding the disposition of property and designating a contracting officer responsible for complying with and enforcing such disposition guidelines;

WHEREAS, the Boards of the Metropolitan Transportation Authority and its subsidiaries and affiliates (collectively, the "MTA Agencies"), have reviewed and by this resolution wish to approve the MTA Real Estate Department's Real Property Disposition Guidelines (the "2021 Real Property Disposition Guidelines") and the MTA All-Agency Guidelines for the Disposal of Personal Property (the "2021 Personal Property Guidelines") referred to in the Staff Summary to which this Resolution is attached (the "Staff Summary") and to designate the MTA Chief Development Officer as the Real Property Disposition Contracting Officer, and to designate the MTA Agency staff persons listed in Attachment C to the Staff Summary as Personal Property Disposition Contracting Officers;

NOW THEREFORE, BE IT:

RESOLVED, that the 2021 Real Property Disposition Guidelines annexed to the Staff Summary as Attachment A are hereby approved; and

RESOLVED, that the 2021 Personal Property Guidelines annexed to the Staff Summary as Attachment B are hereby approved; and

RESOLVED, that the MTA Chief Development Officer is hereby designated as the Real Property Disposition Contracting Officer for the MTA; and

RESOLVED, that the persons listed on Attachment C to the Staff Summary are hereby designated as Personal Property Disposition Contracting Officers.

Dated: March 17, 2021

Staff Summary

Subject LICENSE AGREEMENT WITH ROSEN'S CAFÉ AT 2 BROADWAY, NEW YORK, NY
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name ANDREW GREENBERG

Date MARCH 17, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/17/21	X		
2	Board	3/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		

AGENCY: Metropolitan Transportation Authority ("MTA")
LICENSEE: Rosen's Café, LLC
LOCATION: The following areas of the building at 2 Broadway, New York, NY: (1) approximately 650 square feet of space in the rear lobby of the building near the Broad Street entrance, (2) approximately 85 square feet in the center of the lobby, and (3) approximately 573 square feet on the lower level of the building.
ACTIVITY: Licensee will use the premises for the sale and of food, snacks and beverages
ACTION REQUESTED: Authorization to enter into a license agreement
TERM: Five (5) years
SPACE: Approximately 1,371 square feet of retail space
COMPENSATION:

- (i) Minimum annual guaranteed rent of \$24,000 for the first license year, with annual increase of 3% through the fifth license year, plus
- (ii) 10% of gross sales over a \$300,000 annual breakpoint.

COMMENTS:

In response to a recent MTA request for proposals ("RFP") dated December 17, 2020, seeking a first-class take-out, hot/cold retail food operation for rear lobby retail, center lobby kiosk space and storage space on the lower level at 2 Broadway, one proposal was received from Rosen's Café, LLC, the incumbent. Rosen's is a tenant in good standing and currently serves as an important amenity to MTA employees at 2 Broadway with price controls in their license agreement benefiting building employees. They have been in business since 1994 and currently operate over 15 food establishments in locations that include Penn Station and the Port Authority Bus Terminal.

The proposed base rent and percentage rent is consistent with our independent broker's opinion of value. In addition to a three-month security deposit, Rosen's will also provide a guaranty of its obligations under this license agreement.

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with Rosen's Café LLC on the above described terms and conditions.

Staff Summary

Subject All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services
Department MTA Office of the General Counsel
Department Head Name Thomas J. Quigley
Department Head Signature
Project Manager Name Thomas J. Quigley

Date March 17, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	03/17/21			
	Board	03/17/21			

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Compliance Officer		
2	Legal		

Purpose:

To obtain Board approval of the MTA’s All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

Discussion:

Public Authorities Law Section 2879 requires the MTA to annually review and approve its All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services. The All Agency General Contract Procurement Guidelines were last approved by the Board on July 22, 2020. The All Agency Guidelines for Procurement of Services were last approved by the Board on June 26, 2019.

There are no proposed substantive revisions to either guidelines.

Recommendation:

It is recommended that the MTA Board approve the annexed All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

Staff Summary

Subject Mission Statement, Measurements, and Performance Indicators Report
Department Chief Operating Officer
Department Head Name
Department Head Signature
Project Manager Name

Date March 17, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	3/17/21			
	Board	3/17/21			

Internal Approvals			
Order	Approval	Order	Approval
1	Dep Chief Operating Officer	ALCC	3/8/21
2	Legal (Approved by Email)		
3	Chief Compliance Officer		

Purpose:

To obtain Board approval of the MTA’s Mission Statement and to authorize submission of the annexed 2020 Mission Statement, Measurements, and Performance Indicators Report (the “Report”) to the Independent Authorities Budget Office (“ABO”).

Discussion:

Section 1269-f and Section 2824-a of the Public Authorities Law require MTA to annually reexamine its mission statement, reassess its stakeholders and selected performance measurement indicators, and to submit a report based on the performance indicator results from the previous year.

The MTA and its Board engage in oversight of agency operating performance throughout the year. The Board, through its transit, rail and bridge/tunnel operating committees, closely monitors agency operating performance. Each operating agency reports its most recent performance data in posted monthly reports and in committee books distributed in advance of public MTA operating committee meetings, which are conducted at least eleven times a year. At these public meetings, operating agency results are reviewed and discussed by Board members and agency senior staff. In addition, presentations focused on particular areas of performance are made by the agency staff to the Board operating committees periodically through the year, in accordance with the work plan schedule of each operating committee. The MTA website also contains a “Performance Dashboard” for each of the MTA operating agencies, updated monthly, summarizing the agencies’ leading performance measurements.

The Report compiles the MTA Mission Statement, Stakeholder Assessment and the performance measurements from 2020. The operating agencies have each submitted, within the Report, a summary that evaluates agency performance on the applicable indicators in the past year.

Recommendation:

It is recommended that the MTA Board approve the annexed Report and authorize submission of such Report as required by Section 1269-f and Section 2824-a of the Public Authorities Law to the ABO.

Staff Summary

Subject Public Authorities Law Required Policies
Department Corporate Compliance
Department Head Name Lamond W. Kearse
Department Head Signature
Project Manager Name Lamond W. Kearse

Date March 17, 2021
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref # N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	03/17/21	X		
2	Board	03/17/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Corporate Compliance		
2	Legal		

Purpose:

To obtain Board approval for revisions to certain existing policies of the MTA and its Agencies, in order to comply with Public Authorities Law Section 2824 (“PAL 2824”).

Discussion:

PAL 2824 requires formal Board adoption of certain policies. Corporate Compliance has provided an exhibit book that includes the relevant policies for your review. The policies in the exhibit book are new or revisions to existing policies which have been approved by their respective Agencies.

Recommendation:

It is recommended that the Board approve the policies contained in the exhibit book.