

**NYCT Committee  
ACTIONS and PRESENTATIONS  
SUMMARY for SEPTEMBER 2022**

<b>Responsible Department</b>	<b>Vendor Name</b>	<b>Total Amount</b>	<b>Summary of action</b>
NYCT	DPR Ultrasonic Technologies LLC	\$7,849,087	A Three-Year Extension of the Sole Source Contract for Ultrasonic Internal Rail Flaw Inspections and Technical Support



# **New York City Transit Procurements**

**Louis Montanti**, MTA Deputy Chief Procurement Officer – Procurement Operations

## PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$7.9M.

<b>Subject</b>	Request for Authorization to Award Various Procurements				
<b>Department</b>	MTA Procurement				
<b>Department Head Name</b>	Kuvershen Ayer				
<b>Department Head Signature</b>	<i>Kuvershen Ayer</i>				
<b>Project Manager Name</b>	Rose Davis				
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	09/19/22			
2	Board	09/21/22			

September 19, 2022			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
<i>DD</i>	President NYCT	X	Subways
X	COO		
X	Diversity/Civil Rights		
X	Law		

<b>Internal Approvals (cont.)</b>							
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>

**PURPOSE**

To obtain approval of the Board to award various contracts and purchase orders, and to inform the NYC Transit Committee of these procurement actions.

**DISCUSSION**

**NYC Transit proposes to award Noncompetitive procurements in the following categories:**

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$Amount</u>
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 7.9 M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 7.9 M</b>

**NYC Transit proposes to award Competitive procurements in the following categories: None**

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

<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 7.9 M</b>
<b>TOTAL</b>	<b>1</b>	<b>\$ 7.9 M</b>

**COMPETITIVE BIDDING REQUIREMENTS:** The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

**BUDGET IMPACT:** The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

**RECOMMENDATION:** That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

## **BOARD RESOLUTION**

**WHEREAS**, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

**WHEREAS**, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and

**WHEREAS**, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

**SEPTEMBER 2022**

**LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

2. **DPR Ultrasonic Technologies LLC**      **\$7,849,087**      **Staff Summary Attached**  
**Five Years**  
**Contract # 6%19338**

Modification to the contract for Ultrasonic Internal Rail Flaw Inspections, adding a three-year extension of time.

**Schedule H: Modifications to Miscellaneous Service Contracts**



**Item 2**

<b>Vendor Name (Location)</b> DPR Ultrasonic Technologies, LLC (Ridgefield, Connecticut)
<b>Description:</b> Ultrasonic Internal Rail Flaw Inspections
<b>Contract Term (including Options, if any)</b> November 1, 2017–October 31, 2022
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Department:</b> Department of Subways, Demetrius Crichlow

<b>Contract Number</b> 6%19338	<b>AWO/Mod. #:</b> 1
<b>Original Amount:</b>	\$ 10,352,334
<b>Prior Modifications</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 10,352,334
<b>This request:</b>	\$ 7,849,087
<b>% of This Request to Current Amount:</b>	76%
<b>% of Modifications (including This Request) to Original Amount:</b>	76%

**Discussion:**

NYC Transit requests MTA Board approval of a three-year extension to the contract for Ultrasonic Internal Rail Flaw Inspections. The contract was awarded pursuant to EO168 to DPR Ultrasonic Technologies, LLC (“DPR”) on November 1, 2017, and ratified by the December 2017 Board for a period of five years (through October 31, 2022), in the total estimated amount of \$10,352,334, as a noncompetitive estimated quantity contract due to the specific ultrasonic testing performed to ensure track integrity, and the maintenance and technical support DPR provides on its rail testing equipment and technology. All services provided by DPR on this contract are performed by, and proprietary to, DPR. DPR is the only firm that can operate its equipment.

Under this contract, DPR performs ultrasonic testing of rail-using equipment of its own design mounted to NYC Transit–owned and operated Track Geometry Cars (“TGCs”). Ultrasonic inspection is a function of ensuring track integrity by detecting potential flaws in rail that may not be visible to the naked eye by emitting high-frequency soundwaves into the rail and subsequently measuring how those soundwaves move through the rail. By detecting and analyzing otherwise invisible flaws within the rail, the rail can be replaced before a failure occurs. The inspection process is continuous, enabling the detection of flaws without requiring the TGC vehicle to stop, minimizing its impact to revenue service operations. The data resulting from the inspection is then analyzed by DPR staff and presented to Department of Subways (“DOS”) personnel as Priority 1, Priority 2, or lesser rail defects to assist DOS in track maintenance and specifically rail replacement to ensure the track is safe for the operation of subway trains. This contract also includes maintenance and technical support of DPR’s equipment on the TGCs.

Services under this contract include the provision of on-vehicle staff to operate the ultrasonic testing equipment, independent analysis staff embedded with NYC Transit staff to mutually interpret the data collected, as well as pricing for maintenance and as-needed repairs of the equipment. Pricing on the base contract was negotiated as firm, fixed pricing for each year of its five-year term. DPR originally proposed \$8,604,427 for this extension. Through discussions, DPR offered a unilateral price concession resulting in a final estimated expenditure amount of \$7,849,087 over the extension period. As a result, cost avoidance of approximately \$755,340 were achieved. The pricing for the extension has been found fair and reasonable.

The contract resulting from this procurement action 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. The Authority is working with the contractor to include applicable cybersecurity requirements prior to the exercise of this modification.

**Impact on Funding**

This requirement will utilize Operating funds.