



Metropolitan Transportation Authority

June 2021

MTA Board Action Items



MTA Board Meeting

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

**Wednesday, 6/23/2021
10:00 AM - 5:00 PM ET**

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Committee & Regular Meeting Joint Minutes - May 26, 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

MNR Procurements Report (no items)

LIRR Procurements Report

LIRR Procurements - Page 29

i. Non-Competitive

LIRR Non-Competitive - Page 33

ii. Competitive (no items)

iii. Ratifications (no items)

MTA C&D Procurements Report (no items)

4. COMMITTEE ON NYCT & BUS

NYCT Procurements Report (no items)

C&D Procurements

C&D Procurement Package - Page 36

5. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

B&T Procurements Report (no items)

6. COMMITTEE ON FINANCE

Action Items

i. OCIP Program 2024 Capital Plan Awards Over the Next Year

OCIP Program Covering 2020-2024 Capital Plan Awards Over the Next Year - Page 48

ii. 2021 State PWEF Assessment

2021 State PWEF Assessment - Page 50

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 51

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 54

iii. Ratifications (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 59

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

8. EXECUTIVE SESSION

**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

Wednesday, May 26, 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. 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 Samuelsen

The following Board Member was absent:

Hon. Robert F. Mujica

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, Acting Chief Joseph McGrann, MTAPD, 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, David Keller, Senior Deputy Director, Financial Management and Budget, Kuvershen Ayer, Chief Procurement Officer, David Florio, Director, R.E. Operations, Leasing & Acquisitions, Michele Woods, Auditor General, Michael Garner, Chief Diversity Officer, Josiane Codio, Director, Treasury, Valerie Bannen, Chief Investment Officer, Margaret Connor, Senior Director, Human Resources and Retirement Programs, Noemi Lopez, Deputy Comptroller, HQ/Benefit Plans Accounting, Abbey Collins, Chief Communications Officer, Phyllis Rachmuth, Director, Risk & Insurance Management, 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, Audit Committee, Diversity Committee and the Capital Program Oversight Committee.

Chairman Foye stated that today is also the annual meeting of the First Mutual Transportation Assurance Company (FMTAC), the captive insurer of the MTA.

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.

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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 their name and indicate their vote.

Chairman Foye stated that speakers for the public comment period were able to register on Monday, May 24, 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 there are 16 registered public speakers. 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 public speakers to adhere to the MTA's rules of conduct and decorum. Public speakers were also reminded of the two-minute speaking limit and that speakers will be alerted when 30 seconds remain to conclude their remarks.

The following 12 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 the public speakers' statements, and to MTA.info for comments made by other public speakers.

Bradley Brashears, PCAC
John Michno, Passengers United
Rena Reynolds, Tri-State Transportation Campaign
Rachael Fauss, Reinvent Albany
Andy Pollack, Passengers United
Charlton D' Souza, President, Passengers United
Aleta Dupree, private citizen
Mary Parisen Lavelle, CURES
CN, private citizen
H.P. Schroer, UMEWE
Yuki Endo, private citizen
Joseph Rappaport, Executive Director, BCID

3. CHAIRMAN FOYE'S REMARKS.

Chairman Foye thanked everyone for joining this month's virtual meeting of the MTA Board. The Chairman stated that, as we have had to do far too often over the last year, today's meeting will begin with acknowledging members of the MTA family who have passed since the last meeting.

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

- Leighton Watson
- Leon Flowers
- Felicia Wright

Craig Cipriano, Acting President, MTA Bus/Senior Vice President, NYCT Department of Buses, read the names of the following NYCT Buses / MTA Bus employees:

- Yvan Nelson

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

- Thomas Avelin
- Allen Forbes

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 stated that it is important that the MTA continue to honor those lost over the last year, as we continue to mourn their passing. The Chairman stated that this is a solemn reminder that even as the region and the country continue to recover and begin to approach normalcy, the pandemic is still with us, and we will not forget the service and sacrifice of our colleagues.

Chairman Foye stated that in addition to remembering our colleagues lost to COVID-19, the MTA also commemorated this week NYC Transit Train Operator Garrett Goble, who was murdered in a senseless arson attack on his train almost 14 months ago after escorting his passengers to safety.

The MTA honored Mr. Goble's memory earlier this week at a moving ceremony at his home station at Flatbush Avenue-Brooklyn College, where his mother Vicki, wife Delilah, and their two sons unveiled a portrait of Mr. Goble, alongside MTA colleagues and fellow members of the TWU, led by Tony Utano, TWU President. The Chairman encourage all to visit the Flatbush Avenue-Brooklyn College Station to take a look at the stunning memorial and pay respects to Mr. Goble. Chairman Foye thanks Interim President Sarah Feinberg and her team for supporting the Goble family over the last year and for this beautiful tribute.

Chairman Foye stated that the MTA has come such a long way since the pandemic began in March 2020, and there is no better indicator of the region's continued recovery than the return to 24/7 subway service. The Chairman stated that the MTA is thrilled to once again welcome back overnight all New Yorkers to the system in the late-night hours, and he stated that, so far, the reopening has been absolutely seamless. Chairman Foye thanked Interim President Sarah Feinberg and Demetrius Crichlow, Executive Vice President and Chief Operating Officer, Subways, for their leadership of the subways team, and he thanked all MTA Agency Presidents for all they do to make sure all of the MTA's service is safe and reliable.

Chairman Foye stated that New York City is the city that never sleeps, and it needs a strong transit system to match if the region is going to really recover economically from this crisis. The Chairman stated that a week ago Monday, leaders of the New York Stock Exchange invited several of the MTA dedicated essential workers and members of the senior leadership team to ring the opening bell in celebration of the return to 24/7 service. It was an honor to mark this important milestone at the stock exchange. Chairman Foye stated that it not only reflects the MTA's importance to the regional economy, but also rightly recognizes all that the MTA heroic frontline workers have been doing to pull New York through this crisis.

Chairman Foye stated that critical work continues at this important moment, a week after Governor Cuomo gave the State the green light to reopen in earnest. People are heading back into offices and back to restaurants, bars, entertainment, and everything else that makes this city so great. The Chairman stated that, however, we cannot reopen strong unless customers return to the MTA, which is why the MTA has launched an exciting new "Take the Train" and "Take the Bus" campaign, led creatively by Abbey Collins, Chief Communications Officer and Sarah Meyer, Senior Vice President & Chief Customer Officer. The Chairman displayed the "Take the Train" shirt and stated that the shirt is also available in "Take the Bus" versions and "Welcome Back New York", and is available online at the New York Transit Museum store.

Chairman Foye stated that the MTA is making a major advertising push, with digital messaging all over the stations and ads on buses and billboards, with the aim of informing New Yorkers that they will be returning to a more reliable, cleaner system than the one many last used before the pandemic. Chairman Foye stated that public transportation is still the best way to get around town, he noted that the MTA is also selling limited-edition merchandise like the T-shirt, and there is more to come on the radio and in the digital sphere as well.

Chairman Foye stated that the organization is incredibly proud of the ridership gains it is already starting to see at all the agencies. While ridership and revenue still have a long way to go before it reaches pre-pandemic levels, important new ridership milestones are being achieved every few days. Chairman Foye stated that last Friday the MTA reached a post pandemic high of more than 2.3 million trips on the subways, while buses continue to serve more than 1.2 million customers daily. The Long Island Rail Road also carried a pandemic-record 106 thousand people last week, with Metro-North ridership hovering around 80 thousand. Chairman Foye stated that this is great news, and he is confident that these encouraging numbers will only keep growing in the weeks, months, and years ahead.

Chairman Foye stated that a significant and important part of the puzzle for a robust opening is safety. To keep the momentum going the MTA needs to make sure that customers are

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returning to a safe system—one that is safe from both COVID-19 and from crime and harassment. The Chairman stated that customers need to feel safe too, which has always been the MTA’s highest priority.

Chairman Foye stated that earlier this month, the MTA took its COVID-19 response to the next level by launching a public vaccination pilot program, as the Governor and public health experts have said, when the number of vaccinations goes up, cases and hospitalization rates go down. To date, more than 11,000 people—customers, average New Yorkers and employees, have taken advantage of the MTA’s convenient sites across the system. The MTA made it a point to meet riders where they are—just as it did with its vaccine program for employees—to make getting the vaccine easier than ever. Chairman Foye stated that the MTA has sweetened the deal with free transportation passes, and he commended all the stellar MTA employees and the State who helped make this pilot such a massive success

Chairman Foye noted that the MTA is continuing its employee vaccination program and more than 31,000 heroic employees have received at least their first dose—including those vaccinated at drug stores, doctors’ offices and other venues. Chairman Foye stated that the MTA would like to see these numbers rise even higher, and he strongly urges everyone to get the vaccine when they can.

Chairman Foye stated that today the MTA is launching a mobile vaccination van program that will go to operating work sites to make vaccination even easier for employees. The mobile vaccination van will start today at the Jackie Gleason Bus Depot – 138th Street Yard.

Chairman Foye stated that with respect to freedom from crime and harassment on the system, the system is safe overall. Crime is down significantly from five or even 10 or 15 years ago, but there have been some categories of crime that have risen dramatically despite low ridership during the pandemic. The Chairman stated that there have been too many disturbing incidents recently—including several disgusting attacks on employees—that will simply not be tolerated.

Chairman Foye stated that as Interim President Sarah Feinberg and he have been saying for months now, the system can and should be even safer, and to make this happen additional resources are needed from the City, and at a level that matches the need and clarity on resources already deployed to transit. Additionally, the Chairman stated that uniformed officers and social workers will address what 75% of the customers and 100% of the employees say is their biggest concern, which is to more effectively address the twin homeless and mental health crises that are playing out in the system every day.

City Hall has already announced it would be providing more uniformed officers in the system. Chairman Foye stated that, while the MTA thanks City Hall for its effort, the fact is the MTA needs the City to do more—it is not politics—it is reality for the customers and employees. The next few weeks and months are crucial to accelerating New York’s recovery from the pandemic and bringing people back to mass transit. The Chairman stated that the most recent survey of about 33,000 riders showed that 75% view crime and safety as their number one issue pertaining to the system. In addition, the most recent Emerson poll of New Yorkers reported that 79% of those surveyed reported that they were very or somewhat concerned about

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crime on the subways. Chairman Foye stated that the MTA needs the City to come to the table as real partners for the good of New York—and again, the MTA is appreciative of the additional resources that have been provided but in this critical time more is needed. Chairman Foye stated that, as he has said repeatedly, he is bullish on the recovery—City, State, Region, and MTA, and he knows that we can come out of this crisis stronger and better than ever if customers, including returning tourists, and the MTA employees feel safe in the city including on mass transit.

Chairman Foye stated that not only is mass transportation safe, reliable and efficient, but traveling on MTA rail and buses helps avoid 17 million metric tons of greenhouse gases annually. The Chairman stated that to increase that huge environmental benefit from taking mass transit, the MTA’s Capital Plan includes the largest electric bus order in U.S. history.

Chairman Foye stated that at Governor Cuomo’s urging the MTA has upgraded its pending electric bus order from 45 to 60—a 33% increase over what had been planned. The increase is four times the size of MTA’s last zero emission bus purchase—which shows that the MTA is serious about its promise to deliver an all-electric fleet by 2040. The Chairman stated that Craig Cipriano, Acting President, MTA Bus/Senior Vice President, NYCT Department of Buses and his team, and the MTA customers cannot wait to see the buses hit the road late next year. Chairman Foye stated that the impact of the new bus fleet will be far reaching—helping not only to further reduce emissions but also address social equity and climate change issues.

Chairman Foye recognized and thanked Patrick Warren, who he noted is a West Point graduate and U.S. Army veteran, Board Member Neal Zuckerman—a veteran, other veterans on the call and all veterans for their service to the country.

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.

- A. Safety and Security Report. Patrick Warren, MTA Chief Safety Officer, provided an update on COVID-19 and security.
- B. MTAPD Crime Report. Acting Chief Joseph McGrann, MTAPD, presented the crime report.
- C. NYPD Transit Bureau Report. Chief Kathleen O’Reilly presented the NYPD Transit crime report.

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, Acting Chief McGrann’s and Chief O’Reilly’s crime reports, and Board members’ comments and discussion.

Thomas J. Quigley, General Counsel, clarified the comment made by Board Member Schwartz, who inadvertently referred to an information briefing as Finance and NYCTA Committee meetings, which Mr. Quigley confirmed was incorrect. Mr. Quigley stated that the
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Joint Committee meetings are being held today, concurrently with the MTA regular Board meeting. Mr. Quigley also confirmed that Board Member Schwartz was referring to an information session held by staff, who provided updates to Board Members on various matters. Additionally, Mr. Quigley confirmed that no roll call was taken, no quorum was established, and no action or vote was taken at the information session.

5. CHIEF FINANCIAL OFFICER’S PRESENTATION.

Chief Financial Officer Robert Foran provided an update on MTA finances.

The details of Mr. Foran’s report are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records.

6. CHIEF DEVELOPMENT OFFICER’S PRESENTATION.

A. Report on MTA C&D Operations and Capital Program Oversight Committee (“CPOC”):

MTA Chief Development Officer (“CDO”) and C&D President Janno Lieber gave a presentation on Integrated Projects.

CDO Lieber reported this month's CPOC Book and Report is focused on what we call Integrated Projects, which are the large, complex and costly projects that have interdependent sub-elements. CDO Lieber noted that East Side Access (“ESA”) Project and the LIRR Mainline Expansion Project from Floral Park to Hicksville (“Third Track”) are the two biggest under construction right.

CDO Lieber further reported that C&D took a huge step forward on another large integrated project, Metro-North Penn Station Access (“PSA”). He referenced an event held on May 13th at Co-op City, where Governor Cuomo announced the project is getting started again. He noted that the project was on hold due to the pandemic, but C&D is now resuming the procurement of the design-build contract. The CDO further stated that this is a project that truly checks all the boxes --it provides a huge benefit to the regional economy because it will connect Metro-North customers to Penn Station via Amtrak's Hell Gate Line, and it cuts travel time between Westchester County, Connecticut and the Bronx to the Business District on the West Side of Manhattan as well as to parts in the north because reverse commute is a huge issue and a huge trend in our region.

CDO Lieber stated that a huge focus of President Biden’s administration along with the MTA’s is transportation equity, and C&D is providing that by building four new Metro-North Stations at Co-op City, Parkchester, Morris Park and Hunts Point in the Bronx as part of the PSA Project. CDO Lieber provided an example that the commuting time from Co-op City in the Bronx using an express bus to West Midtown Manhattan will go down from 75 minutes to 25 minutes using Metro North into Penn Station, and from Hunts Point to West Midtown utilizing the same service will take just 16 minutes instead of the current 45 minutes or more.

CDO Lieber also reported that PSA has environmental benefits. The estimate is that 3,000 daily car trips are going to be diverted due to this project, which is especially important in the Bronx where many of our disadvantaged neighborhoods and neighborhoods of color, suffer from huge asthma rates.

CDO Lieber further stated that PSA is economically efficient. C&D is rebuilding Amtrak's existing right of way ("ROW") for this Project and by doing so it is squeezing more mass transit out of infrastructure that already exists which means that in this case, C&D does not have to build a brand-new line from scratch. He noted that this is also an amazing project that checks all the boxes. CDO Lieber reported that C&D will be selecting a design builder for the project before the end of the year in order to complete the final design and construct the four new stations and to turn this existing two-track railroad into for most of the line, a four-track railroad. The CDO noted that this is a huge step forward in the restoration of our historic Capital Program.

CDO Lieber reported that ESA is the biggest transit project under way in North America, with a 350,000-square-foot facility with eight tracks. This is the first time anyone has built an eight-track rail station in the United States since (he believes) the 1950s. The civil work on the ESA terminal under Grand Central has been completed -- all of the track is in and most of the architectural finishes are pretty close to being completed as can be seen in the pictures in the Board presentation. CDO Lieber stated this is really looking like a train station and it's all been done without disrupting the economy in the center of midtown.

CDO Lieber further reported that we are in the systems testing phase and ESA continues to be an incredibly complicated project due to the way the work was originally procured with 50 separate contracts that continue to run into each other and it's no secret that we've had challenges with the performance of certain contractors. The CDO stated that he has confidence that the ESA team, led by Program Chief Executive Officer Rob Troup, is going to deliver the Project for the opening of revenue service in 2022. C&D has continued to recommit to and reaffirm that it is determined to make good on that date.

CDO Lieber reported that C&D is nearing the end of the civil work on the Third Track Project. Retaining walls and sound walls have been built; the ROW has been widened, all eight at-grade crossings on the Main Line have been eliminated, something promised by the State of New York twenty plus years ago, and C&D has been able to get them done in just two years, which dramatically increases safety for nearby communities, reduces noise and all the inconveniences of those grade crossings at locations where trains are passing at speeds of up to 80 miles an hour. CDO Lieber stated that it is really a benefit to have those grade crossings eliminated and all of this has been completed on schedule and on budget.

The CDO reported that the Third Track Team is now focused on installing the track and the systems while finishing up the stations. He further reported that C&D is engaged right now in a schedule recovery effort to see how the time that was sacrificed when the project was shut down while an investigation of the March safety incident took place can be recovered. The CDO stated that unlike other big projects, this project has a single design build contractor. CDO Lieber further stated that C&D has a solid project management

team along with the partnership of labor all of which makes him optimistic regarding the schedule recovery effort.

CDO Lieber acknowledged Anthony Simon, the leader of the Smart Transportation Union who represents a lot of the MTA's railroad workers who participate in supporting capital work. CDO Lieber reported that he and Mr. Simon recently took a walk with former MTA Chair Tom Prendergast, a career safety professional, where the parties discussed improving communication and collaboration on all fronts. The CDO stated this was a positive step and acknowledged the union leadership.

CDO Lieber reported that the Elmont Station Project, a new station in Elmont and related to Third Track, is moving quickly as this month marks the one-year anniversary of when the design-build contract was awarded. The CDO further reported that C&D fully expects to meet the schedule for the eastbound platform to be ready by the time the Islanders begin their hockey season this coming fall.

The CDO reported that C&D is continuing to move really aggressively to advance ADA projects, even as the capital program remains somewhat constrained by the realities of the status of congestion pricing and some of the other uncertainties. C&D awarded a contract for eight new ADA stations last December and construction at those stations have begun. He further reported that the contract came in under budget.

The CDO also reported that Request for Proposals ("RFP") for ADA work at the three subway stations associated with the 14th Street Station complex is currently in the solicitation phase. He noted that this project is federally funded from repurposed or redirected federal funds which is further evidence of our prioritization of accessibility.

The CDO further reported that RFPs have gone out for ADA work for six new stations as well as replacement of five existing elevators at two stations on the Flushing Line. He noted that later this year, C&D is issuing Request for Qualifications for at least two more stations. CDO Lieber stated that one of his priorities is to get the ADA work at 68th Street/Hunter College going as it has lagged for many years in discussion with the community -- not just the community, but with one or two apartment buildings. The CDO also stated that he also wants to get the Jay Street Metrotech project moving as well.

CDO Lieber reported C&D continues to advance installation of customer information and digital screens together with our partners at OUTFRONT Media. The CDO stated this has turned into a great tool for communicating the strong and very successful message about masking. The CDO noted this kind of communication capacity is going to be really important as we bring New Yorkers back to the system and back to work and, we appreciate our partnership with OUTFRONT which is going to continue to grow and strengthen.

Board Member Calise thanked CDO Lieber for the presentation and stated that it is great to see these projects and everything moving along. Board Member Calise further stated that although he is a Rangers fan, he knows we have some Islander fans on the line, he does want to see the new arena for the Islanders and his assumption is and he wants to make

sure that Elmont Station will be fully accessible. CDO Lieber responded that Elmont Station absolutely will be fully accessible.

Board Member Calise inquired if we have total of 17 stations that we're looking at for accessibility plus five elevators replacements. CDO Lieber responded that he hadn't added them up. He also stated that some of the ADA work is from prior Capital Programs, so it's not only the stations in the 2020-24 Capital Program, it's also stations from prior Capital Programs where the drawings were in a state where we could push them out the door and get the work done. The CDO further noted we're all mindful of the seventy-station goal. Board Member Calise responded that he was aware of that and thanked the CDO for the clarification.

Board Member Albert inquired whether there will be a shuttle bus provided so people leaving the new Arena at Belmont can get to Queens Village, Bellerose or some other nearby station since only the eastbound platform at Elmont Station is scheduled to be completed when the new Arena opens. CDO Lieber responded that there's a whole operations plan that he wasn't going to share at this time but Board Member Mihaltses is aware of the plan.

A copy of CDO Lieber's presentation is filed with the records of the Regular Board Meeting of the MTA of this date.

7. 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 April 21, 2021.

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

8. LIRR AND METRO-NORTH RAILROAD JOINT COMMITTEE.

A. LIRR President Phillip Eng's Report:

President Eng stated that he is sad to report the loss of two members of our LIRR family in May due to COVID: Thomas Avelin Sr., on May 6 and Allan Forbes on May 21. Tommy joined the LIRR in 1999. A veteran of the Stations Department, he served in many roles with increasing responsibility, most recently as Chief Customer Service Clerk at Penn Station. A proud member of the Transportation Communications Union, Tommy always took the time to mentor junior employees and to make our customers feel welcome. Tommy is survived by his wife Susan, and sons Thomas Jr., Christopher, and Joseph. Allan Forbes joined the LIRR in 2000. An Electrician in the Maintenance of Equipment Department, he was a proud member of the International Brotherhood of Electric Workers. Working in the Hillside Car Shop, Allan was an essential part of the M7 Fleet success, and directly contributed to the fleet's reliability to the benefit of our customers. Allan is survived by his wife Donna, and their children Serena and Tatiana. President Eng stated that Tommy and Allan will be sorely missed by their LIRR

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friends and co-workers. He asked that we please join him in keeping Tommy and Allan and their families in our thoughts and prayers.

Regarding ridership, President Eng stated that we're seeing it bounce back as more and more people return to the system. Without a doubt, New York State's aggressive vaccination effort is helping our state; our public is heeding the guidance as New York comes back stronger than ever. It is with great optimism as ridership is continuing to grow now that the vaccine has wide distribution and COVID rates continue to drop. President Eng reported that we've seen our daily weekday ridership grow with another record high yesterday, hitting 35% of pre-pandemic levels. Our weekend ridership has come back even stronger: our highest day this past Sunday marked a 59% return. This tells us that people know mass transit is safe and a great choice.

President Eng stated that not only is the railroad looking to support the Island with reliable mass transportation, he is extremely proud of all the efforts by LIRR and MTA employees, coordinated with the State, to offer "vaccine pop-up sites." At Penn, Hempstead, and Hicksville Stations, many LIRR riders and neighbors have spoken to him about their appreciation that we brought the vaccine to them. It has been a huge success. President Eng stated that he also had the pleasure of visiting New York City Transit's Sutphin/Archer site here in Jamaica. He was very pleased to see a big contingent of travelers just off the Air Train from JFK, getting the shot before they ventured out to enjoy New York.

President Eng stated that we truly hope that MTA customers and the public will continue to take advantage of these easy, quick, and free ways to get vaccinated. This noble deed goes a long way in helping keep everyone safe and restoring confidence and a sense of normalcy. We continue to make every effort and remind customers that masks remain mandatory at all times, on our trains, platforms and in our stations.

President Eng observed that all the heroic efforts by the workforce throughout the pandemic are paying dividends. Working closely with local elected officials and communities across Long Island, we are striving to ensure we are coordinated to best meet the needs of the Island and support the local economy as more and more businesses reopen.

President Eng stated that he was pleased to announce the great news that we've officially restored and kicked off our summer service, including the famed Cannonball to Montauk which will first run this Friday May 28, leaving from Penn Station. We are also happy to be providing train service for the Belmont Stakes on Saturday, June 5. President Eng expressed his thanks to all who have returned. To those considering it, know that we are committed to rebuilding our infrastructure to keep improving safety and reliability.

President Eng reported that on June 14, we'll be coming out with a timetable change and some service adjustments to support vital work. On the Long Beach Branch, we'll be continuing Hurricane Sandy Restoration work. On the Babylon Branch, we'll be performing State of Good Repair on the Interlocking and third rail near Babylon. On the weekend of June 12-13, we'll have a Main Line shutdown in support of the Main Line

Expansion Project at 12th Street, New Hyde Park to construct the pedestrian underpass. All this work continues to fulfill our commitment to providing reliable and safe service.

President Eng reported that in April, LIRR's On-Time Performance of 96.5% exceeded our goal of 94%. So far for the year, we're performing better than we did last year, which was our highest performance in modern day history. On-Time metrics to date are just about 96% for the year. President Eng stated that he's proud of our team constantly pushing, day in and day out, to provide better and better service for the public we serve. The railroad has never been safer, cleaner, and more reliable than it is today.

Regarding safety, President Eng acknowledged the heroic efforts that took place in response to the May 5th all-hands-on-deck fire that erupted at a waste facility in Westbury. We shut down the tracks to protect the safety of our riders, train crews, and firefighters. The Westbury Fire Department, every single fire department across Nassau County, and several from Suffolk, battled the blaze. Our own LIRR managers and workforce responded as well to ensure our timely and appropriate support. Because of everyone's efforts, there were no injuries and we were able to safely restore service the following day. President Eng expressed his heartfelt gratitude to all the volunteer firefighters across Long Island who put their lives on the line protecting others. We've also reconstituted training with these departments to enhance their safety response, given the unique hazards of working alongside a railroad.

As Asian American Pacific Islander ("AAPI") Month comes to a close, President Eng stated that he is proud to stand side by side with all his colleagues at MTA and fellow State agencies to acknowledge contributions by the AAPI community, to embrace our diversity and denounce hate. President Eng stated that he is grateful to be a participant in several AAPI events, including a state-wide event led by the Division of Human Rights. Last week, he stood with Metro-North Railroad President Catherine Rinaldi as we hosted a joint MNR/LIRR AAPI event that was widely attended. Tomorrow he is looking forward to joining the AAPI event hosted by Carolyn Porkorny and the MTA Office of the Inspector General.

President Eng observed that as we celebrate Memorial Day weekend, please remember to honor our heroic military who keep us safe and remember our veterans who have made the ultimate sacrifice for our nation.

In closing, President Eng stated that with great optimism toward the future, we're looking forward to more normalcy this summer and returning ridership as we're proud to serve the public and help everyone get safely and reliably around and avoid driving. Thank you to all the customers who continue to wear their masks on our system, and those who have made the healthy decision to get vaccinated to help keep everyone safe.

In response to a question from Board Member Albert regarding the track and tie replacement on the Port Washington Branch, President Eng stated that the work we've been doing with the existing block will be completed with this June timetable. He noted there is other work that we need to finish along the Port Washington Branch that will probably start in July, which we hope to conclude before Labor Day.

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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 Long Island Rail Road Committee items are contained in reports filed with the records of this meeting.

B. Joint Information Items:

- LIRR/MNR PTC Implementation Update

C. LIRR Information Items:

- June Timetable Change & Trackwork Programs
- Diversity & EEO Report – 1st Quarter 2021

D. Other LIRR Committee Items:

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

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

President Rinaldi reported that weekday ridership continues to show some encouraging signs of recovery. Last week, ridership was up 12.3% from a month ago, up 24.4% from the previous COVID high in the third week of October, and at 28.9% of pre-COVID ridership in the comparable month of May 2019, an increase of 1.5% from last week. This past Saturday's ridership hit a pandemic-era record when Metro-North carried 94,500 customers, or 62.7% of pre-COVID Saturday ridership. Sunday was also Metro-North's highest Sunday ridership this Spring, exceeding Mothers' Day two Sundays ago, with 61% of pre-COVID Sunday ridership in the comparable month of May 2019. President Rinaldi stated that she is pleased to see so many riders returning to Metro-North. It is not a coincidence that Metro-North's busiest day was a beautiful Saturday with great weather. Leisure and discretionary travel are among the strongest market segments right now because Metro-North is not just for commuters; it is for anyone looking for an affordable, easy, convenient way to get around the region.

Metro-North's ridership increase coincides with the recent launch of the MTA's #TakeTheTrain, #TakeTheBus campaign to encourage New Yorkers to return to our reliable and clean system. President Rinaldi stated that she was excited to help kick off Hudson Valley Restaurant Week earlier this month as Metro-North welcomes more and more customers back and reminds them that Metro-North is the best way to experience all

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the Hudson Valley has to offer. More than 100 restaurants across the Metro-North footprint participated in Restaurant Week and nearly half are located near Metro-North stations. The Hudson Valley is a true culinary and cultural destination worth the trip. The “New York Is Open” digital campaign features images of the region’s great open spaces that can be reached by Metro-North. Places like the Walkway Over the Hudson, the Appalachian Trail, or Westchester’s Riverwalk are all great attractions and reasons to #TaketheTrain.

President Rinaldi stated that it is going to take all of us to pull off New York’s greatest comeback yet, but she knows we can do it. Metro-North will be there to keep the region moving every step of the way.

President Rinaldi also reported that she joined Chairman Foye at Grand Central Terminal to launch the MTA’s public vaccination program. Given its central location in Midtown, Grand Central Terminal is perfectly positioned for this mission as the location has been at the forefront of the MTA’s safety initiatives – first with testing, then with vaccines for employees, and followed by vaccinations for all. President Rinaldi stated that Metro-North was also happy to support the State’s effort with the temporary vaccination site at Ossining station during the first week and saw customers take advantage of the free vaccine while passing through the station and also receiving two free, one-way tickets on Metro-North. President Rinaldi reported that she will be joining many of her colleagues for the MTA’s 11th Mask Force event on May 27, 2021. Staff and volunteers will be handing out free masks to customers at Croton Harmon, Mount Vernon East, and Stamford stations as well as Grand Central Terminal.

Included in the agenda this month is a joint Metro-North/Long Island Rail Road update on post-Positive Train Control (“PTC”) implementation and project close-out since full PTC functionality went into effect in December 2020 for both railroads. PTC is a new way of operating for Metro-North and all railroads. Metro-North is focused on maintaining and upgrading this safety enhancement system. President Rinaldi reported that PTC maintenance continues for both railroads as they monitor reliability and safety as well as implement system software updates to make operational improvements and correct variances. A software release is expected next month for deployment on the M8 fleet that will resolve priority variances and improve New Haven Line service. All trains continue to operate with full PTC functionality on the entire Metro-North territory except the Waterbury Branch in Connecticut, which is exempt from the federal PTC mandate due to the small number of trains. Nevertheless, the State of Connecticut has opted to have a new cab signal system installed on the Branch to improve overall safety. PTC will be implemented as an overlay to the new signal system on the Waterbury Branch by the end of this year.

While operating a reduced schedule, President Rinaldi reported that Metro-North continues to accelerate and undertake critical infrastructure improvements, while minimizing inconvenience to customers. For starters, work is taking place this summer on the Waterbury Branch, including railroad crossing improvements, the replacement of railroad ties and rail, and track resurfacing that will make travel safer and more reliable for riders. The work, a priority of the Connecticut Department of Transportation (“CDOT”), will

enable more reliable Waterbury Branch service when completed. To accommodate this work, bus service will be provided as an additional travel option for affected customers. Included in today's agenda is the quarterly update on Metro-North's track and infrastructure projects and state of good repair maintenance activities. Some highlights in the report are:

- Crews have replaced 3,500 railroad ties and installed 5 miles of new rail so far this year.
- Metro-North has used a rail grinding machine to restore the rail profile and ensure a smooth ride on 60 miles of track, while other crews have been busy resurfacing over 18 miles of track.
- Metro-North has replaced 14 track switches to improve service reliability and ensure operational flexibility.
- Metro-North remains focused on repairs to overhead vehicular bridges and undergrade bridges that carry trains.

These incredible efforts are due to the hard work of Metro-North's track and structures personnel. President Rinaldi thanked them for all their efforts in maintaining Metro-North's infrastructure.

President Rinaldi also reported that both railroads teamed up this month for a joint virtual celebration of Asian American Pacific Islander Heritage month by recognizing the many contributions of the collective Asian American Pacific Islander workforce. The forum featured Metro-North's Anish Gandhi, Executive Director for PTC and Michael Lee, Assistant Chief Security Officer, Technology and Projects, Security, along with colleagues from Long Island Rail Road. Metro-North also continued its Rail Stories feature, first begun during Black History Month by focusing on colleagues from such varied countries as Nepal, China, India, and Hong Kong. These Rail Stories familiarize the Metro-North workforce with the diversity within that we strive to foster and expand.

In closing, President Rinaldi recognized, along with Chairman Foye, MTA Police Chief McGrann, and Metro-North Chief Mechanical Officer Jim Heimbuecher, four Metro-North employees who saved a man's life. Almost a year ago, while the pandemic was in full swing, four Maintenance of Equipment employees rescued a man who suffered severe injuries to his hand while trying to cross nearby CSX tracks very late in the evening. The man had attempted to crawl under a CSX train that had stopped at Highbridge, when the train started up again. He stumbled over to an area close to Metro-North's Highbridge facility where the four employees could see he was holding his left arm and was seriously injured. They immediately took the man's T-shirt and tied it around his upper arm to stem the flow of blood from the wound, which extended from his hand to his elbow. While practicing safe COVID procedures, such as donning surgical gloves and keeping a safe distance, they used towels and a rubber tourniquet from the facility's Blood Born Pathogen Infection Control Kit to stem the flow of blood. They passed the supplies like a team in an emergency room might do. The four employees continued to give the man emergency

care, called the EMTs and made sure the man did not lose consciousness before help arrived. Their quick thinking and immediate action saved this man's life.

On behalf of herself, Chairman Foye, MTA Police Chief McGrann, and Metro-North Chief Mechanical Officer Jim Heimbuecher, President Rinaldi thanked the four employees, who were in attendance at the Board meeting, for their extraordinary heroism. The four employees are Erik Rivera, Rubin Soto, Fernando Casanova, and Nico Palazzolo. President Rinaldi asked Board members and staff to join her in recognizing their heroic act as she presented them with the MTA Police Civilian Commendation certificates.

Board Member Zuckerman expressed his appreciation for Metro-North's successful implementation of PTC. He asked when Metro-North anticipates returning to a more traditional schedule, which would include train service at a higher frequency and express trains. President Rinaldi responded that she is happy to see riders returning to the system. Metro-North has been working closely with headquarters to plan a phased ramp-up of the schedule to accommodate the anticipated increased demand through the summer and into the fall.

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. Joint Information Item:

- PTC Status Update

C. Metro-North Information Items:

- Track Program Quarterly Update
- Diversity & EEO Report – 1st Quarter 2021

D. Other Metro-North Committee Items:

- Minutes of the Joint Metro-North and Long Island Rail Road Committee Meeting held April 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

9. NEW YORK CITY TRANSIT AUTHORITY (“NYCTA”) COMMITTEE.

Thomas J. Quigley, General Counsel, informed the Board that a vote was scheduled for today's meeting relating to the award of new contracts for Paratransit Broker Services to four (4) contractors. Mr. Quigley advised the Board that one of the contractors

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currently providing these services was disqualified from bidding on the new contract, and recently the incumbent contractor filed a lawsuit challenging its disqualification. Mr. Quigley stated that this morning, while the Board meeting was in session, a New York State Court granted the incumbent's emergency application for a temporary restraining order, preserving the status quo and enjoining the MTA from entering into the new contracts while the Court considers the contractor's challenge, which is returnable before the court on June 14, 2021. Mr. Quigley stated that, accordingly, the proposed Paratransit Broker Services contract is being withdrawn for Board's consideration this month.

A. NYCTA Interim President Sarah Feinberg's Report:

Interim President Feinberg discussed two separate incidents that happened within moments of each other that morning that caused significant issues with service. She reported that at 8:13 a.m., an emotionally disturbed individual scaled the Manhattan Bridge threatening harm to himself. She said the third rail power was removed on all tracks, which caused reroutes and extensive delays to the N, Q, D and B train service. Feinberg said that the Emergency Services Unit and hostage negotiators removed the individual from the Bridge but there had already been significant issues as a result of the incident.

Interim President Feinberg also reported that at 8:09 am, an A train's automatic air brakes were activated. An investigation into the incident revealed a damaged third rail current collector and resulting damage to the third rail protection board in the Cranberry Tube, which caused delays and reroutes to the A, C and F trains. Feinberg noted that temporary repairs had already been made and permanent repairs would be made later that evening and noted that the incident remains under investigation. Feinberg also said that the re-routed D trains that would normally travel through the Cranberry Tube could not since the bridge and tunnel had no power, so delays were compounded and stretched throughout the B Division. Feinberg apologized for the very tough commute people had using the B division and said that it was clearing up and would hopefully be resolved that evening when permanent repairs could be made.

Interim President Feinberg informed the Board that Demetrius Crichlow, Acting Executive Vice President for Subways, was available to answer questions about these incidents via zoom, and then responded to a question concerning safety by assuring that everyone was safe from the incidents. Feinberg thanked the Subway team, Sarah Meyer, and everyone who moved the customers and worked with the Fire Department and Stations and Subways teams to make sure everyone was taken care of.

Interim President Feinberg reported that ridership was coming back with over 2 million weekday riders and reported that earlier in the week NYCT hit another post-pandemic high of 2.3 million riders. Feinberg thanked Sarah Meyer, Abbey Collins and their teams for their "take the train take the bus" campaigns which she said helped bring people back, and also mentioned a great event that occurred the week prior in Astoria with local restaurant owners and community members. She also observed that the restart of 24/7 service helped bring riders back. Feinberg said that questions remain as ridership comes back, and as vaccinations progress and the City comes back, for example, whether masks are still required on transit. Feinberg stated that masks are still required on transit and noted that

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based on information from surveys NYCT conducted and anecdotal evidence it seems people understand that. She said people continue to wear masks and thanked everyone for their continued compliance and cooperation. Interim President Feinberg also announced that there would be another mask force this week for anyone who was available and that she appreciates people volunteering. Feinberg also said that this mask force event was sponsored and there would be a new t-shirt and new “swag” for people who participate. Feinberg also spoke about the success of the vaccine pop-ups, reporting that more than eleven thousand people have taken up the vaccine offers, a huge testament to what a good idea it was.

Interim President Feinberg discussed issues relating to crime, safety and security. She thanked MTAPD Chief Joseph McGrann, MTA Chief Safety Officer Pat Warren, NYPD Chief of Transit, Kathleen O’Reilly and Commissioner Shea for how responsive they have been and for their partnership, noting that the numbers shared continue to be helpful. Feinberg discussed NYCT’s hiring of 100 private security guards at the height of the pandemic when so many police officers were out, which she reported has now doubled to 200. She said there was a story in the Wall Street Journal about this issue, and that other transit systems are contemplating doing the same thing including Atlanta, Philadelphia San Francisco. She said NYCT would certainly like to find more creative solutions. Feinberg also spoke about the issue of cameras in the system and reported that NYCT continues to make great progress thanks to NYCT’s security team, with somewhere between 8 and 15 camera sets being installed a day and in one to two stations most days, getting NYCT closer to the goal of having cameras in every station.

Interim President Feinberg discussed the honor she felt to be able to unveil the mural of our colleague Garrett Goble with his family at the Flatbush Avenue/Brooklyn College station. She said it is hard to believe it has been 14 months since the incident on the 2 train and noted how grateful and touched his wife and mother were at the memorial along with Garrett’s two sons. Feinberg said it was a very touching thing to be able to do and she is grateful to the TWU and Garrett’s colleagues and RTO, along with all the support this project got internally, in particular, from Andrew Wilcox, who took on this project only a couple of days after Garrett’s passing. She also commended BK Foxx, the extremely talented artist who created the mural, which Feinberg commented looks like a photograph as you can see the twinkle in Garrett’s eye. Feinberg urged everyone to go to Flatbush to see the mural, commenting again on how beautiful it is and explaining how it was created, by re-doing the subway wall so it could be painted and covering it with plexi-glass on top so if it was ever the subject of vandalism it could be easily fixed.

Finally, Interim President Feinberg spoke about the retirement of Rob Marino, Deputy Director, Government and Community Relations, commending his 40 years of public service, and noting Mr. Marino’s depth of knowledge that she said she could not even begin to explain across so many transit issues. Feinberg said he has been extremely diligent and has guided her through very thorny issues, and said she is going to miss him and is so appreciative for his service.

Please refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of any discussion surrounding this presentation.

B. Procurement Report

Competitive: Upon motion duly made and seconded, the Board approved competitive procurements requiring a two-thirds vote (Schedule B 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.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for details of any discussion surrounding this presentation.

10. MTA C & D OPERATIONS PROCUREMENT ITEMS.

CDO Lieber presented C&D's procurement packages for the NYCT Committee.

A. New York City Transit and Bus Committee

CDO Lieber reported that C&D has eight procurement actions being brought through the New York City Transit and Bus Committee for approval this month.

The items request Board approval of eight state-funded Indefinite Quantity consultant contracts for Architectural and Engineering Design Services on miscellaneous MTA-funded projects to increase the total estimated aggregate value of the contracts by \$40 million and extend the contract terms by seven months.

CDO Lieber noted that these contracts form a pool of eight pre-qualified design teams through which task orders are competed to provide required architectural and engineering services to support the Capital Program. The pool concept allows for competitive awards to be made on an expedited basis where the rates have already been established and the pool compete on a particular design contract. CDO Lieber explained that this is how C&D gets design done up to the level where a proposer can bid it, whether it's design build or another delivery method. The CDO further reported that funding authorization will be issued prior to the award for each task order.

Upon a motion duly made and seconded, the Board:

Approved the award of modifications to eight state-funded Indefinite Quantity consultant contracts (CM-1544 through CM-1551) for Architectural/Engineering Design Services on miscellaneous MTA-funded projects to increase the total estimated aggregate value by \$40 million and extend the contract terms by an additional seven-month period.

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

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

11. MTA BRIDGES AND TUNNELS (“MTA B&T”) OPERATIONS COMMITTEE

A. MTA B&T President Daniel DeCrescenzo’s Report:

Mr. DeCrescenzo opened his remarks by reporting that there are two new Peregrine Falcon hatchlings at the Marine Parkway Bridge (MPB) and two eggs at the Verrazzano-Narrows Bridge. The MPB tower structures mimic the natural cliff and canyon nest locations of Peregrine Falcons, making them ideal locations for breeding. The chicks are painlessly measured and banded for research purposes by Environmental Protection Agency (EPA) wildlife experts. By using the bridge towers to help these magnificent birds breed, TBTA is contributing to their recovery from “endangered species” status.

As traffic continues to recover from the impacts of the COVID-19 pandemic, Mr. DeCrescenzo stated that traffic was 11 percent lower in March 2021 as compared to March 2019, and traffic was 9% lower in April 2021 as compared to April 2019. So far for May 2021, traffic is trending similarly and on May 21, 2021 traffic hit a single day high since the start of the pandemic with almost 966,000 vehicle crossings.

TBTA continues to make progress in its vaccination rate, with 53% of its employees inoculated against COVID-19. Outreach sessions providing employees with an open forum for discussing vaccine concerns with TBTA’s Safety and Health personnel have been well-attended and will continue to be held at every TBTA facility.

Mr. DeCrescenzo acknowledged the retirement of Brian Bajor, Chief Procurement Officer, who has been a key member of the TBTA team, leading Procurement’s support of TBTA’s Capital Program, Hurricane Sandy response, open road Cashless Tolling, and much more. He thanked Mr. Bajor for his dedication, professionalism, and good humor, and wished him a happy and healthy retirement.

B. Procurements

Competitive Procurements

For May 2021, Mr. DeCrescenzo stated that there are three (3) competitive procurements totaling \$393.8 million as follows:

- The first award is to Conduent State & Local Solutions for a period of eight (8) years for the New York Tolling Authorities Customer Service Center to design, develop, implement and maintain a new technological system and to provide license plate and registered owner identification services in the amount of \$246,086,235.

- The second award is a personal service contract to Faneuil, Inc., for a period of five years for the operation of a Customer Contact Center for New York Tolling Authorities in the amount of \$121,890,384.
- The third is a personal service contract to TransCore, LP for a period of five years for transponder distribution services for the New York Tolling Authorities in the amount of \$25,828,079.

Miscellaneous Procurement Contracts

Conduent State and Local Solutions, Inc.	Contract No. 15-RM-2949X (Category A and B)	\$246,086,235
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TBTA is seeking Board approval to award one competitively solicited miscellaneous procurement contract to Conduent State and Local Solutions, Inc. for the New York Tolling Authorities Customer Service Center System and License Plate and Owner Identification Services.

Personal Service Contracts

Faneuil, Inc.	Contract No. PSC-15-2982X	\$121,890,384
TransCore, LP	(Category A)	\$ 25,828,079
	Contract No. PSC-15-2982X	
	(Category B)	

TBTA is seeking Board approval to award two competitively solicited personal service contracts with one to Faneuil, Inc. for the New York Tolling Authorities Customer Contact Center Services and the other to TransCore, LP for Transponder Distribution Services.

Non-Competitive Procurements and Ratifications

Mr. DeCrescenzo stated that there are no non-competitive procurements or ratifications.

Upon a motion duly made and seconded, the Board approved the procurements.

The details of Mr. DeCrescenzo’s presentation are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records.

12. MTA COMMITTEE ON FINANCE.

A. Budget Watch.

David Keller, MTA Senior Deputy Budget Director, presented the Budget Watch report.

The details of Mr. Keller's presentation are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records. The Budget Watch report is available in the Finance Committee Book, the Board Exhibit book and MTA.Info.

B. Finance Watch.

The Finance Watch report is available in the Finance Committee book. Patrick McCoy, Director of Finance, was available to address questions.

C. Action Item.

The following action item was presented for Board approval. The report is available in the Board Exhibit book and on MTA.Info. Josiane Codio, Director, Treasury, was available to address questions.

1. 2020 Annual Investment Report. Upon motion duly made and seconded, the Board approved the MTA 2020 Annual Investment Report, pursuant to the requirements of the Public Authorities Law Section 2925, and the MTA All Agency Investment Guidelines. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

D. Information Items.

The following information items were presented to the Board:

1. 2020-2021 Station Maintenance Billing. The Board was advised of the submission of the station maintenance billings to New York City and the counties for the period of April 1, 2020 to March 31, 2021. The specifics are set forth in the staff summary and documentation filed with the meeting materials. Noemi Lopez, Deputy Comptroller, HQ/Benefit Plans Accounting, was available to address questions.
2. Annual Pension Presentation. The presentation is available in the Board Exhibit book and MTA.Info. Valerie Bannen, Chief Investment Officer and Margaret Connor, Senior Director, Human Resources and Retirement Programs, were available to address questions.
3. Draft MTA Consolidated Financial Statements. The Financial Statements are available in the Board Exhibit book and MTA.info. Noemi Lopez, Deputy Comptroller, HQ/Benefit Plans Accounting, was available to address questions.

4. Metro-North, LIRR and NYCT Fare Evasion Reports. The reports are available in the Finance Committee book. Agency representatives were available to address questions.
- E. First Mutual Transportation Assurance Company (FMTAC). This meeting served as FMTAC's annual Board meeting. The information concerning FMTAC's 2020 activities and operations are available on MTA.info. Phyllis Rachmuth, Director, Risk & Insurance Management, was available to address questions.
- F. 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

1. License agreement with Oliver Engineering P.C. for retail space at 188 North Main Street, Port Chester, N.Y.

Metropolitan Transportation Authority

2. Amendment of the license agreement with Outfront Media for advertising throughout the MTA system.

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.

13. **AUDIT COMMITTEE.** Michele Woods, Auditor General, presented the Audit Report and a summary of the Audit action items.

Refer to the Audit Committee's minutes of this date, for the details of the reports and the items approved by the Board, and to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the further details.

Board Member Jones, responding to Board Member Schwartz's comments relating to the Board briefings for the Committees, asked why the Board briefings are not subject to the Open Meetings law, allowing the public to participate in the discussions. Board Member Jones stated that after nearly 14 months, he thinks it is time for the Board to consider allowing the public to participate.

Chairman Foye confirmed that Board briefings held last week were only briefings, and he noted that Board briefings were conducted when in-person Committee meetings were held on separate days. Chairman Foye stated that the Board briefings are not required to be publicly available, and there are times when sensitive and confidential matters are discussed in the briefings relating to litigation and other sensitive subjects. The Chairman stated that he hopes that in the very near future we will return to in-person Committee and Board meetings,

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following guidance from the State Department of Health and other authorities. The Chairman pointed out that these are two separate issues and he stated that Board Member Jones' concerns are noted.

Thomas Quigley, General Counsel, stated that the Open Meetings Law defines a meeting as "an official convening of a public body for the purpose of conducting public business". Mr. Quigley, reiterating his earlier comments, stated that the Board briefings are not official convenings, no public business is conducted, and the briefings are only information sessions.

- 14. DIVERSITY COMMITTEE.** Michael Garner, Chief Diversity Officer, presented the Business and Diversity Report, and DBE Certification Activity Report. The reports are available in the Diversity Committee book.

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.

15. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:06 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

LONG ISLAND RAIL ROAD

PROCUREMENTS

FOR

BOARD ACTION

June 23, 2021



Staff Summary

Subject: Request for Authorization to Award Various Procurements						Date <p style="text-align: center;">June 23, 2021</p>			
Department Procurement and Logistics									
Department Head Name Richard A. Mack, Acting Chief Procurement and Logistics Officer									
Department Head Signature									
Board Action						Internal Approvals			
Order	To	Date	Appr	Info	Other	Order	Approval	Order	Approval
1	MTA Joint Committee and Board	June 23, 2021				X	President		

PURPOSE:

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

DISCUSSION:

LIRR proposes to award Non-Competitive Procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$161.9M
SUBTOTAL:	1	\$161.9M

LIRR proposes to award Competitive Procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
	<u>None</u>	

LIRR proposes to award Ratifications in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
	<u>None</u>	
TOTAL:	<u>1</u>	<u>\$161.9M</u>

BUDGET IMPACT:

The purchases/contracts will result in obligating Agency operating funds in the amounts listed spread over the 5-year contract period. Funds are available in the current operating budget 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.

JUNE 2021

MTA LONG ISLAND RAIL ROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

Schedule A: Non-Competitive Purchases and Public Work Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive)

- | | | | |
|----|--|--|---|
| 1. | <p>Knorr-Bremse
 (Knorr, Merak and NYAB OEMs)
 Non-Competitive
 Contract No. TBD</p> | <p>\$161,900,000
 Est.</p> | <p><i><u>Staff Summary Attached</u></i></p> |
|----|--|--|---|

As a result of a multi-agency Joint Procurement, LIRR, on behalf of itself, Metro-North Railroad (MNR) (the “Railroads”) and New York City Transit (NYCT) requests approval to award Original Equipment Manufacturers (OEMs) purchase agreements for a five year term for repair parts to the Knorr-Bremse family of companies in the estimated value of \$161.9M, as follows: Knorr Brake Company, Merak and New York Air Brake (NYAB). Of the overall estimated value of \$161.9M , \$137.2M has firm fixed pricing. These agreements are for various OEM repair parts for LIRR’s M-3, C-3 and M-7 railcars and its DE/DM locomotive fleets and MNR’s M-3, Shoreliners, M-7 and M-8 railcars and diesel locomotive fleets, as well as NYCT’s R46, R62A, R68, R142 and R188 subway cars. These OEMs are the suppliers for various parts, components and assemblies for major railcar systems such as HVAC and air brakes.

The OEMs (Knorr, Merak & NYAB) are the sole responsible sources for the components that will be provided under these purchase agreements. Other vendors do not have access to the proprietary designs, specifications and drawings for these systems or materials and therefore cannot readily provide these components. Under these purchase agreements, the OEMs will supply, on a forecasted basis, complete systems, parts and other equipment required to (i) support the Agencies’ in-house maintenance programs and (ii) support unscheduled maintenance and repairs by the Agencies on their fleet of locomotives, coaches and electric cars over a five year period. To maintain a high car reliability and improved customer service through on-time performance, the Agencies must implement their respective in-house maintenance programs, which require parts being replaced at prescribed intervals. Additionally, parts required to perform unscheduled maintenance and repairs on the cars are needed to insure safe, reliable and maintainable operation.

Staff Summary



Item Number: 1

Vendor Name (& Location) Knorr-Bremse (Knorr, Merak and NYAB OEMs)
Description OEM Purchase Agreements for Repair Parts – LIRR, MNR & NYCT
Contract Term (including Options, if any) 5 Years (July 1, 2021 – July 1, 2026)
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-Competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: OEM Sole Source

Contact Number TBD	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$161,900,000 Est.	
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: Maintenance of Equipment – Craig Daly	
Contract Manager : James Lorig	

Discussion:

As a result of a multi-agency Joint Procurement, LIRR, on behalf of itself, Metro-North Railroad (MNR) (the “Railroads”) and New York City Transit (NYCT) requests approval to award Original Equipment Manufacturers (OEMs) purchase agreements for a five year term for repair parts to the Knorr-Bremse family of companies in the estimated value of \$161.9M, as follows: Knorr Brake Company, Merak and New York Air Brake (NYAB). Of the overall estimated value of \$161.9M , \$137.2M has firm fixed pricing. These agreements are for various OEM repair parts for LIRR’s M-3, C-3 and M-7 railcars and its DE/DM locomotive fleets and MNR’s M-3, Shoreliners, M-7 and M-8 railcars and diesel locomotive fleets, as well as NYCT’s R46, R62A, R68, R142 and R188 subway cars. These OEMs are the suppliers for various parts, components and assemblies for major railcar systems such as HVAC and air brakes.

The OEMs (Knorr, Merak & NYAB) are the sole responsible sources for the components that will be provided under these purchase agreements. Other vendors do not have access to the proprietary designs, specifications and drawings for these systems or materials and therefore cannot readily provide these components. Under these purchase agreements, the OEMs will supply, on a forecasted basis, complete systems, parts and other equipment required to (i) support the Agencies’ in-house maintenance programs and (ii) support unscheduled maintenance and repairs by the Agencies on their fleet of locomotives, coaches and electric cars over a five year period. To maintain a high car reliability and improved customer service through on-time performance, the Agencies must implement their respective in-house maintenance programs, which require parts being replaced at prescribed intervals. Additionally, parts required to perform unscheduled maintenance and repairs on the cars are needed to insure safe, reliable and maintainable operation.

This joint approach utilizes the combined buying power of the three MTA agencies to achieve most favorable uniform pricing and better supply chain management. Additional benefits are process efficiencies that reduce the number and frequency of small purchase activities. The five-year term also assures the Agencies that the OEMs will continue to maintain their tooling and manufacturing capabilities necessary to produce the parts, which are not available from any other sources. MTA performed a Cost Price Analysis on the 1,393 pre-priced items with comparative data from supporting documentation and historical data of previous purchases from Knorr, Merak and NYAB. For those items, whose estimated value is \$137,216,044 and 85% of contract total,

Staff Summary



prices will be held firm for the first 2 year period. PPI adjustments, on the 2nd anniversary date of the contract, and on each consequent anniversary for each year of the contract thereafter.

For the remaining items, pricing will be established on an as-required basis, and each item will be subject to a cost and/or price analysis as well as the most favored customer pricing clause. Where applicable, the suppliers will provide redacted invoices from other customers’ purchases to support fair and reasonable pricing.

For the fixed price items, the MTA Cost Price Analysis Unit has reviewed a compilation of different metrics and based on those metrics, determined the pricing to be fair and reasonable.

In accordance with MTA All-Agency Procurement Guideline requirements, the Agencies advertised their intent to procure the items under these agreements on a sole source basis in the NYSCR, NY Post and internet. No other firms expressed any interest in participating in these procurements.

The chart below provides the listing of each OEM and the estimated amount anticipated to be expended with each OEM by LIRR, MNR and NYCT over the five-year term of the purchase agreements.

<u>Supplier</u>	<u>LIRR</u>	<u>MNR</u>	<u>NYCT</u>	<u>MTA Totals</u>
<u>Knorr Brake Co.</u>	\$78.1 M	\$54.4 M	\$20 M	\$152.5 M
<u>Merak</u>	\$4.6 M	\$0.4 M	-----	\$5.0 M
<u>New York Air Brake</u>	\$4.3 M	\$0.1 M	-----	\$4.4 M
<u>Grand Total</u>	\$87 M	\$ 54.9 M	\$20M	\$161.9 M

The total dollars outlined above are based upon historical data and projected/forecasted usage.

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

Upon approval by the MTA Board, the procurement documents will be presented to the NYS Office of the State Comptroller for approval.

Contracts Department

Stephen Plochochi, Senior Vice President

PROCUREMENTS

The Procurement Agenda this month includes five procurement actions for a proposed expenditure of \$30.6M.

Staff Summary

Subject Request for Authorization to Award Procurement Actions					
Department Contracts					
Department Head Name & Title Steve Plochochi, Sr. Vice President					
Department Head Signature 					
Board Action					
Order	To	Date	Approval	Info	Other
1	NYCT & Bus Committee	6/23/21	X		
2	Board	6/23/21	X		

Date: June 14, 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 procurement actions and, to inform the New York City Transit Committee of these procurement actions.

DISCUSSION

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

Schedules Requiring Majority Vote

I. Modifications to Purchase and Public Work Contracts	2	\$ 22,865,103
SUBTOTAL	2	\$ 22,865,103

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

Schedules Requiring Majority Vote

K. Ratification of Completed Procurement Actions	3	\$ 7,720,106
SUBTOTAL	3	\$ 7,720,106

TOTAL 5 \$ 30,585,209

Budget Impact:

The approval of these procurement actions will obligate the capital funds in the amount 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 and 1209 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.

JUNE 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule I. Modifications to Purchase and Public Work Contracts
(Staff Summaries required for all items greater than \$1M)

- | | | | |
|----|---|-----------------|--------------------------------------|
| 1. | Siemens Mobility Inc.
Contract No. W-81199-1.1 | \$14,123,881.00 | <i><u>Staff Summary Attached</u></i> |
| 2. | Thales Transportation and Security Inc.
Contract No. W-81199-2.3 | \$ 8,741,222.04 | <i><u>Staff Summary Attached</u></i> |

MTA Construction and Development requests Board approval to modify the Ultra-Wideband Proof of Concept contracts W-81199-1 and W-81199-2, to establish interoperability between the two Ultra-Wideband train communication systems.

Vendor Name (& Location) (1) Siemens Mobility Inc. (2) Thales Transportation and Security, Inc. Description Ultra-Wideband (UWB) based Train Control System Pilot Program Contract Term (including Options, if any) 8 months; six (6) options of one month each 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 type="checkbox"/> Federal <input type="checkbox"/> Other: Requesting Dept/Div & Dept/Div Head Name: Mark Dowd (Chief Innovation Officer)	Contract Numbers W-81199-1 (1) W- 81199-2 (2)	AWO/Modification # #1 #3
	Original Amount:	\$ 11,875,213.00 (1) \$ 18,955,070.00 (2)
	Prior Modifications:	\$ 295,000.00 (2) \$ 259,000.00 (2)
	Exercised Options:	\$ 1,735,553.00 (1) \$ 1,350,000.00 (2)
	Current Amount:	\$ 13,600,765.00 (1) \$ 20,899,070.00 (2)
	This Request	\$ 14,123,881.00 (1) \$ 8,741,222.04 (2)
	% of This Request to Current Amount:	(1) 103% (2) 42%
	% of Modifications (including This Request) to Original Amount:	(1) 118% (2) 46%

Discussion

These modifications to Ultra-Wideband Proof of Concept contracts W-81199-1 (“Siemens Contract”) and W-81199-2 (“Thales Contract”) will provide for Siemens Mobility, Inc. (“Siemens”) and Thales Transportation and Security, Inc. (“Thales”) to establish interoperability between the two Ultra-Wideband (“UWB”) train communication systems developed, respectively, by Siemens subcontractor Humatics Corporation (the “Humatics UWB”) and Thales subcontractor Piper Networks (the “Piper UWB”), allowing continued competition for future UWB contracts and avoiding reliance on only one UWB supplier’s proprietary hardware and software for UWB train communication.

In March 2019 and April 2019, Proof of Concept contracts for the UWB “Pilot Program” were awarded to Siemens and Thales. The purpose of the Pilot Program was to develop, demonstrate and test a UWB based train communication system that could communicate speed, train position and range as a technical compliment to the Communication Based Train Control (“CBTC”) system.

The Humatics UWB and Piper UWB were tested under the Pilot Program and, subject to achieving NYCT safety certification, considered viable for future revenue service contracts. However, neither the Siemens Contract nor the Thales Contract require that the two UWB systems be interoperable, i.e. capable of communicating speed, positioning and range information across the two different UWB systems. The original intention of the Pilot Program was to determine if UWB technology could be applied as a functional, reliable and safe means of complimenting the positioning, speed and direction subsystems in the current NYCT Communication Based Train Control.

As both UWB systems were found to be acceptable, C&D determined that the most efficient and economical approach going forward to ensure resiliency in the UWB system and encourage continued competition between Humatics and Piper on future UWB contracts, was for Humatics to redesign its UWB system to incorporate the third-party Qorvo microchip set, which is already utilized by Piper in its UWB system, allowing the two systems to communicate and be utilized simultaneously. Without such interoperability, each train line would be required to utilize only one or the other system, preventing trains running on one line and configured for one system from running on a line configured for the other system and requiring that future purchases and upgrades for that line be obtained from a single vendor.



To provide such interoperability, Siemens/Humatics must design, develop and test a UWB system incorporating the Qorvo chip and Thales/Piper must collaborate with Siemens/Humatics to develop and establish a common interface protocol for the UWB systems. Thales/Piper will also aid in the lab development and field testing of the redesigned Humatics UWB to demonstrate full interoperability and viability of both the redesigned Humatics UWB and Piper UWB.

The duration of each Contract Modification will be 14 and a half months.

Siemens submitted a proposal for this work in the amount \$16,267,820.00. Negotiations were held and the parties agreed to a cost of \$14,123,881.00 which is deemed to be fair and reasonable.

Thales submitted a proposal for its work in the amount of \$22,737,423. Negotiations were held and the parties agreed to a cost of \$8,741,222.04 which is deemed to be fair and reasonable.

In connection with a previous contract awarded to Siemens, Siemens 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 and Chief Executive Officer in consultation with the MTA General Counsel in August 2016. No new SAI has been found relating to Siemens and Siemens has been found to be responsible. A Contractor Compliance Program was put in place for Siemens.

JUNE 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)

3 & 4.	Systra Engineering Inc.	\$ 2,372,305	<u>Staff Summary Attached</u>
	Contract No. CM-1539.4 & CM-1539.6	\$ 2,457,801	

MTA Construction and Development requests the Board ratify two modifications to the contract to provide additional technical support and construction oversight support services and, to extend the contract term for an additional four months (December 31, 2022 to April 30, 2023).

5.	E-J Electric Installation Corp.	\$ 2,890,000	<u>Staff Summary Attached</u>
	Contract No. S-33932.1		

MTA Construction and Development requests the Board ratify a modification to the contract for the replacement of approximately 6,440 feet of cable trays at twelve (12) stations on the Jamaica Avenue line, of which 4,160 feet of cable trays are being provided to the Contractor from MTA inventory.

Schedule K: Ratification of Completed Procurement Actions
Item Nos. 3 and 4

Vendor Name (& Location) Systra Engineering, Inc. (New York, NY)
Description Consultant Services to Support the Construction of the CBTC/AWS Signal System for the Queens Boulevard Line
Contract Term (including Options, if any) December 15, 2014 – December 31, 2022
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input 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 type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer

Contract Number	AWO/Modification #	
CM-1539	4 & 6	
Original Amount:	\$	12,555,698
Prior Modifications:	\$	7,807,421
Options:	\$	0
Current Amount:	\$	20,363,119
This Request	\$2,372,305 (Modification # 4) \$2,457,801 (Modification # 6) \$4,830,106 (Total)	
% of This Request to Current Amount:	23.7%	
% of Modifications (including This Request) to Original Amount:	100.7%	

Discussion

This contract is for technical support and construction oversight support services on the Queens Boulevard Line (QBL) West Communication Based Train Control (CBTC) project. MTA Construction & Development (C&D) requests the Board ratify Modifications No. 4 and No. 6 to the contract to provide additional technical support and construction oversight support services in the total not-to-exceed amount of \$4,830,106; \$2,372,305 for Modification No. 4 and \$2,457,801 for Modification No. 6. The contract term is also extended by an additional four (4) months from December 31, 2022 to April 30, 2023.

As part of its overall system enhancement, NYC Transit embarked on a system-wide upgrade of its signal system from fixed block, wayside signal/train stop technology to CBTC system technology. This state-of-the-art signal system is being installed on the Queens Boulevard Subway Line. The new CBTC signal system, including both wayside and car-borne equipment, is interoperable and capable of communicating with either the CBTC system from Siemens Industry, Inc. (Siemens) or the Thales Group (Thales) CBTC system.

Under the QBL West CBTC project, there are currently four CBTC/Auxiliary Wayside System (AWS) QBL-related contracts with four firms involved: Siemens (Contract S-48004-1), Thales (Contract S-48004-2), L.K. Comstock & Company, Inc. (LK Comstock) (Contract S-48005) and Systra Engineering, Inc. (Systra) (CM-1539). Siemens and Thales serve as suppliers of the CBTC car-borne and wayside equipment while LK Comstock serves in the capacity of AWS supplier & CBTC wayside installer. Systra provides technical support services and has been acting as an extension of NYC Transit's Capital Program Management (CPM) team (now C&D) overseeing the fulfillment of the CBTC supplier contracts.

Under Contract CM-1539, Systra supports the project design effort and ongoing technical and construction oversight including Factory Acceptance Testing (FAT), field testing, in-service monitoring, coordination, problem resolution, functional adherence, and commissioning of the QBL CBTC system. In addition, Systra was also responsible for supporting the qualification of an additional CBTC supplier (Mitsubishi Electric Corporation) for future CBTC projects.

Modification No. 4

Due to the time sensitivity and high-profile nature of the QBL West CBTC project, CPM management determined that the three unanticipated tasks comprising the Modification No. 4 scope of work required immediate commencement and additional support from Systra with their extensive expertise with conventional railway signaling, advanced CBTC systems and intimate knowledge of the QBL project. Between August 2015 and May 2017 direction to commence the work associated with Mod No. 4 was provided by the then Signals and Train Control Program Office within CPM, instructing Systra to begin working on these critical tasks pending negotiations and award of this modification. Systra was directed to perform technical and oversight services in support of the following additional tasks: 1) CBTC System Integration, 2) Automatic Train Supervision Expansion for the B Division and 3) Train Operator Simulator. The details are summarized below.

Consultant Support for CBTC System Integration

At the time Contract CM-1539 was awarded, the procurement for the two QBL West CBTC supplier contracts, S-48004-1 and S-48004-2 was ongoing. One element identified in the scope of work for the CBTC suppliers was to provide "System Integration Services". However, it was subsequently decided that CPM would take on the role of system integrator for the QBL West CBTC project. The system integrator's responsibility is to ensure that the CBTC system can successfully and safely communicate and exchange data with conventional wayside signals, CBTC equipped trains, the Automatic Train Supervision system (ATS), communication, and radio networks as well as other various systems. To support CPM in this new role, Systra's responsibilities were expanded to include system integration support for the QBL West CBTC project.

Consultant Support for ATS Expansion to the Entire B Division

The ATS automatically routes trains, provides train locations to dispatchers at the Rail Control Center and field dispatcher offices and updates the locations of trains in real-time. ATS allows dispatchers to react more effectively and quickly to service disruptions. Additionally, the ATS monitors schedule adherence and produces statistics for the public dashboard, as well as generating train arrival information through countdown clocks for the Public Address/Customer Information System (PA/CIS).

NYC Transit issued Board approved Modification No. 11 to Siemens under Contract S-48004-1 to provide ATS for the entire B Division, in addition to providing ATS for the QBL territory that was part of Siemen's base contract. Providing support for ATS expansion to the entire B Division was not part of Systra's original scope. Under Modification No. 4 Systra's responsibilities were expanded to support CPM in the preparation of Modification No. 11, Contract S-48004-1 by reviewing documents, participating in meetings with key stakeholders and providing technical support to CPM during the execution of the ATS work by Siemens.

Consultant Support for Train Operator Simulator

Past practice for training Train Operators (TO) on CBTC-equipped trains was conducted on the right-of-way in CBTC territory under General Orders which created significant customer and resource impacts and was not considered the most efficient way of training TOs. As such, NYC Transit determined that a CBTC Train Operator Simulator System (TOS) should be acquired and a streamlined acquisition strategy between the two qualified QBL West CBTC suppliers was implemented that resulted in a Board approved modification to the Siemens Contract S-48004-1 to provide a TOS.

As the original scope of work with Systra did not include support for a TOS, work under Modification No. 4 included Systra assisting in the preparation of the RFP documents for procurement of the TOS, performing document review, First Article Testing and System Acceptance Testing for the TOS.

Modification No. 6

Retroactive Modification No. 6 is for continuation of technical support and construction oversight services through contract closeout. The original expiration date of contract CM-1539 was January 15, 2021. Modification No. 2 to this contract added consultant services for the design, procurement and construction support for CBTC and AWS systems for the QBL East project and extended the contract term from January 15, 2021 through December 31, 2022. However, while Modification No. 2 extended the overall contract duration for CM-1539, additional funding was not added at that time to address the additional time and effort associated with the base contract and additional requirements associated with QBL West.

The Substantial Completion date of the QBL West CBTC supplier contracts is currently projected for December 2021. Technical support and construction oversight services associated with CM-1539 will be required through Substantial Completion of the CBTC supplier contracts, plus an additional 12 months of system stabilization/testing and 4 months of closeout services resulting in a revised contract end date of April 30, 2023 covering a period of an additional 27.5 months (January 15, 2021 through April 30, 2023).

Under Modification No. 6 Systra will continue performing all the tasks from the base contract and subsequent modifications which includes Technical Support and Construction Oversight for the QBL West CBTC Project.

In addition, Systra will also provide technical support and oversight for the design, furnishing and installation of WiFi download hardware to three-hundred five (305) R-160 car units and technical support and oversight for the design, furnishing and installation of CBTC carborne equipment on thirty (30) additional R-160 units.

Systra's proposals for Modifications No. 4 and No. 6 for the additional work were in the amounts of \$2,627,421 and \$2,691,335 respectively. Detailed analyses of Systra's cost proposals were conducted and scope clarification meetings were held. Negotiations were conducted resulting in the agreed upon amounts of \$2,372,305 for Modification No. 4 and \$2,457,801 for Modification No. 6 which were both deemed fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions

Item No. 5

Vendor Name (Location) E-J Electric Installation Corp. (Long Island City, NY)
Description Life Cycle Replacement of Code Systems – Phase I on the Jamaica and Myrtle Avenue Lines in Brooklyn and Queens
Contract Term (including Options, if any) August 31, 2020 – August 31, 2022
Option(s) included in Total Amt? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept./Div., Dept./Div. Head Name: Delivery, Mark Roche, Deputy Chief Development Officer

Contract Number S-33932	AWO/Mod. #s 1
Original Amount:	\$ 24,997,999
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 24,997,999
This Request:	\$ 2,890,000
% of This Request to Current Amount	11.56%
% of Modifications (including This Request) to Original Amount:	11.56%

Discussion

This Contract is for the continuation of the Life Cycle Replacement Program which replaces signal system components that have reached obsolescence and are no longer supported by the manufacturer. The work includes replacing existing legacy microprocessors with redundant Programmable Logic Controllers (PLCs) in relay rooms, as well as replacing existing copper cables with new armored Fiber Optic Cable (FOC) along the Jamaica and Myrtle Avenue Lines in Brooklyn and Queens. MTA Construction & Development (C&D) requests the Board ratify modification No. 1 to the contract for the replacement of approximately 6,440 feet of cable trays at twelve (12) stations on the Jamaica Avenue line, of which 4,160 feet of cable trays are being provided to the Contractor from MTA inventory.

In January 2021, while performing preconstruction field surveys, the Contractor discovered that the condition of the existing cable trays at twelve stations made them unsuitable for use in the installation of the new FOC. Upon review of the field surveys, NYCT’s Department of Subways - Maintenance of Way Division and C&D confirmed the Contractor’s findings and determined that the cable trays needed to be replaced. This modification is for the furnishing of approximately 2,280 feet of cable trays and installation of approximately 6,440 feet of cable trays at twelve stations on the Jamaica Avenue line. This modification also includes a credit for the use of an existing duct bank between Parsons and Sutphin Boulevard to pull cable in lieu of installing new conduit.

In order to take advantage of scheduled track shutdowns in May 2021 as well as address the long lead-time associated with procuring the new cable trays, permission was obtained from the President of C&D to process this modification on a retroactive basis and the Contractor was directed to proceed with the work on April 21, 2021 up to a not-to-exceed amount of \$1,500,000. Approximately 10% of the work has been performed and it is expected to be completed by October 2021.

EJ Electric Installation Corp. (“EJ”) submitted a proposal of \$3,737,876. Negotiations resulted in the agreed upon net lump sum price of \$2,890,000 which is considered to be fair and reasonable. A budget modification will be processed to provide additional funding for this modification.

In connection with a previous contract awarded to E-J, E-J 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 Managing Director in consultation with the MTA General Counsel in August 2018. No new SAI has been found relating to E-J and E-J has been found to be responsible.

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: RM019-0100	AWO/Modification # 2
Description: Owner Controlled Insurance: Additional Insurance	Original Amount:	\$225,000,000
Contract Term (including Options, if any): Eight Years	Prior Modifications:	\$
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	\$84,500,000
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$309,500,000
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$102,000,000
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:	33%
Requesting Dept/Div & Dept/Div Head Name: Risk and Insurance Management / Phyllis Rachmuth	% of Modifications (including This Request) to Original Amount:	83%

PURPOSE:

To obtain Board approval to procure additional insurance coverage under the MTA’s 2015-2019 Capital Plan Owner Controlled Insurance Program (OCIP) to include a portion of the 2020-2024 Capital Plan and extend the contract term by two years. Total amount of this request \$102,000,000.00.

SUMMARY:

An OCIP for the 2015-2019 Capital Plan was approved by the Board on March 22, 2017. Willis of NY, the OCIP broker, selected through a competitive RFP process, subsequently marketed and placed OCIP policies based upon a selection of Capital Program projects in the approved plan. The authorization to procure the insurance and establish a not to exceed budget of \$225 million was approved by the Board on June 21, 2017. This budget contemplated coverage for a listing of over 300 NYCT, LIRR, MNR and SBMP projects expected to be awarded from July 1, 2017 to June 30, 2020 with construction values estimated at \$3.7 billion. On January 24, 2018, the Board approved an increase of \$84,500,000 to include the \$1.46 billion LIRR Expansion Project for a total not to exceed budget of \$309,500,000.00. This request for approval, seeks to extend the program to allow for the inclusion of projects related to the 2020-2024 Capital plan to be awarded from July 1, 2021 to June 31, 2022. A procurement action is currently being processed for the insurance broker services associated with this additional coverage.

DISCUSSION:

The procurement of a new OCIP for the 2020-2024 Capital Program has been delayed by the COVID-19 pandemic and the associated MTA funding uncertainty. To bridge the gap between programs, MTA Risk and Insurance Management (RIM) asked Willis of NY to broker a two-year extension of the current OCIP policies. Based upon discussions with the incumbent insurance carriers, however, Willis advised that an extension would not be possible and that a new insurance program would be necessary.

Willis sought proposals for a new policy with a 4-year term for \$1.2 billion of 2020-2024 Capital Program and Sandy Related Projects expected to be awarded during the period of July 1, 2021 to June 31, 2022. Three quotations were received and based on a review of those quotations, Willis recommended, and MTA RIM agreed, that Liberty Mutual provided the best primary insurance program (Workers’ Compensation and General Liability) and that a consortium of US, London and Bermuda based excess liability carriers including Markel, Axis, Navigators, Liberty, Berkshire, Swiss RE and Chubb provided the best excess insurance program.

Coverage will be for the entire term of the Project, estimated to be four (4) years, and will be non-cancelable by the insurers except for non-payment of premium or non-compliance with serious safety recommendations. The primary coverage will provide annually reinstating, per project, limits of \$3 million per occurrence and \$6 million in the aggregate, subject to self-insured retentions of \$750,000 for the Workers' Compensation policy and \$1.5 million for the General Liability policy. The excess liability coverage is \$300 million per occurrence and in the aggregate for all projects. MTA RIM expects the maximum aggregated premium, safety management and administrative cost to be approximately \$102 million, or 8.5% of total contract cost for covered projects.

The Liberty Mutual quote of \$78 million for primary insurance is based upon the assumptions of \$204,000,000 in construction payroll. The final cost is subject to audited payroll accrued during the policy period. The quote included fixed premium of \$18 million and self-insured loss costs capped at \$60 million. MTA's Captive insurance company subsidiary, First Mutual Transportation Assurance Corporation (FMTAC) will assume the self-insured portion and write a deductible reimbursement policy for \$40 million. The total cost to the Capital Plan for primary insurance will be \$58 million subject to audit.

As part of the insurance proposal from Liberty, FMTAC will enter into a cross collateral agreement with the insurance company whereby FMTAC will hold collateral to secure Liberty Mutual against MTA's obligation to pay to the self-insured layer of Workers' Compensation/General Liability claims. The Liberty program will leverage existing collateral held in trust by FMTAC on the 2005-2009 Capital Program OCIP and the East Side Access OCIP. FMTAC will hold and invest the funds, with any interest earned being retained by FMTAC. This transaction eliminates the need for additional collateral, a letter of credit or the posting of other security that would otherwise be required to place the policy. Safety services and administrative expenses will be funded by investment income on the funds held by the Captive over the life of the program. With a fair rate of return and minimal loss history, it is expected that FMTAC can fully fund these expenses.

Excess liability premium of just over \$40 million was estimated based on \$1.2 billion in construction value and is subject to audit based upon final construction costs. Additionally, the program includes Builder's Risk coverage to protect MTA's interests in the property being constructed and Railroad Protective Liability for LIRR and MNR projects to protect the assets and employees of the MTA railroads and to meet our obligations to protect the railroads that operate on the right of way. These policies were procured within the aggregate OCIP maximum budget and are anticipated to have a cost not to exceed \$2.7 million.

The carriers have all agreed to accept the addition of the Penn Station Access Project within the four-year program, if requested. The budget for OCIP insurance would need to increase at a rate of 8.5% of hard construction cost with any additional work orders including the award of this option. If work exceeds \$2 billion the excess carriers have agreed to reduce their rates by up to 10%.

IMPACT ON FUNDING:


The cost of OCIP as a percent of construction cost has been increasing over each Capital Plan. Since the 2000 – 2004 capital program, insurance has doubled as a percentage of hard costs from 4% up to 8.5%. As a result, MTA C&D has begun a procurement for a team of experts to study causal factors and potential strategies to mitigate this concerning trend.

The work is funded under the 2020-2024 Capital Plan. Insurance funding is currently budgeted at \$102 million.

ALTERNATIVES:

The alternative would be to require Contractors and Design-Builders to carry their own Workers Compensation, General Liability, Excess Liability, and Railroad Protective Liability for their work. During the negotiation period with the Design-Builders, the option of Contractor provided insurance was explored. It was determined that the OCIP afforded greater protection to the MTA at a cost similar to if not less than Design-Builder provided coverage.

Staff Summary

Subject 2021 State PWEF Assessment
Department Chief Financial Officer
Department Head Name Robert E. Foran
Department Head Signature
Project Manager Name David E. Keller 

Date June 23, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	6/23	X		
2	Board	6/23	X		

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

Purpose: To authorize actions relating to the payment of the State assessment on the MTA and its constituent agencies for the Public Work Enforcement Fund for calendar 2021.

Discussion: Chapter 511 of the Laws of 1995, as amended, requires State agencies and authorities to pay to the State Comptroller an assessment based upon 1/10 of 1% of the value of public work (construction) contracts entered into (excluding rolling stock contracts). The assessments are deposited in the State Public Work Enforcement Fund to reimburse the State Department of Labor for its costs in enforcing the State's prevailing-wage law. The State and the MTA have entered into a simple annual estimate-and-settlement procedure agreement. Payments are made each year based upon the estimated amount of public works contracts and are adjusted to reflect the actual experience from the prior year. The 2021 payment, therefore, is based upon a 2021 estimate and an adjustment for 2020.

Based on the actual average spending rates, it is assumed that in calendar year 2021, MTA's constituent agencies are projected to let \$1,482 billion worth of construction and design-build contracts, which is a \$186 million decrease in contract values from the actual 2020 level of \$1,668 billion.

In 2020, the estimated 2020 assessment of \$1,706,141 was more than the actual assessment of \$1,667,750 by \$38,391. This overpayment, when deducted from the estimated 2021 assessment of \$1,482,381 requires a total payment of \$1,443,990.

Financial Implications: The 2021 MTAHQ Budget contains sufficient funds for this payment.

Recommendation: The Board should authorize staff to remit the 2021 assessment, including the adjustment for the 2020 overpayment, to the State Department of Labor.

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$ 23 M.

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 June 15, 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	06/23/21	X		
2	Board	06/23/21	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 G: Miscellaneous Services Contracts

Schedule H: Modifications to Personal Services and Miscellaneous Services Contracts

SUBTOTAL

	<u># of</u>	<u>\$</u>	<u>Amount</u>
	<u>Actions</u>		
	1	\$	21,174,938
	1	\$	1,820,000
	2	\$	22,994,938
TOTAL	2	\$	22,994,938

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.

JUNE 2021

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

- | | | | |
|----|--|---|--------------------------------------|
| 1. | Trapeze Software Group
Crew Dispatching Management System
Contract No. 90000000003838 | \$21,174,938
(not-to-exceed) | <u>Staff Summary Attached</u> |
|----|--|---|--------------------------------------|

Competitively negotiated – 7 proposals – 72 months plus 2 one-year options

Board approval is sought to award a competitively negotiated miscellaneous services contract to Trapeze Software Group, Inc. to deliver and implement a new Crew Dispatching & Management System to support the picking, crew management/dispatching, and time reporting process for Metro-North Railroad (MNR) for \$11,827,172, with an option to implement same for Long Island Rail Road (LIRR) for \$9,347,766, for a total not-to-exceed amount of \$21,174,938.

H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services

(Approvals/Staff Summaries required for substantial change orders and change orders that cause the original contract to equal or exceed the monetary or durational threshold required for Board approval.)

- | | | | |
|----|--|--|--------------------------------------|
| 2. | Various
As-Needed Temporary Medical Staffing
Contract No. 15333, Modification No. 3
Base Amount = \$4,755,285.79
Current Contract Value = \$5,745,285
Proposed New Contract Value = \$7,565,285 | \$1,820,000
(not-to-exceed) | <u>Staff Summary Attached</u> |
|----|--|--|--------------------------------------|

- a. Jennifer Temps
- b. Medical Search International
- c. New Wave People, Inc.
- d. Penda Aiken, Inc.
- e. White Glove Placement
- f. Winston Support Services

Board approval is sought to add additional funding of \$1,820,000 to increase the contract value, from \$5,745,285 to a not to exceed amount of \$7,565,285, for competitively negotiated personal services contracts with the following six staffing agencies: Jennifer Temps, Medical Search International, New Wave People, Inc, Penda Aiken, Inc., White Glove Placement, and Winston Support Services. The additional funding will allow these firms to continue to provide temporary medical staffing for the MTA Office of Health Services for 11 months of the second one-year extension of the contract from July 8, 2021 through June 7, 2022.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Item Number: 1

Vendor Name (& Location): Trapeze Software Group, Inc.	Contract Number: 900000000000003838	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description: Implementation of MTA Crew Dispatching & Management System	Total Amount: \$21,174,938 MNR \$11,827,172 / LIRR \$9,347,766	
Contract Term (including Options, if any): Six Year contract plus two one-year options to renew (8 years)	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: MNR Transportation: John Longobardi LIRR Transportation Services: Beth Sullivan	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Contract Manager: Kevin Meaney, MTA Procurement	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		

Board approval is sought to award a competitively negotiated miscellaneous services contract to Trapeze Software Group, Inc. to deliver and implement a new Crew Dispatching & Management System to support the picking, crew management/dispatching, and time reporting process for Metro-North Railroad (MNR) for \$11,827,172, with an option to implement same for Long Island Rail Road (LIRR) for \$9,347,766, for a total not-to-exceed amount of \$21,174,938.

This new system acquisition will replace the obsolete legacy systems that are currently in place. Each MTA agency currently utilizes different disparate systems and processes on a daily basis for crew dispatching and management, picking, and timekeeping operations. For example: MNR is currently using Crew Management System (CMS) that was first installed in 1998 which operates in a mainframe environment. LIRR currently uses a separate system called Transportation Employees Assignment and Management System (TEAMS) which was first installed in 2012 and requires major upgrades.

The new software will enable crew dispatchers to perform their duties optimally and support different business processes and policies governing role assignments and pay for employees. This software also ensures that safety and compliance standards will be fully met in accordance with the Code of Federal Regulations (CFR) Title 49 (Transportation) that requires maximum work times for covered service, as well as using fatigue models to act upon certain jobs that affect circadian rhythm, among other things. The CFR outlines maximum working times and mandatory rest based upon the working times.

A Request for Proposal (RFP) was released on January 28, 2020 and distributed to 42 vendors. Seven (7) proposals were received from Trapeze, Arcos, Cloud Moyo, Dassault, GIRO, PS Technology and SISCOG. A Selection Committee, comprised of representatives from MTAHQ, MNR and LIRR was convened to evaluate the proposals. The evaluation was based on a set of selection criteria set forth in the RFP that included factors such as concept and system design, experience on similar projects, project timeline, commitment of relevant resources and cost.

Of the seven (7) proposals received, the Selection Committee deemed that the proposals from Trapeze, Dassault, GIRO, PS Technology and SISCOG were technically qualified with an implementation approach consistent with MTA's expectations. Oral interviews and system demonstrations were then held with these five shortlisted firms.

Based on the vendors' proposals, their oral presentations, system demonstrations, and responses to technical questions, the Selection Committee determined that Trapeze was the most technically qualified vendor who received the highest overall rating in accordance with the selection criteria, affording the best value to the MTA. Trapeze's proposal is also scalable and will allow the MTA the ability to expand its implementation to NYCT and other agencies at the pre-established discount and rate schedules. Trapeze also has the ability to include interfaces to other MTA applications and legacy systems such as PeopleSoft and Kronos products if/when it becomes necessary. The other proposals received lower ratings for reasons such as: their respective systems focused more on bus operations vs. rail centric operations; their systems would require substantially more customizations that could jeopardize meeting the project schedule and

target deliveries of various project milestones; and their proposals did not successfully present other required functionalities, such as: work crew assignment bidding, picking, and some basic crew dispatching functional requirements.

Negotiations yielded a 24% or \$6,957,000 reduction from Trapeze's initial proposal of \$28,131,938 to \$21,174,938. Included in this reduction is Trapeze's provision of the core software at no cost to the MTA, valued at \$4,382,083. Trapeze's negotiated cost is also within the proposed amounts submitted by the shortlisted vendors that were deemed technically qualified, which ranged from \$18M to \$36M. In addition, Trapeze's negotiated Best and Final Offer (BAFO) of \$21,174,938 is \$1.6M below MTA's in-house estimate. Trapeze further warranted that the best pricing discount has been provided to the MTA in comparison to their other government customers for similar implementations. Based on the foregoing, Trapeze's BAFO of \$21,174,938 is deemed fair and reasonable.

In the event that the Trapeze system is expanded to other agencies outside MNR and LIRR, the same negotiated unit prices shall apply. The new system far exceeds the functionality of the current existing systems. A few examples include the employee portal with self-service, enhanced claim support for employees and management, and enhanced reporting and dashboards capabilities.

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

The expected implementation timeline for MNR is 27 months and 21 months for LIRR from project kick-off date. The BAFO proposes a cost breakdown as follows: \$8 million in the first two years for Software, interfacing, project management, system design and configuration, testing and implementation (plus maintenance on the one-year warranty), and an average annual expenditure of \$600,000 for maintenance and support of the system for the remaining six years. If the option for LIRR is exercised, a concurrent cost breakdown is anticipated of \$6 million in the first two years for development, testing and implementation (including maintenance on a one-year warranty) followed by an average expenditure of \$500,000 annually for maintenance and support. While the Board is requested to approve the exercise of the option for LIRR at this time, determination to exercise the option is expected to be made by the end of 2022, subject to the approval by the LIRR's Chief Transportation Officer.

The MTA Department of Diversity and Civil Rights (DDCR) has established 15% MBE, 15% WBE and 6% SDVOB goals for this contract. Trapeze Software Group submitted an MWBE/SDVOB utilization plan that exceeds MWBE/SDVOB goal requirement. Trapeze Software Group has not completed any contracts with MWDBE/SDVOB goals; therefore, no assessment of the firm's MWDBE/SDVOB performance is available at this time.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number: 2

Vendor Name (& Location): Various	Contract Number: 15333 - 100a,200a,300a,400,500,600	AWO/Modification # 3
Description: As Needed Temporary Medical Staffing	Original Amount:	\$4,755,285.79
Contract Term (including Options, if any): 2 Years with 2 (1-Yr.) June 8, 2018 through June 7, 2022	Prior Modifications:	\$ 990,000.00
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prior Budgetary Increases:	\$
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$5,745,285.00
Solicitation Type: <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: OGS	This Request:	\$ 1,820,000.00
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	24%
Requesting Dept/Div. & Dept/Div. Head Name: NYCTA HR and MTAHQ OHS	% of Modifications (including This Request) to Original Amount:	59.1%

PURPOSE:

Board approval is sought to add additional funding of \$1,820,000 to increase the contract value, from \$5,745,285 to a not-to-exceed amount of \$7,565,285, for competitively negotiated personal service contracts with the following six staffing agencies: Jennifer Temps, Medical Search International, New Wave People, Inc, Penda Aiken, Inc, White Glove Placement, and Winston Support Services. The additional funding will allow these firms to continue to provide temporary medical staffing for the MTA Office of Health Services (OHS) for 11 months of the second one-year extension of the contract from July 8, 2021 through June 7, 2022.

DISCUSSION:

In June 2018, MTAHQ Procurement awarded a personal service contract ride of competitively solicited NYS OGS Contract No. 23057, Group No. 73003 ("OGS Contract") to six (6) medical staffing firms for a period of twenty-four (24) months with two (2) one (1) year options for a four-year total amount of \$4,755,287 to provide temporary medical staffing to back fill staff absences, vacation, sick, personal time and vacancies of permanent full-time staff in NYC Transit's, LIRR and MNRR Medical Assessment Centers (MACs). Contract requirements were submitted with four-year funding estimates based on then-known requirements. The contracts were awarded through a competitive mini bid process conducted by MTAHQ procurement to the following firms:

15333-0100A- Jennifer Temps	15333-0300A - New Wave People, Inc	15333-0500 - White Glove Placement
15333-0200A- Medical Search Int.	15333-0400 - Penda Aiken, Inc	15333-0600 - Winston Support Services

The contracts provide temporary medical staffing for titles such as physicians, nurses, lab technicians, physical therapists and computer operators to back fill staff absences, vacation, sick, personal time, and vacancies of permanent full-time staff in NYC Transit's, LIRR's and MNR's Medical Assessment Centers (MACs). Increased staffing was required during the term of the contract to support unanticipated medical program needs that have included adding an evening nurse for the Hearing Conservation Program; Off-Hour/Week-end Medication Nurses for new LIRR program; additional lab technicians to support a DOT regulation change that increased random drug testing by 50%; assigning physicians, nurses and lab technicians to NYCT's Subway Action Plan; adding physicians to backfill staff physicians who were re-directed to COVID-19 related functions; provide evening coverage for extensive increase in return-to-work exams; certify respiratory clearances for employees providing cleaning to the transit system from 1:00 am to 5:00 am, and, coverage for nurses on long-term FMLA absences. While the increase in staffing was within scope, a budget adjustment is now required to replenish funding to continue providing these services through June 2022.

The rates for the original award were deemed fair and reasonable based on a comparison against the corresponding not-to-exceed rates under the OGS Contract and the competitive mini-bid process conducted by MTAHQ Procurement. To date, two modifications have been issued: Modification 1 in 2020 added \$990,000 to cover some of the expended budget used for the agencies' additional staffing needs as cited above, increasing the value to \$5,745,285, and Modification 2 to add one month from the second year option extension from June 8, 2021 to July 7, 2021 (no additional funding). Modification 3 is being requested to add \$1,820,000 in additional funding for the 11-month period remaining in the second one-year contract extension option from July 8, 2021 to June 7, 2022. As explained above, the additional funding will support the agencies' increased temporary medical staffing needs until the contract expiration date of June 7, 2022. During this extension period, MTAHQ will work on a new contract solicitation for these services. This modification utilizes existing rates, terms and conditions that are deemed fair and reasonable. Based on the foregoing, this modification is considered fair and reasonable; performance by the vendors under this contract has been satisfactory.

The contract resulting from this procurement is being evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state and local law and regulations. The Authority is working with the vendor to include applicable cybersecurity requirements prior to issuance of the change order.

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

MTA LONG ISLAND RAIL ROAD

License Agreement Twin Forks Chapter of the National Railway Historical Society for storage of rail cars, Riverhead, New York

License Agreement with Quality Automotive Services Inc. for parking on LIRR property adjacent to 122-26 Farmers Blvd. in Springfield Gardens, Queens, NY

METROPOLITAN TRANSPORTATION AUTHORITY

Amendment to Real Estate Department Policy #11 to increase fees payable by MTA agencies for permits and licenses needed from adjacent property owners to facilitate construction projects

Acquisition of fee interest and permanent and temporary easements for Contract 2 of Phase 2 of the Second Avenue Subway Project

Staff Summary

Subject LICENSE AGREEMENT WITH TWIN FORKS CHAPTER OF THE NATIONAL RAILWAY HISTORICAL SOCIETY AT THE RIVERHEAD YARD
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name ROBERT GOLDBERG

Date JUNE 23, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/23/2021	X		
2	Board	6/23/2021	X		

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

AGENCY: MTA Long Island Rail Road ("LIRR")
LICENSEE: Twin Forks Chapter of the National Railway Historical Society
LOCATION: Riverhead Rail Yard, Riverhead, New York
ACTIVITY: Storage of Rail Cars
ACTION REQUESTED: Authorization to enter into a license agreement
TERM: Month to Month
SPACE: 7 Rail Cars
COMPENSATION: \$1.00, payment waived

COMMENTS:

MTA Real Estate received a request to enter into a month-to-month agreement with the not-for-profit entity Twin Forks Chapter of the National Railway Historical Society (Twin Forks NRHS), for temporary storage of 7 rail cars in the LIRR's Riverhead Rail Yard. The Licensee is an organization dedicated to the preservation and education of railroading with an emphasis on Long Island's railroading history.

This transaction is being entered into pursuant to MTA Real Estate Policies and Procedures which permits the licensing of space if there have been no inquiries in the preceding 12 months. There have not been any inquiries about the premises, and it is not currently being used.

The grant of a license would enhance maintenance at the premises, as the Licensee will be responsible for the operation and maintenance of the r premises, as well as providing liability insurance coverage, at their sole cost and expense.

Based on the foregoing, MTA Real Estate requests authorization for the LIRR to enter into a license agreement with Twin Forks Chapter of the National Railway Historical Society on the above described terms and conditions.

Staff Summary

Subject LICENSE AGREEMENT WITH QUALITY AUTOMOTIVE SERVICES INC. IN SPRINGFIELD GARDENS, NY
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name ANDREA TEDESCHE-GOMEZ

Date JUNE 23, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/23/21	X		
2	Board	6/23/21	X		

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

AGENCY: MTA Long Island Rail Road ("LIRR")
LICENSEE: Quality Automotive Services Inc.
LOCATION: 122-28 Farmers Boulevard, Springfield Gardens, New York
ACTIVITY: Parking and vehicle storage
ACTION REQUESTED: Authorization to enter into license agreement
TERM: 5 years plus one (1), 5-year option period
SPACE: 2,000 square feet
COMPENSATION: \$12,000 per year, with 3% escalations

COMMENTS:

Quality Automotive Services Inc. has requested use of the above-mentioned site for parking and vehicle storage in conjunction with their adjacent autobody repair shop. LIRR has given its authorization for the proposed use of this site. This transaction will be executed pursuant to MTA Real Estate's Policies and Procedures for the Licensing of Real Property. Compensation was determined by the MTA's third-party consultant and deemed by MTA Real Estate to be fair and reasonable.

Licensee will be responsible for operation and maintenance of the site, as well as providing liability insurance coverage at their sole cost and expense.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to enter into a license agreement with Quality Automotive Services Inc on the above described terms and conditions.

Staff Summary

Subject AMENDMENT OF BOARD POLICY ON CONSTRUCTION ACCESS AGREEMENTS
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name MICHAEL DANIELS

Date June 23, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/23/21	X		
2	Board	6/23/21	X		

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

AGENCY: All agencies

PURPOSE: Proposed Amendment to Policy on Construction Access Agreements as set forth in the resolution below

COMMENTS:

Real Estate Licensing Policy # 11 originally adopted on November 15, 1999, allows MTA Real Estate to negotiate access rights and privileges required by MTA operating agencies for capital projects or maintenance or repairs of operating facilities. These access rights are typically for the duration of the project and subject to a permit or license fee limit of \$2,000 per month. Such permits or licenses are typically obtained from other public entities and private property owners.

Approximately ten years later, instances have started to arise where it has been difficult to keep the compensation within the \$2,000.00 per month limit. MTA Real Estate therefore requests that the Board increase the limit to \$10,000.00 per month.

BE IT RESOLVED that the Board hereby authorizes the Director, Real Estate Transactions and Operations of the MTA to negotiate and enter into agreements on behalf of all MTA agencies for the purpose of securing certain access rights to real property for their contractors, employees and agents in connection with capital construction projects and maintenance and repairs related to MTA facilities.

Each agreement shall:

- 1) be in a form approved by the MTA Legal Department
- 2) provide for a permit/license fee or equivalent compensation not to exceed \$10,000.00 per month and
- 3) provide for a term not to exceed the overall project duration.

This resolution is applicable only to the acquisition of access rights that are (1) minor temporary uses of land having negligible or no permanent on the environment; or (2) are in connection with a project to be constructed upon real property therefore used for a transportation purpose or on an insubstantial to such property contiguous thereto and which will not change in a material respect the general character of such prior transportation use shall take effect immediately upon its adoption.

Staff Summary

Subject DETERMINATION AND FINDINGS
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name HELENE CINQUE/ ROBAIR REICHENSTEIN

Date JUNE 23, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/23//21	X		
2	Board	6/23//21	X		

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

AGENCY: Metropolitan Transportation Authority (“MTA”)
 PROJECT: Second Avenue Subway Project (the “Project”)
 ACTIVITY: Acquisition of Fee Interest and Permanent and Temporary Easements in Properties Listed on the Attached Determination and Findings for Contract 2 of Phase 2 of the Project
 ACTION REQUESTED: Approval of Determination and Findings Under the New York Eminent Domain Procedure Law with respect to the acquisition of property needed to facilitate the Project

COMMENTS:

MTA requires various property interests in the east side of Manhattan, in order to complete the work in Contract 2 of Phase 2 of the Second Avenue Subway Project. Contract 2 work covers construction of the launch box for the Tunnel Boring Machine(s), bored tunnels north starting at 120th Street and Second Avenue and running to the end of the train storage tracks on 125th Street between Malcolm X Blvd. and Adam Clayton Powell Jr. Blvd. and the construction shafts used for the excavation of the mined 125th Street Station. These property interests are set forth in a chart on the attached Determination and Findings. Efforts will be made to acquire these property interests by negotiated agreements. In those instances where MTA cannot reach agreements with the affected property owners, legal proceedings must be commenced under Article 2 of the New York State Eminent Domain Procedure Law (“EDPL”).

On March 30, 2021, MTA held an EDPL public hearing to describe the public uses, benefits, purposes and location of the work elements covered by Contract 2; the property interests to be acquired, and Contract 2’s general impact on the environment. Notices of this public hearing were published in newspapers, as required under the EDPL. Property owners affected tenants and other interested parties were also given advance notice of the hearing by certified mail. MTA Construction & Development (“MTA C&D”) personnel attended this virtual hearing.

Following a presentation by MTA’s hearing officer, 3 speakers made statements about Contract 2, the Project and the proposed property acquisitions. In addition, written submissions with comments about Contract 2, the Project and the proposed property acquisitions were received by MTA prior to the end of the written submission period at the close of business on April 13, 2021 at 5:30 p.m. The following summarizes the comments received: (a) that the construction will cause an adverse impact on parking; (b) expressing concern as to the amount of just compensation that will be paid; (c) requesting that a certain development site not be taken by eminent domain;

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

(d) requesting that the Q line be extended; (e) expressing concern over the taking of a minority-owned commercial property; and (f) alleging issues with respect to the hearing notice. All comments have been given careful, extensive and due consideration by MTA. Moreover, MTA, MTA C&D and project staff will continue to work with property owners, tenants and other potentially affected parties as the Project moves forward in an effort to mitigate project-related impacts as much as possible.

After due consideration of all statements made during the EDPL public hearing and comments period, MTA staff recommends Board approval of the attached Determination and Findings under the EDPL with respect to the acquisition, by eminent domain, if necessary, of the property interests described therein that are needed to facilitate the Project.

A copy of the Determination and Findings under the EDPL is attached for the Board's consideration and approval.

MTA staff hereby requests Board approval of the attached Determination and Findings. This action will authorize MTA staff and counsel to continue with the EDPL proceedings to acquire the required property interests described in the Determination and Findings by eminent domain, if necessary.

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

CONTRACT 2--PHASE 2 OF THE SECOND AVENUE SUBWAY PROJECT

In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the Board of the Metropolitan Transportation Authority ("MTA") hereby approves the acquisition of property interests described below by eminent domain, if necessary, and adopts the following statutory findings:

1. EDPL Public Hearing. On March 30, 2021, MTA held a virtual EDPL public hearing to inform the public and to receive the public's comments on proposed property acquisitions for Contract 2 of Phase 2 of the Second Avenue Subway Project (the "Project"). All oral comments received at the hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

2. Location of Property Required for Contract 2. The location and nature of the property interests required for Contract 2, and hereby approved for acquisition, are as described on the chart below.

At the March 30, 2021 public hearing and in letters and maps mailed to property owners and interested parties prior to the public hearing, MTA provided more detailed descriptions of the required property interests and estimated time frames when the property interests would be needed for Contract 2.

MTA reserves the right to acquire a lesser interest in any of the properties described below, or to refrain from acquiring any of such property interests, as dictated by the needs of the Project.

3. Public Use, Purpose and Benefits. With respect to the Project in general, the Second Avenue Subway will be a new, two-track, approximately 8.5-mile rail line with 16 new stations extending the length of Manhattan's East Side corridor from a terminal station at 125th Street and Lexington Avenue in Harlem to Hanover Square in Lower Manhattan. The new line will make the neighborhoods of the East Side more accessible not only to those who live there, but to visitors and workers traveling from other parts of New York City as well. Not only will the Second Avenue Subway serve existing neighborhoods on the densely developed East Side of Manhattan, it will also support emerging growth in several areas, including East Harlem, the Lower East Side and Chinatown.

The Second Avenue Subway will provide for two subway services in the East Side corridor. The first will be a full-length Second Avenue route operating between 125th Street and Hanover Square with 16 new stations serving this area. The second service will operate along Second Avenue from 125th Street to 63rd Street, where it will divert west along the existing 63rd Street Line and terminate at the existing Lexington Avenue/63rd Street Station; it will then join the existing Broadway Line via an existing tunnel connection and serve existing express stations along Seventh Avenue and Broadway before crossing the Manhattan Bridge to Brooklyn. Passengers traveling to Lower Manhattan on this route could transfer for local service to destinations south of Canal Street.

As a result, passengers traveling between East Harlem and the Upper East Side will be able to reach both the eastern and western sides of Lower Manhattan. Passengers traveling to and from Brooklyn also will

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

be better served by the new service to the East Side provided both through the Broadway Line service and the anticipated free transfers to be provided at several stations, including the Grand Street B/D Line and the Second Avenue F line. Subway passengers from the Bronx will benefit from free transfers at the Lexington Avenue 4/5/6 125th Street Station, among others.

The Second Avenue Subway will provide more flexibility for passengers traveling along the eastern side of Manhattan, where subway service is currently limited to one line — the severely overcrowded Lexington Avenue Line — for much of the area. The new Second Avenue service thus will provide a needed alternative to the Lexington Avenue Line in the event of shutdowns to that service due to emergencies or breakdowns. Finally, with a new connection at 125th Street, the Project will also improve regional access to the various East Side neighborhoods from the existing Metro-North Railroad.

The Second Avenue Subway is already partially open. Currently, the northern terminal for the Q train is on Second Avenue and 96th Street. The line runs south to 63rd Street where it joins the existing Broadway Line. The instant project, which is the second phase of the Second Avenue Subway, will extend the Q service further north in Manhattan to 125th Street and Lexington Avenue.

Contract 2 is the second of four Contracts in Phase 2 of the Project. Phase 2 covers construction of the subway line from East 96th Street, north along Second Avenue to East 125th Street and Lexington Avenue, which will connect to the current northern terminal of the Project on Second Avenue and 96th Street, which joins the Broadway subway line at East 63rd Street. The work elements covered by Contract 2 are critical for the completion of the Second Avenue Subway as they consist of the construction of the launch box for the Tunnel Boring Machine(s); bored tunnels north starting at 120th Street and Second Avenue and running to the end of the train storage tracks on 125th Street between Malcolm X Blvd. and Adam Clayton Powell Jr. Blvd. together with construction shafts used for the excavation of the mined 125th Street Station.

4. Reasons for Selecting the Location Covered by Contract 2: The property interests necessary to be acquired for Contract 2 are generally located on Second Avenue between East 119th Street and East 120th Street as well as along 125th Street as the work covered by Contract 2 consists of the construction of the launch box for the Tunnel Boring Machine(s); bored tunnels north starting at 120th Street and Second Avenue and running to the end of the train storage tracks on 125th Street between Malcolm X Blvd. and Adam Clayton Powell Jr. Blvd. together with construction shafts used for the excavation of the mined 125th Street Station. MTA will utilize properties to be acquired for this work as entrances and ancillary facilities that will be constructed in subsequent contracts. The Project's specific location and alignment within this area were determined after years of detailed planning, environmental review and public outreach. MTA and the Federal Transit Administration ("FTA") fully evaluated alternatives during that process, as set forth in detail in the Final Environmental Impact Statement for the Second Avenue Subway ("FEIS") issued in April 2004. In July 2004, FTA issued a Record of Decision for the Project, which signified that the project is eligible for continued federal funding and support. Additionally, MTA prepared a Supplemental Environmental Assessment ("SEA") for Phase 2 of the Project, for which FTA issued a Finding of No Significant Impact ("FONSI") in November 2018. Finally, FTA issued a Supplemental Environmental Assessment Re-Evaluation in August 2020. The FEIS, Record of Decision, SEA and Supplemental Environmental Assessment Re-Evaluation, and all evaluations and environmental findings presented in the FEIS, Record of Decision, SEA and Supplemental Environmental Assessment Re-Evaluation are hereby incorporated by reference.

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

5. General Effect of Contract 2 on the Environment and Residents of the Locality. The environmental impacts of the Project as a whole and for Phase 2 are thoroughly covered in the FEIS, the SEA and Supplemental Environmental Assessment Re-Evaluation. The general environmental impacts under Contract 2 are summarized as follows:

Construction activities under Contract 2 will result in unavoidable increases in traffic, truck movements, dust, noise, and vibrations in the areas nearby. In the construction zone from 118th Street to 121st Street, approximately half of Second Avenue and some of the adjacent sidewalk will be closed at a time to facilitate construction. In the vicinity of the 125th Street Station, there will be two staging areas for the mining and construction of the station cavern at the southeast corners of 125th Street and Lexington Avenue, and 125th Street and Park Avenue; each occupying the full length of the Avenue between 124th and 125th Streets. There will also be an extraction shaft and staging site on 125th Street, approximately 300 feet west of Malcom X Blvd. In these areas, trucks will travel to and from the site making deliveries and removing earth and other materials. Certain construction activities could require restricting access to buildings for several hours. In most cases, safe access to buildings, including street-level businesses, will be maintained throughout the construction period, although pedestrian and vehicular access will be altered or restricted by the construction of sidewalk sheds and the removal of parking and travel lanes, and the visibility of some businesses will be reduced. To help minimize potential impacts, MTA will make every reasonable effort to maintain access; control dust, noise and vibration; screen construction activities; control rodents and pests; and minimize other disruptions, where practicable.

Contract 2 will impact on transportation as it will require that up to half of the width of the Second Avenue roadway be closed at the construction work zone for the 120th Street Tunnel Boring Machine Launch Box site. A minimum of four lanes will be maintained on Second Avenue for vehicular traffic adjacent to work zones by prohibiting curbside parking, pick-ups/drop-offs and deliveries, relocating bus stops and narrowing sidewalks to a minimum of 7 feet. Construction activity for Contract 2 will also increase traffic volumes on Streets and Avenues within the project area and will generate an increase in the volume of truck traffic through the project area for soil removal from and materials deliver to the construction sites.

With respect to socio-economic impacts, businesses could be adversely affected by the disruptions associated with construction activities, such as reduced pedestrian and vehicular access, removal of parking, and reduction in the visibility of some businesses, particularly retail establishments with outdoor activities on the sidewalk, which may have to be removed when construction is occurring nearby. Though temporary, these disruptions could affect the businesses' revenue streams and could make the areas in the vicinity of construction activities less desirable locations while construction is underway. To help mitigate these impacts, MTA will promote high-quality design of sidewalk sheds, such as the addition of windows, better lighting, and good store signage around construction sites. MTA will coordinate with businesses in each phase to address access/delivery issues; and provide special loading and unloading areas on nearby side streets to locations where access will be curtailed in front of buildings during construction. In those designated side street areas, parking may be prohibited to allow more reliable deliveries and pick-ups.

There are no open space impacts resulting from Contract 2.

With respect to displacement and relocation, properties at 120th Street and Second Avenue will be acquired for an ancillary facility for the 116th Street Station, which will also be used to support the launch and operation of the tunnel boring machine(s). Another ancillary facility will be located on property at the

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

southeast corner of Lexington Avenue and 125th Street, which was recently demolished in preparation of a development site and is being coordinated with the MTA for the station entrance and ancillary building. The ancillary and entrance site at Park Avenue and 125th Street is a vacant lot that will require no displacement. The displacement at the Ancillary A site on West 125th Street consists of a single commercial retail store. This business may be eligible for relocation benefits and assistance under the Uniform Relocation Assistance and Real Property Acquisition Act ("URA"). Temporary construction easements also will be needed along portions of the tunnel route. These easements will be below ground and will not require any displacements.

With respect to archeological resources, research that was done for the FEIS found that the area along Second Avenue and along 125th Street was sensitive for Native American resources at a depth of up to 23 feet below the surface. MTA will perform additional work to determine whether any archaeological resources are actually present and whether those resources are significant and eligible for the State and National Register of Historic Places. Mitigation measures such as data recovery, public interpretation, or additional analysis and curation, will be developed and implemented where future work confirms the presence of significant archaeological resources (i.e., resources that are eligible for listing on the State and National Registers) that will be adversely affected by the Project.

With respect to air quality, construction activities, including truck trips, congestion, and diversions to existing traffic, will not result in significant adverse impacts to air quality. To the maximum extent practicable, MTA's contractors will be required to follow measures to reduce construction-related impacts to air quality. These measures include dust covers for trucks, water spray misting of exposed soil areas, and using safe chemical dust suppressants to treat and control spoils at construction areas. In addition, a fence of an appropriate height will surround the construction sites to reduce wind-borne dust. To reduce emissions from construction equipment, diesel emission controls for non-road equipment will be required. These controls will require that all heavy equipment use ultra-low sulfur diesel fuel and diesel particulate filters, or other retrofit technology, in accordance with MTA policies. In addition, idling time for all diesel equipment will be limited to 3 consecutive minutes, except in certain limited circumstances.

With respect to noise and vibration, construction activities will result in some increased noise and vibration impacts. These impacts were fully evaluated in the FEIS, and measures will be taken to mitigate the noise and vibration levels. Mining operations in rock will use drilling and controlled blasting, and except for some limited locations where vertical blasting may occur, most of the noise will be contained underground and is not expected to be discernible. Vertical blasting is blasting that must be performed to create vertical access or ventilation shafts to the street. At locations where vertical blasting will occur, noise from the blasting will be discernible to nearby residences and businesses for a very short period of time (that is, for the several-second duration of the blast) but will be limited to the hours of 7am to 10pm. In general, due to the short duration of these events, average hourly noise levels will not be significantly affected by the blasts. Noise will also be generated from ground improvement and trucking activities, slurry wall construction, spoils removal at stations and from the tunnels, and other activities. To reduce noise associated with such construction, performance standards will be established by MTA and included with contract documents that must be met by all contractors during construction.

Prior to construction, ambient noise measurements will be taken at noise-sensitive locations. Once construction begins, monitoring stations will be established to provide MTA with the ability to monitor its contractors to ensure compliance with the performance standards. Contractors will also be required to develop noise monitoring and reporting protocols and to obtain certificates of equipment noise

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

compliance from MTA or its designee for all construction equipment employed throughout the project. Ultimately, at the time of construction, MTA's contractors will be able to select from a range of noise abatement measures to ensure that construction noise does not exceed the performance standards.

With respect to ground borne noise and vibration, construction will result in varying degrees of ground vibration, depending on the stage of construction, the equipment and construction methods employed, and the distance from the construction to buildings and vibration-sensitive structures. Due to the close proximity of sensitive receptors, vibration levels during a large portion of the period of construction will be perceptible. MTA will implement a rigorous program of special measures to minimize potential impacts to uses (such as hospitals and other medical facilities) and structures (such as historic buildings) that are sensitive to vibration levels. Construction Protection Plans ("CPPs") will be developed for Phase 2 contracts that will include measures to protect Built and Archaeological properties prior to and during construction. The CPPs will outline the specific requirements for preconstruction surveys, vibration monitoring and thresholds, and crack and settlement monitoring to ensure that historic built properties are protected during construction.

With respect to utility relocation impacts, utility services will be maintained throughout construction, except for planned temporary outages. Outages during the day will be limited to a few hours. If utility work requires the complete closure of the roadway and shutting off utility services for several hours, it will generally occur overnight. Residents and businesses will be notified in advance of these disruptions.

With respect to contaminated materials impacts, there is a potential that during construction contaminated soil, soil gas, or groundwater could be uncovered, either in locations where research indicated a potential problem or in other unexpected locations. Preventive measures will be undertaken to protect the safety of the public, community residents, and construction workers, as well as transit workers and the larger environment where the preliminary investigation has indicated that construction has the potential to encounter contaminated materials.

In sum, all practical means to avoid or minimize environmental harm from the work covered by Contract 2 will be adopted. MTA will incorporate into design, construction, and operation all mitigation measures identified in the FEIS, SEA and Supplemental Environmental Assessment Re-Evaluation, as well as any additional measures identified during final design. These measures constitute all practicable mitigation measures and will address Contract 2-related impacts to the fullest extent practicable.

COMMENTS

At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on April 13, 2021.

The following summarizes the comments received: (a) that the construction will cause an adverse impact on parking; (b) expressing concern as to the amount of just compensation that will be paid; (c) requesting that a certain development site not be taken by eminent domain; (d) requesting that the Q line be extended; (e) expressing concern over the taking of a minority-owned commercial property; and (f) alleging issues with respect to the hearing notice.

All comments have been given careful, extensive and due consideration by MTA.

Staff Summary

FINANCE COMMITTEE MEETING [DETERMINATION AND FINDINGS] (Cont'd.)

DETERMINATION

Based on due consideration of the record and the foregoing findings, it is determined that the MTA should exercise its power of eminent domain to acquire the property interests set forth in the chart below in order to promote and permit the purposes of the Project to be achieved.

Copies of this Determination and Findings are available and will be forwarded without cost and upon request, by writing to:

Joseph O'Donnell, Director of Public Affairs
MTA Construction & Development
2 Broadway, D8135,
New York, N.Y.10004

ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE A LEGAL PROCEEDING IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL § 207 AND § 208, THE EXCLUSIVE VENUE FOR SUCH PROCEEDING IS THE APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT, 27 MADISON AVENUE, NEW YORK, NEW YORK 10010.

Acquisition of fee interests and permanent and temporary easements for construction of the launch box for the Tunnel Boring Machine(s), bored tunnel, cavern mining and future station entrance and ancillary facilities.

<i>Block</i>	<i>Lot(s)</i>	<i>Type of Interest</i>	<i>Property Address</i>
1909	44	Permanent Full Taking	120 West 125th Street, NY, NY
1773	1 67	Permanent Full Taking	1801-1805 Park Avenue, NY, NY 100-110 East 125th Street, NY, NY/ 101-109 East 124th Street, NY, NY
1773	69	Permanent Full Taking	1815 Park Avenue, NY, NY
1773	Part of Lot 20	Permanent Full Taking Temporary Easement	142-168 East 125th St/ 2051-2061 Lexington Avenue, NY, NY
1773	Part of Lot 27	Permanent Full Taking Temporary Easement	149-167 East 124th Street, NY, NY
1773	Part of Lot 27	Permanent Partial Taking & Permanent Subsurface Easement	149-167 East 124th Street, NY, NY
1784	23	Permanent Full Taking	2327 Second Avenue, NY, NY
1784	122	Permanent Full Taking	2325 Second Avenue, NY, NY
1784	24	Permanent Full Taking	2329 Second Avenue, NY, NY
1784	25	Permanent Full Taking	2331 Second Avenue, NY, NY
1784	26	Permanent Full Taking	2333 Second Avenue, NY, NY
1784	27	Permanent Full Taking	2335 Second Avenue, NY, NY
1784	28	Permanent Full Taking	2337 Second Avenue, NY, NY
1784	120	Permanent Full Taking	N/A East 119th Street, NY, NY
1784	128	Permanent Full Taking	246 East 120th Street, NY, NY