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Metropolitan Transportation Authority

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September 2007

MTA Board Action Items



MEETING AGENDA
METROPOLITAN TRANSPORTATION AUTHORITY BOARD
September 26, 2007 9:30 a.m.

347 Madison Avenue
Fifth Floor Board Room
New York, NY

AGENDA ITEMS

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Date of next MTA Board meeting: Wednesday, October 24, 2007 at 9:30 a.m.

The legal and popular names of the Metropolitan Transportation Authority operating agencies are used throughout this agenda package. The following table displays the official name and corresponding legal name for each agency.

<u>Popular</u>	<u>Legal Name</u>	<u>Abbreviation</u>
MTA New York City Transit	New York City Transit Authority	NYC Transit
MTA Long Island Rail Road	The Long Island Rail Road Company	LIRR
MTA Long Island Bus	Metropolitan Suburban Bus Authority	LI Bus
MTA Metro-North Railroad	Metro-North Commuter Railroad Company	MNR
MTA Bridges and Tunnels	Triborough Bridge and Tunnel Authority	B&T
MTA Capital Construction	MTA Capital Construction Company	MTA CC
MTA Bus Company	MTA Bus Company	MTA Bus

The Staten Island Rapid Transit Operating Authority is a subsidiary of the Metropolitan Transportation Authority. Its popular name is MTA Staten Island Railway, abbreviated as SIR.

Manhattan and Bronx Surface Transit Operating Authority, abbreviated MaBSTOA, is a subsidiary of the New York City Transit Authority.

Sections of the Board book are separated by blue pages and are color coded as follows:

<u>Section</u>	<u>Color</u>
Information and Action Items	White
Non-Competitive Procurements	Green
Competitive Procurements	Yellow
Ratifications	Red

**Minutes of the Joint
MTA Finance Committee and
Regular Board Meeting
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10017**

**Wednesday, July 25, 2007
9:30 a.m.**

The following members were present:

**Hon. Peter S. Kalikow, Chairman
Hon. David S. Mack, Vice Chairman
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. James F. Blair
Hon. Donald Cecil
Hon. Barry Feinstein
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow, Esq.
Hon. Susan Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. Norman I. Seabrook
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Carl V. Wortendyke**

The following member was absent:

Hon. Nancy Shevell Blakeman

Elliot G. Sander, Executive Director/Chief Executive Officer, Susan L. Kupferman, Acting Chief Operating Officer, James B. Henly, General Counsel, Myrna Ramon, Chief of Staff, Robin Bergstrom, Acting Corporate Secretary, Board Member Andrew Albert, Board Member James F. Blair, Board Member Norman E. Brown, Board Member James L. McGovern, Board Member Vincent Tessitore, Jr., Howard H. Roberts, Jr., President of NYCTA, Peter Cannito, President of Metro-North, Helena Williams, President, LIRR, David Moretti, Acting President of TBTA, Neil Yellin, President of MSBA, Mysore L. Nagaraja, President of MTA Capital Construction, Thomas J. Savage, President of the MTA Bus Company, and Douglas Sussman, Director, Community Affairs also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority, and the First Mutual Transportation Assurance Company. Refer to the agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

1. **PUBLIC SPEAKERS.** The following speaker addressed items on the MTA agenda. There were other public speakers addressing items pertaining to NYC Transit and Metro-North. Refer to the MTA Agencies' minutes for the list of speakers.

Gene Russianoff, Straphangers Campaign – Mr. Russianoff presented various questions with respect to the MTA's proposed budget proposal. Mr. Russianoff said that the public is interested in knowing whether the financial numbers show the MTA to be facing a serious budget deficit in 2008 and beyond, what additional services New Yorkers will receive in the event of a fare increase, who will contribute to solving the MTA's financial problems, and how will the MTA make sure riders are not the only ones being asked to help solve some of the agencies' financial problems. Mr. Russianoff said that any proposal to raise fares should only be seriously considered if and when the State Legislature approves Mayor Bloomberg's congestion pricing proposal, which would reduce traffic and provide a long term revenue source for the MTA. If a fare increase is considered, Mr. Russianoff urged the Board to consider ways to lessen the impact an increase in fares would have on the public, such as providing various fare incentives.

Kate Slevin, Tri-State Transportation Campaign - Ms. Slevin commented on the MTA's financial crisis and suggested that the MTA look for other sources of revenue to offset a fare increase. Ms. Slevin proposed that the elective officials support the Mayor's congestion pricing proposal and provide additional funding in support of the transportation initiatives.

2. **MINUTES.** Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular Board meeting held on June 27, 2007.

3. **COMMITTEE ON FINANCE.**

- A. **Action Item.** Upon motion duly made and seconded, the Board unanimously approved the following action item. The specifics are set forth in the attached staff summary.

NYSDOT Grant for MTAPD Emergency Service Unit. Resolution authorizing the Executive Director to accept, subject to the approval of the MTA General Counsel, on behalf of the MTA a New York State Department of Transportation award of a 2005/2006 Legislative Initiative, by former New York State Senator Michael Balboni, to assist the MTA Police Department, Emergency Services Unit with the purchase of a mobile response vehicle which carries specialized equipment for tactical and rescue situations.

- B. **Procurement Items.** Upon motion duly made and seconded, the Board unanimously approved the following items listed below. The specifics are set forth in the attached staff summaries and documentation. Board member Susan Metzger recused herself from item # 6 below.

1. Touch Graphics, Inc. – Upgrade to Talking Kiosk at Penn Station and Related Systems Maintenance – No. 07128-0100. Non-competitive contract to upgrade and rehabilitate the Penn Station Talking Directory Display System servicing LIRR customers located between Tracks 14 and 15 in Penn Station.
2. In Motion Technology, Inc. – Purchase Additional Mobile Devices for MTA Police Vehicles – No. 06310-0100, c/o # 1. Increase funding for the contract with In Motion Technology, Inc. for the purchase of an additional 52 on-board Mobile Gateway 1000 (OMG) devices to be used in new police vehicles purchased in 2007.
3. Staples, Inc. and Crystal InfoSystems, Inc. - All-Agency Office Supplies and Toner – Nos. 07022-0100 and -0200. Competitive contracts to supply and deliver office supplies for MTA and the agencies for three years, with an option to renew for two additional years.
4. UsableNet, Inc. – Website Accessibility and Mobile Access for Visually Impaired Individuals – No. 07023-0100. Competitive contract, in compliance with the mandatory technology policy requiring accessibility by visually impaired individuals to state agencies' web-based internet and intranet information and applications, to acquire UsableNet's hosted solution, which will provide i) a text-only version (the "UsableNet Assistive" solution) of the MTA's complete website, and ii) the mobile devices version ("UsableNet Mobile"), which is compatible with Blackberry, Treo, all PDAs, and web-based cell phones.
5. Real Data Management, Inc. – Preparation of Floor Plans for Filing with MTAHQ's Emergency Evacuation Plan – No. 07004-0100. Competitive contract to consultant to prepare floor plans for submission to the NYC Fire Department for approval as part of the filing of Emergency Action Plans for MTAHQ facilities at 341, 345 and 347 Madison Avenue.
6. Various Contractors - Transportation Planning Research Services – Nos. 07034-0100 thru -0600. Competitive contracts to AECOM Consult, Inc., Caliper Corporation, Henningson, Durham and Richardson, Architecture Engineering P.C. (HDR), NuStats, LLC, TranSystems Corporation and Ubitran Associates, Inc. to design and analyze transportation planning studies utilizing advanced statistical and multivariate techniques related specifically to demand modeling for service planning cost/benefit analyses for capital investments and budget priority setting, sample design for origin and destination surveys, demand estimation and forecast studies, fare policy and long term strategic planning.
7. Idea Security Services – Unarmed Security Guard Services - No. 07069-0100. Competitive contract to furnish all labor and equipment to provide unarmed security guard services at MTAHQ (341 Madison Avenue), and the Grand Central Transit Museum and store.

8. Marsh USA, Inc. – All-Agency Master Broker Services – No. 07021-0100. Competitive contract to provide consulting services for the acquisition and maintenance of insurance and other miscellaneous services in support of MTA's All-Agency Risk Management Program.
9. T.R. Joy & Associates – Installation, Maintenance and Repair Services for Security and Burglar Alarm System – No. 06062-0200, c/o #2. Increase funding to the MTA Police Department's (MTAPD) portion of a competitive contract, which covers installation, maintenance and repair services for security and alarm systems at MTAHQ, East Side Access and the MTAPD.

Chairman Kalikow introduced and welcomed MTA's newest non-voting Board Member, Vincent Tessitore, Jr., who replaces Michael J. Canino who resigned.

4. **COMMITTEE ON MSBA.** Upon motion duly made and seconded, the Board unanimously approved the following item listed below. The specifics are set forth in the attached documentation.

Sprague Energy Corporation – Diesel Fuel for Paratransit Vehicles - # E-3421, Renewal . Modification to a competitive contract to Sprague Energy Corporation to add funding in an amount up to \$3.1M and to exercise a renewal option for an existing all-agency miscellaneous procurement contract for diesel for paratransit vehicles.

5. **COMMITTEE ON CAP. CONSTR., PLANNING & REAL ESTATE.** Upon motion duly made and seconded, the Board approved the following Real Estate items. The specifics are set forth in the attached staff summaries and documentation. Refer to the minutes of the MTA Capital Construction Company for additional items related to it.

New York City Transit Authority

1. Interim license agreement between NYCTA and Delma Engineering Co., Inc. for NYCTA occupancy of Delma property located between Bronx Park Avenue to the north, E. 178th Street to the east, Morris Park Avenue to the south, and East 177th Street to the west (Block 3908, Lot 10 – owned by NYCTA, Bronx Block 3907, lots 7 and 19 – owned by Delma Engineering), Bronx, NY.
2. Approval of Determination and Findings under the New York Eminent Domain Procedure Law, and pursuant to a Public Hearing, for the acquisition of permanent and temporary easements (Block 522, Lot 24), termination of sidewalks vault permits (Block 522, Lots 22A, 24, 28 & 38), and termination of a sidewalk café permit (Block 522, Lot 22A) for the Rehabilitation of the Bleeker Street Subway Station, Manhattan, NY.
3. Assignment of a license agreement from Joseph Migliorato (incumbent) to Mr. Mark Davidovich for the operation of a car service office located at 3173 Coney Island Avenue (Block 8707, Lot 370), Brooklyn, NY.

4. License agreement with Bachubhai Mehta, Natvarial Patel, Vijay Mehta (corporation to be formed) for the operation of nine (9) newsstand concessions at the Times Square Complex (Broadway, Seventh Avenue & Flushing Lines), Manhattan, NY.
5. License agreement with Surf DJ Corp. for the operation of an Italian Café at the Stillwell Avenue Terminal, Brooklyn, NY.
6. License agreement with Bank of America for the operation of Automated Teller Machines (ATMs) at two (2) retail concessions along the IND Mezzanine Level (locations H8 & 19) located at 74 Street-Broadway/Roosevelt Avenue – Jackson Heights Station, Flushing and Queens Boulevard Lines, Elmhurst, NY.

Long Island Rail Road

7. License agreement with Levittown Fire District for the parking of Fire Department staff and related personnel vehicles on the non-operating Central Branch right-of-way located adjacent to the District's Fire Station, north of Hickory Lane, Levittown, NY.
8. Assignment of a license agreement between Grimes Contracting Co., Inc. and Butch Payne Landscaping, Inc. covering the use of LIRR property for parking and storage of landscaping material along the Montauk Branch right-of-way located on the north side of Industrial Road (District 300, Section 27, Block 2, Part of Lot 17), Montauk, NY.
9. License agreement with Sutphin Underpass, LLC, a wholly owned subsidiary of Greater Jamaica Development Corp., for the operation of retail stores located along the easterly side of Sutphin Boulevard, under the LIRR viaduct, at Jamaica Station, Jamaica, NY.

Metro-North Railroad

10. Lease extension agreement with Grand Central Oyster Bar and Restaurant for the operation of a restaurant located on the lower level of Grand Central Terminal (#LC-190, 121, 121-A, 141, 055 and 113), Manhattan, NY.

6. EXECUTIVE DIRECTOR'S PRESENTATION TO A JOINT SESSION OF THE BOARD AND THE FINANCE COMMITTEE OF THE MTA 2008 PRELIMINARY BUDGET AND 2008-2011 FINANCIAL PLAN.

MTA Executive Director Elliot Sander presented the Board and the public with the agency's July Updated Forecast for the 2007 Budget, the 2008 Preliminary Budget and the 2008-2011 Financial Plan. This informational presentation encourages public discourse, and with subsequent changes in tax collections, spending and policies, will culminate in the Board approval of the 2008 Budget in December.

Mr. Sander reviewed the projections in the February Financial Plan. At that time, the final estimate was a \$941 million surplus in 2006 and a projected closing cash balance of

\$270 million in 2007. While the expected 2006 surplus was programmed to reduce the deficit to \$800 million in 2008, at the time, the deficit for 2010 was expected to grow to \$1.8 billion.

Mr. Sander then discussed the July Financial Plan and the reasons for the net improvements. Most significantly, continued windfalls in real estate tax receipts were largely responsible for the \$696 million in additional subsidies projected for 2007 and 2008. Today's level of real estate transaction taxes is three times what it was five years ago. However, based on the City of New York's methodology, the spike in these taxes is not expected to continue, and the MTA anticipates its real estate tax subsidies will level off so that the increase compared with the February Plan is only \$34 million in 2009, \$32 million in 2010 and \$52 million in 2011.

Mr. Sander explained that the windfall in real estate tax subsidies has masked the budget's structural deficits frequently discussed by the MTA and other stakeholders. These structural deficits are caused by the uncontrollable expenses for health and welfare, pensions and debt service. If the uncontrollable costs grew at the same level of other agency expenses, the MTA would expend \$800 million less annually. The agencies have done well holding down other expenses at roughly the rate of inflation, with the exception of costs associated with the Security Program and new ridership.

Turning to the July baseline data, Mr. Sander said that prior to any policy, gap-closing and cash management actions, the MTA's budget was balanced in 2006 and 2007. However, the cumulative deficit between 2008 and 2011 would amount to \$6 billion. These projections were consistent with reports issued by the independent budget office and other governmental and oversight agencies.

Mr. Sander then outlined the MTA's July Financial Plan that includes various policy, gap closing and cash management actions. These actions are intended to achieve three goals: ensure long-term fiscal stability for the MTA, provide necessary service for customers, and support the agency's Capital Program.

With respect to policy initiatives, Mr. Sander said they were necessary to accommodate anticipated increases in population and to support vital regional growth and economic stability. Among the new policy actions is a service enhancement fund valued at \$30 million in 2008 and \$60 million annually thereafter. The fund will support new innovative service and customer-oriented initiatives. Another policy action, to begin in 2007, is to use \$35 million for safety and customer satisfaction pilot programs such as improvements in the public environment and enhanced employee facilities. These programs will only be continued through recurring savings beyond 2008.

Mr. Sander then turned to the gap closing actions in the budget. The philosophy behind these proposed actions is two-fold. One is to ensure an equitable sharing of actions by all the key stakeholders that use and benefit from the MTA system including its customers, drivers, agencies, governmental partners and employees. The other is to move toward regularly scheduled, indexed fare and toll adjustments to ensure greater budget stability.

Mr. Sander reviewed some of the gap closing actions. The first was a 6.5% increase in yield from the proposed 2008 fare and toll adjustments. The specific fare and toll

adjustment options, to be presented over the next several months, will be indexed to inflation every two years. In addition, the agencies will be asked to reduce their annual budgets by 1.5%. Another proposal is for legislative actions to tighten tax codes. Another action, beginning in 2010, is to close the gap with additional governmental aid of \$600 million, to increase annually with inflation. Employees will also be asked to make a modest contribution to the gap closing plan through savings from negotiations of new labor contracts.

Mr. Sander discussed the cash management actions in the Financial Plan. These will maximize the use of the surplus and minimize the risky areas of costs. The proposal includes early debt retirement of approximately \$300 million in bonds, pre-purchase agreements for fuel by locking in 30% of the necessary purchases in 2008 and 2009, and \$200 million in pre-pension pre-payments for the MTA defined benefit plan and the MaBSTOA plan.

Mr. Sander said that the impact of these policy, gap-closing and cash management actions will provide budget surpluses through 2008 and reduce deficits through 2011. The MTA will then be on a course of long-term fiscal stability.

Mr. Sander identified the major risks associated with the plan. One is a serious cooling of the real estate market. If the MTA has receipts in 2008 that are identical to those in 2004, the agency will lose approximately \$300 annually with a cumulative impact through 2011 of \$1.1 billion. Another risk is changing economic conditions that affect ridership and employment. Energy supplies could also be disrupted and prices may become even more volatile. A fourth risk is an unanticipated growth in controllable expenses.

Mr. Sander addressed the question of whether the fare increase would be avoided by spending the entire surplus in 2008. While this could be an option, it holds severe consequences because fares and tolls would have to increase 15% and service would have to be reduced by 7% to balance the budget in 2009. The MTA does not support this approach. Rather, the agency wants to lock-in fiscal stability in a more responsible, balanced approach and request an additional \$600 million in governmental aid beginning in 2010.

Mr. Sander said the Financial Plan did not reflect the impact of congestion pricing on the MTA's operating and the capital programs. This is because the congestion pricing, which the MTA supports, has not yet been approved by the New York State Legislature. Furthermore, no revenues from a congestion pricing plan would be realized until at least 2010.

Mr. Sander outlined the process and timeline for fare and toll adjustments. In July, the MTA Board authorizes holding public hearings. Fare policy options will be developed for board consideration and public discussion in August and September. Hearing notices will go out by October, and in November, all stakeholders will be able to offer testimony in hearings that will be held throughout the MTA's 5,000 square-mile territory. In order for implementation in early 2008, it would be expected that the Board take action in December 2007.

Mr. Sander summed up the main points of the MTA's Financial Plan to advance a strong and affordable transportation network in the context of responsible multi-year planning. They include the need for fare increases that reflect normal inflationary growth; gains in management efficiencies; contributions that reflect funding partners' fair share; modest contributions from labor; strategic investments to improve service, security, safety and maintenance; and cash surpluses that are put to work.

The members of the Board discussed the Budget and Financial Plan materials. Chairman Kalikow noted Mr. Sander's positive efforts in continuing to strengthen the Plan's development process. The Chairman also emphasized the fact that the MTA has benefited mightily from the windfall in real estate taxes; however, it was now imperative to prepare for what seems an imminent fall-off in these subsidies. That preparation includes moving ahead with fare and toll adjustments. While there is opposition to any fare and toll increases, the public's response at fare hearings has been an even greater resistance to a diminution in service. The courts have determined that the Board has the sole responsibility for enacting fare and toll adjustments, and it is incumbent upon the members to study the issues thoroughly in the months ahead.

Mr. Saul made the point that the MTA must restructure its organization and consolidate its business practices to reduce waste and move toward more seamless operations. The MTA Board should press for the consolidation plan that was sent to the Legislature two years ago.

Mr. Mack also commended Mr. Sander for a concise, transparent presentation of the Financial Plan and emphasized the need to prepare for the uncertainty of future subsidies.

Mr. Page recognized the Board's need to authorize public hearings at this time in order to provide adequate time to accommodate the process that would culminate in a decision about fare and toll adjustments. He also said that several proposals sounded sensible; however, they will have significant implications on how the MTA provides the services it is responsible for by choosing areas for more or less expenditures. This information should be shared with the Board on an ongoing basis with the adequate time for decision making.

Mr. Feinstein said the proposed actions are essential and impressive, and the budget and Financial Plan process is being well executed. The Operating Committee will review the proposals in depth with the president of NYC Transit.

Ms. Metzger emphasized the need for the Board to develop a long-term, far-reaching, equally-shared approach to funding the MTA's program. However, the Board needs a good deal more information before it can consider approving the budget and financial plan. Furthermore, the Board should not be viewed as supporting fare and toll increases at this time; the public process will provide the Board with critical input before that decision is made. Ms. Metzger supported the MTA approach to do just that.

Mr. Seabrook said that he did not support fare and toll increases, and service should not be compromised. To this end, he suggested other areas of funding be sought at the same time the budget review process was underway. For example, certain MTA properties

could be rented to businesses for advertising. Chairman Kalikow noted that the agency is continually looking for new options to raise funds.

Mr. Sedore supported the process underway and said the Board should aggressively pursue the issues.

Mr. Albert was impressed by the innovations in this budget including long-sought after service initiatives. While the public resists a fare hike, Mr. Albert posited that riders would prefer a slight increase over reduced services. The system must be maintained and readied for greater ridership demands should congestion pricing be enacted.

Mr. Pally was also pleased with the presentation and the various options for increasing revenues rather than just focusing on how the fares would be adjusted. In order to make decisions about fair and equitable increases, he said data should be included regarding demographics, fare structures and discounts. Mr. Sander responded that about 80% of the rides are discounted, and roughly 70% of transit and 55% of commuter railroad riders benefit from the various discounts. He said more of the relevant information and related policy and application issues will be shared with the Board members.

Mr. Blair said Board members will address equity issues as they make decisions about the responsible funding of the system. He also congratulated staff on the comprehensiveness of the presentation, and in particular, the inclusion of a vision that other stakeholders could acknowledge and support.

Mr. Watt commended the staff for the diligent budget process and the emphasis on the quality of service. He hoped that a shared services approach would include elimination of duplicative positions cited in a previous report from the Comptroller. In addition, the search for additional revenues should include ideas such as doubling the cap on the Petroleum Business Tax (PBT) and increasing the City's contributions for student fares. He said historically Local 100 has opposed fare increases; however, they will be discussed at the public hearings where both sides participate.

Mr. Brown commented on the clarity in the presentation of the relationship between the real estate economy and the fares. Both are critical sources for revenues to drive the agency's budget. Furthermore, the MTA's services drive the real estate market, and it's important to continue to accelerate this relationship. The mega capital projects should ideally increase real estate values throughout the city which would benefit the MTA. Congestion pricing will further increase that sort of synergy. Mr. Brown supported the idea to uncap the Petroleum Business Tax as another source of revenue and limit the negative effects on those who pay fares. Any fare increases should be used for service improvements such as those at other transit systems.

Chairman Kalikow said the MTA does look at other systems. In fact, other city transit representatives visit and are impressed with the MTA system. He added that a fare increase is done as a last resort, and the Board should move ahead with one when it is necessary.

Mr. Sander added that the Financial Plan covered the completion of the East Side Access project and the first section of the Second Avenue Subway in the 2010-2014 period.

Upon motion duly made and seconded, the Board approved the following action to:

Authorize the Executive Director/CEO and his designees to take the necessary steps, including publishing any required notices, conducting any required public hearings, and undertaking any necessary environmental reviews in order to implement fare and toll pricing changes in 2008 should the MTA Board decide to implement such fare and toll pricing changes at a subsequent meeting. The Executive Director/CEO is expected to propose specific tariff changes in the November Plan, which is expected will be considered and voted on by the Board in December 2007.

Upon motion duly made and seconded, the Board approved the following action item to:

Authorize the Executive Director/CEO and his designees to proceed with implementing three cash management actions that will invest a portion of the anticipated 2007 cash surplus so as to provide financial plan savings in 2008 and 2009. These actions, as described above are: early debt retirement, forward energy contracts and pension prepayments.

Upon motion duly made and seconded, the Board approved the following action item to:

Authorize the Executive Director/CEO, in consultation with the Board, to expend up to \$34.6 million in 2007 for Safety and Customer Satisfaction Pilot Programs, as outlined in the staff summary, to be implemented by the Presidents of New York City Transit, Long Island Rail Road and Metro-North Railroad. These programs will only be continued or expanded through agency self-funding in 2008 and beyond.

Chairman Kalikow emphasized the point that the Board did not vote on a fare and toll increase, but rather to take administrative steps necessary should a fare and toll increase be approved at a subsequent meeting.

7. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board unanimously voted to convene to executive session to consider labor and personnel matters.
8. **PUBLIC SESSION RESUMED.** Upon motion duly made and seconded, the public session resumed.

Upon motion duly made and seconded, the Board approved a collective bargaining agreement between NYCTA and the Subway Surface Supervisors Association, and a resolution setting the salary for Barry L. Kluger, the Inspector General of the MTA.

Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting.

Respectively submitted,

Victoria Clement
Assistant Secretary
MTA

Miriam Cukier
Secretary to the
Finance Committee

**Minutes of Regular Board Meeting
MTA New York City Transit Authority, Manhattan and Bronx Surface
Transit Operating Authority
And
Staten Island Rapid Transit Operating Authority**

July 25, 2007

**Meeting Held At:
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10017
9:30 a.m.**

The following members were present:

Hon. Peter S. Kalikow, Chairman
Hon. David S. Mack, Vice Chairman
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. James F. Blair
Hon. Donald Cecil
Hon. Barry Feinstein
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow, Esq.
Hon. Susan G. Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. Norman Seabrook
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Nancy Shevell Blakeman

Elliot G. Sander, Executive Director and Chief Executive Officer; Board Member Andrew Albert; Board Member Norman Brown; Board Member James L. McGovern; Board Member Vincent Tessitore, Jr.; Board Member Ed Watt; Helena Williams, President of Long Island Rail Road; Howard H. Roberts, Jr., President of New York City Transit Authority; Peter Cannito, President of Metro-North Commuter Railroad; Mysore L. Nagaraja, President of MTA Capital Construction Company; Thomas J. Savage, President of the MTA Bus Company; David Moretti, Acting President of MTA Bridges and Tunnels; Neil Yellin, President of Long Island Bus, and Douglas R. Sussman, Director, Community Affairs also attended the meeting.

The Board Members also met as the Board of the Staten Island Rapid Transit Operating Authority and the MTA Bus Company.

1. **CHAIRMAN KALIKOW CALLED THE MEETING TO ORDER**

2. **PUBLIC COMMENT PERIOD**

There were four public speakers on matters pertaining to NYC Transit:

Gene Russianoff of the Straphangers Campaign urged that if the fare is increased the Board should limit the impact of the increase by implementing a 14-day Unlimited Ride MetroCard.

Kate Slevin, Executive Director, Tri-state Transportation Campaign, urged that the Board look to other sources of revenue to pay off the MTA's debt, such as congestion pricing and more City and State aid. She called on elected officials to support New York City's congestion pricing plan and provide more State aid, so that the MTA financial crisis is not exclusively shouldered by transit riders. She commended the MTA for addressing the financial problems without proposing to reduce the level of transit service.

Mr. X informed the Board that there should be no fare increase until financial records are disclosed to the public and recommended that the Board save money by resuming service on specified train lines.

Matt Shotkin thanked Chairman Kalikow for a letter he had received. He also informed the Board of a problem he encountered with the HEET turnstiles at the 23rd Street station on the #6 line, and requested that all turnstiles not be physically locked.

3. **MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular meeting of the MTA New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Railway Transit Operating Authority, and the MTA Bus Company held on June 27, 2007.

4. **COMMITTEE ON NYC TRANSIT/SIR/MTA BUS COMPANY OPERATIONS**
New York City Transit

Action Items

Upon motion duly made and seconded, the Board approved the funding of the first-stage station improvements at the Willets Point – Shea Stadium Station on the #7 Line.

Upon motion duly made and seconded, the Board approved the renewal of agreements between with named attorneys for the provision of legal services to the Transit Adjudication Bureau in the capacity of per diem senior hearing officers.

Upon motion duly made and seconded, the Board approved the increase of the budget of the first option under Contract R-34160 with ALSKAW LLC for the purchase of 620 "B" Division rapid transit cars.

Upon motion duly made and seconded, the Board approved a service change to introduce an experimental limited-stop bus route, the S89, between Staten Island and the Hudson Bergen Light Rail 34th Street Station in Bayonne, New Jersey, and to enter into a joint service agreement with New Jersey Transit relating to such route. Chairman Kalikow thanked Executive Director/CEO Sander and Members Powers and Feinstein for spearheading the introduction of the service.

Members of the Board expressed support for improvements to the station at Shea Stadium.

Procurements

Non-Competitive Procurements: The Siemens Transportation Systems, Inc. procurement found on page 74 of the Agenda (Item number 2 in Schedule A) was not submitted to the Board for approval.

Upon motion duly made and seconded, the Board approved the procurements requiring a two-thirds vote (Schedule A in the Agenda) and procurements requiring a majority vote (Schedules G and J in the Agenda). Details of the above items are set forth in a staff summary, a copy of which is on file with the records of the meeting of the Board on NYC Transit/SIR/MTA Bus Company.

Competitive Procurements: Upon motion duly made and seconded, the Board approved the procurements requiring a majority vote (Schedules G, H, I and L in the Agenda). Details of the above items are set forth in a staff summary, a copy of which is on file with the records of the meeting of the Board on NYC Transit/SIR/MTA Bus Company.

Procurement Ratifications: Upon motion duly made and seconded, the Board unanimously approved the ratification items requiring a majority vote (Schedule K in the Agenda). Chairman Kalikow recused himself from the vote on the E.A. Technologies/Petrocelli, LLC (JV) procurement found on page 97 of the Agenda (Item number 5 in Schedule K). Details of the above items are set forth in a staff summary, a copy of which is on file with the records of the meeting of the Board on NYC Transit/SIR/MTA Bus Company.

MTA Bus Company

Action Items

No Action Items.

Procurements

No Non-Competitive Procurements.

No Competitive Procurements.

Procurement Ratifications: Upon motion duly made and seconded, the Board unanimously approved the ratification of completed procurement actions (Schedule K in the Agenda). Details of the above items are set forth in a staff summary, a copy of which is on file with the records of the meeting of the Board on NYC Transit/SIR/MTA Bus Company.

5. REAL ESTATE ITEMS **New York City Transit**

Upon motion duly made and seconded, the Board approved the following items pertaining to NYC Transit recommended to it by the Committee on MTA Capital Construction, Planning and Real Estate as set forth below:

1. Interim reciprocal license agreement with Delma Engineering Co. Inc. for NYCT occupancy of Delma Property at Block 3907 Lots 7 & 9, and Delma Occupancy of NYCT property at Block 3908 Lot 10, Bronx, New York.
2. Determination and Findings pursuant to a public hearing for the acquisition of various property interests in connection with the Bleecker Street Station Rehabilitation Project, Manhattan, New York.
3. Assignment of License Agreement from Joseph Migliorato (incumbent) to Mr. Mark Davidovich, for the operation of a car service office at 3173 Coney Island Avenue, Brooklyn, New York.
4. License Agreement with Bachubhai Mehta, Natvarlal Patel, and Vijay Mehta (corporation to be formed) for operation of nine newsstand concessions at the Times Square Complex, Manhattan, New York.
5. License Agreement with Surf DJ Corp for the operation of an Italian Café at the Stillwell Avenue Terminal Complex, Brooklyn, New York.
6. License Agreement with Bank of America for the operation of automated teller machines at two retail concessions along the IND mezzanine at 74 Street-Broadway/Roosevelt Avenue Station, Flushing & Queens Boulevard Lines, Elmhurst, New York.

Member Albert commented to the Board that transit riders will appreciate the connection of the Broadway-Lafayette subway station to the uptown #6 Lexington Avenue IRT platform, at Bleecker Street as the change will impact the riders' travel patterns.

6. EXECUTIVE DIRECTOR/CEO PRESENTATION

Executive Director/CEO Sander presented to the Board the 2008 Preliminary Budget and the 2008-2011 Financial Plan. Chairman Kalikow requested that each Board Member review the Budget and Financial Plan. Copies of the above items are on file with the records of the meeting of the Board on NYC Transit/SIR/MTA Bus Company.

Upon motion duly made and seconded, the Board authorized Executive Director/CEO Sander to develop fare and toll pricing alternatives and proceed with public hearings.

Upon motion duly made and seconded, the Board authorized Executive Director/CEO Sander to proceed with implementing cash management actions that will invest the 2007 cash surplus.

Upon motion duly made and seconded, the Board authorized Executive Director/CEO Sander to spend \$34.6 million on safety and customer satisfaction pilot programs to be implemented by the Presidents of the NYC Transit, MNR and LIRR.


7. EXECUTIVE SESSION

Upon motion duly made and seconded, the Members unanimously voted to convene in Executive Session to discuss labor and personnel issues. During the Executive Session, upon motion duly made and seconded, the Members unanimously voted to approve the terms of a collective bargaining agreement with the Subway Surface Supervisors Association.

8. ADJOURNMENT

Upon motion duly made and seconded, the Members unanimously voted to return to public session and, upon motion duly made and seconded, thereupon unanimously voted to adjourn the meeting.

Respectfully submitted,


Althea Broomfield
Assistant Secretary

**MINUTES OF MEETING OF THE BOARD OF
THE LONG ISLAND RAIL ROAD COMPANY**

July 25, 2007 - 9:30 A.M.

**Meeting Held At
347 Madison Avenue
New York, New York**

The following members were present:

Hon. Peter S. Kalikow, Chairman
Hon. David S. Mack, Vice Chairman
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. James F. Blair
Hon. Donald Cecil
Hon. Barry Feinstein
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow, Esq.
Hon. Susan Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. Norman I. Seabrook
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Nancy Shevell Blakeman

Elliot G. Sander, Executive Director/Chief Executive Officer, Susan L. Kupferman, Acting Chief Operating Officer, James B. Henly, General Counsel, Myrna Ramon, Chief of Staff, Robin Bergstrom, Acting Corporate Secretary, Board Member Andrew Albert, Board Member Norman E. Brown, Board Member James L. McGovern, Board Member Vincent Tessitore, Jr., Howard H. Roberts, Jr., President of NYCTA, Peter Cannito, President of Metro-North, Helena Williams, President, LIRR, David Moretti, Acting President of TBTA, Neil Yellin, President of MSBA, Mysore L. Nagaraja, President of MTA Capital Construction, Thomas J. Savage, President of the MTA Bus Company, and Douglas Sussman, Director, Community Affairs, also attended the meeting.

The meeting was called to order by Chairman Peter S. Kalikow.

Public Speakers

There were five public speakers, none of whom spoke on LIRR issues.

Approval of Minutes

Upon motion duly made and seconded, the Board unanimously approved the minutes of the LIRR Board meeting held on June 27, 2007.

Other Business

Executive Director Sanders reported on the MTA 2008 Preliminary Budget. He noted that work relating to gap signage and other projects is potentially included in the budget and that some efforts on signage that were customer oriented had to be slowed down because the MTA had to divert those personnel to the gap.

Ray Kenny, LIRR's Senior Vice President of Operations, reported that President Williams is looking into all matters relating to safety and security. He further reported that she is also looking into service reliability and anything that will make the customer experience better.

Procurements

Upon motion duly made and seconded, the Board approved the following procurements recommended to it by the Committee on LIRR/LI Bus Operations.

Non-Competitive Procurements for Board Approval

Procurements Requiring Two-Thirds Vote

Schedule A: Non-Competitive Purchase and Public Works Contracts

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1. | Alstom Signaling, Inc.
Sole Source
Contract No. TBD | \$1,175,000-LIRR
\$1,500,000-MNR
Not-to-Exceed |
| | <p>LIRR, on behalf of itself and Metro-North Railroad (collectively “the Railroads”), requests MTA Board approval to award two separate Blanket Purchase Orders (BPOs) to Alstom Signaling, Inc. (“Alstom”), each for a three-year period in the following not-to-exceed amounts: LIRR - \$175,000 and MNR - \$1,500,000. The Railroads will each issue individual orders to Alstom to supply signal material and spare parts required to repair and maintain their individual signal systems. Alstom is the Original Equipment Manufacturer and sole responsible source that can supply the material.</p> | |
| 2. | Cembre Inc.
Sole Source
Contract TBD | \$757,920
Not-to-Exceed |
| | <p>LIRR requests MTA Board approval to award a Sole Source Blanket Purchase Order for a 36-month period to Cembre Inc. (“Cembre”), in an amount not-to-exceed \$757,920 to provide rail drills, associated drill spare parts, as well as rail bonding systems. Cembre’s patented rail drill and rail boarding system have unique functionality that allows LIRR to cost effectively perform track maintenance and repair work.</p> | |

3. **Landis Industries, Inc.**
Sole Source
Contract No. TBD

\$18,781
Fixed Amount

LIRR requests MTA Board approval to award a Sole Source Contract to Landis Industries, Inc. ("Landis") in the amount of \$18,781 for the purchase of 1,000 hook-in-shoulder fastening clips ("Clips") for rail applications where the existing clips are either worn or broken and need to be replaced. Landis' Clips are a proprietary component of the direct fixation rail fastening system, which is designed and patented by Landis and used exclusively by LIRR in its Westside Yard. Landis is the sole responsible contractor that is able to provide these parts. Pricing submitted by Landis was compared to its previous prices when LIRR last purchased these items in 1999 and to Producer Price Index (PPI) for hot rolled steel bars, plates, and structural shapes for the same period. The PPI showed an increase of 10% annually during this period compared to Landis' price increase of 18%. Landis offered the following explanation for the 8% increase above the PPI: (i) these particular clips are no longer in production and are therefore only produced when specific orders are received, (ii) the clips were previously included as part of the Landis Rail Fastening System and generally not sold individually, and (iii) all steel prices have increased significantly since 1999. Further, Landis has certified that the fixed price is equal to or not greater than the price currently quoted to other customers for similar material and quantities. Based on the above information, pricing submitted by Landis is determined to be fair and reasonable.

4. **VAE Nortrak, Inc.**
Sole Source
Contract No. TBD

\$3,250,000
Fixed Amount

LIRR requests MTA Board approval to award a Sole Source Contract to VAE Nortrak, Inc. ("Nortrak") for a fixed amount of \$3,250,000 to design and furnish track crossovers, switches, and various other materials required to allow LIRR to replace 58 existing in-tie switch machines manufactured by Contec located at LIRR's "Union Hall" and "Queens" Interlockings.

5. **Plasser American Corporation**
Sole Source
Contract No. TBD

\$1,358,722
Fixed Amount

LIRR requests MTA Board approval to award a Sole Source Contract to Plasser American Corporation ("Plasser") in a fixed amount of \$1,358,722 to furnish a ballast regulator. Plasser is the Original Equipment Manufacturer and sole responsible source for this part.

6. **Portec Rail Products, Inc.**
Sole Source
Contract No. TBD

\$500,000-LIRR
\$90,000-MNR
Not-to-Exceed

LIRR on behalf of itself and Metro-North Railroad (MNR), requests MTA Board approval to award two separate Blanket Purchase Orders (BPOs) to Portec Rail Products, Inc. ("Portec"), each for a three-year period in the following not-to-exceed amounts: LIRR - \$500,000 and MNR - \$90,000 to supply on an as-needed basis replacement parts required to allow LIRR and MNR to repair and maintain their respective rail lubrication. Portec is the Original Equipment Manufacturer and sole responsible source for these parts.

7. **Telephonics Corporation**
Sole Source
Contract No. TBD

\$1,646,625
Fixed Amount

LIRR requests MTA Board approval to award a Sole Source Contract to Telephonics Corporation ("Telephonics") for a fixed amount of \$1,646,625 for various communication replacement parts for the radios, destination signs and public address systems operating on LIRR's fleet of 134 C-3 bi-level coaches. Telephonics is the Original Equipment Manufacturer and sole responsible source for these parts.

Procurements Requiring Majority Vote

Schedule F: Personal Service Contracts

9. **HDR/Daniel Frankfurt**
Sole Source
Contract No. 5973-2-4

\$89,429
Not-to-Exceed

LIRR requests MTA Board approval to award a Sole Source Personal Services Contract to HDR/Daniel Frankfurt ("Frankfurt") in the not to exceed amount of \$89,429 to provide Construction Phase Services (CPS) with regard to a project for the rehabilitation for the Valley Stream Station. In May 2007, Frankfurt completed the final design for the Valley Stream Station Rehabilitation project. LIRR now requires CPS to support the construction work. The CPS will include providing design clarifications, responding to requests for information with regard to the constructability of the design that may arise during construction, and providing design modifications in response to unforeseen field conditions. As the Designer of Record, Frankfurt is thoroughly familiar with all design aspects and other technical requirements. Based on Frankfurt's experience with the project design, it is uniquely qualified to provide CPS. The project duration is estimated to be 15 months from Notice of Award. This contract will be awarded on a negotiated Cost Plus Fixed Fee basis, which allows Frankfurt to only bill for hours authorized for specific negotiated tasks, on an as needed basis. The not to exceed figure is the maximum amount negotiated by the LIRR to be required for these services. Frankfurt's labor and overhead rates have been reviewed and are consistent with the original contract and are

therefore fair and reasonable. Any price adjustment to these rates would be made after review by the MTA Audit Department and LIRR and will be downward only. LIRR's Capital budget will fund this contract.

Note: Board Member Metzger recused herself from voting on the above procurement.

- | | | |
|-----|---------------------------------------|----------------------|
| 10. | Jacobs Civil Consultants, Inc. | \$183,767 |
| | Sole Source | Not-to-Exceed |
| | Contract No. TBD | |

LIRR requests MTA Board approval to award a Sole Source Personal Services Contract to Jacobs Civil Consultants, Inc. (Jacobs) in the not-to-exceed amount of \$183,767 for Construction Phase Services for the Jay, Hall and Dunton Central Control Room, located on the sixth floor of the Jamaica Central Control Building (JCCB). The estimated period of performance is ten months from Notice of Award. Jacobs is uniquely qualified by virtue of its prior JCCB interior design work.

Procurements Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

- | | | |
|-----|--------------------------------------------------------------------------------------------------------|-----------------------------------|
| 11. | Industries for the Blind
of New York State
Three-Year Contract
Contract No. BP02996 | \$50,000
Not-to-Exceed |
|-----|--------------------------------------------------------------------------------------------------------|-----------------------------------|

LIRR requests MTA Board approval to award a three year, Miscellaneous Services renewal contract to the Industries for the Blind of New York State (IBNYS), in the not to exceed amount of \$50,000, for direct mail services in support of LIRR's Public Affairs Department. The services include the sorting, collating, folding, insertion, labeling and delivery of bulk LIRR mailings to a United States Post Office location identified by LIRR. According to NYS Finance law, "All State agencies, political subdivisions and public benefit corporations (which includes most public authorities) are required to purchase commodities and services from preferred sources when such commodities and services are on the List of Preferred Source Offerings and when they meet form, function and utility requirements as determined by the agency provided the price is within 15% of the fair market value." LIRR representatives toured the IBNYS facility on April 19, 2003 and determined that IBNYS conformed to the form, function and utility of our requirements. This is an estimated quantities contract. Assuming the same quantities and usage as in the prior contract, IBNYS' prices reflect a 3.86% overall increase over their 2005/2006 prices, and have been approved by The New York State Comptroller's Office. Based on the above, IBNYS's submitted pricing is determined to be fair & reasonable. LIRR's Operating Budget will fund this contract.

3. License Agreement with Sutphin Underpass, LLC, for the operation of retail spaces, to be located under the LIRR viaduct, on the east side of Sutphin Boulevard, Jamaica Station.

Executive Session

Upon motion duly made and seconded, the Board unanimously voted to convene in Executive session to discuss labor and personnel issues.

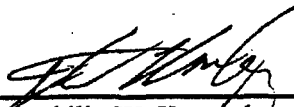
Public Session

Upon motion duly made and seconded, the Board unanimously voted to reconvene in Public Session.

Adjournment

Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting.

Respectfully submitted,



Franklin W. Kronenberg
Acting Secretary

Minutes of the Regular Meeting
Metro-North Commuter Railroad Company

Wednesday, July 25, 2007
Meeting Held at
347 Madison Avenue
New York, New York 10017
9:30 a.m.

The following members were present:

Hon. Peter S. Kalikow, Chairman
Hon. David S. Mack, Vice Chairman
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. James F. Blair
Hon. Donald Cecil
Hon. Barry Feinstein
Hon. Jeffrey A. Kay
Hon. Mark D. LeBow, Esq.
Hon. Susan Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. Norman I. Seabrook
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Carl V. Wortendyke

Not Present:

Hon. Nancy Shevell Blakeman

Elliot G. Sander, Executive Director and Chief Executive Officer; James B. Henly, General Counsel, MTA; Board Member Andrew Albert; Board Member Norman E. Brown; Board Member James J. McGovern; Board Member Vincent Tessitore, Jr.; Peter A. Cannito, President, MTA Metro-North Railroad; Raymond Kenney, Sr. Vice President of Operations, Long Island Rail Road; David Moretti, Acting President MTA Bridges and Tunnels; Mysore Nagaraja, President, MTA Capital Construction Company; Howard H. Roberts, Jr., President, NYCT; Thomas Savage, President, MTA Bus Company; Neil Yellin, President, MTA Long Island Bus; and Douglas R. Sussman, Director, Community Affairs, MTA also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

1. Public Comment:

There were 5 public speakers. Murray Bodin of AARP commented on the layout of a Metro-North's operations report. The subject matter of the remaining public comments, which did not address Metro-North agenda items, is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

2. Approval of Minutes – Upon motion duly made and seconded, the minutes of the June 27, 2007 meeting were unanimously approved.

3. Committee on Finance:

Upon motion duly made and seconded, the Board unanimously approved MTA Headquarter procurements recommended by the Committee on Finance. The Board approved a competitive procurement requiring two-thirds vote to award all-agency contracts for office supplies and toner to Staples, Inc. and Crystal InfoSystems, Inc. The Board also approved two competitive procurements requiring majority vote: (1) personal service contracts with six vendors for the provision of transportation planning research services and (2) an all-agency miscellaneous service contract with Marsh USA, Inc for the provision of master broker services. Ms. Metzger abstained from the vote item (1) above. The details of the above items are contained in the minutes of the Board of the Metropolitan Transportation Authority and the staff summaries and reports filed with those minutes.

4. Chairman Kalikow introduced and welcomed new board member Vincent Tessitore, Jr. who has been appointed to the board. Mr. Tessitore is a union representative at the Long Island Rail Road.

5. Committee on LIRR/LI Bus Operations

The Board voted on LIRR/LI Bus items. Among the items unanimously approved by the Board are the following non-competitive procurements requiring two-thirds vote: (1) to award two separate blanket purchase orders to Alstom Signaling, Inc. to supply signal material and spare parts to the LIRR and Metro-North and (2) to award two separate blanket purchase orders to Portec Rail Products, Inc. to repair and maintain LIRR and Metro-North rail lubricators. The details of the above items are contained in the minutes of the Committee on LIRR/LI Bus Operations the staff summaries and reports filed with those minutes.

6. Committee on Metro-North Railroad Operations

Mr. Sedore reported that east of Hudson on-time performance during the month of June 2007 was 97.8%.

Upon motion duly made and seconded, the Board unanimously approved the following non-competitive procurement requiring two-thirds vote by the Board.

Non-Competitive Purchases and Public Works Contracts

- Daktronics, Inc. - Purchase of Daktronics Outdoor Customer Information LED displays – 125th Street-Harlem Station

Upon motion duly made and seconded, the Board unanimously approved the following non-competitive procurement requiring majority vote by the Board.

Miscellaneous Procurement Contracts

- GE Transportation Systems – Design, equip and construct two (2) fiber optic node houses for CDOT.

Upon motion duly made and seconded, the Board unanimously approved the following competitive procurements requiring majority vote by the Board.

Personal Service Contracts

- Egis/CWA, a joint venture – Design and engineering services: communication and signal strategy; signal and track engineering and specifications.
- Lochner Engineering, P.C. – Engineering services for the replacement of Bridge Street Bridge, Poughkeepsie, New York.
- QEI, Inc. – Design and furnish – tagging relay and RTU replacement project for Metro-North's Harlem and Hudson Lines.
- Edwards and Kelcey (E&K) – Design, engineering and construction support services for ten (10) new traction power substations on the upper Harlem Line and Harlem River Lift Bridge – replace circuit breaker houses project.

Miscellaneous Service Contracts

- Selco Manufacturing Corp. – General and specialized machine shop work.
- CMA Consulting Services – Purchase of Oracle training units.
- Ray's Transportation, Inc. – Refurbish 6" pandrol tieplates – Metro-North's Track and Structures Department.
- Air Tech Kontrol – HVAC maintenance services for LAN equipment at various Metro-North locations.

Modifications to Personal/Miscellaneous Service Contracts

- Nortel Networks – LAN/WAN hardware, software maintenance and support services – Metro-North's IT and PM Department.

Staff summaries and reports setting forth the details of the above items are filed with the records of this meeting.

7. Committee on MTA Capital Construction, Planning & Real Estate

Upon motion duly made and seconded, the Board approved the following real estate item recommended to it by the Committee on MTA Capital Construction, Planning & Real Estate.

- Lease extension agreement with Grand Central Oyster Bar and Restaurant for the operation of a restaurant at Grand Central Terminal, Manhattan, New York.

A staff summary setting forth the details of the above item is filed with the records of this meeting.

8. Executive Director/ CEO Presentation: Mr. Sander reported on the MTA 2008 Preliminary Budget and July Financial Plan 2008-2011. The details of that report are contained in the minutes of the Board of the Metropolitan Transportation Authority and the staff summaries and reports filed with those minutes. Thereafter, upon motion duly made and seconded, the Board unanimously voted to take the following actions (1) proceed with public hearings for fare and toll adjustments, (2) proceed with the Safety and Customer Satisfaction Pilot Initiative, and (3) move forward with Cash Management actions.
9. Executive Session: Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss labor matters and a personnel matter. Thereafter, upon motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.
10. Next Meeting - Wednesday, September 26, 2007 at 9:30 a.m.
11. Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Montanino".

Linda Montanino
Assistant Secretary
Secretary to the Meeting

July 2007 Board Minutes
Legal/Corporate

**Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
July 25, 2007**

Meeting Held at
347 Madison Avenue
New York, New York 10017

9:30 A.M

The following members were present:

Hon. Peter S. Kalikow, Chairman
Hon. David S. Mack, Vice Chairman
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. James F. Blair
Hon. Donald Cecil
Hon. Barry Feinstein
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow, Esq.
Hon. Susan Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. Norman Seabrook
Hon. James E. Sedore, Jr.
Hon. Ed Watt
Hon. Carl V. Wortendyke

Not Present

Hon. Nancy Shevell Blakeman

Elliot G. Sander, Executive Director and Chief Executive Officer; Robin Bergstrom, Acting Board Secretary; James B. Henly, General Counsel, MTA; Board Member Andrew Albert; Board Member Norman Brown; Board Member James McGovern; Board Member Vincent Tessitore, Jr.; Peter Cannito, President, Metro North Commuter Railroad; Raymond P. Kenny, Senior Vice President Operations, Long Island Railroad; David Moretti, Acting President, MTA Bridges and Tunnels; Mysore Nagaraja, President, MTA Capital Construction Company; Howard H. Roberts, Jr., President, New York City Transit; Thomas Savage, President, MTA Bus Company; and Douglas R. Sussman, Director, Community Affairs, MTA also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North Commuter Railroad Company, the MTA Capital Construction, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Public Speakers

There were five public speakers. Ms. Kate Slevin, Executive Director of the Tri-State Transportation Campaign, commented on the proposed fare and toll increase, and also suggested that gateless toll lanes on Triborough Bridge and Tunnel facilities be considered. The comments of the other public speakers did not pertain to issues regarding the Triborough Bridge and Tunnel Authority. The subject matter of the public comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

Chairman's Opening Comments

Commissioner Kalikow introduced Mr. Vincent Tessitore, Jr. who was recently appointed to the Board. Mr. Tessitore is a representative of the Long Island Rail Road labor organizations.

Approval of the Minutes

The Minutes of the meeting held June 27, 2007 were unanimously approved.

Committee on Finance

Upon a motion duly made and seconded, the Board unanimously approved the following item recommended by the Committee on Finance.

- Award of a personal service contract to Marsh USA, Inc. for the procurement/maintenance of insurance and other miscellaneous services (Master Broker Services) in support of MTA All-Agency Risk Management Program beginning August 1, 2007 through July 31, 2012.

Committee for MTA Bridges and Tunnels Operations

Procurements

Vice Chairman Mack reported that there is one action item this month to obtain approval of a Resolution amending the Authority's Rule 1022.1 (n) to allow the passage of four axle redi-mix concrete vehicles carrying up to twelve cubic yards of concrete through the Queens Midtown and Brooklyn Battery Tunnels to facilitate reconstruction in lower Manhattan.

Vice Chairman Mack stated that based on additional engineering analysis no damage was expected on the tunnels' roadways, and that B&T also intends to permit the passage of three axle redi-mix concrete vehicles operating in accordance with New York City Regulations to carry up to eleven cubic yards of regular weight concrete on a pilot basis for a period of eighteen months. He noted that Authority would provide periodic reports to the B&T Committee on the pilot program.

In response to a question from Commissioner Albert as to whether concrete vehicles at this load were allowed to use the Holland and Lincoln Tunnels, Vice Chairman Mack responded that the Port Authority did not have a specific rule for concrete vehicles. Chairman Kalikow stated that the purpose of the pilot period, which is not permanent, is to facilitate the development at the World Trade Center and other sites in lower Manhattan, and would be monitored by B&T on a regular basis.

Commissioner Brown stated that much of the construction material has its origin in barge sites on the Brooklyn waterfront, and that the tunnels are more capable of withstanding the weight as opposed to transporting similar materials across the Throgs Neck and Bronx-Whitestone Bridges.

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

The Resolution and staff summary setting forth the details of the above item are filed with the records of this meeting.

Non-Competitive Procurements

Vice Chairman Mack stated that for the month of July there were no non-competitive procurements.

Competitive Procurements

Vice Chairman Mack stated that there are eight competitive procurements totaling \$3.8 million.

Upon a motion duly made and seconded, the Board approved the following competitive procurement items recommended to it by the Committee for MTA Bridges and Tunnels Operations.

Personal Service Contracts

Greenman-Pedersen, Inc.	Contract No. PSC-06-2808 Provide construction management and inspection services for Project BW-85/86/WBM-339, Select Main Cable Panel Openings/Suspender Rope Removal and Replacement and Painting at the Bronx-Whitestone Bridge.	\$2,138,318.61
Institute for Forensic Psychology	Contract No. PSC-06-2795X Consultant to perform written and oral evaluations for prospective entry level applicants to determine whether they are psychologically qualified for the position of Bridge and Tunnel Officer.	\$114,435.00

Miscellaneous Service Contracts

Longo Electrical-Mechanical, Inc.	Contract No. 06-MNT-2775X Contractor to provide as needed repair, fabrication and inspection of mechanical motors located at the Harlem River and Marine Parkway lift spans.	\$179,000.00
Dependable Repair, Inc.	Contract No. 06-MNT-2780 Contractor to provide maintenance and repair of Authority aerial lift equipment.	\$124,500.00

USA Exterminators, Inc.	Contract No. 07-MNT-2786 Contractor to provide indoor/outdoor exterminating services at various Authority facilities.	\$20,514.00
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**Modifications to Personal Service Contracts and Miscellaneous
Service Contracts Awarded as Contracts for Services**

Parsons Transportation Group of NY, Inc.	Contract No. PSC-03-2676 Additional funding for design services during construction for Project HH-80, Lower Level Deck Replacement at the Henry Hudson Bridge.	\$382,193.00
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Modifications to Purchase & Public Works Contracts

Tully Construction Company, Inc.	Contract No. GFM-452X Additional roadway repairs at the Throgs Neck and Triborough Bridges.	\$806,805.00
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Modifications to Miscellaneous Procurement Contracts

Engineered Energy Solutions, Inc.	Contract No. 06-MNT-2772 On January 3, 2007, the Authority awarded a competitive miscellaneous procurement contract to Engineered Energy Solutions, Inc. (EES), Contract 06-MNT-2772, from the period of January 16, 2007 through January 15, 2010. EES provides all labor, equipment and materials necessary to perform maintenance on the local ventilation control systems, as required, at the Queens Midtown Tunnel (QMT) and Brooklyn-Battery Tunnel (BBT) ventilation buildings. The user department has requested that additional hardware and software be delivered and installed at the BBT's service building. Such equipment installation will enable an interface between two generators (one unit is located at the Brooklyn side of the tunnel; the second generator will be installed near the Manhattan portal), each of which will facilitate operation of the fans that reside in the Governor's Island Ventilation Building. This interface will enable maximum ventilation in the tunnel in the event of a power outage while limiting the kilowatt demand on the generators. It is noted that such an interface already exists at the QMT.	\$70,060.00
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Ratifications

Vice Chairman Mack stated that there are no ratifications.

Executive Director and Chief Executive Officer's Presentation

MTA 2008 Preliminary Budget July Financial Plan 2008-2011

The details of Mr. Sander's presentation on the MTA 2008 Preliminary Budget and July Financial Plan 2008-2011 are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

Executive Session

Upon a motion duly made and seconded, the members unanimously voted to convene in Executive Session to discuss labor matters and a personnel issue.

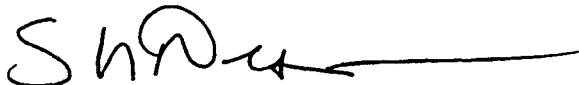
Public Session

Upon a motion duly made and seconded, the public session resumed.

Adjournment

Upon a motion duly made and seconded, the Board voted to adjourn the meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cindy L. Dugan', followed by a long horizontal line extending to the right.

Cindy L. Dugan
Acting Assistant Secretary

Minutes of Regular Board Meeting
MTA Capital Construction Company
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10017

Wednesday, July 25, 2007
9:30 a.m.

The following members were present:

Hon. Peter S. Kalikow, Chairman
Hon. David S. Mack, Vice Chairman
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. James F. Blair
Hon. Donald Cecil
Hon. Barry Feinstein
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow, Esq.
Hon. Susan Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. Norman I. Seabrook
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Nancy Shevell Blakeman

Elliot G. Sander, Executive Director/Chief Executive Officer, Susan L. Kupferman, Acting Chief Operating Officer, James B. Henly, General Counsel, Susan Kupferman, Myrna Ramon, Chief of Staff, Robin Bergstrom, Acting Corporate Secretary, Board Member Andrew Albert, Board Member James F. Blair, Board Member Norman E. Brown, Board Member James L. McGovern, Board Member Vincent Tessitore, Jr., Board Member Ed Watt, Howard H. Roberts, Jr., President of NYCTA, Peter Cannito, President of Metro-North, Helena Williams, President, LIRR, David Moretti, Acting President of TBTA, Neil Yellin, President of MSBA, Mysore L. Nagaraja, President of MTA Capital Construction, Thomas J. Savage, President of the MTA Bus Company, and Douglas Sussman, Director, Community Affairs also attended the meeting.

Chairman Kalikow called the meeting to order.

Public Comment Period

There were no public speakers on any issues regarding MTA Capital Construction.

Approval of Minutes

Upon motion duly made and seconded, the MTA Board unanimously approved the minutes of the regular Board meeting held on June 27, 2007.

MTA Capital Construction Action Items

There were no MTA Capital Construction Company action items for the MTA Board to approve.

MTA Capital Construction Company Procurements

Upon motion duly made and seconded, the Board approved the following items.


- A modification to a contract with Peter J. Tarkoy/GeoConSol, Inc. for consultant services to review South Ferry Terminal Station Project geotechnical issues
- A non-competitive contract with Emcom Systems to provide a “proof of concept” implementation of the Amtrak Communications Safety Station emergency telephones

Adjournment

Upon motion duly made and seconded, the MTA Board voted to adjourn the public meeting.

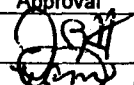


Respectfully submitted,

Miriam Cukier
Secretary
MTA Capital Construction Committee

Subject MTA Federal Substance Abuse Policy
Department Legal Department
Department Head Name James Henly, General Counsel
Department Head Signature 
Project Manager Name Rhonda Moll, Special Employment Counsel

Date September 5, 2007
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Safety and Security				
2	Board				

Internal Approvals					
Order	Approval	Order	Approval		
1	Legal 				
2	Police 				
3	Executive Director 				

Narrative

PURPOSE

To obtain MTA Board approval of the revised MTA Federal Substance Abuse Policy (the "Policy"). This Policy covers safety-sensitive employees of MTA, specifically employees of the MTA Police Department who carry a firearm for security purposes. The Policy subjects these employees to alcohol and drug testing under certain specified circumstances.

DISCUSSION

The Federal Transit Administration ("FTA") drug and alcohol regulations require each covered employer to develop and disseminate a Policy describing its anti-drug and alcohol misuse program, consistent with 49 C.F.R. Part 655. These regulations also require that the local governing board of the employer adopt the Policy. The MTA established and distributed the Policy in January of 2003 and again, with minor revisions, in June of 2004. The FTA reviewed the Policy during its April 2007 Triennial Audit of the MTA and during a more detailed compliance review of the MTA Federal Substance Abuse Program in June 2007. In both the Audit and the compliance review, the FTA recommended certain revisions to the Policy. For example, the FTA recommended, among other procedural changes, that MTA expand the definition of "refusal to test" to include an employee's failure to: undergo a medical evaluation, take a second test, permit observation of urine specimen provision, or sign the Alcohol Testing Form. The FTA also recommended the MTA include its policy decision to retest all employees with "negative dilute" urine sample results. The MTA has amended the Policy to incorporate these and other recommendations. Once approved, the Policy will be provided to all employees covered by it.

HISTORICAL INFORMATION:

The MTA Board has previously approved revisions to this Policy in June of 2004.

IMPACT ON FUNDING:

The revisions to the Policy will have no impact on funding.

ALTERNATIVES:

Do not approve the Policy. This alternative is not recommended because it may result in the FTA finding that MTA has failed to comply with federal regulations.

RECOMMENDATION:

It is recommended that the Board approve the attached Policy entitled "The MTA Federal Substance Abuse Policy."

THE METROPOLITAN TRANSPORTATION AUTHORITY

FEDERAL SUBSTANCE ABUSE POLICY

Approved: September 26, 2007
Effective: September 26, 2007

Supersedes version dated June 30, 2004

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I. POLICY STATEMENT

As discussed in more detail in this Policy, the Metropolitan Transportation Authority ("MTA") is fully committed to operating and maintaining an alcohol and drug-free workplace to provide a safe environment for employees of the MTA who, as part of their job duties, carry a firearm for security purposes ("Members") and other employees of the MTA and the customers they serve.

The purpose of this Policy is to explain the responsibilities of all Members to maintain a drug- and alcohol-free workplace and to comply with applicable laws and MTA rules, as they may be amended. This Policy also describes the resources available to Members with drug and/or alcohol problems and explains the MTA's commitment to encourage voluntary treatment before a Member's substance use compromises his or her or other's safety or jeopardizes the Member's continued employment with the MTA. This Policy also explains the circumstances and the manner in which the MTA may conduct drug and/or alcohol testing of Members in compliance with applicable laws and MTA rules. The MTA will follow the procedures set forth in 49 CFR Parts 40 and 655, unless otherwise stated herein.

The highlights of this Policy are set forth below.

A. Designated Employer Representative

The MTA has designated the responsibility for answering questions about this Policy to Assistant Deputy Chief John D'Agostino, MTA Police Department, Commanding Officer - Support Services Division, 347 Madison Avenue, 3rd Floor, New York, NY 10017. Such questions should be made in writing at the above address.

B. Covered Employees and Prohibited Conduct

This Policy applies to all employees of the MTA who, as part of their job duties, carry a firearm for security purposes ("Members"). A list of those job titles that are covered for purposes of this Policy is attached as Exhibit A.

As discussed more fully in this Policy, the following conduct is prohibited:

1. Reporting to work if under the influence of drugs or alcohol.
2. Using, manufacturing, distributing, selling, dispensing, possessing or using any controlled substances at any time, whether on or off duty, unless medically authorized in the manner set forth in the Policy. Under MTA Authority, a member may, however, possess controlled substances if required in the course of his or her duties.

3. Reporting to work if the Member has consumed alcohol within four hours of his or her duty time. If a Member is on-call, the Member may not consume alcohol during his or her specified on-call hours.
4. Possessing or consuming alcohol in the work place and consuming alcohol during work hours, including meal and break periods, unless such use is required in the course of his or her official duties, consistent with Police Department procedures.
5. Refusing to cooperate or intentionally interfering with the MTA's efforts to enforce this Policy, including but not limited to refusing to submit to a drug and/or alcohol test, leaving the scene of an accident prior to the administration of a drug and/or alcohol test required by the Policy or federal regulations, or tampering with the integrity of a breath or urine sample in connection with such tests or disclosing to an unauthorized person information relating to random drug and/or alcohol testing. A Member's inability to provide sufficient breath to complete an alcohol breath test or sufficient urine to complete a drug test, without an acceptable medical explanation for such inability, also constitutes a refusal.
6. Consuming alcohol for eight hours or until the employee undergoes a post-accident alcohol test following an accident, where the employee is required to take a post-accident alcohol test under this Policy.

C. How and When Testing May Occur

The MTA will perform drug and alcohol testing of Members consistent with the procedures in 49 C.F.R. Part 40 -- "Procedures for Transportation Workplace Drug and Alcohol Testing Programs." Such testing procedures provide for, among other things, urine testing for the presence of narcotics, depressants, stimulants, hallucinogens and cannabis; the use of nationally-certified drug testing laboratories for urine screening; specific training requirements for the collectors of both urine and breath samples; the use of split samples in urine collections; the use of specific chain of custody methods for urine collections; the use of confirmatory tests for both urine and breath samples; and confirmation of a positive drug test result by a certified Medical Review Officer.

A covered employee may be randomly tested while on duty anytime for prohibited use of the five Controlled Substances defined in Section IV of this Policy: Cocaine, phencyclidine ("PCP"), amphetamines, marijuana, and opiates.

Drug and/or alcohol testing will be conducted (1) pre-employment, including after an absence from work of 90 consecutive days or more, (2) where there is reasonable suspicion, (3) randomly, (4) post-accident, (5)

upon return to duty after a positive test, and (6) as a follow-up after return to duty. Members, by accepting or continuing employment, are deemed to have consented to drug and alcohol testing pursuant to this Policy and must submit to testing under federal law.

D. Consequences for Engaging in Prohibited Conduct

A Member violating or suspected of violating any of the prohibitions in this Policy may be subjected to any or all of the following: (1) drug and/or alcohol testing, (2) removal from his or her safety-sensitive position, and (3) administrative or disciplinary action up to and including dismissal. A Member will be considered to have failed an alcohol test if his or her Breath Alcohol Concentration is .02 or higher. MTA will remove such a Member from his or her position and refer him or her to a substance abuse professional. A Member will be considered to have failed a drug test if he or she has a verified positive urine test result. MTA may, in any event and under its own authority, dismiss any Member who violates this Policy. MTA may take such action under its own authority with or without conducting drug or alcohol testing.

E. Testing Performed by MTA

MTA may perform drug and alcohol testing not specifically required under the federal regulations. Such testing may include but is not limited to that required by the States of New York and Connecticut for qualification of individuals to police officer positions. Any such testing will be performed under the MTA's authority and not pursuant to federal law.

Specifically, drug testing required by FTA includes only testing for five controlled substances: Cocaine, phencyclidine ("PCP"), amphetamines, marijuana, and opiates. MTA may conduct testing for additional substances, but if such testing occurs, it is conducted under MTA's own authority and not under FTA authority or pursuant to FTA regulations.

F. Rehabilitative Resources

MTA makes several resources available to Members experiencing difficulties with drug and/or alcohol use. These resources are outlined in detail in this Policy. Members are encouraged to seek the assistance of the MTA's Employee Assistance Program before their job performance deteriorates or the illness affects the safe performance of their job.

II. GENERAL GUIDELINES

A. Members must comply with all laws, agreements, rules, policies and regulations applicable to their employment, including but not limited to the collective bargaining agreement between the MTA

and the Police Benevolent Association ("the PBA Agreement"), and must at all times satisfy the performance standards applicable to their employment.

- B. The MTA states expressly that nothing in this Policy prohibits it from taking administrative or disciplinary action, up to and including dismissal, and under its own authority, with or without conducting drug and/or alcohol testing, when there is a violation of, or reasonable cause to believe that there is a violation of, this Policy. The MTA also states expressly that this Policy does not create a contract, promise or contractual right, express or implied. The MTA reserves the right to change this Policy in whole or in part at any time.**

III. SCOPE

This Policy applies to all Members of the MTA's Police Department. Compliance with this Policy is a condition of employment. Consent to drug and/or alcohol testing pursuant to this Policy is implied by accepting or continuing employment.

IV. DEFINITIONS

A. Substances

1. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
2. Controlled Substances: FTA regulations require drug testing for the following five controlled substances: Cocaine, phencyclidine ("PCP"), amphetamines, marijuana, and opiates.
3. Drug: Any substance other than alcohol that has known mind or function-altering effects on humans, including but not limited to, controlled substances.
4. Intoxicant: Any agent that produces intoxication, such as a drug or toxic substance or alcoholic beverages.
5. Over-the-counter drug: Medication that does not require a prescription and that can be purchased from pharmacies or other retail establishments.
6. Prescription drug: Medication prescribed by licensed medical personnel or dentists for a specific course of treatment.

B. Personnel Classifications

1. Designated Employer Representative: An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or causes employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes.
2. Members: Employees of the MTA Police Department who perform a safety-sensitive function and who are required to comply with this Policy and with the alcohol and drug prohibitions and provisions in 49 C.F.R. Part 655 of the Federal Transit Administration ("FTA") regulations. This category includes positions, both represented and non-represented, requiring the Member to carry a firearm for security purposes.
3. Medical Review Officer ("MRO"): A licensed physician who receives laboratory results produced by the laboratory retained by the MTA to evaluate drug and/or alcohol tests, who has knowledge of substance abuse disorders, and who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
4. Substance Abuse Professional ("SAP"): A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol- and drug-related disorders.
5. Supervisor: Any employee of the MTA who is responsible for supervising or monitoring the conduct or performance of one or more Members. This definition includes both represented and non-represented Supervisors.

C. Testing

1. Post-Accident: A drug and/or alcohol test administered following an accident as defined in Section VI(D)(1) of this Policy.
2. Pre-Employment: A drug test administered to all Members no more than 90 days before they commence or resume performing safety-sensitive duties for the MTA.

3. Reasonable Suspicion: When a Supervisor believes that a Member has used a prohibited drug and/or engaged in alcohol misuse. The suspicion must be based upon specific, contemporaneous, articulable observations of the appearance, behavior, speech or body odors of the Member.
4. Verified Positive Test Result:
 - a. For a drug test, a test result that was positive on an initial immunoassay test, confirmed by a gas chromatography/mass spectrometry assay and reviewed and verified as positive by a MRO in accordance with the procedures set forth in 49 C.F.R. Part 40 - "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."
 - b. For an alcohol breath test, an initial breath test performed on a Department of Transportation - approved "Evidential Breath Testing" device, with a result of **.02%** or higher, confirmed by a second breath test with a reading of **.02%** or higher.
5. Return to Duty: A test administered to a Member who has refused a test, received a verified positive drug test result, or a confirmed alcohol test result of **.02** or more prior to resuming to safety-sensitive duties.
6. Follow-Up: Unannounced drug and/or alcohol testing of a Member who has been returned to service following a violation of this Policy as deemed necessary by the SAP. The number and duration of follow-up testing must be no fewer or shorter than the minimum requirements set forth in the regulations issued by the FTA.
7. Random: Unannounced and unpredictable drug and/or alcohol testing of a percentage of Members as governed by the FTA. Members are placed in a pool and are selected for testing by a scientifically-valid method.

D. Resources

1. Employee Assistance Program ("EAP"): A confidential counseling program provided by the MTA where SAPs qualified by experience, education, and training counsel persons affected by alcohol and/or substance abuse problems and evaluate their progress in recovering from such problems.

2. Substance Awareness Training: A training course given by MTA and required for all Members which provides instruction on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. In addition, Supervisors shall receive training on the physical, behavioral, and performance indicators of probable drug and alcohol misuse.
3. Code of Federal Regulations (CFR): The Regulations issued by the United States Department of Transportation, 49 CFR 40, and the Federal Transit Administration, 49 CFR 655, are available for employees to review in the Internal Affairs Bureau by appointment. These regulations are also available via the Internet at:
<http://www.dot.gov/ost/dapc/regulations.html>

V. POLICY

It is the Policy of the MTA to maintain a drug- and alcohol-free workplace. To this end, all sites at which MTA business is conducted, including MTA vehicles used for business purposes, are to be drug- and alcohol-free workplaces. Drug and/or alcohol testing may be performed to ensure compliance with this Policy and with applicable federal regulations. The circumstances when testing may occur are defined in Section VI of this Policy.

A. Early Intervention, Treatment and Rehabilitation Resources

The MTA recognizes that alcoholism and drug dependency are treatable illnesses and that the likelihood of successful rehabilitation is substantially increased by early detection and treatment. Therefore, Members are encouraged to voluntarily seek confidential assistance through the EAP by self-referral **before** their job performance deteriorates or the illness affects the safe performance of their job and **before** being charged with a violation of this Policy or of federal or state law.

The MTA complies with all applicable laws concerning reasonable accommodation for treatment and provides the following resources to Members to encourage voluntary and early treatment:

1. EAP: A Member may seek the confidential services of the EAP regarding his or her use of controlled substances or alcohol.

2. Health Insurance Benefits: The MTA's group health insurance plans include coverage for alcohol and/or drug abuse treatment.
3. Substance Awareness Training: A training program in substance awareness for Members and Supervisors.
4. Leaves of Absence: Pursuant to the PBA collective bargaining agreement, the MTA's Family and Medical Leave Policy or other applicable policies, the Member may request and the MTA may approve a leave of absence for purposes of rehabilitation for drug or alcohol misuse. Nothing in this Policy requires the MTA to offer a Member a leave of absence in lieu of taking immediate administrative and/or disciplinary action, up to and including dismissal.

B. Performance Requirements

1. The MTA will hold any Member who engages in the illegal use of drugs or who suffers from an alcohol use disorder to the same qualification standards for employment or job performance and behavior (such as attendance) to which the MTA holds its other Members, even if unsatisfactory performance, behavior, or rule or Policy infractions are related to the Member's drug and/or alcohol use.
2. Past or present involvement in a rehabilitation program, the EAP, or with other treatment practitioners cannot serve as a defense nor mitigate the circumstances of alleged violations of MTA rules, policies or laws, including but not limited to rules applicable to the MTA Police Department.

C. Prohibited Conduct

1. All Members are prohibited from reporting to work if they are under the influence of drugs or alcohol.
2. All Members are prohibited from illegally manufacturing, distributing, selling, dispensing, possessing or using any controlled substances or illegal drug paraphernalia, on or off duty, on or off MTA property. Members may, however, possess controlled substances or illegal drug paraphernalia in the course of taking official police action consistent with Police Department procedures, including, but not limited to, performing undercover assignments or seizing evidence during an arrest. Members are prohibited from using any controlled substance at any time, whether on or off duty,

unless medically authorized as described in paragraph 5 of this section.

3. Members are prohibited from reporting to work if they have consumed alcohol within four hours of their duty time. If a Member is on-call, the Member may not consume alcohol during the specified on-call hours. A Member must, however, advise his or her immediate Supervisor immediately upon being called to report to duty if the Member is unable to perform his or her job. The Member must take an alcohol test if he or she has acknowledged using alcohol but claims to be able to perform his or her job. Notwithstanding these provisions, the MTA, under its own authority, may take administrative or disciplinary action against a Member under these circumstances, up to and including dismissal.
4. All Members are prohibited from possessing or consuming alcohol in the workplace and from consuming alcohol during work hours, including meal and break periods, unless such use is required in the course of taking official police action consistent with Police Department procedures, including, but not limited to, performing undercover assignments or seizing evidence during an arrest. However, in no case may a Member's alcohol concentration equal .02 or greater while on duty.
5. Prescription or Over-the-Counter Drugs: Members may use prescription or over-the-counter drugs while performing safety-sensitive duties if (1) such use is brought to the attention of the MRO by the Member at least two hours before reporting to duty or as soon as is practicable and (2) if the drug is a prescription drug, the drug is prescribed or authorized by a medical practitioner who has determined that such use will not affect the Member's job performance. Prior to the Member submitting such a note, in order to work, the Member must certify that the drug will not affect his or her job performance. The MRO or his or her designee will then determine whether use of the substance as prescribed is consistent with the safe performance of the Member's duties. The determination of the MRO or his or her designee is final and binding.
6. All Members are prohibited from refusing to cooperate or from intentionally interfering with the MTA's efforts to enforce this Policy or related federal regulations, including but not limited to refusing to submit to a drug and/or alcohol test conducted pursuant to this Policy or federal

regulations, leaving the scene of an accident before post-accident drug and/or alcohol testing required by this Policy or federal regulations has been conducted, tampering with the integrity of a breath or urine sample in connection with such tests, or disclosing to an unauthorized person the identity of a Member selected for random testing or the location, time or date for such testing.

7. Refusal to Test

a. The following conduct constitutes a refusal to take a drug test: (1) failure to appear for any test within a reasonable time after being directed to do so by the employer (except for pre-employment tests); (2) failure to remain at the testing site until the testing process is complete; (3) failure to provide a urine specimen; (4) failure to permit observation or monitoring of provision of a urine specimen when authorized by the federal regulations; (5) failure to provide a sufficient amount of urine when directed and it has been determined, through a medical evaluation, that there was no adequate medical explanation for the failure; (6) failure or declining to take an additional test as directed by the MTA or collector; (7) failure to undergo a medical examination, as directed by the MRO or DER, as part of the verification process or "shy bladder" procedures; (8) failure to cooperate with any part of the testing process; or (9) a verified adulterated or substituted test result reported by the MRO.

b. The following conduct constitutes a refusal to take an alcohol test: (1) failure to appear for any test within a reasonable time after being directed to do so; (2) failure to remain at the testing site until the testing process is complete; (3) failure to provide an adequate amount of breath for a test; (4) failure to provide a sufficient breath specimen and a physician has determined, through a medical evaluation, that there was no adequate medical explanation for the failure; (5) failure to undergo a medical examination as directed by the MTA as part of the "insufficient breath procedures" in the federal regulations; (6) failure to sign the certification at Step 2 of the DOT Alcohol Testing Form; (7) failure to cooperate with any part of the testing process; or (8) a verified adulterated or substituted test result reported by the MRO.

D. Consequences of Engaging in Prohibited Conduct

1. A Member suspected of violating any of the prohibitions set forth in this Policy may be subject to (a) drug and/or alcohol testing as defined in this Policy, and/or (b) removal from his or her safety-sensitive position, and/or (c) administrative and/or disciplinary action up to and including dismissal, under the authority of the MTA.
2. A Member will be considered to have failed an alcohol test if his or her Breath Alcohol Concentration is .02 or higher. A Member will be considered to have failed a drug test if he or she has a verified positive urine test result.
3. A Member who has a verified positive drug test result or a confirmed alcohol test result of .04 Breath Alcohol Content (BAC) or greater, or refuses to submit to a required test shall be subject to the following consequences:
 - a. The Member shall immediately cease performing safety-sensitive functions per 49 CFR Part 655.
 - b. The Member shall be disciplined by the MTA, acting under its own authority, in accordance with the Memorandum of Understanding between the MTA and the MTA Police Benevolent Association (PBA) dated November 12, 2002 and attached to this policy as Exhibit B, and any amendments thereto.
 - c. The MTA shall refer the Member to a SAP regardless of whether or not his or her employment is terminated in accordance with 49 CFR §655.62.
 - d. A Member allowed by the MTA to return to safety-sensitive functions shall be required to pass a drug and/or alcohol test before returning to his or her position. In addition, the Member will be subject to unannounced follow-up drug and/or alcohol testing as directed by the SAP. The number and duration of follow-up testing must be no fewer or shorter than the minimum requirements set forth in the regulations issued by the FTA.
4. A Member with a confirmed positive result of between .02 BAC and less than a .04 BAC shall be subject to the following consequences:

- a. The Member shall immediately cease performing safety-sensitive functions per 49 CFR Part 655.
 - b. The Member shall be disciplined by the MTA, acting under its own authority, in accordance with the Memorandum of Understanding between the MTA and the MTA Police Benevolent Association (PBA) dated November 12, 2002 and attached to this Policy as Appendix A, and any amendments thereto.
 - c. The Member may return to safety-sensitive functions at the start of the employee's next regularly scheduled duty period, but not less than eight hours after the confirmed test, unless the employee's alcohol concentration measures less than .02 BAC on a retest. Discipline assessed by the MTA, under its own authority, may delay or negate the return of a Member to safety-sensitive duties.
5. In accordance with the Drug-Free Workplace Act of 1988, a Member convicted of violating a criminal drug statute in the workplace or anywhere else must report the conviction to the Chief of Police or his or her designee within five days of the conviction. Members convicted of violating a criminal drug statute or who fail to report such conviction may be subject to disciplinary and/or administrative action, up to and including dismissal.
6. Members may be subject to administrative and/or disciplinary action, up to and including dismissal, should the MTA receive notice of off-duty misconduct relating to alcohol and/or drug abuse (e.g., a drug or alcohol-related conviction) or the Member's illegal manufacturing, distribution, dispensing or possession of controlled substances, under the authority of the MTA.

E. Drug and Alcohol Testing

Subject to federal regulations, nothing in this Policy requires the MTA to conduct drug and/or alcohol testing before taking administrative and/or disciplinary action, up to and including dismissal, for a violation of this Policy, under MTA's own authority.

All Members are subject to drug and/or alcohol testing as required by this Policy and/or applicable federal rules.

In 49 C.F.R. Part 655, the FTA requires the MTA to conduct drug and/or alcohol testing of Members in the following situations: (1) Pre-employment, (2) where there is Reasonable Suspicion, (3) Randomly, (4) Post-accident, (5) Return to Duty, and (6) Follow-up.

VI. CIRCUMSTANCES WHEN TESTING WILL BE PERFORMED

A. Pre-Employment

1. The MTA will schedule a pre-employment drug test for those applicants or transferees who have received conditional offers to perform service for MTA as a Member.
2. Pursuant to 49 C.F.R. Part 655, no Member may perform safety-sensitive duties prior to passing a drug test administered by the MTA.
3. If a Member has not performed a safety-sensitive function for 90 consecutive days regardless of the reason, and the Member has not been in the MTA's random testing pool during that time, the Member may not perform safety-sensitive functions until he or she passes a drug test administered by the MTA.
4. A candidate must produce a negative drug test result prior to first performing safety-sensitive functions. If the test is canceled, the candidate must retake and pass the test before performing safety-sensitive work.
5. An employee or candidate who previously failed or refused a pre-employment drug test under this Policy must provide the MTA proof of having successfully completed a referral, evaluation and treatment plan as described herein.

B. Reasonable Suspicion

1. All Members are subject to drug and/or alcohol testing where Reasonable Suspicion exists.
2. For all Members, the decision to conduct the test must be based on specific, contemporaneous, articulable observations of the appearance, behavior, speech, or body odors of the Member. Testing may only occur when a Supervisor who is trained in detecting the signs and symptoms of drug use and alcohol misuse makes the required observations, which may include the following criteria:

- a. Staggered gait, difficulty walking
 - b. Slurred speech
 - c. Drowsiness/sleepiness
 - d. Odor of an intoxicant
 - e. Disorientation (time/place/person)
 - f. Rapid mood swings with no apparent reason
 - g. Poor coordination or body control
 - h. Bizarre behavior
 - i. Direct observation of use of an intoxicant or controlled substance.
3. At least one Supervisor who has completed Substance Awareness Training must make the required observations before sending a Member for drug and/or alcohol testing.
4. When Reasonable Suspicion exists, drug and/or alcohol testing is mandatory pursuant to 49 C.F.R. Part 655.
5. **Alcohol testing is authorized under this Policy, only if the observations required above are made and the testing is conducted during, just preceding, or just after the period of the workday that the Member is required to be in compliance with this Policy.**
6. The MTA must make diligent efforts to conduct an alcohol and/or drug test within two hours of the initial observation of the Member. If testing is not conducted within two hours, the Supervisor must provide the Chief of Police or his designee with documentation as to the reason why the test was not promptly conducted. Absolutely no alcohol testing may be performed after the expiration of eight hours from the time of observation. Drug testing, however, may be conducted. If over eight hours has passed since the time of observation and no alcohol testing has been conducted, the Supervisor must provide the Chief of Police with documentation explaining why testing was not performed.

C. Random Testing

1. Random testing of Members is performed by the MTA pursuant to applicable FTA regulations set forth in 49 C.F.R. Part 655. In accordance with those regulations, MTA will:
 - a. Select employees for random testing at the annual rate established by the FTA as published from time-to-time in the Federal Register. Such selection shall be made by a scientifically-valid method, such as a random number table or a computer-based random number generator that is matched with the Members' Social

Security Numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each Member shall have an equal chance of being tested each time selections are made.

- b. Ensure that random tests are unannounced and that the times and dates for administering random tests are reasonably spread throughout the day and calendar year.
- c. Require that each Member who is notified of selection for random testing proceeds to the test site immediately. A Member may only be tested while on duty; just before the employee is to go on duty; or just after the employee has gone off duty.

D. Post-Accident Testing

1. Accident: An occurrence associated with the operation of an ancillary service vehicle, which may include an MTA Police vehicle, if as a result:
 - a. An individual dies; or
 - b. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
 - c. With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
 - d. With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operation.
2. Fatal Accidents: As soon as practicable following an accident involving the loss of human life, MTA will conduct drug and alcohol tests on the surviving Member operating the vehicle at the time of the accident. MTA will also conduct drug and alcohol testing on any other Member whose performance could have contributed to the accident, as determined by the MTA using the best information available at the time of the decision.

3. Non-fatal Accidents: As soon as practicable following an accident not involving the loss of human life in which a vehicle is involved, the MTA will conduct drug and alcohol testing on each Member operating the vehicle at the time of the accident unless the MTA determines, using the best information available at the time of the decision, that the Member's performance can be completely discounted as a contributing factor to the accident. MTA will also conduct drug and alcohol testing on any other Member whose performance could have contributed to the accident, as determined by the MTA using the best information available at the time of the decision.
4. The MTA must make diligent efforts to conduct an alcohol and/or drug test within two hours of the accident. If testing is not conducted within two hours, the Member's Supervisor must provide the Chief of Police or his designee with documentation as to the reason why the test was not promptly conducted. Absolutely no alcohol testing may be performed after the expiration of eight hours from the time of observation. Drug testing, however, may be conducted within 32 hours of the accident. If over eight hours have passed since the time of the accident and no alcohol testing has been conducted, or if 32 hours have passed since the time of the accident and no drug testing has been conducted, the Supervisor must provide the Chief of Police with documentation explaining why testing was not performed.
5. A Member who is subject to post-accident testing but who fails to remain readily available for such testing, including notifying his or her Supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such testing, may be deemed by MTA to have refused to submit to testing.
6. The decision not to administer a post-accident drug or alcohol test must be based on the MTA's determination, using the best available information at the time of the determination that the Member's performance could not have contributed to the accident. Such a decision must be documented in detail by written memorandum to the Chief of Police or his or her designee, including the decision-making process used to reach the decision not to test.
7. Nothing in this section should be construed to delay the necessary medical attention for the injured following an accident or to prohibit a Member from leaving the scene of

an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

8. The results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by federal, state or local officials having independent authority for the test, shall be considered to meet the requirements of this section if such test conforms to the applicable federal, state, or local testing requirements, and the test results are available to MTA. MTA will only use such test results where it is unable to perform a post-accident test within the required periods set forth in paragraph 3 of this section.

E. Return to Duty and Follow-up Testing

1. Each Member who has engaged in conduct in violation of the FTA regulations and/or this Policy must pass a drug and/or alcohol test in order to return to his or her position.
2. In addition, the Member is subject to unannounced follow-up drug and/or alcohol testing as directed by the SAP. The number and duration of follow-up testing must be no fewer or shorter than the minimum requirements set forth in the regulations issued by the FTA.

VII. TEST PROCEDURES AND RETESTS

The MTA and any vendors that have been or may be hired by the MTA to perform testing will follow the procedures established by the United States Department of Transportation ("DOT") for all drug and alcohol testing conducted under this Policy. These procedures are set forth in 49 C.F.R. Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."

If a drug test is reported by the MRO as both negative and dilute, the MTA shall require the employee to take another drug test immediately. A second drug test result of negative and dilute will not require a third test; the result of the second drug test will become the test of record.

VIII. CONFIDENTIALITY

- A. No Member may disclose to any individual any drug or alcohol use or testing information concerning any other Member, including but not limited to random testing selection information, unless such disclosure is necessary for compliance with this Policy or federal law or unless the

Member whose records are at issue executes a release specifically authorizing the disclosure of such information.

- B. All records maintained in the course of carrying out the procedures described in this Policy and under federal drug and alcohol-testing laws must be maintained in a separate file, under lock and key.
- C. If any Member discloses the information or records described in paragraphs A and B to any other individual for any reason, that Member may be subject to administrative or disciplinary action, up to and including dismissal.

EXHIBIT A

SAFETY-SENSITIVE JOB TITLES

Police Officer
Detective
Sergeant
Detective Sergeant
Lieutenant
Captain
Deputy Inspector
Inspector
Assistant Deputy Chief
Deputy Chief
Chief of Department

EXHIBIT B

MEMORANDUM OF AGREEMENT

Disciplinary and Supplementary Testing Procedures/Guidelines

AGREEMENT made between the METROPOLITAN TRANSPORTATION AUTHORITY ("MTA") and the MTA POLICE BENEVOLENT ASSOCIATION ("PBA").

The parties agree to the following in connection with the MTA's testing obligation under the requirements of the United States Department of Transportation (USDOT) and Federal Transit Administration (FTA) regulations concerning drug and alcohol testing:

1. DISCIPLINARY GUIDELINES

(A) DRUG VIOLATIONS

The MTA and the PBA agree that discipline for a violation of the federal regulations of the US DOT or the FTA pertaining to drugs or the misuse of prescription drugs will be governed by the Trials and Appeals Article of the Police Officer and Superior Officer Collective Bargaining Agreements.

(B) ALCOHOL VIOLATIONS

1) Breath Alcohol Content (BAC) of between .02 and less than a .04

An officer who is confirmed positive for a Breath Alcohol Content (BAC) of between .02 and less than a .04 shall be disciplined in the following manner in addition to the requirements of the United States Department of Transportation (USDOT) and Federal Transit Administration (FTA):

a) The officer shall be either sent home or placed on restricted duty (without a firearm) for the remainder of their scheduled tour of duty at the discretion of the Police Department. The officer will be compensated for the remainder of their scheduled tour of duty.

b) An employee's first offense will result in a written warning and a mandatory evaluation by the Substance Abuse Professional (SAP) through the Employee Assistance Program (EAP). In the event the SAP recommends treatment the member will be obligated to comply with treatment recommendations as a term and condition of employment. The MTA will direct the SAP and the EAP to provide treatment recommendations that, to the extent possible, are covered by the employee's health insurance plan.

c) An employee's second offense will result in an immediate five (5) day suspension without pay and mandatory enrollment into a SAP recommended treatment program. The member will be obligated to comply with treatment recommendations as a term

and condition of employment. The MTA will direct the SAP and the EAP to provide treatment recommendations that, to the extent possible, are covered by the employee's health insurance plan.

d) An employee's third offense will result in the immediate imposition of a ten (10) day suspension without pay and mandatory enrollment into a SAP recommended treatment program. The member will be obligated to comply with treatment recommendations as a term and condition of employment. The MTA will direct the SAP and the EAP to provide treatment recommendations that, to the extent possible, are covered by the employee's health insurance plan. The employee will enter into a last chance agreement whereby the right to arbitrate the discipline for future violations of the federal rules on alcohol misuse shall be waived by both the union and the member. The employee or the union may only grieve the validity of the result of the test.

e) An employee's fourth offense of between .02 BAC and less than .04 will result in immediate dismissal. The employer's disciplinary penalty of dismissal shall be final and binding and not subject to the grievance procedure of the collective bargaining agreement. The employee or the union may only grieve the validity of the result of the test.

2) Breath Alcohol Content (BAC) of .04 or greater

A member who is confirmed as positive for a BAC of .04 or greater shall be disciplined in the following manner, in addition to the requirements of the US DOT and FTA for each offense:

a) An officer will be immediately relieved of duty due to a confirmed positive alcohol test and will be suspended without pay from the time of the confirmed result.

b) A first offense will result in the immediate imposition of a ten (10) day disciplinary suspension without pay. The employee will be assigned to non-safety sensitive duties after serving the suspension until they complete the US DOT and FTA return to duty process. Management shall have the ability to assign the work location and work schedule of an employee assigned to non-safety sensitive duties.

c) A second offense will result in the immediate imposition of a thirty (30) day disciplinary suspension without pay. Upon completion of the suspension period, the employee will be assigned to non-safety sensitive duties until they complete the US DOT/FTA return to duty process. Management shall have the ability to assign the work location and work schedule of an employee assigned to non-safety sensitive duties. A employee who is returned by the SAP to safety sensitive duties will enter into a last chance agreement whereby the right to arbitrate discipline for future violations of the federal rules on alcohol misuse shall be waived by both the union and the employee. The employee or the union may only grieve the validity of the result of the test. Upon a member's return to safety sensitive duties a probationary

period of six months shall begin. A confirmed positive result of .02 or greater will violate this probation and result in dismissal.

d) A third result of .04 or greater during the employee's career as a represented member of the Police Department will result in the immediate dismissal of the employee. The employer's disciplinary penalty of dismissal shall be final and binding and not subject to the grievance procedure of the collective bargaining agreement. The employee or the union may only grieve the validity of the result of the test.

3) Four violations with Breath Alcohol Content (BAC) of .02 or greater

An employee with four positive results for a BAC of .02 or greater will be dismissed from employment. The employer's disciplinary penalty of dismissal shall be final and binding and not subject to the grievance procedure of the collective bargaining agreement. The employee or the union may only grieve the validity of the result of the test.

4) Refusal to take an Alcohol Test

An employee who refuses to take an alcohol test as defined by the federal regulations governing the testing program shall be disciplined as if the employee were positive for a BAC of .04 or greater.

2. SUPPLEMENTAL TESTING GUIDELINES AND PROCEDURES

A) The parties agree that drug and alcohol testing of PBA members will take place at designated facilities. Those facilities currently include, but are not limited to, the LIRR Medical Office in Mineola, NY; the LI Bus Medical Office in Garden City, NY; and the MNRRT Medical Office in Manhattan, NY. These facilities may be expanded to meet the service needs of the Police Department.

B) Employees may utilize their health insurance benefit for alcohol dependency and substance abuse treatment, subject to the limits and normal deductibles of an employee's health insurance.

C) The MTA will assume the costs of administering the testing programs including the cost of testing the split samples for reconfirmation of the substance confirmed positive in the primary sample, return to duty tests, and followup tests.

D) The PBA Union office will be provided the testing location and scheduled start time of the random test by the Designated Employer Representative in advance of the scheduled start time. Union representatives will be designated as authorized to enter the testing sites used to conduct urine and breath collections to the extent allowed by the DOT and FTA regulations.

E) The MTA will only use evidential breath testing devices on the Conforming Products List for Instruments that conform to the Model Specifications for Evidential Breath Testing Devices (58 FR 48705). All evidential breath testing devices will be maintained and calibrated to manufacturer's requirements. Documentation of maintenance and calibration of an EBT will be made available to the union for inspection upon request.

F) Supervisors may not determine there is reasonable suspicion to test an employee under the DOT and FTA regulations unless they have received the federally required training. A trained supervisor who determines that reasonable suspicion exists to test an employee will both; verbally inform the employee of the physical observations that constitute their basis of reasonable suspicion and record their findings in writing.

G) The parties interpret the federal regulations to mean that members of the Department who do not carry a firearm for security purposes are not performing safety sensitive duties and therefore will not be subject to the US DOT/FTA alcohol and drug testing procedure. The MTA considers all members of the Department, on duty or taking law enforcement action off duty, within the MTA service Region, while carrying a firearm to be doing so for security purposes. The MTA considers members of the Department carrying a firearm off duty not to be performing a safety sensitive function unless they are taking law enforcement action within the MTA service region. Employees not performing safety sensitive duties on a daily basis such as employees assigned to training outside the MTA service area, employees absent from work for the day (i.e.: sick leave, jury duty, union release time, military leave, worker's compensation, vacation, etc.) and employees assigned to restricted duty assignments without a firearm, will remain in the random testing pool. The US DOT/FTA guidelines provide that these employees may only be tested if they are actually performing safety sensitive duties. Employees selected for random testing who are either assigned to non-safety sensitive duties for the duration of the work-day or are not performing safety sensitive duties for the duration of the work day will be considered unavailable for testing that day. The parties agree to be bound by any determinations of the US DOT or the FTA to the contrary.

H) Employees' required by the SAP of the EAP to participate in a rehabilitation program that requires their absence from work shall continue to be paid their scheduled hours of work as sick leave. An employee will be provided no more than six months of paid absence from work to participate in a treatment program. An employee requiring more than six months of absence from work to participate in a rehabilitation program mandated by the SAP of the EAP may continue their absence for an additional six months as an unpaid leave of absence. Employees will be allowed to use their paid leave banks to remain in pay status during this leave of absence.

IT IS THE PARTIES UNDERSTANDING THAT NONE OF THE PROVISIONS OF THIS AGREEMENT CONFLICT WITH THE FTA AND DOT REGULATIONS AS THEY CURRENTLY EXIST. IN THE EVENT THERE IS AN INADVERTANT CONFLICT OR THE REGULATIONS ARE AMENDED AND CONFLICT WITH THIS AGREEMENT THE PARTIES UNDERSTAND THAT THE FEDERAL REGULATIONS ARE CONTROLLING.

IN WITNESS WHEREOF the parties hereto signed this Memorandum of Agreement at New York, New York, on the ____th day of November, 2002.

For the
Metropolitan Transportation Authority

For the Police Benevolent Association

By: Margaret M Connor
Margaret Connor
Director, Human Resources

By: Raymond G. Gimpler
Raymond Gimpler
President, PBA

Dated: November 12, 2002

Dated: November 7, 2002

METROPOLITAN TRANSPORTATION AUTHORITY

BOARD RESOLUTION

WHEREAS, the Federal Transit Administration (“FTA”) drug and alcohol regulations require each employer subject to the regulations to develop and disseminate a policy statement describing its anti-drug and alcohol misuse program consistent with 49 C.F.R. Part 655; and

WHEREAS, the FTA regulations also require that the local governing board of the employer adopt the policy statement; and

WHEREAS, the Metropolitan Transportation Authority (“MTA”) prepared its Federal Substance Abuse Policy (the “MTA Federal Substance Abuse Policy”), which includes the requirements of the FTA regulations; and

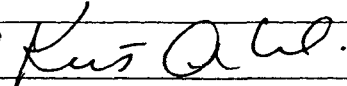
WHEREAS, the MTA Federal Substance Abuse Policy was reviewed by the FTA in the course of an audit of MTA’s FTA-mandated drug and alcohol testing program and was revised in accordance with the FTA’s audit findings; and

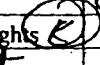

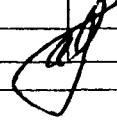
WHEREAS, the FTA notified MTA that the revised policy is responsive to the FTA audit findings; and

WHEREAS, such audit findings required that the policy be adopted by the Board by September 30, 2007.

NOW, THEREFORE, BE IT RESOLVED, effective immediately, that the Board hereby approves the MTA Federal Substance Abuse Policy.

Staff Summary

Subject FFY 2008 Overall Annual DBE Goal					
Department Office of Civil Rights					
Department Head Name Kenneth A. Neal					
Department Head Signature 					
Project Manager Name					
Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	09/24/07		x	
2	Board	09/26/07	x		

Date September 10, 2007			
Vendor Name			
Contract Number			
Contract Manager Name			
Table of Contents Ref #			
Internal Approvals			
Order	Approval	Order	Approval
1	Office of Civil Rights 		
2	Legal 		
	Chief of Staff		
3	Executive Director 		

Narrative

PURPOSE

To obtain Board approval re-authorizing the adoption by the Metropolitan Transportation Authority ("MTA") of a 17% goal for the utilization of Disadvantaged Business Enterprises ("DBEs") in its agency-wide contracting activities on federally-assisted contracts and procurements.

DISCUSSION

MTA and its subsidiary and affiliated companies (the "Authorities"), pursuant to federal and state regulations, as well as Board Policy, have fostered competition by DBEs in their procurement and contracting activities. Pursuant to U.S. Department of Transportation ("USDOT") regulations at 49 CFR Part 26, governing the operation of DBE Programs managed by recipients of federal transit funds, the purpose of the DBE Program is to create a "level-playing field" for business enterprises that are majority owned and run on a daily basis by socially and economically disadvantaged individuals by encouraging their participation on federally-funded or assisted contracts.

A principal goal of the USDOT regulations is to generate increased opportunities for DBEs to participate on federally-funded or assisted projects while using narrowly tailored means that do not unduly burden non-DBEs. In order to achieve that goal, the regulations require recipients of transit funds to establish goals for DBE participation that accurately reflect the level of DBE participation that could be expected absent the effects of discrimination or other barriers.

This expected level of DBE participation is to be determined using a two-step process. The MTA is required to first determine the current percentage of ready, willing, and able businesses in the local market that are DBEs. This number is described in the regulations as the "Base Figure." In general, calculating the Base Figure entails dividing the number of DBEs ready, willing and able to perform work in a particular industry in a particular area by the total number of firms ready, willing and able to perform work in that industry in that area. Using this calculation, we determined the Base Figure to be 15.9%. The Base Figure may then be adjusted based on regionally specific data to ensure that this number reflects the level of DBE availability that could be expected absent the effects of past discrimination.

After determining the Base Figure, we then considered whether adjustments to the Base Figure were necessary to take into account, among other things, the number of DBEs that would be available absent the effects of past discrimination. Under the USDOT rule, MTA is required to consider all evidence available to determine whether such an adjustment is warranted. Therefore, the MTA considered information from a variety of different sources, including (1) historical data on past participation of DBEs on the Authorities' federally-funded contracts, (2) the ability of DBEs to undertake projects as prime contractors, (3) evidence from disparity studies, (4) DBE goals established by similarly-situated agencies in the local area, (5) the effects of past discrimination on DBE availability, (6) proposed level and allocation of current funding, and (7) the accuracy of the statistical information available to determine the availability of DBEs.

Staff Summary

During FFY 2008 special trade contracts will account for approximately 42% of projected work, and historically, most DBE participation on MTA construction projects has been in the area of special trade construction. The increase in contracting opportunities in this area will afford DBEs additional opportunities to work as subcontractors on the Authorities contracts.

In addition, we also looked carefully at our history of DBE participation as well as goals set by similarly-situated transportation agencies in the local area. These numbers show that over the past four FFYs, MTA has averaged 17.2% DBE participation on the federal share of all awards. Moreover, during the first six months of FFY 2007, DBE participation on MTA federally-assisted contracts was 20.7%. During FFY 2008, New Jersey Transit established a DBE participation goal of 22.4%, New York State DOT set a DBE participation goal of 9%, and New York City DOT adopted a DBE participation goal of 11%.

The MTA also considered available data from recently completed disparity studies. During 2004, the Port Authority of New York and New Jersey, the City of New York and the County of Nassau in suburban Long Island completed studies of their respective procurement practices to compare the utilization of minority and women-owned businesses to their availability in the relevant marketplace. We have reviewed the aforementioned studies and conclude that the findings set forth in the studies are relevant to the MTA. Specifically, each study defined the relevant marketplace in a similar manner as does the MTA. Additionally, the studies employed a methodology to determine availability by contract type which is generally accepted as a "best practice" in the industry.

Based on the foregoing, the MTA Office of Civil Rights reviewed the methodology for adjusting the Base Figure and based on the projected increase in work to be let in SIC/NAICS Code 1700, Special Construction, and the past history of DBE participation on federally-assisted contracts, we adjusted the Base Figure by 1.1%, arriving at a DBE participation goal of 17% for FFY 2008, which is same as last year's goal and consistent with program goals of other similarly-situated transportation agencies in the local area.

The MTA convened a focus group meeting on June 13, 2007 with DBEs, non-DBEs, community-based organizations and DBE advocacy groups to discuss the proposed DBE goal and its rationale. A legal notice announcing the proposed DBE goal with a 45-day period for public comment was placed in several general circulation and minority-oriented newspapers on Monday, June 18, 2007. On June 15, 2007, we placed the notice announcing the proposed DBE goal on the public MTA website: www.mta.info. Additionally, on July 17, 2007, the MTA held a public briefing session to discuss the proposed DBE goal and its rationale. We invited DBE and non-DBE firms, as well as other community organizations, to the briefing. The MTA took into consideration comments received during the public participation period. Accordingly, after consideration of comments received during the public forum, we have proposed a goal of awarding 17% of the value of federally-funded contracts to DBEs for FFY 2008.

BENEFITS TO THE AUTHORITY:

The DBE Program is designed to provide meaningful opportunities for participation on federally-funded contracts and purchases by for-profit business enterprises which are majority-owned and run on a daily basis by socially and economically disadvantaged individuals.

IMPACT ON FUNDING:

Some of the Authorities receive federal financial assistance from the USDOT. As a condition of receiving this assistance, those Authorities provide assurances that they will comply with applicable USDOT regulations at 49 CFR Part 26.

ALTERNATIVES:

Do not approve the proposed DBE goal and establish a higher or lower DBE goal.

RECOMMENDATION:

It is recommended that the Board approve the DBE goal proposed.




Staff Summary

Page 1 of 2

Subject Outside Counsel Panel
Department Legal
Department Head Name James Henly
Department Head Signature
Project Manager/Division Head NA

Date 9/10/07
Vendor Name Multiple
Contract Number NA
Contract Manager Name NA
Table of Contents Ref # NA

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.				
2	Board				

Internal Approvals			
Order	Approval	Order	Approval
3	Executive Director 		Civil Rights
2	Chief of Staff 	1	Legal 
	Chief Financial Officer		Administration
	Procurement		Other

Purpose:

To obtain Board approval for the designation of certain additional law firms to provide legal services to the MTA, its agencies and affiliates (collectively "MTA") on an as-needed basis in specific areas of expertise where retention of outside counsel may be necessary.

Discussion:

In December, 2003, the Board approved the designation of certain law firms to provide legal services to the MTA; that list was supplemented by the Board on several subsequent occasions to provide specialized expertise. The firms on the panel have all agreed to the MTA standard retainer agreement and to provide the MTA with a 20% discount from their customary rates.

MTA Legal Department seeks to supplement the list of firms on the outside counsel panel to provide for anticipated additional needs. The MTA anticipates the need to utilize on an as-needed basis additional law firms to assist MTA legal staff on miscellaneous real estate related transactions, including property acquisitions associated with the Second Avenue Subway, Fulton Street, and East Side Access projects and retail leasing at Grand Central Terminal. In addition, it is recommended that certain law firms and lawyers be added to the negligence firm panel.

MTA staff seeks approval to add the following firms to the outside counsel panel, to be utilized on an as-needed basis:

Real Estate Firms

1. Alter Mantel, LLP
2. Nesenoff & Miltenberg, LLP
3. Duval & Stachenfeld, LLP

It is recommended that these three firms be added to the outside counsel corporate panel. Such addition will make these smaller and medium-sized firms available to provide representation to MTA in the area of real estate transactional work, an area in which MTA has significant anticipated needs, as noted above. All three firms have been interviewed by Law Department real estate attorneys and are highly recommended.

Other Firms

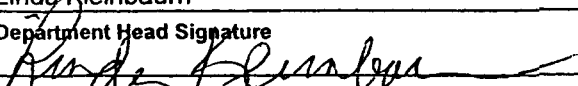
4. Goldberg Segalla, LLP
5. Jeffrey S. Shein & Associates, P.C.
6. Bee Ready Fishbein Hatter & Donovan LLP

Lawyers associated with all three of these noted firms have prior favorable experience in representing MTA agencies. Paul Devine, now of Goldberg Segalla, has provided quality representation to the LIRR for many years in the area of defense in negligence matters and recently moved to this firm. Jeffrey Schein, who has provided quality representation to the LIRR, NYCT and B&T for many years in the areas of insurance coverage and defense in negligence matters, has established his own firm. Addition of the Bee Ready firm, which has provided quality work to the MTA in the labor and employment field, would expand the range of firms available in the negligence panel. Accordingly, it is recommended that these three firms be added to the negligence panel.

Recommendation




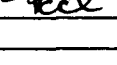
It is recommended that the Board approve the addition of these firms to the MTA's outside counsel list.

Staff Summary

Subject
Board Authorization to File for and Accept Federal Grants
Department
Administration
Department Head Name
Linda Kleinbaum
Department Head Signature

Project Manager Name
Sarah B. Rios

Date
September 26, 2007
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	9/24/07	X		
2	Board	9/26/07	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Administration 		
2	Corporate Affairs 		
3	Budget and Finance 		
4	Legal 		

Narrative

Purpose

To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2007 and 2008.

Discussion

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

- 1) Authorize filing of applications in request of Federal capital assistance for the balance of FFY 2007 and FFY 2008.
- 2) Authorize the Executive Director/Chief Executive Officer or any of his designees to make required certifications.
- 3) Authorize acceptance of grants.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2008. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

A Public Hearing was held in accordance with FTA regulations on June 27, 2007 at the MTA. The Director of Grant Management read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

The federal law requires that grantees consider all substantive public comments. It has been MTA practice to offer responses to individuals offering substantive comments, exceeding the federal requirement. Of 18 members of the public who registered to speak, three offered written comments. Their comments recommended transit service improvements as well as provided support for a number of MTA projects including East Side Access, Second Avenue, Bus Rapid Transit, Charleston Annex Depot and Bleecker-Broadway Lafayette Connection. MTA and agency staff have reviewed the public comments and considered these comments on the proposed program of projects for federal funding.

A transcript of the hearing and written statements submitted in conjunction with the hearing are attached under separate cover.

Recommendation

It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal capital assistance for FFY 2007 and 2008.

**RESOLUTION ADOPTED AT A MEETING OF
METROPOLITAN TRANSPORTATION AUTHORITY**

September 26, 2007

WHEREAS, on and after May 23, 2007, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5309 and/or Section 5307 and/or Section 5314 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under successor legislation to Title I of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, and a summary capital improvement program for the balance of federal fiscal year 2007 and federal fiscal year 2008 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, Capital Construction Company, MTA Bus Company and Metropolitan Suburban Bus Authority; and

WHEREAS, the full program of projects, including descriptions of individual projects, for the balance of federal fiscal year 2007 and federal fiscal year 2008, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Authority; and

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

WHEREAS, on June 27, 2007 a Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

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

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

1. The Executive Director/Chief Executive Officer, or any of his designees, be and each of them hereby is, with respect to applications for grants for projects under Section 5309 and/or Section 5307 of Title 49, Chapter 53, United States Code, as well as funds available for transit under Title I of SAFETEA-LU, authorized to certify to the United States Department of Transportation that the Authority has (a) afforded an adequate opportunity for a Public Hearing on the projects pursuant to adequate prior notice, and

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

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

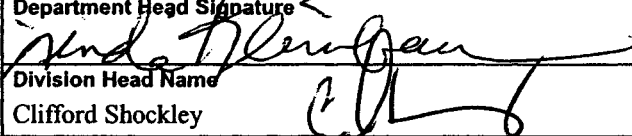
CERTIFICATION

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 26th day of September 2007, at 347 Madison Avenue, New York, New York at which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement
Assistant Secretary

Dated: _____

Staff Summary

Subject Request for Authorization to Award Various Procurements
Department Administration
Department Head Name Linda Kleinbaum
Department Head Signature 
Division Head Name Clifford Shockley

Date September 12, 2007
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
	Finance	9/24/07			
	Board	9/26/07			

Internal Approvals			
Order	Approval	Order	Approval
			Office of Civil Rights
	Executive Director		Legal
3	Budgets & Financial Mgmt.	2	EITG
1	Procurement	2	Administration

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 Non-competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts
 • ASAP Software, Inc. = \$432,000

of Actions **\$ Amount**

SUBTOTAL

1	\$ 432,000
<hr/> 1	<hr/> \$ 432,000

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts
 Schedule F: Personal Service Contracts
 Schedule G: Miscellaneous Service Contracts
 Schedule H: Modifications to Personal/Miscellaneous Service Contract

SUBTOTAL

1	\$ 900,000
5	\$ 626,782
4	\$ 2,422,792
3	\$ 374,284
<hr/> 13	<hr/> \$ 4,323,858

MTAHQ presents the following procurement actions for Ratification:

Schedules Requiring Majority Vote

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

SUBTOTAL

TOTAL

1	\$ 20,000
<hr/> 1	<hr/> \$ 20,000
<hr/> 15	<hr/> \$ 4,775,858

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 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, upon the recommendation of the Executive Director, 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 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.

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

LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2007
NON-COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

Page

E. Miscellaneous Procurement Contracts

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

- | | | | |
|---------------------------------------------------|------------------|--------------------------------------|-----------|
| 1. ASAP Software, Inc. | \$432,000 | <u>Staff Summary Attached</u> | 87 |
| TeleStaff Proprietary Software and | (Total) | | |
| Related Services for MTA Police Department | | | |
| Contract No. 07225-0100 | | | |

Ride New York State Contract No. PT60291 – 36 months

Acquire perpetual TeleStaff Software License and related Installation and Maintenance for use by MTA Police Department (MTAPD) in supporting the overtime, leave, and tour selection process for officers. The proprietary software for an amount of \$271,000 is being purchased from ASAP Software, Inc. (an authorized reseller for Principal Decisions Systems International (PDSI) – the proprietor of the software) through ASAP's NYS Contract No. PT60291. Installation is not included in the NYS Contract but is being acquired on a sole-source basis from ASAP Software, Inc. The total cost of \$432,000 is the same fee that PDSI charges to all its customers with the same requirements as the MTA. The contract amount consists of: i) \$271,000 for the cost of the software in accordance with the NYS Contract, which includes one year of maintenance, ii) \$51,000 for a one-time installation fee, and iii) \$110,000 (\$55,000 per year) for maintenance for years two and three.

Staff Summary

Schedule E: Miscellaneous Procurement Contracts

Page 1 of 1

Item Number:

Vendor Name (& Location): ASAP Software, Inc. (Buffalo Grove, IL)
Description: TeleStaff Software, Related Installation and Maintenance for MTAPD
Contract Term (including Options, if any): October 1, 2007 through September 30, 2010
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: Ride NYS Contract PT60291

Contract Number: 07225-0100	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$432,000	
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: Security/MTA Police; William Morange/Kevin McConville	
Contract Manager: Galina Brukman	

DISCUSSION:

To recommend that the Board approve the award of a miscellaneous procurement contract to ASAP Software, Inc. to acquire perpetual TeleStaff Software License and related Installation and Maintenance for use by MTA Police Department (MTAPD) in supporting the overtime, leave, and tour selection process for officers for a total amount of \$432,000. Maintenance shall be for a period of three years from October 1, 2007 through September 30, 2010. TeleStaff Software is proprietary to Principal Decisions Systems International (PDSI) and ASAP Software, Inc. (ASAP) is an authorized reseller for PDSI. The software portion of this procurement, in the amount of \$271,000, is being purchased from ASAP through ASAP's NYS Contract No. PT60291. Installation is not included in ASAP's NYS Contract and is being acquired on a sole source basis from ASAP. This service can only be acquired through an authorized reseller of PDSI. ASAP is one of several resellers and the price of acquiring this service from any of the resellers will be the same.

TeleStaff Software will automate the existing polling and staff management process for MTAPD. The use of an automated application will allow more efficient processing of calls; reduce time to coordinate the filling of tour slots; enhance call and process logs to include more details; and incorporate police agreement and business rules in a standard, codified system. Currently, there are four dedicated staff members that coordinate this effort twelve hours per day. Use of an automated application will allow staff members to focus on reporting, auditing, internal controls, and officer support in the use of the system and validation of disputed times; hence, there is an opportunity in the future to reduce staff dedicated to the manual process.

The total cost for the TeleStaff proprietary software license, installation and maintenance for the three-year period is \$432,000, which is the same fee that PDSI charges all its customers with the same requirements as the MTA. This amount consists of: i) \$271,000 for the purchase of the software in accordance with the NY State contract, which includes one year of maintenance, ii) an amount of \$51,000 for the one-time installation fee; and iii) a total of \$110,000 for maintenance for years two and three. Based on the above, the total fee of \$432,000 is considered fair and reasonable.

LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2007
COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

E. Miscellaneous Procurement Contracts

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

1. **Sungard Recovery Services, LP** **\$900,000**
Disaster Recovery Services for MTAHQ (not-to-exceed)
Contract No. 07016-0100

Competitively negotiated – 2 proposals – 36 months

Backup services for restoration of computer and communication equipment at disaster recovery site to allow essential MTA staff to continue performing critical business functions in the event such MTA facilities become uninhabitable. Such uninhabitability may result from fire, flood, terrorism, Acts of God, or any other reason that renders the MTAHQ offices unusable. The total three-year cost of \$900,000 consists of: i) a total monthly cost of \$23,540, and ii) a contingency amount of \$52,560 to cover any additional costs that may be incurred if a disaster is declared. The monthly cost of \$23,540 is the same as the current 5-year contract's monthly fee.

F. Personal Service Contracts

(Staff Summaries required for items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive)

2. **All-Agency Environmental Consulting Services** **\$300,000**
Day Engineering P.C. (not-to-exceed)
Contract No. 07089-0100

Competitively negotiated – 5 proposals – 36 months

Contractor to perform environmental consulting services including, but not limited to: site assessments; exposure assessments; compliance inspections; review of environmental regulations; and preparation of environmental position papers. Services will be performed to address environmental issues that are either global in nature or are outside the capabilities of a particular MTA operating agency. The proposed hourly rates ranging from \$44.02 to \$143.78 were negotiated down to a range of \$40.00 to \$129.38. These negotiated rates are fully-loaded, will remain unchanged for the duration of the 3-year contract, and compare favorably with the hourly rates under the current 3-year contract, which range from \$38.90 to \$137.60. Based on the above, the negotiated hourly rates are deemed fair and reasonable.

3. **The Water Group LLC** **\$33,300**
Electric Sub-meter Reading and Billing (not-to-exceed)
Services for Penn Station Tenants
Contract No. 07102-0100

Competitively negotiated – 1 proposal – 36 months

Contractor to read electrical sub-meters that are shared by multiple LIRR commercial tenants in Penn Station and, on a monthly basis, allocate electricity usage to the current tenants or to future tenants. The Long Island Rail Road currently has four sub-meters that service sixteen commercial tenants in Penn Station. This contract will replace the sub-meter reading services that are currently being performed by LIRR personnel. The originally proposed cost of \$28,800 for three years of service was negotiated down to \$26,100, a reduction of \$2,700 or 9.38%. The total not-to-exceed contract cost of \$33,300 includes \$7,200 for contingencies, such as replacement of existing equipment or addition of new equipment, as well as to cover services for any additional tenants that may share sub-meters during the contract term.

METROPOLITAN TRANSPORTATION AUTHORITY

COMPETITIVE PROCUREMENTS

4. **CirclePoint** **\$83,482**
Increase Public Input Into The **(Total)**
Preliminary MTA Financial Plan
Contract No. 07220-0100
 Competitively negotiated – 4 proposals – 4 months
 Consultant to design and deliver: i) one public workshop; ii) one web-based seminar; and iii) recruit and train facilitators for MTA public engagement events. These services are required to expand public input for any proposed fare and toll actions. This exercise, which was requested by Executive Director and CEO Elliot Sander, will: 1) help to foster and create a constructive, educational, and positive dialogue among the MTA, its customers, and the communities that the MTA serves; 2) help to incorporate salient feedback from the public into the MTA's decision-making process; and 3) deepen the public's knowledge and understanding of the challenges and constraints the MTA faces. The initial cost of \$248,281 was reduced to \$83,482 as a result of a reduction in scope and negotiations. The hourly rates ranging from \$23 to \$75 for this contract compare favorably with hourly rates ranging from \$26 to \$236 for other transportation consultant contracts. The total not-to-exceed amount of \$83,482 is deemed to be fair and reasonable.

5. **Jean Kyoung Shin** **\$129,000**
AFT Project – Broadway Station (LIRR) **(Total)**
Contract No. 07181-0100
 Competitively negotiated – 39 proposals – 24 months
 AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the above station.

6. **Malin Abrahamsson-Alves** **\$81,000**
AFT Project – Valley Stream Station (LIRR) **(Total)**
Contract No. 07182-0100
 Competitively negotiated – 36 proposals – 18 months
 AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the above station.

- G. Miscellaneous Service Contracts**
 (Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP;
 No Staff Summary required if Sealed Bid Procurement)

7. **Psychological Testing of New Candidates** **\$90,000***
for MTA Police Officers **(*combined for 2 firms – not-to-exceed)**
Contract Nos. 07068-0100 and -0200
 - a. **Institute for Forensic Psychology**
 - b. **AVS Consulting, LLC**
 Competitively negotiated – 3 proposals – 36 months
 Perform initial psychological testing (Institute for Forensic Psychology) and psychological appeal testing (AVS Consulting, LLC) of new police officer candidates to assist MTA Police Department in selecting police candidates with the emotional and interpersonal skills profile required for police work. The unit price of \$325 per initial psychological testing is \$25 or 7.1% lower than the current unit price of \$350; and the unit price of \$348 for appeal testing is \$2 or 0.57% lower than the current price of \$350.

METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

Page

8. **Routine Preventative Maintenance Services** **\$2,285,000*** Staff Summary Attached 93
For MTAPD Vehicles (*combined for 14 firms)
Contract Nos.: 07113-0100 thru 1400
a. **Baron Brothers, Inc.**
b. **Corsi Tire of Ossining, Inc.**
c. **Country Ford, LTD**
d. **Eleventh Avenue Auto Repair Corporation**
e. **JR Finish Line Corporation**
f. **Putnam Tire Company, Inc.**
g. **Quality Ford of Mt. Vernon, Inc.**
h. **South Shore Motors Corporation**
i. **Somerset Tire Service, Inc.**
j. **The Goodyear Tire and Rubber Company**
k. **Tony's Long Wharf Transport**
l. **54th Street Auto Center, Inc.**
m. **Whitestone Auto Center, Inc.**
Competitively negotiated – 18 proposals – 36 months
Contractors to provide preventative maintenance and repair services on an as-needed basis for the MTA Police Department (MTAPD) fleet of vehicles. These 14 contracts will replace the six current Board-approved contracts that were competitively awarded to provide preventative maintenance services for the MTAPD and will expire on September 30, 2007. The negotiated hourly rates under these 14 proposed contracts, which range from \$45 to \$80 and the unit costs of an oil change which range from \$20 to \$30 compare favorably with the current competitively negotiated rates of \$45 to \$70 and \$20 to \$30, respectively.
9. **Total Office Products and Services, Inc.** **\$24,386.88**
Maintenance of various Facsimile Machines (not-to-exceed)
Contract No. 07071-0100
Sealed Bids/Low bidder – 5 bids – 36 months
Furnish all labor, material and equipment to provide maintenance and repair services, on an as needed basis, for various facsimile machines located at various MTA Headquarters locations for a period of three (3) years from November 2, 2007 through November 1, 2010. The total cost of \$24,386.88 (or \$8,125 per year) for the new contract, which covers a larger number (152 versus 146) of fax machines, is lower than the yearly cost of \$8,685 under the current contract.
10. **North American Access Technologies, Inc.** **\$23,405**
Uninterrupted Power Supply Monitoring, (not-to-exceed)
Maintenance and Preventive Maintenance
Contract No. 07141-0100
Sealed bids/Low bidder – 7 bids – 12 months
Furnish monitoring, maintenance and preventive maintenance services for Uninterrupted Power Supply ("UPS") equipment for facilities at MTA Headquarters (341, 345, 347 Madison Avenue). The UPS equipment monitors temperature, humidity, voltage and electrical current of computer servers and networking equipment in our data centers. This service will provide critical notification of variances in the UPS' environment. The total maintenance fee of \$23,405 is \$5,020.75 or 17.66% lower than last year's fee of \$28,425.75.

METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

Page

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 original contract to equal or exceed monetary or durational threshold required for Board approval.)

11. **Risk Sciences Group, Inc.** **\$218,000** **Staff Summary Attached** **94**
Extend Proprietary Risk Management Information System Support Services
Contract No. 24702-0100, S/A #24
Base plus previous supplements = \$1,050,135
Increase funding to provide: i) consulting services for migrating MTA data and upgrading Risk Science Group's (RSG) proprietary Risk Management Information System Software to run on an Oracle Database, ii) as-needed technical support services, and iii) an extension of the contract period by two years from October 1, 2007 through September 30, 2009. The hourly rates ranging from \$85 to \$175 for programming and migration services, and the monthly fee of \$7,000 for as-needed support services, are the same rates as negotiated in 2006.
12. **Metro Clean Express Corp.** **\$150,284.20**
Maintenance of Newspaper Vending Machines
Contract No. 04060-0300, C/O # 3
Base plus previous change orders = \$271,135
Increase funding to provide newspaper vending machine maintenance services under Phase II and Phase III of the Board-approved contract awarded in 2005 to Metro Clean Express Corp. to provide maintenance services for up to 205 Newspaper Vending Machines (NVM), which were installed at a total of 71 Metro-North and LIRR railroad stations within New York State. The NVM's were projected to be installed and maintained in three phases over the three-year period, as follows: 62 units in Phase I, 72 units in Phase II and 71 units in Phase III at 43 Metro-North and 28 LIRR stations. The modular, multi-bay NVM Program was approved by the Board in 2002 to assist Metro-North and LIRR in their efforts to provide secure, organized, aesthetically pleasing, and well maintained newspaper vending machines that utilize space more efficiently.
- Original contract funds have been exceeded due to the original calculation of maintenance costs for sixty-two units, which did not include Phases II and III. In order to maintain the program implementation schedule, Real Estate proceeded with the installation of Phases II and III. Since the base contract amount of \$183,600 covered maintenance costs for only 62 units out of the total 205 units to be installed in the three Phases, the requested amount of \$150,284.20 will cover some of those maintenance costs and provide funding for maintenance services for the balance of the three-year contract period, which will expire on May 31, 2008. The monthly maintenance rates of \$75, \$85 and \$95 based on the configuration of the machines, are in accordance with the base contract.
13. **KFLOW, Inc.** **\$6,000**
As-Needed Car Wash Services **(not-to-exceed)**
For MTA Police Department
Contract No. 04189-2100, C/O #1
Base Amount = \$11,812
Increase funding to continue providing interior and exterior car wash services on an as-needed basis for the MTA Police Department at Districts 4, 5 and MTA Headquarters. Due to an increase of approximately 50 vehicles, additional funding is required to continue providing services through the balance of the contract period, i.e., through June 30, 2008. The unit cost of \$4.50 per car wash remains unchanged.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Page 1 of 1

Item Number:

Vendor Name (& Location): Various	Contract Number: 07113-0100 thru 1400	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Description: Routine Preventative Maintenance Services for MTAPD Vehicles	Total Amount: \$2,285,000	
Contract Term (including Options, if any): October 1, 2007 through September 30, 2010	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Requesting Dept/Div & Dept/Div Head Name: Security/MTA Police; William Morange/Kevin McConville	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Contract Manager: Caron Christian	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		

DISCUSSION:

To recommend that the Board approve the award of the following fourteen (14) competitively negotiated, miscellaneous services contracts to provide preventative maintenance services for the MTA Police Department fleet of vehicles on an as-needed basis for a period of three (3) years from October 1, 2007 through September 30, 2010 for a combined total amount of \$2,285,000.

- | | | |
|-----------------------------------------------|----------------------------------------|---------------------------------|
| 1. Baron Brothers, Inc. | 2. Corsi Tire of Ossining, Inc. | 3. Country Ford, LTD. |
| 4. Eleventh Avenue Auto Repair Corporation | 5. Freedom Ford, Inc. | 6. JR Finish Line Corporation |
| 7. Putnam Tire Company, Inc. | 8. Quality Ford of Mt. Vernon, Inc. | 9. Somerset Tire Service, Inc. |
| 10. South Shore Motors Corporation | 11. The Goodyear Tire & Rubber Company | 12. Tony's Long Wharf Transport |
| 13. 54 th Street Auto Center, Inc. | 14. Whitestone Auto Center, Inc. | |

The six (6) current Board-approved contracts that were competitively awarded for providing preventative maintenance services for the MTA Police Department (MTAPD) vehicles will expire on September 30, 2007. In order to continue these services, a Request for Proposals (RFP) was publicly advertised and letters advising potential proposers of the RFP's availability were mailed to a total of 81 vendors. Eighteen (18) proposals were received. The firms were evaluated based on: i) responsiveness and demonstration of a clear understanding of the MTA's requirements; ii) ability to provide the required services including but not limited to turn-around time and days and hours of operation; iii) comparable experience on similar projects in nature and size; iv) reasonableness of manpower estimates; and v) cost. The Selection Committee consisting of representatives from MTAPD Fleet, Budget Management and Technology Divisions evaluated the proposals, including site visits to some of the proposers' facilities, and determined that the 14 firms listed above were most technically qualified and best suited to perform the services identified by the RFP.

In 2005, MTAPD decided to discontinue utilizing the competitively awarded GE Fleet Capital Services (GEFCS) contract for its vehicle repair and maintenance program and to migrate instead to a system and procedure that allows for more direct control by MTAPD. Managing its own repair/maintenance system is more expedient and economical because MTAPD's fleet of vehicles is relatively small (300 vehicles) compared with the larger size of the fleet for the other agencies utilizing the GEFCS contract. Thereafter, the MTA awarded six competitively negotiated contracts for MTAPD's use on an as-needed basis. By not using the multi-agency GEFCS contract, it was estimated that the MTAPD would realize a savings of \$38,750. The Finance Committee requested that the actual savings be reported to the Board upon the renewal of these contracts. As of July 2007, the actual total savings realized by the MTAPD, utilizing the current six competitively-awarded, Board-approved contracts is \$217,955.26.

The negotiated hourly rates under these 14 proposed contracts range from \$45 to \$80 and the unit costs for oil change range from \$20 to \$30. The current rates under the six existing two-year contracts range from \$45 to \$70 and the costs for oil change range from \$20 to \$30. The negotiated hourly rates compare favorably with the rates under the current contracts. Based on the above, the hourly rates of \$45 to \$80 and the cost of oil change from \$20 to \$30 are deemed fair and reasonable.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Page 1 of 1

Item Number:

Vendor Name (& Location): Risk Sciences Group, Inc. (Mahwah, NJ)
Description: Extend Proprietary Risk Management Information System Support Services
Contract Term (including Options, if any): September 9, 1988 thru. September 30, 2009
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: General Counsel/Risk Management; James Henly/Laureen Coyne

Contract Number: 2-01-24702-0-1	AWO/Modification # 24
Original Amount:	\$ 298,650.00
Prior Modifications:	\$ 751,485.00
Prior Budgetary Increases:	\$ -0-
Current Amount:	\$1,050,135.00
This Request:	\$ 218,000.00
% of This Request to Current Amount:	20.8%
% of Modifications (including This Request) to Original Amount:	324.6%

DISCUSSION:

To recommend that the Board approve an amendment to the competitively-awarded Board approved contract with Risk Sciences Group, Inc. (RSG) to: (i) increase funding for consulting services for migrating MTA data and upgrading Proprietary Risk Management Information System Software to run on an Oracle Database, (ii) provide as-needed technical support services, and (iii) extend the contract for a period of two years from October 1, 2007 through September 30, 2009; at a total additional cost of \$218,000.

In 1988, MTA competitively awarded this consulting contract and a software license agreement to RSG to provide the MTA with a Risk Management Information System (RMIS). The base RMIS system includes two Claims Administration Modules, which were subsequently purchased in 1989. Previous supplemental agreements have been issued to meet changing requirements and to provide extended, as-needed support services since this software and related services are proprietary to RSG.

The RMIS system receives claims data from the operating agencies' Claims Administration Modules, compiles the data into a format useful for risk analysis, and provides analytical reports. This operation is integral to the ability of the MTA Risk Management Department to perform its functions of identifying and analyzing the risks to the MTA and its operating agencies; determining proper risk financing options; managing its self-insured programs; and providing a statistical base for year-end loss reserve analysis and general ledger posting for the operating agencies. The Department also currently provides First Mutual Transportation Assurance Corporation – the MTA captive insurance company – with the proper tools to analyze potential claims against the captive, and assist in maintaining its fiscal viability.

Because the current RMIS is based on an antiquated computer software platform known as Nomad, MTA intends to upgrade this system to a platform that will: i) greatly simplify reporting processes, and ii) convert historical data into the Oracle database software that has been adopted as the MTA standard. MTA will obtain the following benefits from this upgrade: 1) access to additional enhancements, especially in the areas of reporting and report delivery; 2) analytical reporting done in Oracle's robust report writing tool, Discoverer (Oracle is the current state of the art in database software products); 3) access to many pre-programmed report templates such as loss triangles used in actuarial analyses; and 4) the ability to create our own custom templates using "point & click," "drop & drag," or "drop down menus," instead of the current method that requires hard coding in machine language.

The total additional cost of \$218,000 consists of: (i) \$50,000 for programming and migration services, and (ii) \$168,000 for as-needed support services. The hourly rates ranging from \$85 to \$175 for the programming and migration services are the same rates as were negotiated in 2006; and the monthly fee of \$7,000 for as-needed support services is the same monthly fee negotiated in 2006. Since these rates will remain the same for the next two-year period, the total additional cost of \$218,000 is considered fair and reasonable.

LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2007
PROCUREMENTS FOR RATIFICATION

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

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

(Staff Summaries required for unusually large or complex items which otherwise would require Board approval)

1. The Animal Medical Center \$20,000

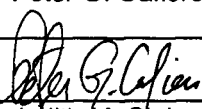
Veterinary Services for MTA Police K-9 Unit

Contract No. 04213-0200, C/O No. 2

Base plus previous supplement = \$10,760.00


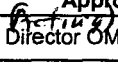
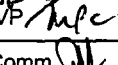
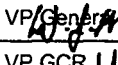
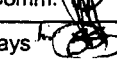
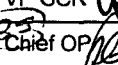

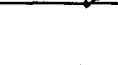
The Board is requested to: i) ratify a change order issued to increase the funding under the contract to cover costs incurred for regular veterinary services and specialized emergency services rendered, and ii) approve a three-month extension. The additional funding is due to: a) costs incurred as a result of an increase in the number of K-9 police dogs originally covered for veterinary services (for general healthcare, e.g., checkups, vaccinations, etc.); b) the addition of specialized (emergency) services such as surgical and non-surgical procedures and dental work for the K-9 teams; and c) additional funding for the three-month contract extension from October 1, 2007 to December 30, 2007 until a new, competitively awarded contract can be issued effective on January 1, 2008. At the time the base contract was established the MTA Police K9 Unit had 24 canine teams. Since then, the number of teams has increased to 50 canine teams. The standard rates for surgical, non-surgical and dental work procedures range from \$25 to \$1,145 depending on the level of complication of the procedures performed. These rates were negotiated down to a range from \$20 to \$916 representing a 20% discount off the Animal Medical Center's standard cost for these services. The rates for routine veterinary services of \$11 to \$134 are in accordance with the base contract. Based on the above, the rates are considered fair and reasonable.

Staff Summary

Subject	Station Access Changes at Eight Stations
Department	Operations Planning
Department Head Name	Peter G. Cafiero
Department Head Signature	
Project Manager Name	Judith McClain

Date	August 29, 2007
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
8	President 	4	Director OMB 
7	Executive VP 	3	VP/General Counsel 
6	VP Corp. Comm. 	2	VP GCR 
5	SVP Subways 	1	Chief OP 

Purpose

NYC Transit requests that the MTA Board approve access changes at eight subway stations. At four of these stations, South Ferry (1), Fulton Street (2345A C J M Z), 96th Street (123), and Myrtle-Wyckoff Avenues (L M), NYCT is rebuilding the station or a major entrance into the station. New replacement entrances will be larger and have improved access to station platforms. This will require entrances to shift somewhat from their original locations. The access changes at two other stations, Wall Street (45) and Chambers Street (J M Z), will make permanent the closure of easement entrances that have already been closed for many years. Finally, staffed booth operations at two control areas in the Fulton Street station complex and control areas at Bowling Green (45) and Cortlandt Street (R W) are proposed for full time unstaffed access with automated fare control. These staffing changes will be made concurrent with capital work at the stations.

Discussion

The following is a brief description of the access changes at each station. Attachment 1 gives a detailed description of the existing access at each station, the proposed changes, the customer and budget impacts, and the alternatives to the proposed changes. All of these proposed changes are in conjunction with capital construction projects. A proposed negative declaration under State Environmental Quality Review (SEQR) is attached hereto for the following proposed access changes:

- Staffing change at Bowling Green Station (45)
- Staffing change at Cortlandt Street Station (R W)
- Entrance closure at Wall Street Station (45)
- Entrance closure at Chambers Street Station (J M Z)

SEQR is not required for remaining proposed access changes, since they have already been reviewed under National Environmental Policy Act as described in Table 1.

Fulton Street Transit Center 2 3 4 5 A C J M Z

The Fulton Street Transit Center project includes a new building on the east side of Broadway between Fulton and John Streets, improved transfer connections, a passenger concourse underneath Dey Street connecting with the World Trade Center, and ADA access throughout the station complex. Specific access changes would include:

- New entrances at each of the four corners of the Transit Center building.
- New connection to entrances at Church Street and throughout the World Trade Center concourse system via the Dey Street concourse.
- Enlarged entrance with elevator access at the southwest corner of Dey Street and Broadway.
- New entrances serving the south end of the 4 5 platforms. One entrance will be at the southeast corner of Broadway and Maiden Lane and the other at the southwest corner of Broadway and Cortlandt Street.
- Enlarged entrance with ADA access on the southwest corner of Fulton and William Streets.
- New easement entrance on the east side of William Street, north of Fulton Street.
- Elimination of easement entrance on north side of Fulton Street, east of Broadway.
- Elimination of sidewalk entrance at the southeast corner of Broadway and John Street.
- Closure of easement entrance at the northwest corner of Broadway and Dey Street.
- Replacement of part time booth operations at two control areas, A081 and A077, with full time unstaffed automated station access.

South Ferry 1

An entirely new station is being built to replace the existing South Ferry station. The existing station has a single entrance; its platform is curved and serves only half of the train length. The new station will have three entrances and feature a straight, full-length platform with ADA access. The new station will be connected with the south mezzanine of the Whitehall Street R W station. Specific access changes will include:

- New entrance immediately adjacent to the Staten Island Ferry terminal building.
- New entrance in the middle of Peter Minuit Plaza.
- New entrance on the west side of State Street, alongside Battery Park.

- New connection to existing street stairs on the east side of Whitehall Street, south of Water Street, via the existing Whitehall Street **R W** mezzanine.
- Closure of the existing South Ferry station entrance inside the ferry terminal building, in conjunction with the closure of the existing curved station.

Bowling Green **4 5**

NYC Transit proposes the following staffing changes at Bowling Green to improve access to the busiest control area while reducing staffing costs at the station:

- Full time booth operation shifts from under-track control area, R201, to control area off of uptown platform, R200A.
- Under-track control area R201 will be open full time unstaffed with automated access.

Wall Street **4 5**

- Permanent closure of easement entrance at 115 Broadway. 115 Broadway is on the northwest corner of Broadway and Thames Street. This entrance was closed on an interim basis approximately ten years ago.
- Permanent closure of easement entrance at 61 Broadway. 61 Broadway is at the northwest corner of Exchange Alley and Broadway. This entrance was closed on an interim basis approximately ten years ago.

Cortlandt Street **R W**

- Replacement of part time booth operation at A51 (southeast corner of Church and Cortlandt Streets) with full time unstaffed automated access.

Chambers Street **J M Z**

- Permanent closure of the entrance to the station from the U.S. Court House at Duane and Centre Streets. NYC Transit closed this entrance on an interim basis approximately 10 years ago.

96th Street **1 2 3**

NYC Transit will build an entirely new station head house on a widened median on Broadway between 95th and 96th Streets. The new head house will include ADA elevators and increased platform access. Specific access changes include:

- New entrances on a widened median of Broadway between 95th and 96th Streets. Entrances will provide access directly to station platforms.
- Elimination of existing entrances at the southeast and southwest corners of Broadway and 96th Street.

Myrtle-Wyckoff Avenues

A new head house has been constructed on the triangular block between Gates, Myrtle and Wyckoff Avenues. The new head house replaces a smaller head house on the western portion of the block. The new head house provides ADA accessibility throughout. Specific access changes include:

- New entrances on the south side of Wyckoff Avenue and at the southwest corner of Myrtle and Wyckoff Avenues.
- Elimination of entrances on north side of Myrtle Avenue, mid-block between Gates and Wyckoff Avenues.

Community Outreach

A public hearing on the proposals was held on June 6, 2007 and attached is the summary of public comments and staff responses. In addition, the proposed changes at South Ferry, Fulton Street, 96th Street, and Myrtle-Wyckoff Avenues are integral to capital construction projects that have been presented to and discussed with local community boards and elected officials.

Recommendation

It is recommended that the MTA Board approve the above station access changes.

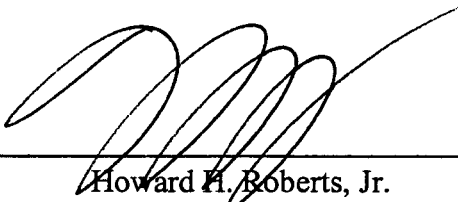
Alternatives to the Proposed Changes

Attachment One includes a detailed description of the alternatives to each of the proposed changes.

Budget Impact

Attachment One includes an account of the budget impact of each of the proposed access changes.

Approved for Submission to the Board:



Howard H. Roberts, Jr.
President

Staff Summary

617.21
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I -- PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/ SPONSOR: New York City Transit Authority	2. PROJECT NAME: Proposed Access Changes at Bowling Green Station, Cortlandt Street Station, Wall Street Station, and Chambers Street Station (Other station access changes discussed in the staff summary were previously reviewed for environmental impacts. See Table 1 for a list of the environmental review for each project.)
------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3. PROJECT LOCATION: Municipality: New York City County: New York

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, or map) Bowling Green Station ④⑤ (Broadway and Whitehall Streets) ; Wall Street Station ④⑤ (Broadway and Wall Streets), Chambers Street Station ①③② (Centre and Duane Streets); Cortlandt Street Station ②③ (Cortlandt and Church Streets)

5. IS RECOMMENDED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration <input type="checkbox"/> Other:

6. DESCRIBE PROJECT BRIEFLY. Bowling Green Station: Shift full time staff hours to control area off of northbound (uptown) track. Unstaff under-track control area. Cortlandt Street: Replacement of part time booth operation at A51 (southeast corner of Church and Cortlandt Streets) with full time unstaffed automated access. Wall Street Station: Permanently close easement entrances that have been closed on an interim basis for 10 years. Chambers Street Station: Permanently close entrance that has been closed on an interim basis for 10 years.

7. AMOUNT OF LAND AFFECTED: Initially: N/A acres Ultimately: N/A acres

8. WILL RECOMMENDED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly: N/A

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agricultural <input type="checkbox"/> Park/Forest <input checked="" type="checkbox"/> Other, Chambers Street Stair once served the U.S. Court House Building. Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE, OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approval: FTA funding for Wall Street Station rehabilitation

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approval:

12. AS A RESULT OF RECOMMENDED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE
MODIFICATION?

☐ Yes ☒ No

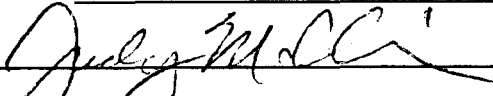
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE.

Applicant/sponsor name: New York City Transit Authority

Date:

Aug 27, 2007

Signature:



If the action is in the Coastal Area, and you are a state agency,
Complete the Coastal Assessment form before proceeding with this assessment.

PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?

☐ Yes ☒ No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?

☐ Yes ☒ No If no, a negative declaration may be superseded by another involved agency.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: **No.**

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly: **No.**

C3. Vegetation or fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: **No.**

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: **No.**

C5. Growth, subsequent development, or related activities likely to be induced by the recommended action? **No.**

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: **No.**

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: **None.**

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☒ No If yes, explain briefly:

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS:

For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the recommended action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination.

New York City Transit Authority

Name of Lead Agency

Howard H. Roberts, Jr.

Name of Responsible Officer

President

Title of Responsible Officer

Signature of Responsible Officer

Date

Signature of Preparer (if different)

617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: _____ Date: _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The New York City Transit Authority, as lead agency, has determined that the recommended actions described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Access Changes at Bowling Green Station ④⑤, Wall Street Station ④⑤, Cortlandt Street Station ①②③④, and Chambers Street Station ①②③④

SEQR Status:

Type I ☐
Unlisted ☒

Conditioned Negative Declaration:

Yes ☐
No ☒

Description of Action:

Change of staffing at the Bowling Green Station
Change of staffing at Cortlandt Street Station
Permanent closure of building easement entrances at Wall Street Station
Permanent closure of building entrance at Chambers Street Station

Location:

Bowling Green Station ④⑤: Broadway and Whitehall Streets;
Cortlandt Street Station ①②③④: Church and Cortlandt Streets;
Wall Street Station ④⑤: Broadway and Wall Streets;
Chambers Street Station ①②③④: Centre and Duane Streets.

SEQR Negative Declaration

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

There is no significant environmental impact associated with these actions.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information: N/A

Contact Person: Judith McClain
Address: 2 Broadway Room A17.23
New York, New York 10004

Telephone Number: 646 252-5634

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-0001

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)

TABLE 1
Environmental Review of
South Ferry Station, Fulton Street Transit Center, 96th Street Station, and
Myrtle-Wyckoff Avenues Station

Project	Federal (NEPA)	NY SEQR
South Ferry Station	Finding of No Significant Impact (FONSI) – 8/30/04	Negative Declaration – 09/08/04
Fulton Street Transit Center	Record of Decision – 08/20/04 Categorical Exclusion (d) ②③ Station Rehab – 05/20/04 Categorical Exclusion (d) ④⑤ Southern Stairs – 05/24/05	–
96th Street Station Rehabilitation	Categorical Exclusion (d) finding - 03/28/07	Negative Declaration – 02/23/07
Myrtle-Wyckoff Station Rehabilitation	Categorical Exclusion (d) finding – 03/16/06	Negative Declaration – 05/01/06

To review environmental documents for 96th Street Station and Myrtle-Wyckoff Avenues Station, please contact:

Angelo Elmi, Capital Program Management, NYC Transit,
646 252-3608.

To review environmental documents for South Ferry and Fulton Street Transit center, please contact:
Audrey Heffernan, Acting Chief Environmental Officer, MTA Capital Construction
646 252-4398.

Public Comments on the Station Access Change Public Hearing

Summary of Public Comments and Staff Responses

This report summarizes oral comments received at the June 6, 2007 public hearing and written comments sent to MTA through July 23, 2007. The comments below are paraphrased for clarity. In some cases, more than one person raised a point. Only comments related to the proposed station access changes are included. Following each comment is New York City Transit's response.

96th Street Station (1 2 3)

***Comment:** Creating a new entrance close to 95th Street will bring more pedestrians to the 95th Street and Broadway intersection. This intersection has a high volume of traffic from the Henry Hudson Parkway.*

Response:

The new head house should not induce significantly more passengers to cross 95th Street. The proposed new head house is between 95th and 96th Streets and there are existing entrances between 93rd and 94th Streets that will remain. Since the majority of passengers using the new head house will arrive from the north, they will not need to cross 95th Street.

***Comment:** Has there been a study of pedestrian conditions in the area around the new head house? (Two speakers made this comment.)*

Staff Response: NYC Transit commissioned a study of the impacts of the head house and curb line changes to traffic and pedestrian conditions. The study, "Station House Traffic and Streetscape Study" was completed in October 2004. Pedestrian and traffic impacts are also evaluated for the environmental review of the 96th Street Station rehabilitation project. The Federal Transit Administration issued a Categorical Exclusion for the project in February 2007.

***Comment:** Narrowed Broadway sidewalks will be unsafe and overcrowded. (Six speakers made this comment.)*

Staff Response: New York City Transit developed the roadway plan to meet the specifications of NYC DOT. The sidewalks on Broadway between 95th and 96th Streets are currently 22 feet wide, but have subway station stairs extending 8 feet from the curb line into the sidewalk area. Therefore, the clear width of the current sidewalks is approximately 14 feet adjacent to the existing subway stairs. The roadway realignment will reduce these sidewalks down to 15 feet wide, but the resultant pedestrian level of service is acceptable to DOT.

The narrower sidewalks will cause a reduction in the queuing space for pedestrians waiting to cross at the corners. To ensure that there will be enough queuing space, the southeast and southwest corners will have six-foot sidewalk extensions into 96th Street.

Roadway re-alignments between 94th and 95th Streets and 96th and 97th Street have been designed to maintain as much of the current sidewalk width as possible.

Comment: Eliminating the parking lane on Broadway between 95th and 96th Streets will allow moving cars to jump the curb and hit pedestrians on the sidewalk.

Staff Response: NYC DOT allows this condition.

Comment: The planned curb line changes will conflict with the existing M104 southbound stop on the northwest corner of 95th Street and Broadway. Passengers waiting for the M104 will cause crowding on the narrowed sidewalks. The bus stop will also conflict with the additional passenger moves across Broadway to and from the station.

Also, subway passengers will need to cross the northbound lanes of Broadway to transfer to the M96 and M106.

Staff Response: The southbound M104 bus stops will be adjusted to accommodate the curb line changes. The stop on the northwest corner of 95th and Broadway will be eliminated; the M104 SB stop that is currently just north of 98th Street will be moved to just south of 97th Street.

Intermodal passengers will need to cross half of Broadway to reach the M96/M106 bus stop. The traffic signal at this intersection will be modified to accommodate the additional pedestrian crossings at 96th Street and Broadway.

Comment: Why is it necessary to have a northbound left turn lane from Broadway onto 96th Street? Without the left turn lane, the head house could move to the north, closer to 96th Street.

Staff Response: The left turn lane is a requirement of NYC DOT to accommodate the high volume of vehicles turning west to reach the Henry Hudson Parkway. Situating the head house close to 95th Street also provides the best distribution of stairs and elevators on the subway platforms, which is critical for good passenger flow.

Comment: Why doesn't NYC Transit construct an entrance to the station north of the 96th Street intersection so that passengers do not need to cross the street to enter the station? Why can't NYC Transit use the building in the median on the north side of 96th Street to access the station? (Four speakers made this comment.)

Staff Response:

The station platforms end south of the 96th Street and Broadway intersection. Extending the station to reach the north side of 96th Street would involve at least 100 feet of tunneling underneath the roadway to reach the platforms.

It is not feasible to extend the platforms to reach the north side of 96th Street. There are track switches immediately north of the station that cannot be relocated further north because the express tracks dip down below the local tracks and turn east toward Lenox Avenue.

Comment: Constructing a head house in the Broadway median will force thousands of passengers per day to cross half of Broadway. Consider keeping sidewalk stairs in addition to the new head house. (Two speakers made this comment.)

Staff Response:

The sidewalk stairs cannot be retained because the sidewalks will be narrowed to meet the traffic requirements. Shifting the street stairs onto the narrowed sidewalks would constrict sidewalk pedestrian circulation.

The 96th Street curb line will be necked-down to allow more queuing space for pedestrians waiting to cross Broadway, and NYC DOT will adjust the signals at the 96th Street and Broadway intersection to allow more time for crossing pedestrians.

The crossing of Broadway at 95th Street will be narrower than it is today. The existing street configuration has 40 feet of roadway in both the northbound and southbound sides of Broadway. With the widened medians, the new street configuration will have 33 feet of roadway on each side.

Comment: The subway system used to have head houses at 116th Street, 110th Street, and 103rd Street Stations. These were removed to improve pedestrian safety. Why is NYC Transit planning a new head house at 96th Street?

It makes sense that the head houses were removed from the Morningside Heights stations because each of these stations has side platforms that can be reached directly from the sidewalks. At 96th Street there are island platforms which have to be reached either by a street level head house, a mezzanine between the street and the platforms, or an undertrack passageway. At the south end of the station, passengers go down sidewalk stairs to reach a mezzanine from which they can reach both platforms. At the north end of the station the tracks are not deep enough underground to allow space for a mezzanine between the platforms and the street. Therefore the choice is between the existing undertrack passageway or the new head house. NYC Transit believes that the head house is preferable to the undertrack passageway because it allows greater exit capacity off of the platforms and provides a clear, direct path from street level to the trains.

Comment: Why doesn't NYC Transit add elevators by the sidewalk stairs at 94th Street instead of on the median?

Staff Response:

NYC Transit explored this option and found that there is not sufficient headroom to fit the street to mezzanine elevator. The elevator pit would obstruct trains on the local track.

Chambers Street Station (J M Z)

Comment: Why did NYC Transit decide to close the stair from Chambers Street Station into the U.S. Court House?

Staff Response: The entrance was closed a decade ago when the court house increased its security screening of people entering the building, consolidating all screening at the street level entrance.

Bowling Green Station (4 5)

Comment: Station agent booth R201 at Bowling Green Station (undertrack control area) should retain staffing Monday through Friday, 6:30 am to 8:30 pm.

Staff Response: Maintaining a station agent at this control area is operationally inefficient. The volume of passenger flow can be accommodated by entry and exit high wheels. There are station agents throughout the day at two other control areas in this station, which are strategically located to intercept entering passengers.

***Comment:** High Entrance and Exit Wheels (HEETs) are confusing for passengers (passengers do not know which way to turn wheel) and are not accessible for passengers with baby strollers, luggage, or seeing-eye dogs (Two speakers made this comment.)*

Staff Response: Passengers who have difficulty using high wheels generally have the option of using another control area which is staffed.

RESOLUTION

WHEREAS, in a Staff Summary dated August 29, 2007, the Chief of Operations Planning recommended the implementation of the staffing changes and entrance modifications at eight stations.

WHEREAS, the MTA held a public hearing on the changes on June 6, 2007. A summary thereof is attached to said staff summary; and

WHEREAS, the Board, having reviewed said Staff Summary and the attached summary of public comments has determined that the recommended actions are in the public interest.

NOW, THEREFORE IT IS RESOLVED that the Authority, acting by a majority of the whole number of members of the Authority now in office, hereby approves the staffing changes and entrance modifications at eight stations in the manner and to the extent more fully set forth in the accompanying Staff Summary and issuance of a negative declaration in accordance with the provisions of the State Environmental Quality Review Act.

ATTACHMENT ONE

Eleven access changes are recommended at eight subway stations. For each action this attachment includes:

Description of the Current Operation
Description of the Proposed Change
Summary of Customer Impact
Alternatives for Each Change
Budget Impact
Diagram Illustrating the Change

<u>Station</u>	<u>Page</u>
Fulton Street 2 3 4 5 A C J M Z	2
South Ferry 1	6
Bowling Green 4 5	8
Wall Street 4 5	9
Cortlandt Street R W	10
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96th Street 1 2 3	12
Myrtle-Wyckoff Avenues L M	14

Fulton Street Transit Center 2 3 4 5 A C J M Z

Overall Project Description

MTA Capital Construction Company is rebuilding the Fulton Street station complex as part of the Fulton Street Transit Center (FSTC) project. This reconstruction will improve street access to all platforms as well as improve internal transfer moves. It will add three new entrances and reconfigure four existing entrances to increase capacity and provide more access to platforms. A new passageway underneath Dey Street will connect the Fulton Street station complex with the World Trade Center concourse system. All six platforms in the complex will become ADA accessible, necessitating the addition of four new ADA elevators to the street as well as ADA access through the Dey Street passageway.

The design for the FSTC includes five changes in station access that require Board approval - the permanent closure of three entrances and the replacement of two part time station agent operations with full time automated station access.

Action 1: Close the easement stair at the northeast corner of Broadway and Fulton Street

Current Operation / Proposed Action

An easement stairway through 222 Broadway is near the northeast corner of Fulton Street and Broadway and connects with the free-zone area of the N095 control area (east side of Broadway at Fulton Street) as well as a free-zone passageway to the A077 control area (west side of Nassau Street at Fulton Street). This stairway is open weekdays from 7:00 am to 7:00 pm. NYC Transit proposes to close this entrance. This closure would allow reconstruction of the mezzanine above the western half of the A C platform.

Customer Impact

The stair would have approximately 1,750 weekday passenger moves (entries and exits) if it were to remain open after completion of the FSTC and redevelopment of the World Trade Center. When the stair is closed, these passengers will have to walk 50 feet across Fulton Street to access the new entrances of the FSTC head house. These entrances will be at the southeast corner of Fulton Street and Broadway and on the south side of Fulton Street approximately 150 feet east of Broadway. They will be open full time and access a full time staffed control area.

Alternatives

This stair cannot remain because the mezzanine serving this entrance is to be eliminated as part of the station complex reconstruction. This mezzanine will be eliminated, in part, to improve access for 70,000 passenger moves to the western portion of the A C platform.

Budget Impact

This action has nominal budget impact.

Action 2: Close the sidewalk stair at the southeast corner of Broadway and John Street.

Current Operation / Proposed Action

A sidewalk stair on the south side of John Street just east of Broadway leads to the R205 control area and directly serves the uptown ④⑤ platform. This stair is open part time, from 6:00 am to 9:00 pm Monday through Friday, and 1:40 pm to 7:00 pm Saturdays. NYC Transit proposes to permanently close and slab over the stair.

Customer Impact

This stair would serve an estimated 5,100 weekday passenger moves if it were to remain open after construction of the FSTC and redevelopment of the WTC. When closed, these passengers will have to walk 40 feet across John Street to use new entrances to the FSTC. These entrances will be on the east side of Broadway, approximately 80 feet north of John Street and on the north side of John Street, 100 feet east of Broadway. The combined capacity of the new entrances will be four times that of the stair proposed for closure. The existing stair is less than 4 feet wide and frequently congests during the morning and evening peak periods. The FSTC entrances will be open full time and access a control area staffed full time.

Alternatives

Keep this sidewalk stair open to serve the uptown ④⑤ platform via high wheels. In this case, this narrow stair would remain congested and would continue to impede pedestrian flow on a very narrow sidewalk.

Budget Impact

The closure of this sidewalk stair will have a nominal budget impact.

Action 3: Close the easement stair at the northwest corner of Broadway and Dey Street.

Current Operation / Proposed Action

An easement stair through 195 Broadway at the northwest corner of Broadway and Dey Street connects with the R206 control area (west side of Broadway at Dey Street) directly serving the downtown ④⑤ platform. This stair is open from 6:00 am to 9:00 pm, Monday through Friday. NYC Transit proposes to close this easement stair. This closure would allow the addition of a new internal transfer stair, escalator and ADA elevator, connecting the lower level of the FSTC and the downtown ④⑤ platform.

Customer Impact

The stair would have an estimated 2,240 passenger moves per weekday if the stair were to remain open after the FSTC is built and the WTC redeveloped. When it is closed,

these passengers will need to walk approximately 50 feet across Dey Street to reach a rebuilt and expanded entrance on the southwest corner of Dey and Broadway. This entrance will be open full time.

Alternatives

If this stair were to remain open, another design to improve internal transfer flow would have to be pursued. A redesign is likely to be less efficient and cost more. The internal flow at this location is projected to be 35,000 moves per weekday.

Budget Impact

The closure of this stair will have a nominal budget impact.

Action 4: At control area A077 (west side of Nassau Street at Fulton Street), replace part time token clerk operation with full time automated fare control.

Current Operation / Proposed Action

Control area A077 is on an upper mezzanine on the west side of Nassau Street at Fulton Street. It serves the **A** **C** platform and the uptown **J** **M** **Z** platform. It has a token booth staffed full time Monday through Friday. New York City Transit proposes to replace the part time operation at this booth with full time non-staffed access using automated fare control (high entry/exit turnstiles) and MetroCard vending machines.

Customer Impact

After the FSTC is built and the WTC redeveloped, control area A077 is projected to have 6,000 moves per weekday (entries and exits). The greatest concentration of traffic will be during the morning rush hour, when passengers off of the **A** and **C** and the uptown **J** **M** and **Z** trains will exit the station. A booth at control area N095, located 300 feet away from A077, will be staffed full time. A free-zone passageway connects the two control areas.

Alternatives

NYC Transit could keep the current staffing pattern and low turnstiles. It could also reduce booth staffing to periods of greatest control area use during the morning peak period. Either alternative would maintain token booth staffing and low turnstiles where they are not needed for capacity or service reasons.

Budget Impact

Closure of this token booth would save \$250,000 per year in operating expense.

Action 5: At control area A081 (east side of Nassau Street at Fulton Street), replace part time token clerk operation with full time automated fare control.

Current Operation / Proposed Action

Control area A081 is on an upper mezzanine on the east side of Nassau Street at Fulton Street. It serves the downtown **J M Z** platform. It has a token booth staffed 6:00 am to 9:00 pm everyday. New York City Transit proposes to replace the part time operation at this booth with full time non-staffed access using automated fare control (high entry/exit turnstiles) and MetroCard vending machines.

Customer Impact

After the FSTC is built and the WTC redeveloped, control area A081 is projected to have 10,000 moves per weekday (entries and exits). The greatest concentration of traffic will be during the morning rush hour, when passengers off of downtown **J M** and **Z** trains will exit the station. A booth at control area N095, located about 500 feet away from A081, will be staffed full time.

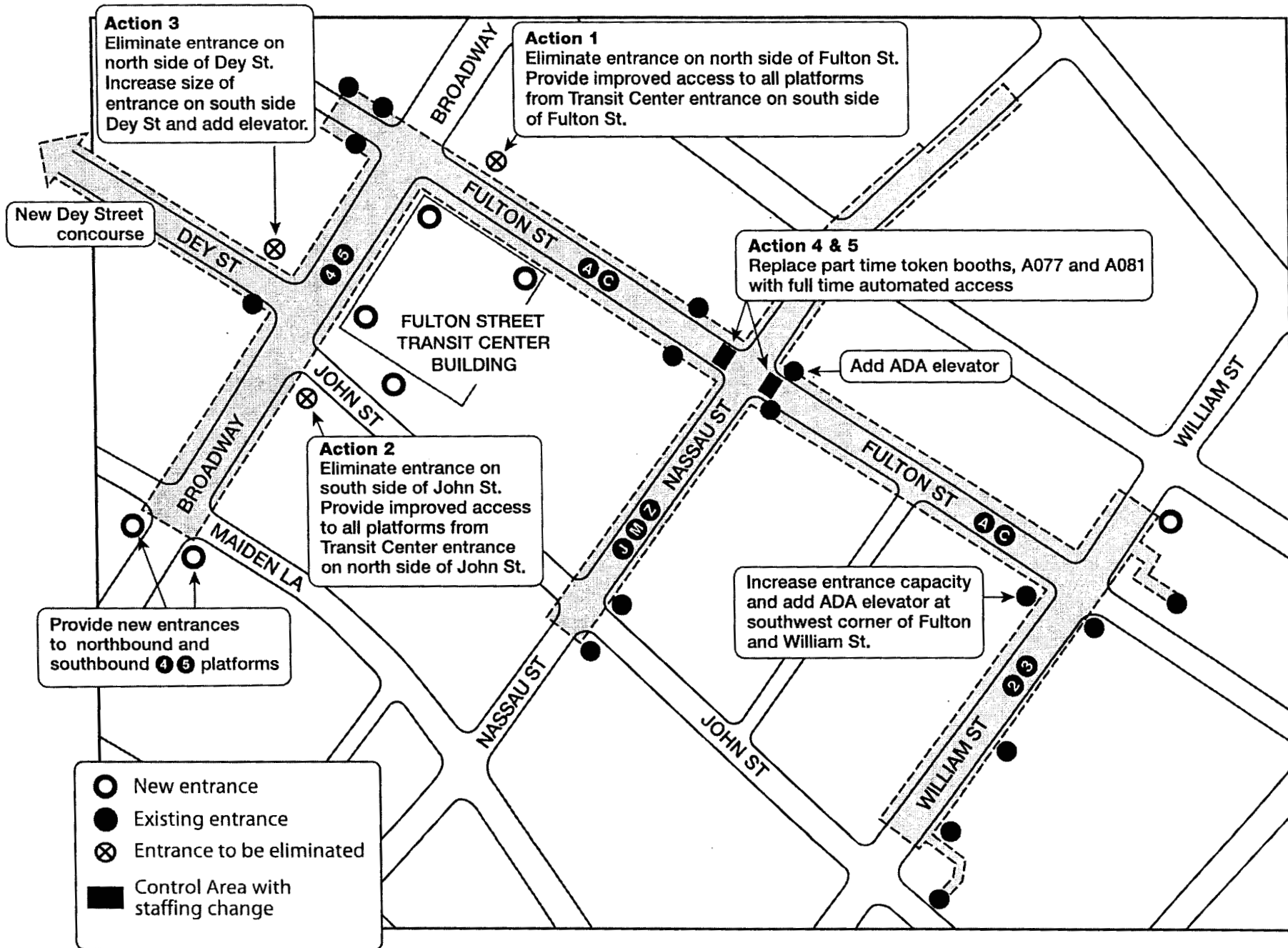
Alternatives

NYC Transit could keep the current staffing pattern and low turnstiles. It could also reduce booth staffing to periods of greatest control area use during the morning peak period. Either alternative would maintain token booth staffing and low turnstiles where they are not needed for capacity or service reasons.

Budget Impact

Closure of this token booth would save \$200,000 per year in operating expense.

Fulton Street Transit Center 2 3 4 5 A C J M Z



South Ferry ①

Current Operation

South Ferry Station has a single entrance at the base of the Staten Island Ferry Terminal. The entrance has one 12-foot wide stair at the street level. The stair separates into two 6-foot wide stairs at the platform level. The station has significant pedestrian congestion, particularly in the morning peak period when ferry passengers are entering the station. The station has approximately 13,000 entries on an average weekday.

Action

NYC Transit plans to close the existing station and station entrance. MTA CC is building a new station with three street entrances and a connection to the **R** and **W** trains at Whitehall Street Station. The largest entrance to the station will be in Peter Minuit Plaza approximately 85 feet north of the ferry terminal. This entrance will have an ADA elevator, two 42-inch wide escalators and a 10-foot wide stair leading from the plaza to the station control area. From this control area passengers will be able to reach the South Ferry platform or the Whitehall Street platform. This entrance will be open and staffed full time. It is expected to be used primarily by ferry riders. A canopy will connect the entrance to the ferry terminal.

Another entrance will be located in the middle of Peter Minuit Plaza. This entrance has a stair and escalator from the Plaza to a mezzanine level and two stairs from the mezzanine to the center of the South Ferry platform. This entrance will be unstaffed with high entrance/exit turnstiles. This entrance will be convenient to passengers commuting to and from Water Street office towers and the surrounding area.

Finally, the third entrance leads from Battery Park just south of Pearl Street to the north end of the station platform. This entrance will also be unstaffed with high entry/exit turnstiles. It will have an escalator and stair between the platform and mezzanine area, and another escalator/stair pair between the mezzanine and the street.

Customer Impact

Passenger congestion will be greatly reduced with the new station. Platform access will increase from two six-foot wide stairs to two escalators and a ten-foot wide stair at the south end, two stairs in the center of the platform and an escalator and a stair at the north end. The potential for conflicts between entering and exiting passengers will be reduced as most exiting passengers will use the escalators at the north and south ends of the station, leaving the stairs open for entering traffic.

Ferry passengers will need to leave the terminal building to get to reach the new subway station. This will be mitigated with a canopy connecting the terminal building to the southernmost station entrance. Approximately 7,300 weekday ferry riders who transfer to the **①** train at South Ferry will be affected by this change.

Alternative to the Proposed Action

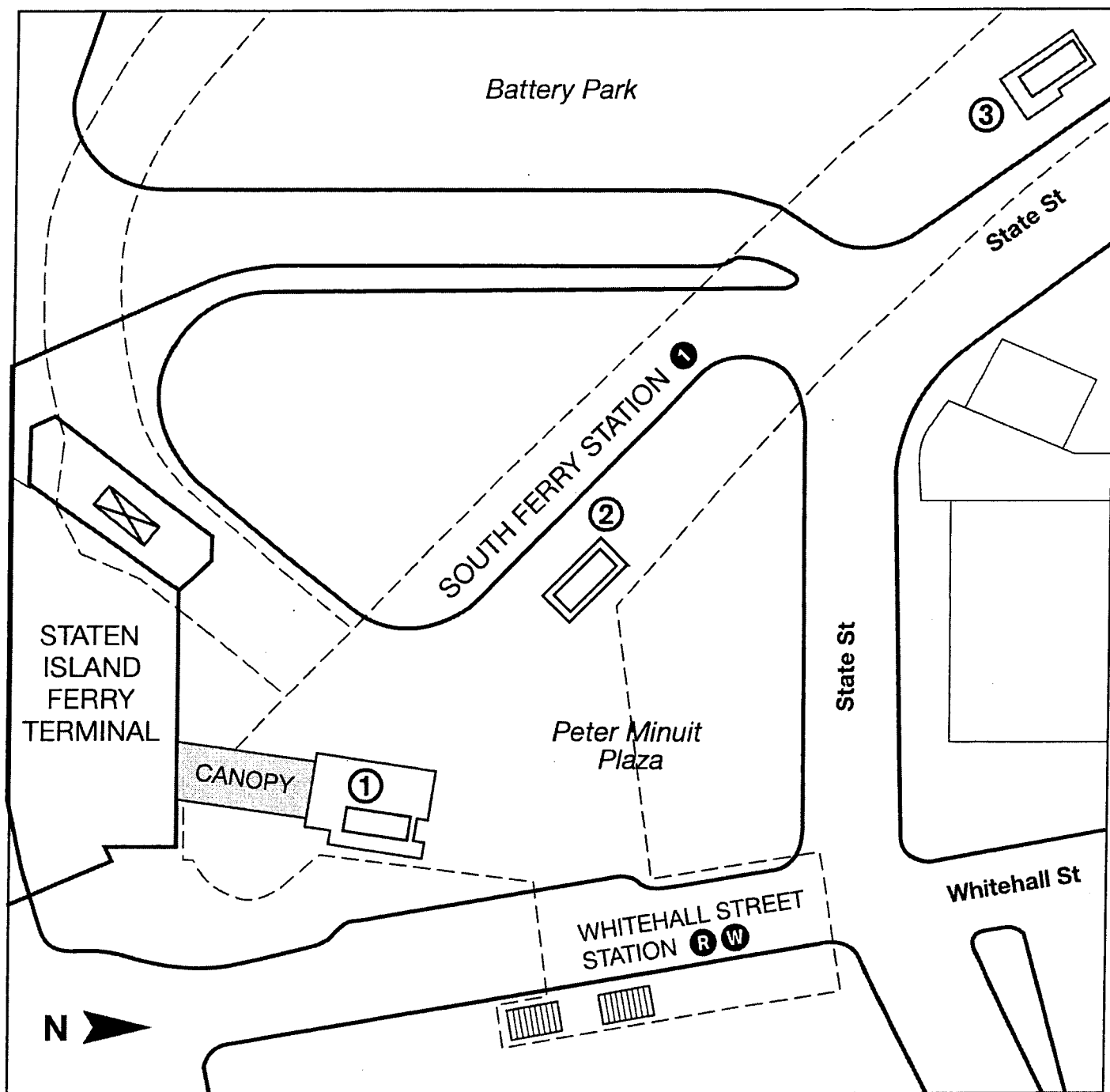
The existing subway entrance recently built into the ferry terminal building could remain

in service. However, to reach the new station from this entrance passengers would have to walk along the curved platform of the defunct station. It would create an unstaffed, convoluted access path to the new station mezzanine with very poor sightlines. The new primary entrance will be 85 feet from the ferry terminal building with a canopied walkway for weather protection and will have good sightlines and direct platform access, including escalators and an elevator between the plaza and mezzanine.

Budget Impact

Closing the existing entrance once the new station is built will save NYC Transit capital and operating costs. NYC Transit will not need to install high wheels at the existing entrance, nor would it need to clean and maintain the former platform that passengers would use to walk from the existing entrance to the new station. Furthermore, because the main entrance will serve both South Ferry and Whitehall Street stations, NYC Transit will be able to consolidate staffing at two full time booths into one full time booth. This will result in an annual operating cost savings of \$315,000.

South Ferry ①



PROPOSED ACTION

Build new South Ferry Station with three escalator entrances.




Entrance 1 on Peter Minuit Plaza, directly in front of the Staten Island Ferry Terminal.

Entrance 2 on Peter Minuit Plaza, northwest of Entrance 1.

Entrance 3 on State Street abutting Battery Park.

Connect new station mezzanine with south mezzanine of Whitehall Street Station **R W**.

Close existing station and entrance located at west end of the ferry terminal.

-  entrance to be eliminated
-  new entrance
-  existing station stairway to remain

Bowling Green 4 5

Current Operation / Proposed Action

Bowling Green Station has three control areas, a full time control area and two part time areas. The full time control area, R201, is located underneath the tracks and provides escalator access to both uptown and downtown platforms. Control area R200A directly serves the uptown platform. Passengers can also reach the downtown platform from R200A via the under-track area. R200A is staffed part time from 6:30 am to 8:30 pm Monday through Friday and remains open with automated fare control and MVMs the rest of the day. NYC Transit proposes to shift the full time operation from the undertrack control area, R201, to R200A. The staffed operation at R201 would be replaced with full time unstaffed access using automated fare control and MetroCard vending machines.

R202 is in a head house in Battery Park. It has a single stair that leads directly to the downtown platform. Passengers can also use this control area to get to the uptown platform via the under track area. R202 is staffed part time from 5:30 am to 12:30 am Monday-Saturday and from 5:00 pm to 12:30 am on Sundays/Holidays. No staffing changes are proposed for this control area.

Customer Impact

Bowling Green has approximately 25,000 daily entries on an average weekday. The majority, 14,000 per day, are at R200A. These passengers will benefit from full time staffing at the control area. The under-track control area, R201, has approximately 7,000 average weekday entries. When the control area is unstaffed, these passengers will be able to reach the clerk at R200A via a free-zone escalator. R202 has 4,000 entries per day.

Alternative

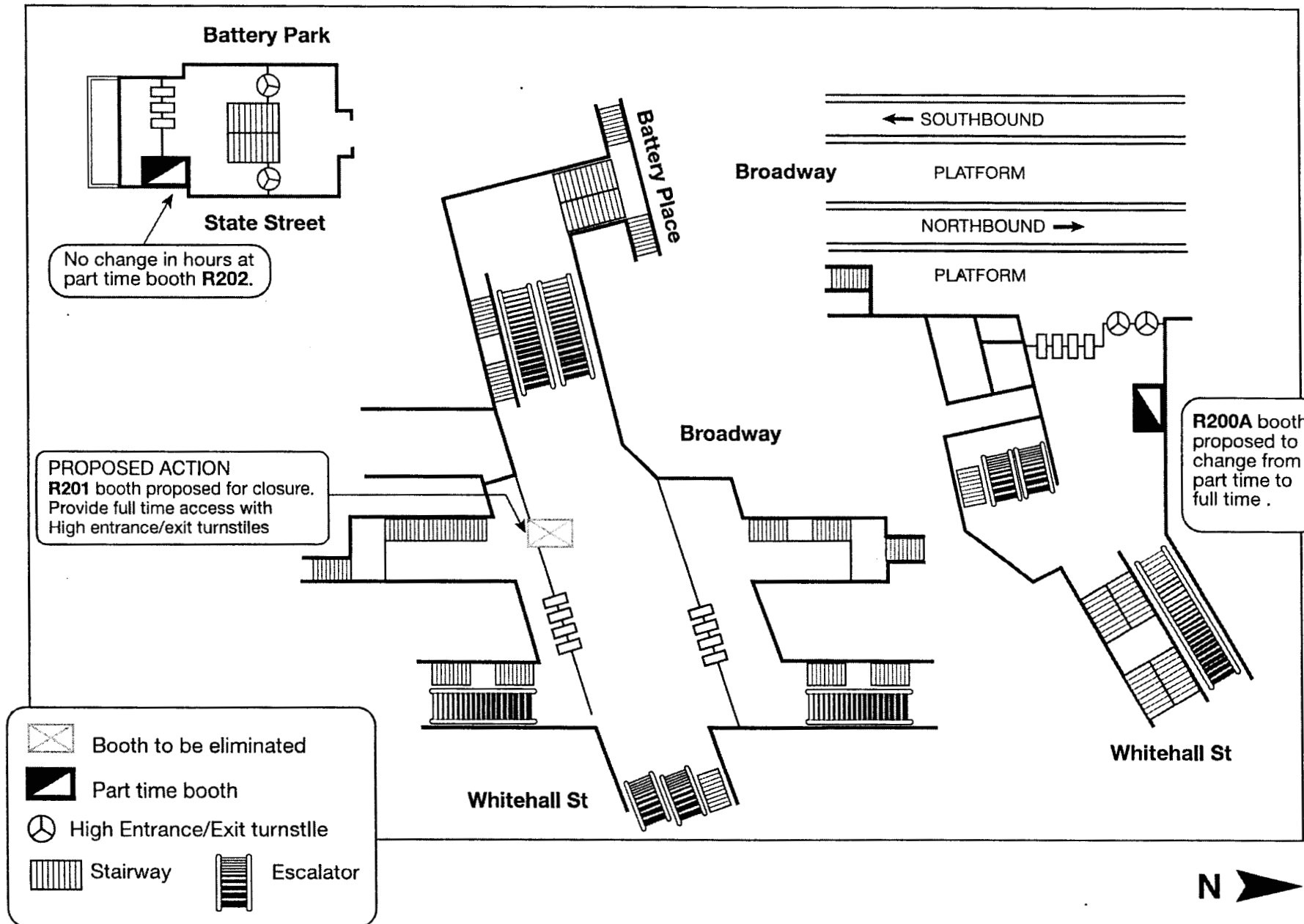
NYC Transit could keep the current staffing pattern and low turnstiles at R201. It could also staff R200A full time and reduce booth staffing at R201 to periods of greatest control area use during the weekdays. Either alternative would maintain token booth staffing and low turnstiles where they are not needed for capacity or service reasons.

Budget Impact

Closure of the R201 booth would save \$315,000 per year in operating expense. Increasing the hours at booth R200A will cost \$184,000 in operating expense. Thus, the net savings of this proposal is \$131,000 per year.

Bowling Green 4 5

126



Wall Street 4 5

Current Operation

This station has two side platforms. The northbound platform is served by three sidewalk stairs on the east side of Broadway between Wall Street and Exchange Place. The southbound platform has four stairs leading to the street: two sidewalk stairs just north of Rector Street, two stairs in the 71 Broadway building just south of Rector, and another stair in the Trinity Building, at the corner of Trinity Place and Broadway. Both platforms are connected to a corridor that leads to Broad Street Station and the Equitable Building (between Pine and Cedar Streets).

The station has two other stairs that once provided access from the west side of Broadway to the southbound platform. Both entrances have been closed on an interim basis for about ten years:

61 Broadway: This station entrance led from inside the 61 Broadway building to the southern end of the southbound platform. This stair was convenient only to passengers going to or from 61 Broadway. It was lightly used because the building is not big enough to generate significant traffic. NYC Transit and the building agreed to close the entrance to improve station security.

115 Broadway: This entrance is 120 feet beyond the northern end of the southbound platform. To get to the stair from the platform, passengers would need to walk past another more convenient stair. The 115 Broadway entrance was only useful to passengers going to or from the 115 Broadway building and to passengers seeking to walk underground as much as possible during bad weather. NYC Transit and the building agreed to close the stair to improve the security of the station.

Proposed Action

NYC Transit proposes to permanently close the entrances at 61 and 115 Broadway. NYC Transit is currently renovating Wall Street Station. As part of this work, NYC Transit plans to build station facilities in the passageways leading to the two entrances.

Customer Impact

No impacts are expected because both entrances are already closed to the public.

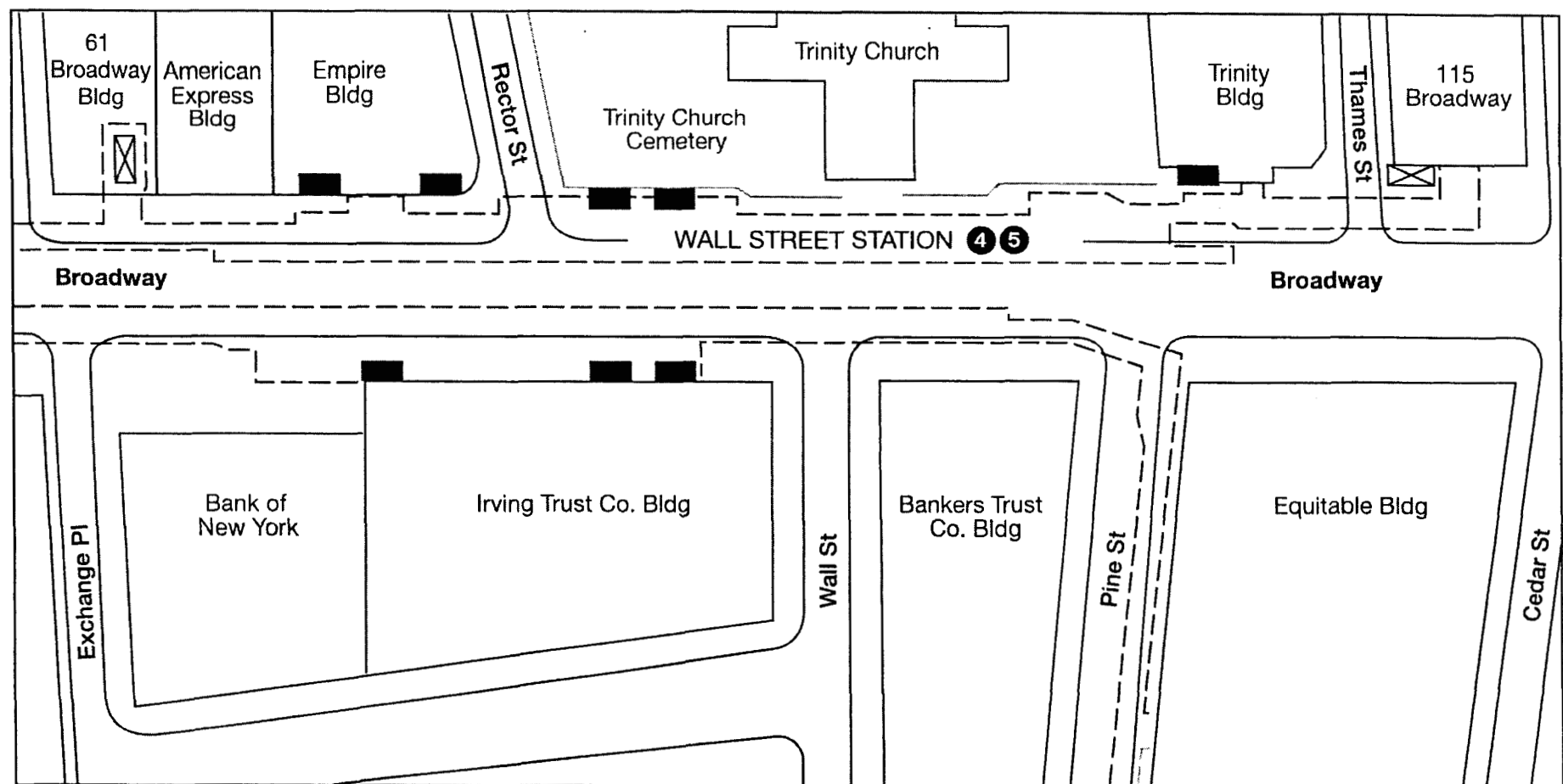
Alternative to the Proposed Changes

The owners of the buildings which constructed these stairs requested their closure. NYCT could ask that these stairs be reopened; however they have poor sightlines, inconvenient access to the street and historically low usage. They are immediately adjacent to other more convenient entrances.

Budget Impact

Permanently closing the two easement stairs and installing station facilities in the closed areas will save NYC Transit capital funds, as the only alternative to using the closed areas would be to excavate the needed area.

Wall Street 4 5



PROPOSED ACTION

Permanently close station easement entrances inside 61 and 115 Broadway.

Entrances have been closed for approximately 10 years.



entrance to be eliminated



existing entrance



Cortlandt Street

Current Operation / Proposed Action

Cortlandt Street Station has two side platforms and four control areas, two off of each platform. On the uptown platform control area A050 is staffed full time and control area A51 is staffed part time from 6:00 am to 7:35 pm. A051 is closed at all other times. NYC Transit proposes to replace the part time booth operation at A051 with full time unstaffed access using automated fare control (high entry/exit turnstiles) and MetroCard vending machines.

On the southbound platform control area A052 is staffed full time and control area A053 is unstaffed with automated fare control and MVMS. No staffing changes are proposed for this platform.

The station has been closed for construction of the Dey Street corridor since September 2005.

Customer Impact

Before the station closed for construction in 2005, control area A51 had 2,900 average weekday entries and approximately 1,500 weekday exits. If these passengers need to speak with an agent, they will need to walk approximately 200 feet north to the full time staffed control area at Cortlandt Street.

Alternative

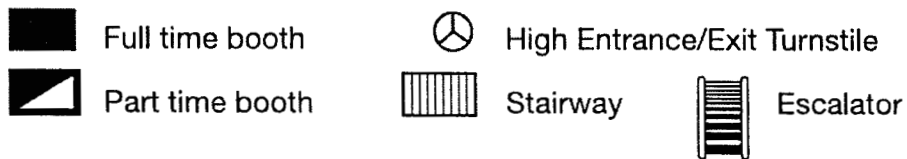
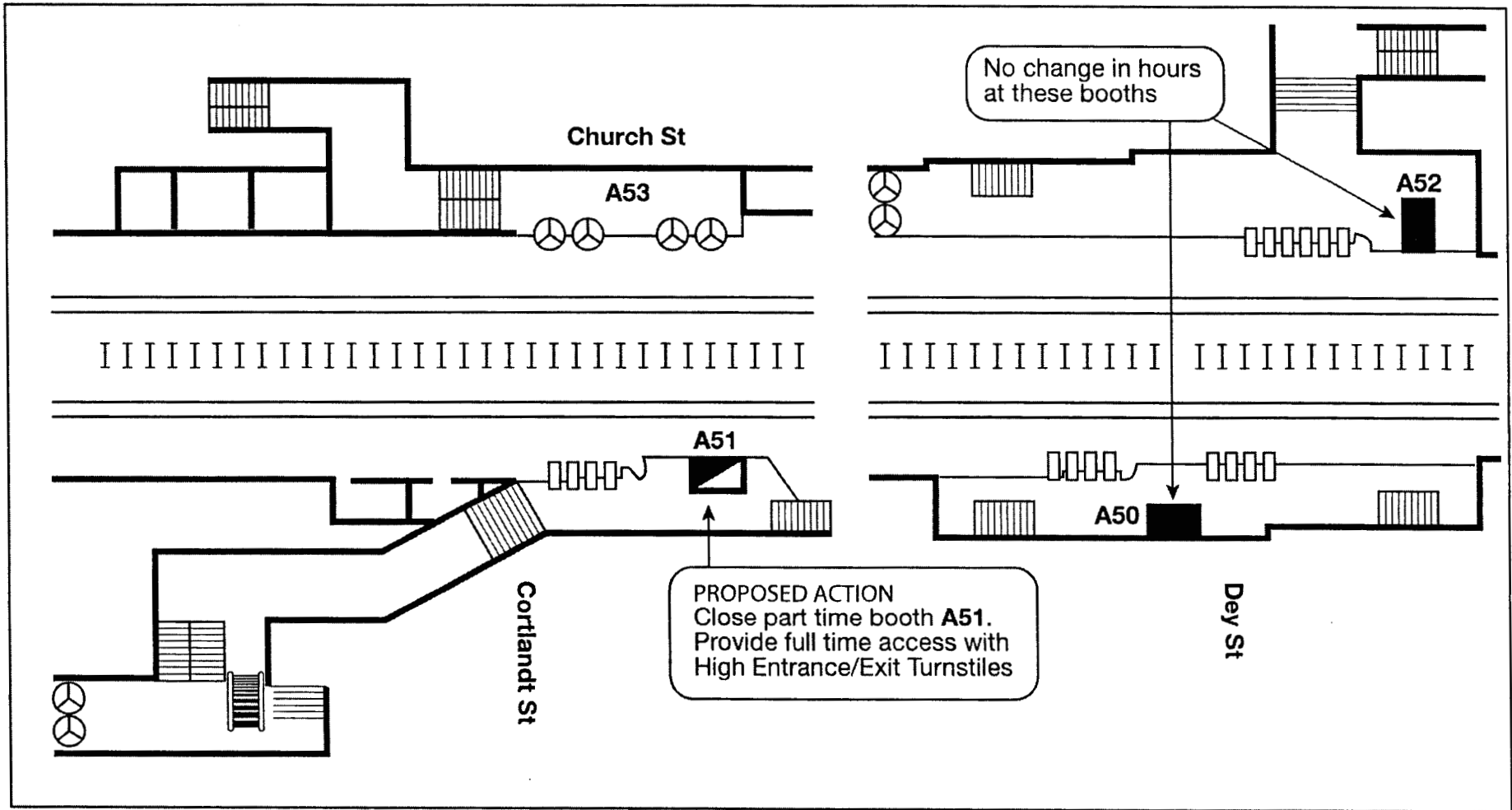
NYC Transit could keep the current staffing pattern and low turnstiles at A051. This alternative would maintain token booth staffing and low turnstiles where they are not needed for capacity or service reasons.

Budget Impact

Closure of this token booth would save \$125,000 per year in operating expense.

Cortlandt Street R W

130



Chambers Street J M Z

Current Operation

Chambers Street Station has two control areas. The northern control area, A071, provides direct access to the J M Z platforms and access to the 4 5 6 through a 110-foot long passageway. The entrance is closed overnight. The control area has one 15-foot wide stair leading to Foley Square. It used to have another stair leading from the U.S. Courthouse building into the station mezzanine. However, the stair was lightly used and the Courthouse and NYC Transit agreed to close the stair approximately 10 years ago.

The southern entrance to the station is at Chambers Street underneath the Municipal Building. It has a single 30-foot wide stair from the street to the turnstile area. This entrance has stairs leading directly to the J M Z platforms. It also provides access to the 4 5 6 through a stair and short passageway. This entrance is staffed full time.

Action

NYC Transit proposes to permanently close the stair to the U.S. Courthouse building.

Customer Impact

There would be no customer impacts because the exit is already closed.

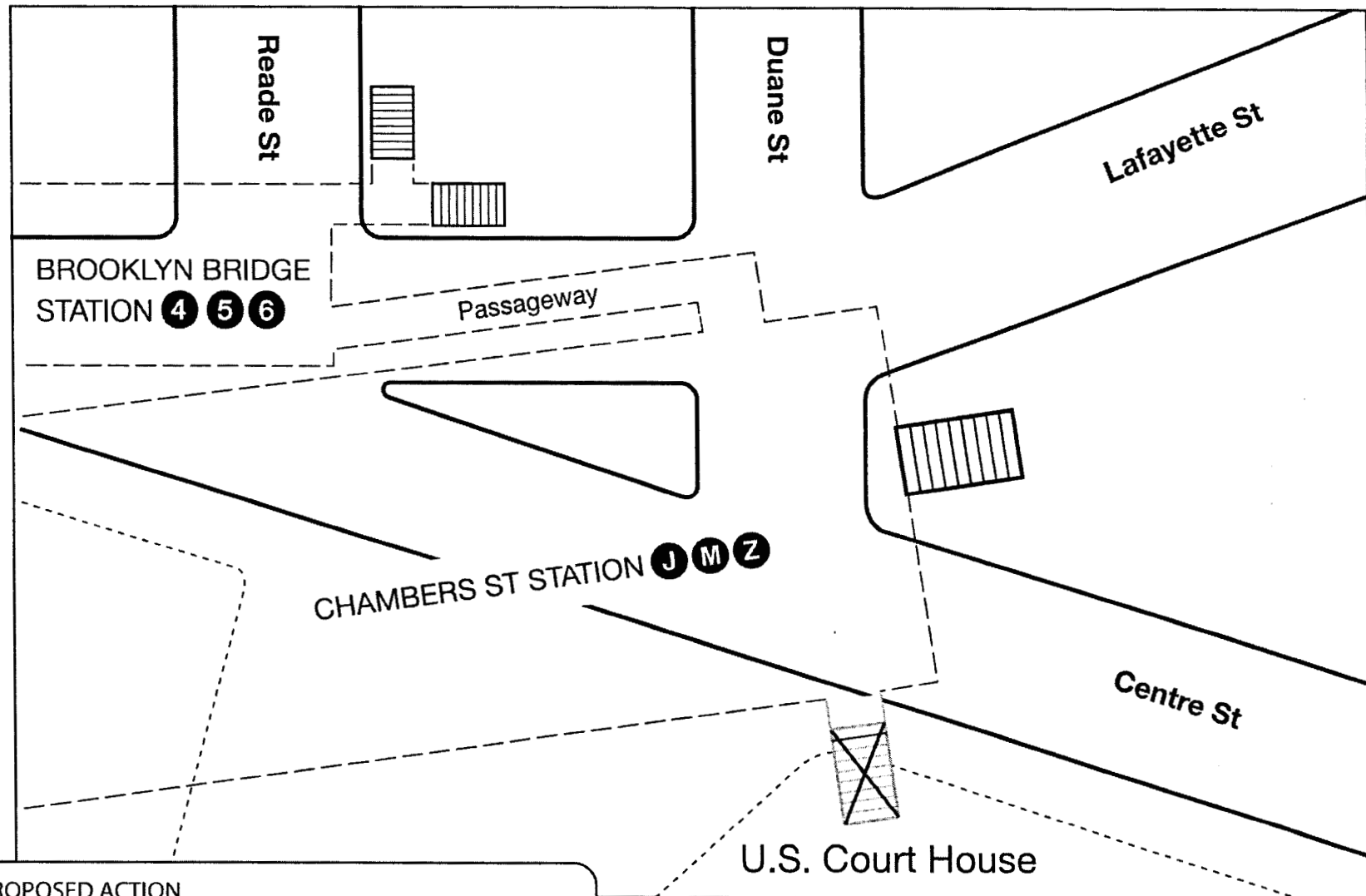
Alternative to the Proposed Change

NYC Transit could work with the U.S. Courthouse to reopen the stair. However, the stair is not needed for passenger capacity and it is likely the stair would again become a security concern due to light usage.

Budget Impact

Permanently closing the U.S. Courthouse stair will have no impact on the operating or capital budget because the entrance is already closed.

Chambers St J M Z



PROPOSED ACTION

Permanently close entrance to the station from U.S. Court House at Duane and Centre Streets. Entrance has been closed for approximately 10 years.



Station entrance to remain



Station entrance to be eliminated

96th Street ①②③

Current Operation

96th Street Station has three entrances, each providing access to both uptown and downtown platforms. The southern entrance, R168A, has four street stairs, two on the east side of Broadway between 93rd and 94th Streets and two on the west side of Broadway, also between 93rd and 94th Streets. This entrance is staffed full time.

The other two entrances are at the north end of the station. Entrance R168 is on the southwest corner of 96th Street and Broadway. It has two stairs leading to the street just south of 96th Street. After passengers enter through the turnstile array, they walk down a narrow stair to reach an under-track passageway. From the passageway, passengers walk up stairs to reach either the uptown or downtown platform. This entrance is staffed full time.

The second northern entrance, R169, is on the southeast corner of 96th Street and Broadway. It is the mirror image of R168. To reach the trains from this entrance, passengers also need to walk down to the under-track passageway and then up to either platform. This entrance is closed overnight.

Action

NYC Transit proposes to close the sidewalk stairs on the southwest and southeast corners of 96th and Broadway and to replace these entrances with a head house built on an expanded Broadway median between 95th and 96th Streets. The new head house will have stairs and elevators leading directly to the uptown and downtown platforms. This entrance will be open and staffed full time.

The sidewalk entrances need to close because the Broadway median must be expanded to make room for the head house. To allow for the widened median the Broadway sidewalks will be narrowed and the sidewalk area where the stairs are now will be eliminated.

There are no access changes proposed for the south entrance, R168A.

Customer Impact

The new head house will affect all passengers currently entering at R168 and R169. These two entrances have approximately 40,000 entry and exit moves on an average weekday. These passengers will benefit from the new head house in several ways, including –

- Less stair climbing: Under existing conditions, passengers exiting at the north end of the platforms must walk down 12 feet to reach the underpass and then walk up 31 feet to the street, a total of 43 feet in elevation change. With the new head house passengers will walk directly up to the street level, a 19-foot elevation change.
- Less station congestion: Currently all passengers entering or exiting the station at the 96th Street end must walk through one of two 5-foot wide stairs

at either end of the under-track passageway. With the new head house, this stairway capacity would greatly increase, from the two 5-foot wide stairs to four 7-foot wide stairs.

- Elevator access to both platforms: The new head house will include an ADA elevator to both platforms.

The new head house will have some disbenefits. They are:

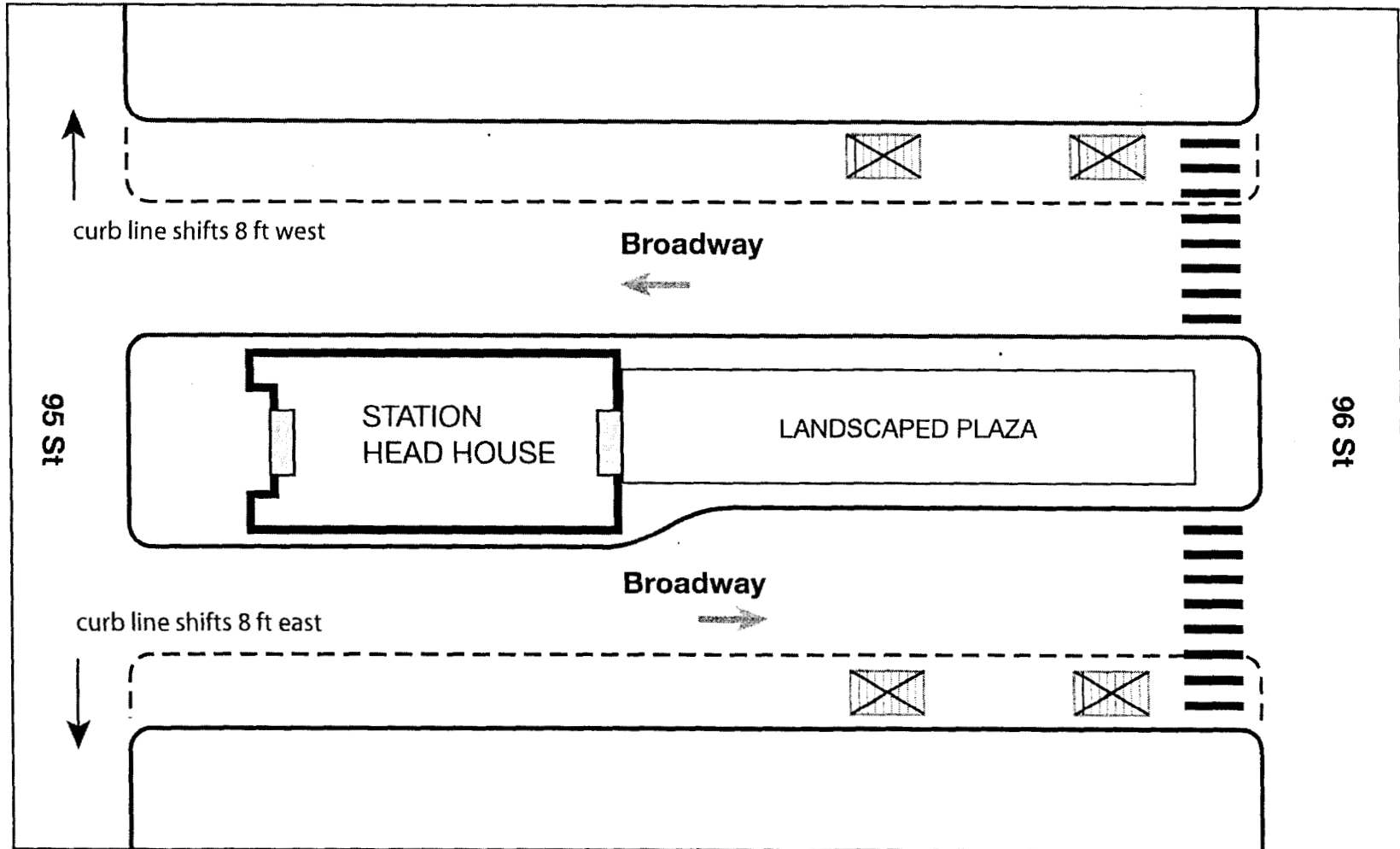
- Entrance moves south 50 feet: Passengers arriving from the north will have to walk an additional 50 feet to reach the head house.
- Entrance is in the center of Broadway: Passengers will have to cross either the northbound or southbound lanes of Broadway to reach the entrance. On average, two out of every three entering passengers will be delayed by a red signal at the intersection. Those who have are delayed will have to wait an average of 26 seconds.

Alternative to the Proposed Action

An alternative design for 96th Street station would keep the existing 96th Street entrances essentially where they are, with the addition of ADA accessibility. However, there would be only a nominal increase in capacity and the existing circuitous routing from street to under-track passageway to platforms would be retained. There would also be very disruptive train service diversions for construction.

Budget Impact

Building the head house instead of modifying the existing under track access will save approximately \$11 million in construction cost. Maintenance costs will be less with the head house since ADA access will require two elevators instead of three. Finally, the new head house will serve all north end passengers with a single full time booth, whereas the existing station layout requires one full time and one part time booth. This will result in an annual operating cost savings of \$250,000.



PROPOSED ACTION

Construct station head house to provide direct access from street to station platforms. Head house to be located north of 95 Street in Broadway median. Head house entrance will remain open at all times.

Close stairs on the southeast and southwest corners of Broadway and 96 Street.



Station entrance
to be eliminated



New head house
entrance

Myrtle-Wyckoff L M

Current Operation

Myrtle-Wyckoff station complex connects the underground L train with the elevated M train. It has a mezzanine directly above the L tracks and a head house that connects the mezzanine to the elevated platform. The station head house was recently rebuilt. The original head house had a street entrance off of Myrtle Avenue between Wyckoff and Gates. The new head house has one entrance on Wyckoff Avenue and another on the corner of Myrtle and Wyckoff. The new head house also has an ADA elevator. This elevator, along with elevators going to the L and M platforms, make the station fully ADA accessible.

The station has a second control area, located on the L mezzanine. There have been no access changes at this control area.

Action

The new head house has one entrance on Wyckoff Avenue and another on the corner of Myrtle and Wyckoff. The corner entrance is 100 feet east of the original head house entrance on Myrtle Avenue.

Customer Impact

Those passengers who arrive at the station from the southwest (approximately 1,350 average daily entry and exit moves) have a slightly longer walk to enter the station because the corner entrance at Wyckoff and Myrtle is 100 feet down the street from the original entrance on Myrtle Avenue. However, most customers will have improved station access, with two entrances to the head house instead of one, and ADA elevator access to all platforms.

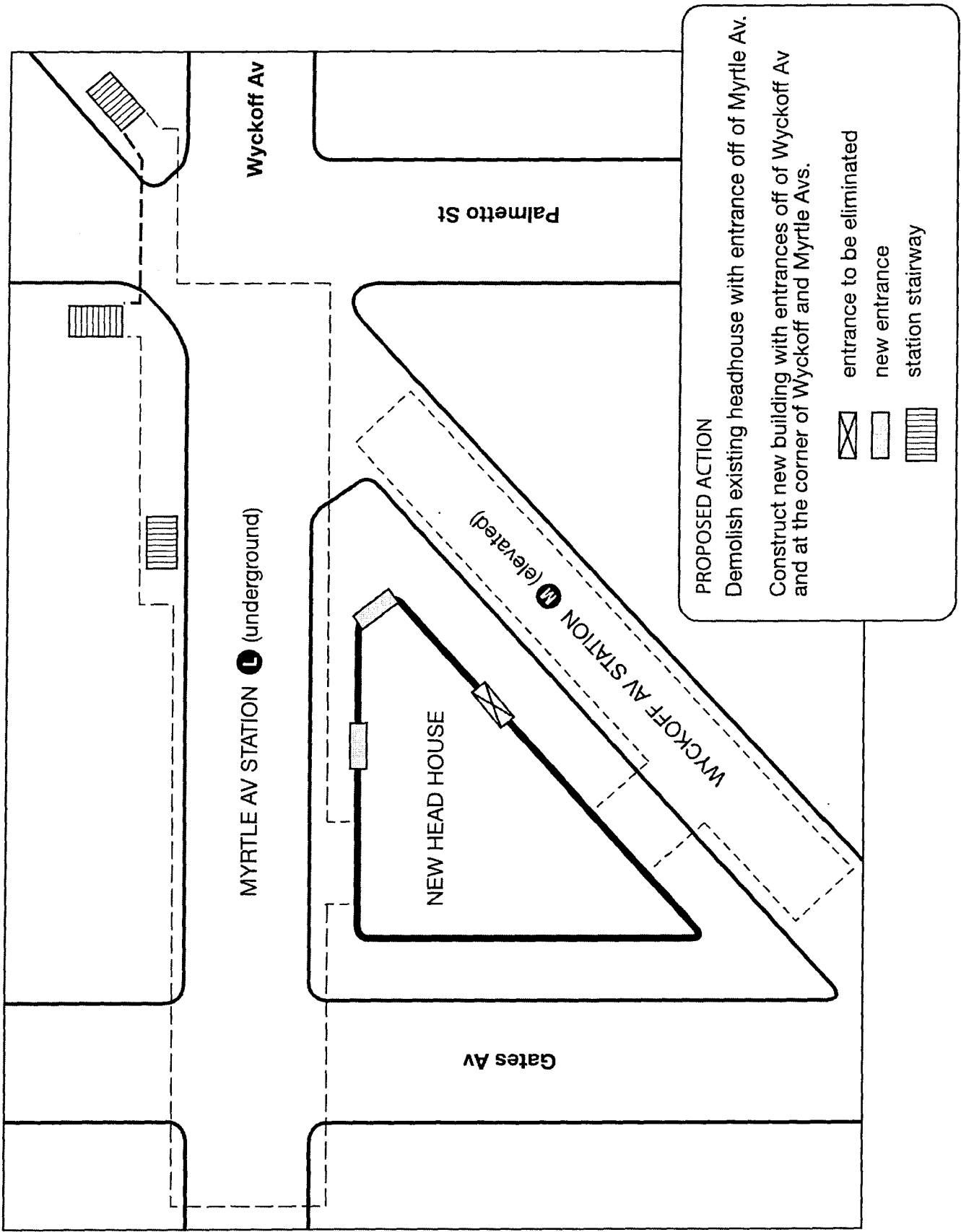
Alternative to the Proposed Design

Redesign and rebuild the new head house to place an entrance at the original entrance location on Myrtle Avenue. This would force an inefficient circulation design for the new head house, including awkward passenger moves and less access capacity.

Budget Impact

Reworking the new head house with the entrance at the original location would be a significant capital expense.

Myrtle-Wyckoff L M



Subject Request for Authorization to Award Various Procurements						September 6, 2007			
Department Materiel						Vendor Name			
Department Head Name Stanley J. Grill						Contract Number			
Department Head Signature <i>Stanley J. Grill</i>						Contract Manager Name			
Project Manager Name Robin Norwood						Table of Contents Ref #			
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other		Approval		Approval
1	Committee	9/24/07					President	X	Capital Construction Co.
2	Board	9/26/07				<i>MPC</i>	Executive VP (ACTING)	X	Subways
						X	Capital Prog. Management	X	Buses
							Law	X	Off. Of Civil Rights
Internal Approvals (cont.)									
Order	Approval	Order	Approval	Order	Approval	Order	Approval	Order	Approval
X	MTA Bus Co.		260.0						

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 Non-Competitive procurements in the following categories:

<u>Procurements Requiring Two Thirds Vote:</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule A:	Non-Competitive Purchases and Public Work Contracts	4	\$ 10.6 M
	• K & S Hydraulic, Inc. \$.1 M		
	• Alstom Transportation, Inc. \$.3 M		
	• Albatros North America d/b/a SEPSEA North America \$ 3.0 M		
	• Siemens Transportation Systems, Inc. \$ 7.2 M		
<u>Schedules Requiring Majority Vote</u>			
Schedule F:	Personal Service Contracts	1	\$.06 M
	• Oracle USA, Inc. \$.06 M		
Schedule G:	Miscellaneous Service Contracts	3	\$ 2.4 M
	• Bentley Systems, Inc. \$ 2.1 M		
	• RZS Solutions, Inc. \$.04 M		
	• Telvent USA \$.3 M		
SUBTOTAL		8	\$ 13.1 M

NYC Transit proposes to award Competitive procurements in the following categories:

Procurements Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	4	\$ 15.0 M
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$.06 M

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	1	\$ 6.3 M
Schedule I: Modifications to Purchase and Public Works Contracts	3	\$ 1.8 M
Schedule L: Budget Adjustments to Estimated Quantity Contracts	2	\$ 5.5 M
SUBTOTAL	11	28.7 M

NYC Transit proposes to award Ratifications in the following categories:

Schedules Requiring Two-Thirds Vote:

Schedule D: Ratification of Completed Procurement Actions	1	\$.02 M
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Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions:	10	\$ 9.6 M
SUBTOTAL	11	\$ 9.6 M
TOTAL	30	\$ 51.4 M

BUDGET IMPACT: The purchases/contracts will result in obligating NYC Transit 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 Section 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 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 service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and certain budget adjustments to estimated quantity 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, upon the recommendation of the Executive Director, 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.

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

SEPTEMBER 2007

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Page

A. Non-Competitive Purchases and Public Work Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive.) Note – in the following solicitations, NYC Transit attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

- | | |
|------------------------|--------------|
| 1. K&S Hydraulic, Inc. | \$142,000.00 |
| No Responsive Bids | |
| Bid #71769 | |

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law §1209, subsection 9(c) due to the fact that no responsive bids were received in response to this invitation for competitive bids, and approve the award of this negotiated contract for the purchase of a new sawmill to K&S Hydraulic, Inc. (K&S). The Division of Track (Track) requested that a new sawmill be purchased to safely and efficiently cut oak ties for in-house capital construction and normal maintenance programs. The existing sawmill, which is located at the Linden Shop, is over 20 years old and has been refurbished and rebuilt numerous times. Replacing the existing sawmill with a new sawmill will increase Track's productivity and decrease additional expenses (increased manpower, overtime, etc.) for repairs. K&S is the only bidder that responded to this solicitation. A market survey was conducted with other potential vendors and determined that they did not bid because they could not manufacture this item, meet the specifications, submit a timely bid, or be competitive. K&S' bid took exception to NYC Transit's standard payment terms by requiring a 30% deposit prior to production of the sawmill, rendering the sole bid non-responsive. Negotiations were held with K&S and as a result, it agreed to NYC Transit's payment terms. A pricing history for this item is not available. A price analysis was performed by contacting other sawmill manufacturers. One of the firms that did not bid because it was unable to submit a timely bid indicated its bid would have been \$173,595.00, which is 22.3% higher than K&S' price. K&S' price is considered fair and reasonable based on a cost and price analysis. The Controller's Department performed a financial review and concluded that K&S is not financially qualified by NYC Transit's usual standards; however, it also concluded that an award presents a low risk, since no payments are to be made until after delivery of the sawmill. Therefore, Procurement has determined that it is a prudent business decision to award this contract to K&S.

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|-------------------------------------------------------------------|--------------|-------------------------------|-----|
| 2. Alstom Transportation Inc.
Sole Source
Contract #07F9713 | \$290,000.00 | <u>Staff Summary Attached</u> | 147 |
|-------------------------------------------------------------------|--------------|-------------------------------|-----|

Installation and test for evaluation of prototype dual phase speed sensors and related software on two test R142 Alstom propulsion cars.

- | | | | |
|--------------------------------------------------------------------------------------------------|-----------------------|-------------------------------|-----|
| 3. Albatros North America, Inc.
d/b/a SEPSA North America
Sole Source – Three-year omnibus | \$3,000,000.00 (Est.) | <u>Staff Summary Attached</u> | 148 |
|--------------------------------------------------------------------------------------------------|-----------------------|-------------------------------|-----|

Purchase of auxiliary power supply system parts for subway cars.

SEPTEMBER 2007

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Page

A. Non-Competitive Purchases and Public Work Contracts cont'd

- | | | | | |
|----|---------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------|------------|
| 4. | Siemens Transportation Systems, Inc. | \$7,168,500.00(NTE) | <u>Staff Summary Attached</u> | 149 |
| | Sole Source – Sixteen-month contract | | | |
| | Contract #S-32687 | | | |
| | Furnish and deliver Communications Based Train Control equipment to be installed on sixteen R160 train units. | | | |

Procurements Requiring Majority Vote:

F. Personal Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive.)

- | | |
|-------------------------------------|--------------------|
| 5. Oracle USA, Inc. | \$55,800.00 (Est.) |
| Non-Competitive – One-year contract | |
| Contract #CMM-1521 | |

Utilizing a contract of the New York State Office of General Services (OGS), this contract is for technical support for the upgrade of Capital Program Management's Project Status Report System (PSR) Oracle 8i software to Oracle 10G. The PSR is a financial application that tracks the status of all capital projects and includes budget information, expenditures, schedules, funding, and imports information on in-house labor from another system. Oracle 8i is no longer supported by Oracle. Under this contract, the consultant will install, configure and test the system to verify that the PSR is running properly. An estimated 31 days of on-site technical support services will be required over a one year period. The daily rate under the OGS contract is \$1,800, a 23% discount off Oracle's list price. Oracle's rate under this contract is therefore considered fair and reasonable.

G. Miscellaneous Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if sealed bid procurement.)

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|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------------|------------|
| 6. | Bentley Systems, Inc.
Non-Competitive – Five-year contract
Contract #07D9673
Provide support services for Bentley application software. | \$2,149,341.00 (Est.) | <u>Staff Summary Attached</u> | 150 |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------------|------------|

SEPTEMBER 2007

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

G. Miscellaneous Service Contracts cont'd

page

- | | |
|-------------------------------------------------------------|-------------------|
| 7. RZS Solutions, Inc.
Non-Competitive
Req. #U-A79368 | \$42,401.00 (NTE) |
|-------------------------------------------------------------|-------------------|

The contractor will provide training to NYC Transit personnel in the maintenance and operation of the Digitize 3505 Alarm Monitoring System. The alarm monitoring system is used to detect events such as open doors, high water levels, pump failures, and voltage loss. The Digitize communication and monitoring system has been the standard remote communications system used in the subways over the last twenty years and uses a proprietary code system to transmit data and alarms. RZS is Digitizer's sole authorized distributor. In October 2005, the Board approved the award of a sole source contract to RZS to upgrade the Digitize 3500 alarm monitoring system to the Digitize 3505 system. The labor rate for this contract is the same as the labor rate charged for operator training in the upgrade contract and is therefore considered fair and reasonable.

- | | |
|---------------------------------------------------------------|--------------------|
| 8. Telvent USA | \$285,862.00 (NTE) |
| Non-Competitive - Two year contract with two one-year options | |
| Contract #07C9665 | |

Staff Summary Attached

151

Provide maintenance and support services for SCADA OASyS software.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: 2

Vendor Name (& Location) Alstom Transportation, Inc. (Hornell, NY)
Description Study and Installation of a Prototype Dual Phase Speed Sensors on Two Test R142 Alstom Propulsion Cars
Contract Term (including Options, if any) One-year contract
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
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: Sole Source

Contract Number 07F9713	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$290,000.00
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: Department of Subways, Michael Lombardi	

Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law §1209, subsections 9(b) and (d) (single responsible source and new product test and evaluation) and award a sole source contract to Alstom Transportation Inc (Alstom) for the installation and testing of prototype dual phase speed sensors on two test R142 cars. Beginning in 1999, the fleet of 1,030 R142 subway cars entered NYC Transit revenue service and are all off warranty. These cars, built by Bombardier, came equipped with propulsion systems manufactured by Alstom. Under this contract, Alstom will install a modification to the propulsion control software and replace the existing speed sensors with dual phase speed sensors on two R142 cars (one A car and one B car) to evaluate and determine if the use of these new speed sensors is effective. Speed sensors are used to control the amount of voltage provided to the traction motors which in turn provide the power required to move the train. Dual phase speed sensors allow the train's propulsion control logic to understand when the train is rolling backwards and can facilitate an appropriate propulsion system response to more significant incidents of roll-back. Alstom, as the original provider of the equipment and the propulsion control software, can therefore provide the specialized research and development necessary to do this work. Similar dual phase speed sensors are in use on the R160 cars equipped with Alstom propulsion. The implementation of this modification, if successfully proven during this test, would result in increased long term motor speed sensor reliability as well as a consistent level of speed sensor functionality across this fleet. In the event that the test is successful, the changes would be implemented throughout this entire fleet by in-house forces at a later date determined by the Division of Car Equipment. Alstom submitted a proposal in the amount of \$294,114 that conformed to the fully loaded labor rates established under the original R160 subway car contract. The majority of the costs associated with this effort are software development, engineering and labor costs. Material costs account for only approximately 2% of the overall price. Negotiations were held and a total lump sum price of \$290,000 was agreed upon and found to be fair and reasonable.

Schedule A: Non-Competitive Purchases and Public Work Contracts

Item Number: **3**

Vendor Name (& Location) Albatros North America, Inc., d/b/a SEPSA North America, (Schenectady, NY)
Description Purchase of Auxiliary Power Supply System Parts for Subway Cars
Contract Term (Including Options, if any) September 28, 2007 - September 27, 2010
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
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: Sole Source

Contract Number	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	3,000,000.00 (Estimate)
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: Division of Materiel, Stanley Grill	

Discussion:

This omnibus approval will cover inventory and non-inventory items identified as obtainable only from Albatros North America Inc., d/b/a SEPSA North America (SEPSA) and will eliminate the need to advertise and prepare individual procurement staff summaries for each procurement over the \$15,000 small purchase threshold. There are approximately 363 items covered by this approval that will be used by the Division of Car Equipment for Scheduled Maintenance System (SMS) and running repair requirements. SEPSA will be supplying parts for maintenance of compressor motors and inverters on 315 R62 cars, 824 R62A cars, 425 R68 cars, 200 R68A cars and 752 R46 cars. SEPSA is the OEM for the low voltage power supply (LVPS) for all 1,030 R142 cars. It is anticipated that there will be an increase in the number of LVPS parts purchased from SEPSA due to required SMS and regular maintenance work on the R142 cars, which are no longer under warranty. These parts are proprietary to SEPSA, or SEPSA is the sole source on the QPL. The parts are not available from any distributors or other sources; a public bid within the last 12 months has not resulted in an acceptable alternate supplier. Procurement performed a price analysis on sole source items procured from SEPSA between 2004 and 2007 and found that the weighted overall average annual increase was 1.68% over the past three years. This increase compares favorably to the Producer Price Index (PPI) for electric power transmission, control and distribution which shows a 15.9% increase from June 2004 to June 2007.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: 4

Vendor Name (& Location) Siemens Transportation Systems, Inc. (New York, NY)
Description Furnish and deliver Communications Based Train Control Equipment to be installed on Sixteen R-160 Four-Car Train Units and Two Track Geometry Cars
Contract Term (including Options, if any) October 1, 2007 – May 31, 2009
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
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: Sole Source

Contract Number S-32687	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$7,168,500.00 (Not-to-Exceed)	
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: Capital Program Management, Connie Crawford	

Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law 1209, subsection 9(b) due to the existence of a single responsible source, Siemens Transportation Systems Inc. (STS) for the purchase of train control equipment. STS is currently the only certified supplier of equipment for NYC Transit's Communications Based Train Control (CBTC) system. In June 2006, due to an increase in passenger demand, the Board approved several actions to accommodate increased service on the Canarsie Line by using R-160 cars which are designed and delivered ready for installation of CBTC equipment. As part of the approval, the Board was notified that in the future, it would be asked to approve separate sole source contracts with Siemens to furnish and deliver CBTC equipment for installation on R-160 cars. This is the first of those contracts and is for the purchase of all CBTC equipment in advance of the award of the full implementation Contract S-32740 for equipping 16 four-car R-160 train units with CBTC for operation on the Canarsie Line. Contract S-32740 is not yet finalized and ordering this equipment now will reduce the duration of the overall project by several months. In addition to equipping the 64 cars, two Track Geometry cars will also be equipped with CBTC equipment under S-32740 and final cutover to CBTC operation on the Canarsie Line will be achieved. Project completion is anticipated in late 2009. STS submitted a cost proposal in the amount of \$8,142,210. It includes engineering research and development costs that will be required to replace two obsolete components. The CBTC project is based on designs that are over eight years old, a considerably long period for the electronic industry. As a result, two components are no longer manufactured or available to build the new equipment required for this contract. Replacement components must be engineered, tested and certified prior to installation the CBTC system. Negotiations were held and a price of \$7,168,500 was agreed upon and found fair and reasonable. The final price includes a credit of \$1,569,460 that is the result of a settlement of a dispute related to the provision of support services by NYC Transit staff to the contractor. STS is providing four sets of CBTC equipment at no cost to NYC Transit. The long lead items for nine of the required sixteen train units of this purchase totaling \$1,052,973 were originally presented to the Board for approval in July 2007. The pricing for these long lead items, which represented a relatively minor portion of the overall amount of equipment needed, was incorporated into this procurement request which will complete the equipment requirements for this effort. Negotiations are underway for full implementation under Contract S-32740 and upon completion, the Board's approval of the contract will be requested.

Schedule G: Miscellaneous Service Contracts

Item Number: 6

Vendor Name (& Location) Bentley Systems, Inc. (Exton, PA)
Description Provide Support Services for Bentley Application Software
Contract Term (including Options, if any) October 1, 2007 – September 30, 2012
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
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:

Contract Number 07D9673	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$2,149,341.00 (Estimate)	
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: Technology and Information Services, James Fowler	

Discussion:

Under this contract, Bentley Systems, Inc. (Bentley) will provide software support services for Bentley application software, including a 24-hour help desk to assist NYC Transit in resolving technical problems relating to software, training and trouble-shooting. For over 22 years NYC Transit's Department of Buses, Subways and CPM have used Bentley's Microstation computer aided design and drafting (CADD) software and other applications to create architectural and engineering design drawings. The CADD system uses Bentley application software to create and access archived drawings in an electronic format from designated workstations. The software was originally developed by Intergraph, which provided hardware and software support services, but was later succeeded by Bentley who purchased the rights to, and became the sole provider of, Microstation software and support services to NYC Transit. NYC Transit has approximately 625 CADD workstations configured to use Bentley Microstation software and also requires that all contractors that develop and submit drawings use the software to ensure compatibility. In lieu of purchasing individual licenses for each workstation, Bentley permits NYC Transit to use software on servers at various NYC Transit locations. The level of discount is based on volume, therefore NYC Transit's discount for support services has increased from 39% to 42%. In the event that additional Microstation licenses or Bentley products are required, discounts of 42% for support and 21% for new licenses or products are applied to list prices. Under this contract, the list price for 19 of the 22 software support items remains the same as the prior 2002 contract and the price for two items, Bentley Select and Bentley Client license, decreased by 4% and 25% respectively. Although the list price for MicroStation Select for 448 users, which represents 75% of the software support costs under this contract, increased by 16% or 3% annually, because of the deeper discount, the actual increase to NYC Transit is 10%, or 2.1% annually. This increase is low compared to other software support contracts, which annual increases range from 3-10%. Bentley's total price of \$2,149,341 consists of \$1,326,958 for support services and licenses, \$457,553 for training and \$364,694 for consulting services. Based on the above, Bentley's total price of \$2,149,341 is considered fair and reasonable.

Schedule G: Miscellaneous Service Contracts

Item Number: 8

Vendor Name (& Location) Telvent USA (Houston, TX)
Description Provide Maintenance & Support Services for SCADA OASyS Software
Contract Term (including Options, if any) October 1, 2007 – September 30, 2011
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
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:

Contract Number 07C9665	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	\$285,862.00 (Not-to-Exceed)
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: Technology and Information Services, James Fowler	

Discussion:

It is requested that the Board approve the award of a two-year non-competitive miscellaneous service contract, with 2 one-year options, for maintenance and support services for the Supervisory Control and Data Acquisition (SCADA) OASyS software to Telvent USA (Telvent). SCADA systems installed in the NYC Transit Power Control Center (PCC) are used to control and monitor the power of NYC Transit's high-tension and 3rd rail traction power network; and over 211 rectifier substations and thousands of circuit breakers and auxiliary equipment, which power the subway system. The monitoring of the power network zones is conducted from workstations at the PCC, utilizing SCADA Series VII software and SCADA OASyS software, which both perform the same monitoring function, but in different zones, enabling NYC Transit personnel to remotely operate field equipment. Telvent provided the SCADA OASyS software to NYC Transit and customized it under a separate contract. Subsequently, a six month contract for maintenance was awarded to Telvent in 2004 to allow sufficient time to solicit a multi-year maintenance contract. The solicitation for the multi-year maintenance agreement was cancelled due to ongoing performance issues with the OASyS software. As the performance issues have since been resolved, NYC Transit negotiated this multi-year maintenance agreement on a non-competitive basis with Telvent as the OASyS software is proprietary to Telvent and they are the only firm qualified to maintain it. The first year cost for the current contract is escalated 5% per year over the previous contract. Approval is being requested to award this contract in the not-to-exceed amount of \$137,545, plus the not-to-exceed amount of \$148,317 for the 2 one-year options, for a total combined not-to-exceed amount of \$285,862, which was found to be fair and reasonable.

SEPTEMBER 2007

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Page

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

- | | | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------|-----|
| 1. | Contractor To Be Determined
Contract #C-33127 | \$5,000,000.00 (Est.) | <u>Staff Summary Attached</u> | 157 |
| 2. | Contractor To Be Determined
Contract # C-33128 | \$5,000,000.00 (Est.) | ↓ | |
| 3. | Contractor To Be Determined
Contract #C-33129
Three-year contracts
RFP Authorizing Resolution for asbestos abatement of electrical manholes system-wide. | \$5,000,000.00 (Est.) | ↓ | |
| 4. | Contractor To Be Determined
Twenty-Five month contract
RFP Authorizing Resolution for the rehabilitation and expansion of the HVAC shop at 207 th Street yard in Manhattan. | Cost To Be Determined | <u>Staff Summary Attached</u> | 159 |

C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)
(Staff Summaries required for items requiring Board approval.)

- | | | | | |
|----|--------------------------------------------------------------------------------------------------|--------------------|-------------------------------|-----|
| 5. | HISCO
Bid#73003
Twenty-four month estimated quantity contract
Purchase of pipe sealant. | \$62,172.00 (Est.) | <u>Staff Summary Attached</u> | 161 |
|----|--------------------------------------------------------------------------------------------------|--------------------|-------------------------------|-----|

Procurements Requiring Majority Vote:

G. Miscellaneous Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if sealed bid procurement.)

- | | | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------|-----|
| 6. | Weeks Marine Incorporated
One Proposal – Three-year contract
Contract #06J9542
Removal and transportation of obsolete subway cars to artificial reef sites. | \$6,327,366.00 (Est.) | <u>Staff Summary Attached</u> | 163 |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------|-----|

SEPTEMBER 2007

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

				<u>Page</u>
I. <u>Modifications to Purchase and Public Work Contracts</u>				
(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K.)				
E.A. Technologies/Petrocelli, LLC (JV)			<u>Staff Summary Attached</u>	164
7. Contract #W-34503.37	\$ 1,000.00		↓	
8. Contract #W-34503.45	\$ 1,000.00		↓	
Two modifications to the contract to upgrade the RTO radio base stations circuits into the NYC Transit Fiber Optic Network in order to provide communication equipment for NYPD and FDNY in the Rail Control Center and furnish, and install Motorola Digitac Voting Comparators.				
9. Citnalta Construction Corp.	\$286,404.00		<u>Staff Summary Attached</u>	165
Contract #A-36025.9				
Modification to the contract for the rehabilitation of the Wall Street Station on the Lexington Avenue Line in order to reconfigure the south bound fare control area to accommodate 24-hour emergency egress.				
L. <u>Budget Adjustments to Estimated Quantity Contracts</u>				
(Expenditures which are anticipated to exceed the lesser of \$250,000 or \$50,000 in the event such expenditures exceed 15% of the adjusted contract budget, including any contract modifications.)				
10. Hepco Inc.	Original Amount:	\$ 5,000,000.00		
Contract #CM-1298.1	Prior Modifications:	\$ 0		
July 11, 2005 – July 10, 2010	Prior Budgetary Increases:	\$ 0		
	Current Amount:	\$ 5,000,000.00		
	This Request:	\$ 5,000,000.00		
	% of This Request to Current Amount:	100.0%		

This estimated quantity contract is one of six job shop consultant contracts, each for \$5 million, used to provide in-house support during design and construction phases of various projects on an as-needed basis. Many of these projects require highly specialized personnel, including Railroad Signal Specialists, Fiber Optic Network Communication Engineers and Safety/Quality Engineers. Each of the six consultants are asked to submit resumes in response to requests for personnel. However, to date, Hepco Inc. (Hepco) has submitted the largest amount of resumes of qualified personnel and therefore, a significant number of these positions have been filled by them. As a result, Hepco's current task orders have almost reached the authorized spending limit, thereby necessitating an increase to their original award. In contrast, task orders issued for the remaining 5 firms total just under \$10 million combined. Based on the disproportionate use of their services as compared to Hepco, it is not anticipated that the other 5 firms will reach their authorized spending limits by the end of their respective contract terms. The amount requested for this budget adjustment will allow Hepco to continue providing existing support as well as provide funding for the duration of the contract.

SEPTEMBER 2007

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

L. Budget Adjustments to Estimated Quantity Contracts cont'd

11. Northrop Grumman Contract #03I8778A February 18, 2005 - February 17, 2010	Original Amount:	\$ 541,725.00
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 541,725.00
	 This Request:	 \$ 522,451.50
	 % of This Request to Current Amount:	 96.4%

This is an estimated quantity miscellaneous service contract for the physical and chemical testing of various materials – Metals Failure Analysis for the Division of Materiel, Inspection and Testing Unit. Based on the average monthly expenditure for the first five months of 2007, the funding available in the original purchase order will be exhausted within four months. The unforeseen increase in the use of this contract is due to the unanticipated special projects requested by the various user groups. The amount requested for this budget adjustment is expected to cover testing expenses for the duration of the contract, including the option year.

Staff Summary

Item Number 1-3					
Division & Division Head Name: Materiel, Stanley J. Grill					
Division Head Signature & Date <i>Stanley J. Grill</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1	Materiel <i>WD</i>	5	EVP <i>AC NVR</i>	<i>JMP c</i>	
2 X	Law	6	President <i>MP</i>		
3 X	Budget	7			
4 X	CPM	8			

SUMMARY INFORMATION	
Vendor Name	Contract Number
Authorizing Resolution	C-33127/8/9
Description	
IQ Asbestos Abatement of Electrical Manholes	
Total Amount	
\$5,000,000 each	
Contract Term (Including Options, If any)	
3 years	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type	
<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

To request that the Board determine that competitive bidding is impractical or inappropriate and that it is in the public's interest to issue a competitive Request for Proposal, pursuant to subdivision 9(f) of Section 1209 of the Public Authorities Law, for the procurement of up to three contractors for asbestos abatement of electrical manholes system wide. Each contract has an estimated value of \$5 million and a duration of 3 years.

II. DISCUSSION

Capital Program Management/On Call Projects recognizes that asbestos discovered in MTA New York City Transit (NYCT) manholes represents a risk to the health and safety of the general public as well as to NYCT employees. Past experience has shown that it takes significantly longer to find qualified asbestos contractors due to the large number of firms that have had problems that prevent them from being found responsible for award. To avoid this delay, the Board has approved award of recent abatement contracts through the competitive Request for Proposal (RFP) process.

NYC Transit has in place three contracts for Indefinite Quantity Environmental Remediation of Hazardous Materials ranging from asbestos to lead to pigeon droppings. While the environmental remediation contracts address a wide range of environmental concerns, the need to address asbestos abatement of the approximately 8,500 electrical manholes system wide has been of major concern. Manhole abatement during work on major projects results in delays in completion. Further, funding for these contracts is expended faster than initially projected. To help alleviate these problems, CPM requested the solicitation of four indefinite quantity contracts for asbestos abatement limited to manholes to supplement these existing contracts. In March 2005, the Board authorized the award of four contracts solely for abatement of Manholes. However, only three awards could be made due to the lack of qualified contractors that could meet MTA RIM (Risk & Insurance Management) insurance and statutory bonding requirements. The contracts were C-33272, C-33273 and C-33274 for \$5 million each with a duration of 36 months.

Past experience has shown that while numerous firms respond to the RFP, responsibility issues eliminate many firms, while some are eliminated because of pricing concerns and bonding problems. Fewer environmental remediation contracts have been awarded in recent times primarily because of the contractors' inability to secure bonding. This was why the fourth manhole contract could not be awarded. NYCT has since changed its environmental remediation bonding requirements from full value coverage to \$1M at a time. This change in the bonding requirement is expected to broaden the pool of contractors that can perform the work but do not have the financial resources to obtain bonding for the whole project. Contracts awarded under this RFP will replace the existing contracts due to expire in May 2008.

In order to expedite the award process, the following procedure is recommended. Under Step 1 of the process, firms will be solicited by advertisement requesting contractors' qualifications. A Selection Committee will review the firms' submittals and develop a short list of qualified firms based on established criteria, including general responsibility, asbestos abatement experience, licenses, safety and compliance records, financial qualifications, and insurance and bonding capacity. Step 2 of the process will then begin whereby short-listed firms will receive the RFP package containing specifications and terms and conditions. The short-listed firms will be requested to submit proposals in response to the RFP. Selection criteria for Step 2 will include, in addition to those of Step 1, unit prices, staffing, equipment, and project management; as well as other technical aspects covered by each proposer's technical proposal.

NYCT expects to award up to three Indefinite Quantity contracts with three-year durations for an estimated \$5 million each. This will provide NYCT flexibility in assigning work based upon price, contractor staff availability at the time of assignment, and performance on current and prior assignments under these contracts. The intent is to assure that NYCT will be able to respond most rapidly and effectively to asbestos events, while prudently managing these contracts.





III. IMPACT ON FUNDING:

The total estimated funding required for these is \$15M. Funding for these contracts is presently not in place, but will be made available by WAR Certificates chargeable to the particular project for which the abatement will be performed. A WAR Certificate will be obtained prior to award of any Work Order.

IV. ALTERNATIVES:

To solicit firms for indefinite quantity asbestos abatement services by formal competitive bidding (IFB). Not recommended as that process would cause significant delays in qualifying contractors for award to perform this work, as well as cause significant delays in CPM construction projects, thus increasing the cost of construction.

Staff Summary

Item Number 4					
Division & Division Head Name: VP Materiel, Stanley J. Grill					
Division Head Signature & Date					
					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1 X	Law	5	Materiel 		
2 X	Budget	6	Executive VP 		
3 X	Capital Program Mgmt.	7	President 		
4 X	Subways				

SUMMARY INFORMATION	
Vendor Name RFP Authorizing Resolution	Contract Number
Description Rehabilitation and Expansion of the HVAC Shop, 207 th Street Yard, Borough of Manhattan	
Total Amount	
Contract Term (including Options, if any) 25 Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

PURPOSE:

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate, and that, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law, it is in the public interest to issue a competitive Request for Proposal (RFP) for the rehabilitation and expansion of the HVAC Shop located within the 207th Street Yard for NYC Transit (NYCT). This project will be managed by NYCT Capital Program Management (CPM).

DISCUSSION:

The HVAC Shop within the 207th Street Overhaul Shop is a vital component of NYCT's rail car maintenance network. Servicing both 'A' and 'B' Division cars from its location in Manhattan, this facility is capable of performing preventative and corrective maintenance, car systems modifications and replacement, subway car truck overhaul, as well as other functions. The building has not undergone any significant rehabilitation since it first opened in 1932.

This is the first project to be solicited as a result of the re-packaging of Contract C-34725 – 207th Street Overhaul Shop Rehabilitation, Borough of Manhattan, that was let out for bid in 2006. One bid was received, which greatly exceeded the engineer's estimate. NYCT cancelled the procurement and elected to repackage the project into smaller contracts. Each contract would address the most critical needs of the facility.

Approximately 6,700 new technology subway cars have been, and are, in the process of being procured for use on both the 'A' and 'B' Division. These cars utilize new overhead air conditioning units that cannot be serviced in the existing HVAC Shop at the 207th Street Overhaul Shop. In order to meet the increased demand, the HVAC Shop will be rehabilitated and its size increased by approximately 7,800 sq. ft. at the north end to meet the Scheduled Maintenance System (SMS) requirements for the increased fleet size.

Utilizing the RFP process is the best way to solicit this contract. While cost will remain the most important criteria, given the complex nature of this project, it is in the best interest of NYC Transit to be able to consider others factors, such as technical approaches to the work, in order to determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility than would a low bid process to negotiate alternative approaches to the work as well as contract conditions that could potentially result in a lower overall cost for the project while still achieving NYC Transit's requirements.

ALTERNATIVES:

The use of a sealed bid process in which factors other than cost cannot be considered is not recommended as it does not provide a means to evaluate technical matters or to consider or negotiate alternative proposals.

IMPACT ON FUNDING:

This project is funded by the FTA and managed by NYCT under the MTA Capital Program.

DBE/MBE/WBE GOALS:

The goals for the project have not been determined.

RECOMMENDATION:

It is recommended that the Board adopt a resolution that competitive bidding is impractical or inappropriate and that it is in the public interest to use the competitive Request for Proposal process, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law for the rehabilitation and expansion of the HVAC Shop within the 207th Street Yard in the Borough of Manhattan.

Staff Summary

Item Number 5					
Division & Division Head Name: VP Materiel, Stanley J. Grill					
Division Head Signature & Date <i>[Signature]</i> 9-16-07					
or for:					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
X 1	Materiel, CLO	X 3	Law		
2	Materiel, CPO <i>[Signature]</i> 6/5/07	4	EVP <i>[Signature]</i>		
		5	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name HISCO	Contract Number 73003
Description 70-67-2179, Pipe Sealant	
Total Amount \$62,172.00 (est.)	
Contract Term (including Options, if any) October 1, 2007– September 30, 2009	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

To request Board approval for the purchase of NYCT # 70-67-2179, Pipe Sealant to HISCO in the estimated amount of \$62,172.00 pursuant to subdivision 9 (f) of Section 1209 of the Public Authorities Law.

II. DISCUSSION

Initially on November 29, 2000 and again most recently on July 29, 2005 for a three year period, the Board adopted a resolution authorizing the use of competitive Requests for Proposals (RFPs) in lieu of competitive bidding to award contracts for the purchase of certain inventory commodity items through the use of an evaluative formula in order to encourage better on-time delivery performance from NYC Transit's vendor population.

Pursuant to the statutory framework, the utilization of an evaluative formula enables NYC Transit to consider a particular vendor's past on-time delivery performance in addition to considering the proposed price for the commodity item. Vendor delivery performance is tracked on an individual vendor basis through a computerized performance module. This data, expressed as a percentage, is compiled monthly and compares the actual dates of delivery to the contractually required dates. Therefore, vendors earn an "A" through "D" rating for delivery of inventory materials. Vendors are regularly advised of their status.

This procurement process will allow NYC Transit to arrive at the best overall proposal utilizing the combination of the proposer's price and its performance history, reflecting the critical needs of the agency, while providing an incentive for vendors to make the necessary changes in business processes to improve their overall delivery performance. While this approach affords NYC Transit the opportunity to contract with better performing vendors, it is anticipated that the premium, if any, will be insubstantial.

Negotiations were not conducted with any proposers. Solicitations will be awarded based upon the proposers' ranking as determined after the application of the evaluative formula factors.

The Board's authorization provided that if the application of the evaluative formula had no effect on the order of the proposers' ranking, the award would be made to the lowest responsible proposer without seeking further Board approval. However, if the application of the evaluative formula changed the order of the proposers' ranking, resulting in an award recommendation to other than

the lowest priced proposer, then NYC Transit will seek Board authorization to award. The latter circumstance applies to the solicitation for the following commodity:

RFP 73003, NYCT# 70-67-2179, Pipe Sealant, with Teflon, in 50 ml. tubes. This is a thick, off white paste that is used by Car Equipment and Buses throughout the system for lubricating and sealing pipe threads, hydraulic and pneumatic fittings, and fuel, brake, and air conditioning lines. Both Loctite and Permabond are pre-approved manufacturers on the NYCT Qualified Products List. Proposal opening date: 6/26/2007.

This is an award of a twenty-four (24) month estimated quantity contract to be made to HISCO, an "A" rated vendor, in the estimated amount of \$62,172.00, allowing NYCT to bypass one "C" rated vendor, resulting in a difference of \$4,224.00.

The current bid price represents an increase of 27% from the previous procurement dated 07/01/2005 due to increases in the cost of raw materials. HISCO's price has been found to be fair and reasonable based on adequate price competition.

BIDDER	QTY	UNIT PRICE	TOTAL BID PRICE	R G	EVALUATION FACTOR	TOTAL UNIT PRICE ADDITION	TOTAL EVALUATION ADDITION	TOTAL EVALUATED BID PRICE	NEW BID RANKING
Bearing Dist.	13,200	\$ 4.39	\$ 57,948.00		10%	\$ 0.44	\$ 5,794.80	\$ 63,742.80	3
HISCO	13,200	\$ 4.71	\$ 62,172.00	A	0%	\$ -	\$ -	\$ 62,172.00	1
Applied Ind.	13,200	\$ 4.75	\$ 62,700.00	A	0%	\$ -	\$ -	\$ 62,700.00	2
Assemblyonics	13,200	\$ 5.00	\$ 66,000.00	A	0%	\$ -	\$ -	\$ 66,000.00	4
Laird Plastics	13,200	\$ 5.07	\$ 66,924.00	D	10%	\$ 0.76	\$10,038.60	\$ 76,962.60	7
GNP Solutions	13,200	\$ 5.10	\$ 67,320.00	A	0%	\$ -	\$ -	\$ 67,320.00	5
Fastenal	13,200	\$ 5.20	\$ 68,640.00	A	0%	\$ -	\$ -	\$ 68,640.00	6

III D/M/WBE INFORMATION

There are no D/M/WBE goals required for this procurement.

IV IMPACT ON FUNDING

Funds for the procurement of this inventory commodity item are available through NYC Transit's operating budget.

V ALTERNATIVES

Cancel the solicitation and re-solicit using traditional competitive bidding procedures. This is not recommended because it is unlikely that such course of action would result in a more favorable combination of price and on-time delivery performance.

Schedule G: Miscellaneous Service Contracts

Item Number: 6

Vendor Name (& Location) Weeks Marine, Inc. (Cranford, NJ)
Description Removal and Transportation of Obsolete Subway Cars to Artificial Reef Sites
Contract Term (including Options, if any) October 1, 2007 – September 30, 2010
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 checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

Contract Number 06J9542	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	\$6,327,366.00 (Estimate)
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: Division of Materiel, Stanley Grill	

Discussion:

This contract covers the removal, transportation and deployment of approximately 1,662 obsolete NYC Transit subway cars to various artificial reef sites situated in the coastal waters of New York, New Jersey, Delaware, Maryland, Virginia, South Carolina and Georgia and, the purchase, as scrap material, of approximately 3,324 accompanying trucks. The term of the contract is for three years. A Request for Proposal (RFP) was solicited in April, 2007 and only one response, from Weeks Marine (Weeks), was received on 05/02/07. In addition to being advertised, notice of this solicitation was sent to one other vendor - Great Lakes Dredge and Docking Company (Great Lakes). This company was chosen because, like Weeks, it meets the contractual requirement of owning its own equipment for the job. Of the 12 other companies contacted during Procurement's market survey, conducted prior to solicitation, only two (2) expressed interest. However, neither of these companies owned their own equipment and would have to lease. Leasing is not desirable for an ongoing long term project such as this because the Load Line Rated deck barges (the single most critical piece of equipment required for this job) employed to transport the cars to the reef sites are in great demand and very few companies own them. NYC Transit made equipment ownership a requirement because NYC Transit needs to have exclusivity between itself and the Contractor in order to ensure that the removal schedule is not interrupted by the lack of available equipment. While Great Lakes possesses all of the equipment necessary, its senior management advised that it could not participate in this RFP based on existing project commitments. Weeks will discharge the cars into the water, allowing them to sink to the bottom at the state's officially permitted offshore reef site(s) in order to form new reefs or add structure to already existing artificial reefs. Disposing of the cars in this manner helps to increase fish stock, since the cars will be transformed into habitat for marine life, once underwater. In addition to the environmental benefit, disposing of NYC Transit's obsolete subway cars in this manner will enable NYC Transit to save an estimated \$24.78 million in asbestos abatement and associated expenses that would be required if the cars were sold as scrap metal, as was the practice prior to NYC Transit's investigation and discovery that using obsolete subway cars as artificial reef building material is a more economic, environmentally friendly disposal alternative than abating and scrapping them. Week's price of \$6,327,366.00 is 4.1% lower than the in-house estimate of \$6,599,210.00. A price comparison with the last contract is not meaningful because of the many variables that contributed to price changes since that contract was awarded in 2002. However, a comparison of the price of an average load of 42 cars to Delaware from the prior contract with an average load to the same destination for this contract shows a 15.7% increase, which is in line with the CPI for labor (12.6%) and the labor PPI for marine cargo handling (14.2%) The price offered is deemed fair and reasonable. Weeks has performed satisfactorily on the prior NYC Transit contract for this service.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 7-8

Vendor Name (& Location) E.A. Technologies/Petrocelli, LLC (JV) (Hauppauge, NY)	
Description Radio Base Station for Upgrading into NYC Transit Fiber Optic Network System	
Contract Term (including Options, if any) December 31, 1997 - November 30, 2006	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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: Capital Program Management, Connie Crawford	

Contract Number W-34503	AWO/Modification # 37 and 45
Original Amount:	\$ 5,116,300.00
Prior Modifications:	\$ 11,692,585.00
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 16,808,885.00
This Request:	\$ 1,430,000.00
% of This Request to Current Amount:	8.5%
% of Modifications (including This Request) to Original Amount:	256.5%

Discussion:

This contract is for upgrading Rapid Transit Operations radio base stations circuits from copper telephone lines to the NYC Transit fiber optic network. As originally awarded in 1997, this contract was also to upgrade the radio consoles at the Jay Street Command Center from old electro-mechanical to new touch screen design in order to make Jay Street a back-up to the new Rail Control Center (RCC). Later, the decision was made to vacate Jay Street. In October 2005, the Board approved a \$7M modification to make Livingston Plaza the RCC back-up and the substantial completion date was extended to November 30, 2006. Contract completion has been delayed by other work, including the need to provide revised radio switching systems, as referenced in AWO # 45 below. A separate modification will be negotiated to extend the contract completion date.

AWO # 37 Radio System Upgrade - \$1,170,000

The RCC building is shielded from electro-magnetic emissions and interference, so NYPD and FDNY handheld or portable radios cannot work in the building. This modification will provide the roof top antennas, building wiring, and radio-based communications consoles needed to bring NYPD and FDNY radio systems into the RCC, allowing NYPD and FDNY to communicate from the RCC over their own radio systems during an emergency that affects NYC Transit passengers. FDNY consoles will be in the RCC theater. NYPD consoles will be in a separate room; NYPD will outfit that room at their own cost. This modification is funded from the RCC project budget. The contractor's proposal was \$1,338,202; CPM's estimate was \$1,120,000. A lump sum price of \$1,170,000 was negotiated and has been found to be fair and reasonable.

AWO # 45 Digitac Voting Comparators - \$260,000

In December 2006, the Board approved a \$1.6M modification to purchase Motorola matrix switches at Livingston Plaza, to replace the original RTO radio communications switches located at East New York, which were shown under testing to be inadequate for the increased radio traffic at the new RTO command center RCC. The Board was advised that installation of the Motorola matrix switch and associated equipment would be covered under a separate modification; it is presently being negotiated. Recently it was determined that, in order to eliminate the interference of multiple out-of-phase audio signals from the outdoor base stations, a "voting comparator system" is required. Under this retroactive modification, the contractor will furnish and install Motorola Digitac voting comparators at the Livingston Plaza back-up command center. A voting comparator is digital equipment that takes audio line inputs from outdoor base stations, compares the input levels of the audio signals received, then selects or "votes" the best audio output signal to be processed by the communications matrix switch. As such, the comparators are needed for factory testing of Motorola matrix switches. Accordingly, on August 15, 2007, the SVP and Chief Engineer approved a retroactive waiver, allowing the factory acceptance testing to proceed this October; otherwise, the next available date for factory testing would have been January 2008. The contractor's proposal of \$285,070.96 includes furnishing and installation of 9 Digitac Motorola Voting Comparators; CPM's estimate was \$242,000. A final lump sum of \$260,000.00 was agreed upon and has been found to be fair and reasonable.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 9

Vendor Name (& Location) Citnalta Construction Corp. (Bohemia, NY)	
Description Normal Replacement of the Wall Street Station on the Lexington Avenue Line	
Contract Term (including Options, if any) December 28, 2005 – May 27, 2009	
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Connie Crawford	

Contract Number	AWO/Modification #
A-36023	9
Original Amount:	\$ 20,066,120.00
Prior Modifications:	\$ 1,691,951.00
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 21,757,171.00
This Request:	\$ 286,404.00
% of This Request to Current Amount:	1.3%
% of Modifications (including This Request) to Original Amount:	9.9%

Discussion:

This contract is for the rehabilitation of the Wall Street Station and includes reconstruction of platform edges, rehabilitation of street and platform stairs, upgrading communication systems and the restoration of historic elements such as stair canopies, mosaic tiles and glass tiles. Post contract award, new safety procedures were implemented for fare control areas that are not open 24/7, to ensure better emergency egress. This affects the southbound platform of this station, which will be staffed part-time. This station is on the National Register of Historic Places. After coordination with the State Historic Preservation Office, the southbound fare control area was re-designed to incorporate historic low railings, together with emergency egress gates, panic bars and extra HEET's, as well as electric power and communications lines necessary to operate them. The contractor submitted a cost proposal of \$486,990; CPM's estimate for the project was \$302,000. A lump sum price of \$286,404 was negotiated and has been found to be fair and reasonable.

SEPTEMBER 2007

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

D. Ratification of Completed Procurement Actions

(Staff Summaries required for Items requiring Board approval.) Note – in the following solicitations, NYC Transit attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

- | | | | <u>Page</u> |
|-----------------------------------------------------------------------------------------------|-------------------|-------------------------------|-------------|
| 1. Accunet Solutions, Inc. | \$24,768.00 (NTE) | <u>Staff Summary Attached</u> | 169 |
| Immediate Operating Need | | | |
| Req. #U-A260312 | | | |
| Furnish and deliver two Resilience Ndurant Express 30 appliances with three years of support. | | | |

Procurements Requiring Majority Vote:

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

(Staff Summaries required for Items requiring Board approval.)

- | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------|-----|
| 2. Dellorso, Goutos and Olshanetskiy | \$5,584,697.00 (Est.) | <u>Staff Summary Attached</u> | 170 |
| Physicians, PC d/b/a Airport Medical | | | |
| Offices at JFK | | | |
| Contract #'s 05F9234G1/G2 | | | |
| To conduct eligibility assessments for applicants of paratransit and appeals assessments for Reduced-Fare MetroCard in Queens. | | | |
| 3. Ambiron TrustWave, Inc. | \$124,680.00 (NTE) | <u>Staff Summary Attached</u> | 171 |
| Contract #CMM-1524 | | | |
| To provide on-site Payment Card Industry Data Security Standard compliance validation and vulnerability assessment services. | | | |
| 4. The Mechanical Secretary | \$24,009.00 | <u>Staff Summary Attached</u> | 172 |
| P0 #00799982.1 | | | |
| Audio transcription services. | | | |
| 5. Sun Microsystems, Inc. | \$61,496.00 (NTE) | <u>Staff Summary Attached</u> | 173 |
| Req. #U-A260308 | | | |
| Provide maintenance and support for Sun hardware. | | | |
| 6. Lehigh Safety Shoe Co. | \$808,323.31 (Est.) | <u>Staff Summary Attached</u> | 174 |
| Contract #02K8571.4 | | | |
| Modification to the contract to furnish fit and deliver safety shoes in order to extend the contract term by one year and add nine styles of soft-toe work shoes for bus operators. | | | |
| 7. Simpson & Brown Inc. | \$226,814.82 (Est.) | <u>Staff Summary Attached</u> | 175 |
| Contract #02H8518.3 | | | |
| Modification to the contract to provide marine assistance on a one time basis, to the Track Operations Department in order to replace track panels on the Rockaway Bridges, in Queens. | | | |

SEPTEMBER 2007

LIST OF RATIFICATIONS FOR BOARD APPROVAL

<u>K. Ratification of Completed Procurement Actions (Involving Schedule E-D) cont'd</u>				<u>Page</u>
8. HKC, LLC	\$191,415.00 (NTE)	<i>Staff Summary Attached</i>		176
Contract #CM-1269.4 Modification to the contract for the Independent Safety Assessor for the Bergen Street Solid Interlocking in order to extend the contract term by seven months to complete the Site Acceptance Test.				
9. ARINC	\$530,000.00	<i>Staff Summary Attached</i>		177
Contract #W-32662.12 Modification to the contract for the PA/CIS Phase I upgrade at 24 passenger stations, Canarsie Line, in order to expand Automated Train Service Messaging.				
10. Railworks Transit, Inc.	\$735,000.00	<i>Staff Summary Attached</i>		178
Contract #C-34767.21 Modification to the contract for the rehabilitation of the Ocean Parkway Viaduct Brighton Line in Brooklyn in order to add platform rehabilitation at the Southbound and Northbound Tracks.				
11. Judlau Contracting Inc.	\$1,390,000.00	<i>Staff Summary Attached</i>		179
Contract #C-34574.305 Modification to the contract for the structural rehabilitation of the White Plains Road Line in order to make concrete façade repairs between bents 102 and 111 at the Pelham Parkway Station.				

Schedule D: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) Accunet Solutions, Inc. (Morristown, NJ)	
Description Furnish and Deliver Two Resilience Ndurant Express 30 Appliances	
Contract Term (Including Options, if any) Three-year contract	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
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: Immediate Operating Need	

Contract Number U-A260312	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$24,768.00 (Not-to-Exceed)
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: Technology and Information Services, James Fowler	

Discussion:

It is requested that the Board formally ratify the declaration of an immediate operating need (ION) made by the Vice President, Materiel, waiving formal competitive bidding pursuant to Public Authorities Law §1209 subdivision 9(a) and Article III of the All Agency Procurement Guidelines, and approve award to Accunet Solutions, Inc. (Accunet) to furnish and deliver 2 Resilience Ndurant Express 30 appliances (appliances) plus three years of support. NYC Transit's Division of Technology and Information Systems (TIS) operates two computer rooms in the Rail Control Center (RCC). These two rooms, the East and West Rooms (ER and WR respectively) each contain a set of Resilience Ndurant NE30 firewalls that provide redundant connectivity to NYC Transit's wide area network for three critical systems: the Communication Based Train Control System, the Automated Train Supervision System for the "A" division, and the Penta Train Radio Communication System (Penta). Redundancy is built on the assumption that both firewalls in each set (one firewall in ER and one in WR for each application, three sets for a total of six) are always active. On June 12, 2007, one firewall for the Penta system had a hardware failure. The expected delivery date for the replacement unit was June 14, 2007, until which time there would be only one active firewall and no backup unit. However, on June 12, 2007, prior to delivery of the replacement, all communications through the Penta system stopped, resulting in a loss of communication between the dispatchers and trains and the emergency activation of the secondary Command Center at Jay Street. This hardware failure demonstrated the need to maintain backups in stock for this critical equipment. Therefore, TIS declared an immediate operating need for the purchase of 2 appliances to be stored as backup spares and used to replace any of the six Resilience Ndurant NE30 firewalls in the event of failure. Accunet's price of \$24,768 was 35% below the list price and found to be fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions

Item Number: 2

Vendor Name (& Location) Dellorso, Goutos and Olshanskiy Physicians, PC d/b/a Airport Medical Offices at JFK (Queens, NY)
Description Conduct Eligibility Assessments for Paratransit Applicants and Appeals Assessments for Reduced Fare MetroCard in Queens
Contract Term (including Options, if any) September 7, 2007 – September 6, 2012
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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: Immediate Operating Need

Contract Number 05F9234G1/G2	AWO/Modification #
Renewal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	\$5,584,897.00 (Estimate)
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: Division of Paratransit, Thomas Charles	

Discussion:

NYC Transit's Paratransit Eligibility Determination Unit and the Corporate Communications/Customer Relations Division both manage a certification program for eligibility of Paratransit transportation service and Reduced-Fare MetroCard, respectively. Certifier Centers are located in each borough and assist NYC Transit in the determination of applicant eligibility. It is requested that the Board ratify the Immediate Operating Need (ION) and memorialize the award of Contract Nos. 05F9234G1 in the estimated amount of \$5,574,311.00 and 05F9234G2 in the estimated amount of \$10,386.00 to Dellorso, Goutos and Olshanskiy Physicians, PC d/b/a Airport Medical Offices (Airport Medical) as the Certifier Center for Queens. As a result of a Request for Proposal (RFP) solicited in 2006, and subsequent to January 2007 Board approval, new certifier service contracts were awarded on March 7, 2007, for a term of five years. Each borough was awarded its own Certifier Center. The borough of Queens is responsible for the second largest applicant/customer percentage and this contract was initially awarded to the incumbent, Kennedy Medical Offices (Kennedy), as their performance had been satisfactory. While under the prior contract, Kennedy operated out of a facility at JFK Airport, this location proved to be inconvenient to customers, who had difficulty finding the office within the airport complex. Therefore, under the new contract, Kennedy proposed relocating to central Queens, which was deemed more advantageous to NYC Transit. However, subsequent to the award of the new contracts, Kennedy became increasingly deficient in its work performance regarding facility mobilization, staffing requirements, serious start-up delays for the proposed new facility and failure to submit required reports within the time frame established in the contract. After many attempts to resolve these issues, Paratransit sent a final letter to Kennedy requesting an action plan to correct its deficiencies. Kennedy's response did not acceptably address the deficiencies in their performance. Procurement took a proactive approach and conducted an outreach to companies who initially proposed on the borough of Queens, and confirmed interest by Airport Medical, which, except for the previously proposed facility locations on airport property, was a qualified company. NYC Transit advised during the outreach that a facility located on airport property was undesirable, so Airport Medical proposed a dedicated, central-Queens location. Paratransit initiated an ION on May 22, 2007 (which was approved by the Vice President of Material on May 31, 2007) requesting a replacement contract for certifier services in the borough of Queens, due to Kennedy's poor performance. Use of the ION was dependent on whether Kennedy would provide an acceptable action plan to NYC Transit. As discussed above, since Kennedy did not provide an acceptable action plan, on June 14, 2007, it was agreed that Kennedy's contracts would be terminated. Kennedy agreed that in exchange for NYC Transit's not utilizing its right to terminate the contract for cause, which would have terminated the contract immediately, it would provide continued assessment services until a new contract could be put in place with a different contractor. Kennedy's contract would be terminated for convenience effective close of business September 6, 2007. This agreement to terminate for convenience would only be valid provided that Kennedy continued to perform the work until Airport Medical was up and running as the replacement contractor, effective September 7, 2007. Recent discussions and visits to Airport Medical's facility have confirmed their ability to meet the on-time start date. Although Airport Medical's pricing (\$68.00 per functional assessment) was ultimately higher than Kennedy's by an estimated 17%, its final pricing is within the competitive range of all other Certifier Centers recently awarded (ranging from \$52.00 to \$73.00 per functional assessment), and was therefore found to be fair and reasonable. Procurement achieved savings of approximately 6% within Airport Medical's proposal from its initial pricing to its BAFO pricing.

Schedule K: Ratification of Completed Procurement Actions

Item Number: 3

Vendor Name (& Location) Ambiron TrustWave, Inc. (Chicago, IL)	
Description Provide On-Site Payment Card Industry Data Security Standard Compliance Validation and Vulnerability Assessment Services	
Contract Term (including Options, if any) July 27, 2007 – July 26, 2009	
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 type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Request for quote	

Contract Number CMM-1524	AWO/Modification #
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$124,680.00 (Not-to Exceed)
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: AFC Program Management and Sales Operations, Steven Frazzini	

Discussion:

This contract is to provide on-site Payment Card Industry Data Security Standard (PCI DSS) compliance validation and vulnerability assessment services by a Qualified Security Assessor (QSA). The PCI DSS, created in 2005 by the major payment card companies, represents a unified and comprehensive security standard that governs the safekeeping of card holder and other sensitive information as it is processed, stored, and transmitted within the merchant environment. The PCI DSS is divided into multiple merchant levels with different audit requirements. As a Level 1 merchant, NYC Transit must have an on-site review to determine compliance with the PCI DSS. The final Report on Compliance (ROC) must be completed by September 30, 2007, otherwise, NYC Transit may be subject to fines until the final ROC is completed. Although MTA Audit Services (AS) began the PCI DSS validation process, it was determined that AS lacked the resources and certification or credentials to perform the compliance validation. To avoid potential fines, an accelerated competitive procurement process was utilized. A Request for Quote (RFQ) was issued to three prescreened QSAs trained and certified by the PCI Security Standards Council. On June 29, 2007, proposals were received from three firms. The Selection Committee reviewed the written technical proposals, and in conformance with the evaluation criteria, which included technical qualifications, resource availability and cost, recommended Ambiron TrustWave, Inc. (ATW). Although all three firms were qualified to perform the work, ATW offered the lowest price of the three firms, and had the resources available to meet NYC Transit's timeline. The price proposal submitted by ATW was 37% lower than the second low proposal. The total cost of the base services is \$64,680, which includes \$36,000 for the one year assessment and gap analysis, \$13,680 for 2 years of vulnerability scanning, \$8,000 for travel and per diem, and a contingency of \$7,000 for any unforeseen issues which may require additional work to meet the deadline. The contract includes an option for second year validation services for \$36,000; this is included as an option as it is currently unknown if these services will be required after the first year. The contract also includes an option for Policy and Procedure Services, which are consulting services to assist in the development of Information Security Policy and Procedures that address the relevant card association requirements in the amount of \$24,000. The total option amount is \$60,000 and the total not-to-exceed contract amount is \$124,680. Based on the receipt of competitive quotes and the above price comparison, ATW's cost proposal was found to be fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions

Item Number: 4

Vendor Name (& Location) The Mechanical Secretary (Forest Hills, NY)	
Description Audio Transcription Services	
Contract Term (including Options, if any) October 1, 2006 – March 31, 2007	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
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: Modification	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Department of Law, Martin Schnabel	

Contract Number	AWO/Modification #
P0600799982	1
Original Amount:	\$ 24,999.00
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 24,999.00
This Request:	\$ 24,009.00
% of This Request to Current Amount:	96.0%

Discussion:

This contract is for audio cassette transcription services to record preliminary hearings for NYC Transit's Department of Law, Torts Division. This retroactive amendment to the associated purchase order is required to satisfy the balance owed to the contractor for work performed in the interim period before the successor contract was awarded. The previous contract, Contract No. 99J7654, was awarded pursuant to the New York Office of General Services (OGS) Contract No. PS56116, which expired October 31, 2006. OGS did not award a replacement contract until January 24, 2007. To avoid a break in service, NYC Transit issued an interim purchase order for the period October 1, 2006 through March 31, 2007. Due to an unanticipated increase in normal usage by the Torts Division, and the late award of the OGS contract, the interim purchase order amount was exceeded by \$24,009. This retroactive amendment will add the required funds to the interim purchase order. While the rates secured for the 6 month interim contract were higher than those negotiated in the OGS contract, due to the short term and NYC Transit's need to avoid a break in service, the rates were deemed acceptable. Subsequently, NYC Transit has awarded a new contract utilizing the rates under the current OGS contract.

Schedule K: Ratification of Completed Procurement Actions

Item Number: 5

Vendor Name (& Location) Sun Microsystems Inc.
Description Provide Maintenance and Support for Sun Hardware
Contract Term (Including Options, if any) September 1, 2007 – August 31, 2010
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
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: Retroactive

Contract Number U-A260308	AWO/Modification #
Renewal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	\$61,496.00 (Not-to Exceed)
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: Technology and Information Services, James Fowler	

Discussion:

This contract is for continued hardware support for 12 Sun workstations, 22 servers and 3 storage devices (equipment) which provide a vital security barrier for NYC Transit's Enterprise Network. This Enterprise Network provides interagency communication between NYC Transit, MTA HQ, Metro-North Railroad, Long Island Railroad, Bridges and Tunnels and other constituent agencies. The equipment also supports electronic bidding for the Division of Materiel, the debit clearance of automated fare collections by JP Morgan Chase for MetroCard Retail Sales, the EasyPay Mail and Ride program and Human Resources' pension and medical information for retired NYC Transit employees; as well as the Division of Rapid Transit Operations' Subway Train and Traffic Information Systems application (STATIS). To obtain these services, NYC Transit utilized the New York State Office of General Services (OGS) sole source contract, awarded to Sun Microsystems, Inc. (Sun). Sun is the exclusive provider of sales and service and does not have any authorized resellers. As there was insufficient time to finalize the scope and discount schedule with Sun prior to the July Board meeting and the contract expired on August 31, this contract was awarded retroactively to prevent any interruption in the support and maintenance of NYC Transit's Enterprise Network. Sun's total price of \$61,496 for a three-year miscellaneous service contract reflects multiple discounts which total approximately 58% off Sun's list price and is based on the pricing structure of the existing OGS contract. Based on the above, Sun's price was found to be fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions

Item Number: 6

Vendor Name (& Location) Lehigh Safety Shoe Co. (Nelsonville, OH)	
Description Furnish Fit and Deliver Safety Shoes	
Contract Term (Including Options, if any) September 1, 2004 – August 31, 2007	
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 type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
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: Division of Materiel, Stanley Grill	

Contract Number 02K8571	AWO/Modification # 4
Original Amount:	\$ 2,996,561.00
Prior Modifications:	\$ 91,555.00
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 3,088,116.00
This Request:	\$ 808,323.31
% of This Request to Current Amount:	26.2%
% of Modifications (Including This Request) to Original Amount:	30.0%

Discussion:

Under the contract, Lehigh Safety Shoe Company (Lehigh) provides NYC Transit with safety shoes. Work shoes have been provided under a separate contract with Iron Age. Iron Age declared bankruptcy and ceased providing work shoes. NYC Transit determined that the best manner to continue to provide the required work shoes for NYC Transit's bus operators while a new five year contract is solicited and awarded would be to add work shoes to Lehigh's safety shoe contract. This retroactive modification adds 9 soft-toe work shoe styles for NYC Transit bus operators beginning June 15, 2007 through September 31, 2008. While the safety shoe contract with Lehigh included an option to extend the contract by one year, NYC Transit chose not to exercise the option due to numerous employee complaints regarding the comfort of the safety shoes. However, until a new safety shoe contract is awarded, distribution of safety shoes is still required. This Modification will continue to provide safety shoes while a new contract is awarded and will provide work shoes to NYC Transit bus operators. Under this modification, the extension period for safety shoes is six months followed by two three-month options, which will allow for more flexibility in transitioning from the current safety shoe contract to the new contract. Lehigh agreed to maintain the contract's option year pricing for safety shoes which is 5 to 7% lower than the base contract pricing and submitted pricing for work shoes that is the same as its bid for contract no. 05K9312, where Lehigh was the second low bidder. Lehigh submitted a final proposal in the amount of \$808,323.31, which, based on the fact that pricing was obtained in a competitive marketplace, was found to be fair and reasonable. No additional funds are required for this modification. We are requesting Board approval due to the addition of work shoes, which constitutes a change in contract scope.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 7

Vendor Name (& Location)	
Simpson & Brown, Inc. (Cranford, NJ)	
Description	
Provide Marine Assistance to the Track Operations Department	
Contract Term (including Options, if any)	
March 16, 2003 – December 31, 2007	
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 type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Capital	
Reimbursable	
Division of Materiel, Stanley Grill	

Contract Number	AWO/Modification #
02H8518	3
Original Amount: \$ 869,595.00	
Prior Modifications: \$ 0	
Prior Budgetary Increases: \$ 0	
Current Amount: \$ 869,595.00	
This Request: \$ 226,814.82 (Estimate)	
% of This Request to Current Amount: 26.1%	

Discussion:

Under this contract, Simpson and Brown (S&B) will provide all labor and equipment necessary to repair damages to the pivot pier fender, pier fenders, pile dolphins and underwater truss style fenders and their anchoring assemblies at the Beach and North Channel Bridges on the Rockaway (A) line in Queens. Under this retroactive modification, S&B will provide marine assistance in connection with the replacement of subway tracks on the Rockaway bridges. The contractor will be required to supply tug boats, barges and cranes beneath the bridge to take down and dispose of the scrap track panels and ballast that have been removed by Track Department from the old subway tracks, thereby expediting the installation of the new ones. This marine assistance work is being performed retroactively in order to meet the project schedule (the weekends of September 14 and 21, 2007) and reduce the impact of the service disruptions to the riding public. Although ideally the means and methods of utilizing the barges and cranes would have been determined earlier and included in the Track Department's original scope of work, such means and methods were not finalized until July. Therefore, in order to meet the scheduled GOs in September, this contractor was engaged retroactively. Another firm was solicited for this work but declined to quote citing its inability to perform the work in the short time span required. S&B submitted a proposal of \$227,265. Negotiations were held, and S&B's revised price of \$226,814.82 was found to be fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions

Item Number: 8

Vendor Name (& Location) HKC, LLC (Warrenton, VA)	
Description Independent Safety Assessor for the Bergen Street Solid State Interlocking	
Contract Term (Including Options, if any) August 6, 2004 – April 1, 2007	
Option(s) included in Total Amount? <input 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 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: Capital Program Management, Connie Crawford	

Contract Number CM-1269	AWO/Modification # 6
Original Amount:	\$ 436,252.00
Prior Modifications:	\$ 581,203.00
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 1,017,455.00
This Request:	\$ 191,415.00
% of This Request to Current Amount:	18.8%
% of Modifications (including This Request) to Original Amount:	177.1%

Discussion:

It is requested that the Board approve additional funding and extend the contract term by seven months from April 1, 2007 to October 31, 2007. HKC, LLC (HKC) is the Independent Safety Assessor (ISA) for the Solid State Interlocking (SSI) project at Bergen Street for the F and G lines between Bergen and Jay Streets. The SSI project has been delayed due to numerous changes to the hardware and software platforms to make the system compliant with NYC Transit requirements. SSI is now scheduled to be substantially complete by October 31, 2007. The ISA provides an independent review of all system safety activities of the contractor and NYC Transit during design, installation, testing and commissioning of the SSI. Through previous modifications the HKC contract has been extended from June 5, 2005 to April 1, 2007. It needs to be further extended 7 months to meet the SSI schedule. Funds were exhausted in April 2007, but the consultant was directed by CPM to continue working because of the critical nature of the work. Additional funds are required to pay HKC for services rendered and enable HKC to support the project during this extension period. CPM's estimate for the work was \$190,337. HKC submitted a proposal of \$191,415 for the 7-month time extension. Although the labor rates, overhead and fixed fee are unchanged from the original contract, the rolled up rates for the 7-month extension are 3.9% higher than the base contract due to more extensive involvement of senior staff.

Schedule K: Ratification of Completed Procurement Actions

Item Number: **9**

Vendor Name (& Location) ARINC (Annapolis, MD)	
Description PA/CIS Phase I Upgrade at 24 Stations, Canarsie Line	
Contract Term (Including Options, if any) April 4, 2003 – August 3, 2005	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
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: 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: Capital Program Management, Connie Crawford	

Contract Number W-32662	AWO/Modification # 12
Original Amount:	\$ 6,488,460.00
Prior Modifications:	\$ 575,363.50
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 7,063,823.50
This Request:	\$ 530,000.00
% of This Request to Current Amount:	7.5%
% of Modifications (Including This Request) to Original Amount:	17.0%

Discussion:

This contract is to extend Phase 1 of the Public Address/Customer Information System (PA/CIS) capabilities to all remaining Canarsie Line stations that are not already so equipped and to upgrade the existing Canarsie equipped stations. Due to lack of power and space, only 14 of the 28 Canarsie Line stations were provided with PA/CIS under the PA/CIS Phase I contract awarded to L.K. Comstock in 1994. Subsequently, the Canarsie Line was chosen as the pilot line for CBTC. Therefore, it was necessary to provide PA/CIS in the remaining stations. To minimize cost, it was decided to re-use the existing PA/CIS Phase I system as much as possible. The existing system, which L.K. Comstock furnished and installed, was actually designed and manufactured by Innovative Electronic Designs, Inc. (IED). In the late 1990's, when the need to centralize PA/CIS was identified, NYC Transit started technical discussions with IED in anticipation of a "wrap-up" contract which would change the existing PA/CIS system to a centralized architecture. IED recognized it could not effect that change unaided, so it began a relationship with ARINC in 1999 to support that effort. ARINC and IED developed a joint solution to centralization problems and demonstrated it at APTA and ITS trade shows and proposed it to other transit properties. Accordingly, in February 2003, the Board approved award of the subject contract, under which PA/CIS Phase I capabilities are being extended to the remaining Canarsie Line stations, while upgrading the existing Canarsie Phase I stations. ARINC is the prime contractor and IED the subcontractor, because ARINC is the larger firm and the technological leader. The contract is nearly complete. In August 2006, however, Revised Automated Announcement Rules (AAR) were issued. Under this retroactive AWO, the contractor will develop, furnish, install and field test PA/CIS application software that implements the requirements specified in the revised AAR to change the announcement of arriving trains from a "scheduled arrival time" to a "countdown", advising customers of the next arriving train. This requires software re-engineering, which took some months to specify and negotiate. The contractor will also develop a CBTC ATS to PA/CIS simulator capable of supporting all necessary factory tests and complying with CBTC ATS to PA/CIS interface requirements specification. On August 30, 2006, the Senior Vice President and Chief Engineer signed a retroactive waiver and the contractor was directed to proceed to mitigate the impact on the project schedule. The contractor proceeded with software engineering and proposal preparation, in parallel. In February 2007, ARINC submitted a cost proposal in the amount of \$916,039. NYC Transit's estimate was \$383,000, later revised to \$505,000, as software was developed, tested, and refined between February and June 2007. Negotiations concluded in late June, but not in time for approval by the July Board, and a net lump sum price of \$530,000 was agreed upon and found to be fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 10

Vendor Name (& Location) Railworks Transit, Inc. (East Farmingdale, NY)	
Description Rehabilitation of the Ocean Parkway Viaduct, (Phase I), Brighton Line, "B" Division	
Contract Term (including Options, if any) May 30, 2006 – February 20, 2008	
Option(s) Included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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: Retroactive
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Capital Program Management, Connie Crawford	

Contract Number C-34767	AWO/Modification # 21
Original Amount:	\$ 10,298,000.00
Prior Modifications:	\$ 776,573.00
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 11,074,573.00
This Request:	\$ 735,000.00
% of This Request to Current Amount:	6.6%
% of Modifications (including This Request) to Original Amount:	14.7%

Discussion:

This contract is for the rehabilitation of the Ocean Parkway Viaduct, Brighton Line. The work includes track work, signal work, interior viaduct work, waterproofing, thru-span work and drainage work. This retroactive modification is to remove and replace the existing concrete surface, tactile warning strip and rubbing board for the rehabilitation of the platforms at Tracks A1, A3 and A4. This AWO #21 is a follow up to AWO #18, approved by the Board in April 2007, which was for the rehabilitation of the platform for Northbound Local Track A2. The track profile was designed in-house to ensure acceptable gaps between the rehabilitated track and the existing platforms, and constructed accordingly. However, when the southbound local track was being returned to service, some vertical gaps were determined to be too large. A temporary, plywood fix was made to that platform side, under a \$12,000 modification, to allow the southbound local track to return to service. This AWO #21 is being processed for the rehabilitation of the remaining platforms for Track A3 (Southbound Middle) and A4 (Northbound Middle) at the same time during the current continuous diversions. Then work will start on the platform for Track A1 (Southbound Outside) after Tracks A3 and A4 are complete. The work will be performed retroactively to take advantage of current diversions and prevent further delay to the project. Based on a scope of work dated June 21 and 28, 2007, the contractor submitted a proposal of \$1,174,743 with a time extension of 29 calendar days (21 work days), impactable and \$50,088 in impact costs, compared to NYC Transit's Cost Estimate of \$779,000, which was negotiated down to \$735,000 with a 21 work day, impactable, time extension. The impact cost proposal is being reviewed by NYC Transit Law Dept. and CPM to determine the allowable amount, which will be covered by a separate AWO. In a memorandum dated August 17, 2007, the Senior Vice President and Chief Engineer, CPM approved a retroactive waiver and on August 20, 2007, the contractor was directed to proceed to take advantage of train diversions currently in place until January 21 2008, thereby mitigating delay to the project. The revised Substantial Completion date of February 20, 2008 is being extended under this AWO to March 20, 2008.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 11

Vendor Name (& Location) Judlau Contracting, Inc. (College Point, NY)	
Description White Plains Road Line Comprehensive Rehabilitation Project, Bronx Park East to 241st Street Station and 239 th Street	
Contract Term (Including Options, if any) December 12, 2002 – April 30, 2007	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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: Capital Program Management, Connie Crawford	

Contract Number	AWO/Modification #
C-34574	305
Original Amount:	\$ 192,763,557.00
Prior Modifications:	\$ 15,097,133.68
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 207,860,690.68
This Request:	\$ 1,390,000.00
% of This Request to Current Amount:	.7%
% of Modifications (including This Request) to Original Amount:	8.6%

Discussion:

This contract includes the structural rehabilitation of the White Plains Road elevated line from the south end of Bronx Park East to 241st Street Station, the rehabilitation of ten stations and ADA compliance at three stations. The contract calls for the repair of concrete façades. The typical concrete repair details indicated in the contract do not address the poor condition of the existing concrete walls. It was determined that the façades were beyond repair and complete replacement is necessary at two stations, Bronx Park East and Pelham Parkway. For the Bronx Park East Station, structural and cement work was provided under AWO# 316 for \$430K, which the Board approved in June 2007, and a Kimes protective coating system was provided under AWO# 348 for \$245K. For the Pelham Parkway Station, under AWO# 260 a credit of \$320K was taken, under AWO# 292 for \$520K, which the Board approved in October 2006, the replacement of the parapet wall at the south mezzanine was provided, and under several small AWOs, minor repairs were performed, totaling approximately \$75K. The subject retroactive AWO# 305 concludes the concrete façade repairs needed for the Pelham Parkway Station. Under this change order, large segments of the concrete façade are being removed and replaced with new concrete. The contractor could not perform this work during the cold weather season, consequently the work was scheduled to take place early spring 2007, at which time the contract was scheduled to be completed. Substantial completion was, in fact, declared on April 30, 2007. In order to prevent delay to final completion, on May 24, 2007, the SVP and Chief Engineer approved a retroactive waiver and the contractor was instructed to proceed. The station is in passenger use. This work is ongoing and is scheduled for completion by September 30, 2007. The contractor submitted a proposal in the amount of \$1,625,241. CPM's revised estimate was in the amount of \$1,389,000 from the original amount of \$1,200,000. The revised estimate includes the extra cost for barricades, scaffolding and as built drawings. Negotiation yielded an agreement in the lump sum amount of \$1,390,000 which was found to be fair and reasonable.

Subject MTA Bus Company Drug and Alcohol Policy Statement
Department Legal
Department Head Helene Fromm, General Counsel
Project Manager Tony Cipollone, Chief Risk Management Officer

Date August 24, 2007
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	MTA Bus Comm.	9/24/07	X		
2	Safety & Secur. Comm.	9/24/07	X		
3	Board	9/26/07	X		

Internal Approvals			
Order	Approval	Order	Approval
1	MTA Bus Legal		
2	President, MTA Bus		
3	Chief of Staff		
4	Executive Director		

PURPOSE

To obtain Board approval of the MTA Bus Company Drug and Alcohol Policy Statement. The policy includes a Federal Transit Administration ("FTA") program and a non-federal program. The FTA program covers MTA Bus Company ("MTA Bus") employees who perform safety-sensitive functions. The non-federal program applies to all MTA Bus employees. The FTA reviewed and approved the federally mandated component of the Policy in the course of an audit of MTA Bus's FTA-mandated drug and alcohol testing program.

DISCUSSION

The FTA drug and alcohol regulations require each employer subject to the regulations to develop and disseminate a policy statement describing its anti-drug and alcohol misuse program consistent with 49 C.F.R. Part 655. These regulations also require that the local governing board of the employer adopt the policy statement. MTA Bus prepared a draft of the MTA Bus Company Drug and Alcohol Policy Statement as part of its drug and alcohol testing program. The FTA reviewed the federal component of the policy in the course of a June 2007 audit of MTA Bus's FTA-mandated program and issued a Final Audit Report that included recommended revisions to the draft policy and required that the policy be adopted by the Board by September 30, 2007. MTA Bus submitted a revised draft policy to FTA in July 2007 and was notified by the FTA in August 2007 that the MTA Bus Company Drug and Alcohol Policy Statement, as revised, responded adequately to the FTA audit findings. Once approved by the Board, the policy will be provided to all MTA Bus employees.

RECOMMENDATION

It is recommended that the Board approve the attached MTA Bus Company Drug and Alcohol Policy Statement as required by applicable federal regulations.

MTA BUS COMPANY

BOARD RESOLUTION

WHEREAS, the Federal Transit Administration (“FTA”) drug and alcohol regulations require each employer subject to the regulations to develop and disseminate a policy statement describing its anti-drug and alcohol misuse program consistent with 49 C.F.R. Part 655; and

WHEREAS, the FTA regulations also require that the local governing board of the employer adopt the policy statement; and

WHEREAS, MTA Bus Company (“MTA Bus”) prepared a Drug and Alcohol Policy Statement (the “MTA Bus Company Drug and Alcohol Policy Statement”), which includes an FTA program and a non-federal program; and

WHEREAS, the federal component of the MTA Bus Company Drug and Alcohol Policy Statement was reviewed by the FTA in the course of an audit of MTA Bus’s FTA-mandated drug and alcohol testing program and was revised in accordance with the FTA’s audit findings; and

WHEREAS, the FTA notified MTA Bus that the revised policy is responsive to the FTA audit findings; and

WHEREAS, such audit findings required that the policy be adopted by the Board by September 30, 2007.

NOW, THEREFORE, BE IT RESOLVED, effective immediately, that the Board hereby approves the MTA Bus Company Drug and Alcohol Policy Statement.

MTA Bus Company Drug and Alcohol Policy Statement

Introduction

MTA Bus Company ("MTA Bus") is committed to operating and maintaining an alcohol-free and drug-free workplace to provide a safe environment for its passengers and employees. The following Policy Statement replaces and supersedes any drug and alcohol policy statement that may have previously applied to any MTA Bus employees.

MTA Bus, consistent with federal and state law, prohibits all employees from using, possessing or being under the influence of alcohol during an employee's tour of duty, while an employee is on MTA Bus's premises or otherwise engaged in MTA Bus business and/or when such use would make him or her unfit to report for duty or to be on duty. State law also prohibits the use of alcohol by a bus operator within six hours of beginning service, regardless of any effects. MTA Bus prohibits the unlawful manufacture, distribution, dispensation, possession or use of controlled substances at the workplace. In addition, the unlawful use of any drug or controlled substance at any time is also prohibited.

MTA Bus requires all employees to abide by the terms of this Policy Statement as a condition of employment. Violation of the alcohol, drugs and controlled substance policy is considered to be a major offense. Employees who violate this Policy Statement will be disciplined, with punishment up to and including termination from employment.

MTA Bus performs drug and alcohol tests of employees who perform safety-sensitive functions pursuant to Federal Transit Administration regulations. All MTA Bus employees are subject to drug and alcohol testing in additional circumstances pursuant to internal policy and/or their collective bargaining agreement. Employees are encouraged to familiarize themselves with this Policy Statement and any other contracts or agreements covering their titles. Questions about MTA Bus's anti-drug and alcohol misuse program should be directed to the Designated Employer Representative, Antonio Cipollone, (718) 445-3100 extension 3280.

Employees placed under arrest, while on or off duty, for an alleged violation, among other things, of any criminal drug statutes, are required to notify their immediate supervisor, in writing, immediately. This applies to all incidents of an alcohol or drug related arrest. Upon conviction of any criminal drug statute, employees are required to notify their immediate supervisor, in writing, within five days of such conviction. An arrest, conviction or failure to report may lead to disciplinary action.

MTA Bus maintains an Employee Assistance Program ("EAP") with trained substance abuse professionals ("SAP"). The contact information for the SAPs for MTA Bus is included in Appendix II to this policy statement. Employees are encouraged to take advantage, if appropriate, of the voluntary assistance programs that are available through the EAP.

This policy statement is divided into two sections. Part I addresses drug and alcohol testing that occurs pursuant to Federal Transit Administration ("FTA") regulations. Part I addresses only "safety-sensitive" employees as defined under federal regulations. Please consult Part I to determine whether a particular employee is "safety-sensitive" and subject to FTA testing. Part II addresses drug and alcohol testing that is conducted under MTA Bus's own authority. Part II addresses *all* employees, regardless of their status under federal law. MTA Bus, under its own authority, may conduct a drug and alcohol test of any employee in certain circumstances. Part II also addresses the disciplinary consequences of a positive result on a drug and alcohol test or other violation of the rules. Because an employee may be transferred or seek

to transfer to a safety-sensitive position, it is important to read both Parts I and II for a full understanding of the federal testing program and the program conducted under MTA Bus's own authority.

MTA Bus recognizes that FTA drug and alcohol rules preempt any state or local requirement that conflicts with the federal rule or its proper application.

PART I

MTA Bus Drug & Alcohol Testing: Federal Transit Administration (FTA) Program

THE RULES

The Omnibus Transportation Employee Testing Act of 1991 (the "Omnibus Act") requires alcohol and drug testing of safety-sensitive employees in the mass transit industry. The Federal Transit Administration ("FTA") has issued rules implementing the Omnibus Act, requiring alcohol misuse prevention programs, including alcohol testing of safety-sensitive employees, and an anti-drug rule requiring drug testing of safety-sensitive transit employees (49 CFR Part 655). A drug and alcohol testing procedures rule (49 CFR Part 40) establishes procedures for urine drug testing and alcohol breath testing.

COVERED EMPLOYEES

Employees who perform safety-sensitive functions are covered by these regulations. The FTA has determined that "Safety-Sensitive" functions are performed by those who:

- Operate revenue service vehicles, including when not in revenue service.
- Operate non-revenue service vehicles that require drivers to hold Commercial Driver's Licenses ("CDL").
- Dispatch or control revenue service vehicles.
- Maintain revenue service vehicles or equipment used in revenue including maintaining the right of way.
- Provide security and carry a firearm.

These categories include supervisors who perform these functions. MTA Bus, as required by the FTA regulations, has reviewed the actual duties performed by employees to determine which employees perform safety-sensitive functions and, accordingly, are subject to FTA mandated drug and alcohol testing. The current list of safety-sensitive titles is appended to this Policy Statement.

In addition, under MTA Bus's authority, both FTA covered and non-covered employees are subject to testing in additional circumstances. These circumstances are addressed in Part II.

PROHIBITED ALCOHOL USE

Because alcohol is a legal substance, the FTA rules define specific prohibited alcohol-related conduct. "Alcohol" includes the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. Performance of safety-sensitive functions is prohibited:

- While on call to report to duty.
- While having an alcohol concentration of 0.02 or greater as indicated by an alcohol breath test.

- While using alcohol.
- Within four hours after using alcohol.

In addition, (i) alcohol use by a covered employee required to take a post-accident alcohol test is prohibited for eight hours following the accident or until the alcohol test is performed, whichever occurs first, and (ii) refusing to submit to an alcohol test will be considered a refusal to test and may have further disciplinary consequences, up to and including dismissal.

In addition, by MTA Bus authority, both safety-sensitive and non-safety-sensitive employees are prohibited from possessing, using or being under the influence of alcohol while on duty, as discussed in Part II.

REQUIRED ALCOHOL TESTS

The following FTA alcohol tests are required:

- **Post-accident** – An accident is defined as an occurrence associated with the operation of a vehicle in which (1) an individual dies; (2) an individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident; (3) the mass transit vehicle involved is a bus, electric bus, van, or automobile, in which one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle; (4) the mass transit vehicle involved is a rail car, trolley car, trolley bus or vessel, and is removed from revenue service.
- For accidents involving fatalities, each surviving safety-sensitive employee operating the mass transit vehicle at the time of the accident must be tested. Safety-sensitive employees not in the vehicle (e.g. maintenance personnel) whose performance could have contributed to the accident (as determined by MTA Bus using the best information available at the time of the accident) must be tested.
- For non-fatal accidents involving a bus, electric bus, van or automobile, employers shall test each safety-sensitive employee operating the mass transit vehicle at the time of the accident, unless such an employee's behavior can be completely discounted as a contributing factor to the accident. Safety-sensitive employees in non-fatal accidents involving rail cars, trolley cars, trolley buses or vessels on duty in the vehicle at the time of the accident must be tested, unless their behavior can be completely discounted as a contributing factor to the accident. For non-fatal accidents, the employer shall test any other safety-sensitive employee whose performance could have contributed to the accident as determined by the employer using the best information available at the time of the accident. Post-accident alcohol tests must be performed as soon as practicable, but no later than eight hours after the accident.
- If the test is not administered within two hours following the accident, the supervisor must still attempt to administer the test and must also prepare and maintain on file a record stating the reasons the test was not promptly administered.
- **Reasonable suspicion** – A test conducted when one trained supervisor can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observation of specific behavior, speech or appearance of the covered employee.

- **Random** – A test conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions. (See Random Alcohol Testing, discussed below.)
- **Return-to-duty and Follow-up** – Tests conducted before and after an individual who has violated the prohibited alcohol conduct standards returns to performing safety-sensitive duties or directed following a verified prior FTA positive drug test or refusal. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty and may include drug testing. Frequency and duration of the testing period beyond 12 months is determined by a Substance Abuse Professional.

Note: In addition, MTA Bus requires alcohol testing in **additional circumstances for both FTA covered and non-FTA covered employees** as discussed in Part II.

RANDOM ALCOHOL TESTING

Random alcohol testing must be conducted just before, during, or just after an employee's performance of safety-sensitive duties. The employee is randomly selected for testing. The testing dates and times are unannounced and are with unpredictable frequency throughout the year. Each year, the number of random alcohol tests conducted by MTA Bus at a minimum will equal a percentage of all safety-sensitive employees as directed by the FTA and published on an annual basis in the Federal Register.

ALCOHOL TESTING PROCESS

The federal rules require breath testing using an evidential breath testing (“EBT”) device approved by the National Highway Traffic Safety Administration (“NHTSA”). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result with less than 0.02 alcohol concentration is considered a “negative” test. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The employee and the individual conducting the breath test (called a Breath Alcohol Technician (“BAT”)) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. A “positive” alcohol test is one in which both the screening test and the confirmation test are at .04 or greater.

The confirmation test results determine any actions to be taken. Testing procedures that ensure accuracy, reliability and confidentiality of test results are outlined in 49 CFR Part 40 (“Part 40”) These procedures include training and proficiency requirements for BAT’s, quality assurance plans for the breath testing devices, requirements for a suitable test location, and protection of employee test records.

A breath alcohol test will be deemed invalid and therefore “cancelled” where (1) the next external calibration check of an EBT produces a result that differs by more than the tolerance stated in the Quality Assurance Plan (“QAP”) from the known value of the test standard; (2) the BAT does not observe the minimum 15-minute waiting period prior to the confirmation test; (3) the BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to or after the administration of the test; (4) the BAT does not sign FTA required forms; (5) an EBT fails to print a confirmation test result; or (6) on a confirmation test and, where applicable, on a screening test, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test

number or alcohol concentration on the printed result. Unless corrected, a breath alcohol test will be deemed invalid and therefore "cancelled" where the BAT has failed to note on the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test result.

Failure to appear for a test without an acceptable reason will be treated as a refusal. When the employee receives notification to appear for testing, he or she should proceed immediately to the test site. A failure by an employee to arrive at the test site after a reasonable period of time (as determined by MTA Bus) of being notified shall be presumed to be a refusal and therefore considered a "positive test result." The employee shall then have the burden of establishing an inability to arrive within such reasonable period of time. A failure to meet the burden of proof will result in the "refusal" standing. Failure to remain at the testing site until the testing process is complete constitutes a refusal.

A covered employee who remains subject to post-accident testing who fails to remain readily available for such testing, including notifying the supervisor or employer representative of his or her location if he or she leaves the scene of the accident prior to submission to such test, shall be deemed by MTA Bus to have refused to submit to testing. A written or verbal refusal to provide a required breath specimen or to sign Step 2 of the DOT-required testing forms also constitutes a refusal. An employee's failure to cooperate with any part of the testing process shall be considered a refusal to test. In addition, where an employee fails to provide an adequate amount of breath for a test and/or a physician has determined, through a medical evaluation, that there was no adequate medical explanation for the failure, such employee, shall be deemed to have refused the test. Failure to undergo a medical examination or evaluation, as directed by MTA Bus as part of the "insufficient breath procedures" in the federal regulations, also constitutes a refusal to take an alcohol test.

Refusal to take a test is considered to be a "positive" and may have further disciplinary consequences, up to and including dismissal.

EFFECTS, SIGNS, SYMPTOMS OF ALCOHOL MISUSE AND METHODS OF INTERVENTION

Alcohol misuse can lead to violence at home or in the workplace. It can also result in missed work, poor judgment, at-home or on-duty accidents, and trouble with law enforcement. It may also cause malnutrition, brain damage, cancer, heart disease, liver damage, ulcers, gastritis, damage to adrenal and pituitary glands and birth defects. Signs and symptoms of alcohol misuse may include: dulled mental processes, lack of coordination or unsteady gait, slowed reaction time, slurred speech, odor of alcoholic beverage on breath, sleepy condition, memory lapses, the "shakes or tremors," personality changes, an inability to control drinking, a denial that alcohol use is a problem, and a preoccupation with alcohol.

Intervention is an effort to halt the pattern of an individual's use of alcohol and other drugs. Friends and family may intervene with care and concern and, where met with resistance, stronger methods of intervention may be necessary. These include peer intervention, professional counseling, the use of hotlines and group discussions. Another form of intervention is where alcohol use is evident on the job and the employer refers the employee to treatment as a condition of his or her continued employment.

THE CONSEQUENCES OF ALCOHOL MISUSE

Employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. Employees who have engaged in alcohol misuse cannot return to safety-sensitive duties until they have been evaluated by a SAP and complied with any treatment recommendations to assist them with an alcohol problem. To further safeguard transportation safety, employees who have any alcohol concentration of 0.02 or greater in their breath but less than .04, when tested just before, during or just after performing safety-sensitive functions, must also be removed from performing such duties for 8 hours or until another breath test is administered and the result is less than 0.02, whichever first occurs.

For employees performing safety-sensitive functions who test at a level of 0.04 or greater, the result is deemed positive and requires referral to a SAP. The employee may not be returned to a safety-sensitive position until recommended by a SAP; the employee must also agree to submit to any follow-up testing ordered by the SAP.

There may be additional consequences for alcohol misuse such as discipline in accordance with MTA Bus policy or collective bargaining agreements. See Part II and appendixes that identify these consequences for various employees.

REFERRAL TO SAP

Employees who violate the alcohol misuse or drug use rules will be referred to a SAP for evaluation. Certain counselors in the MTA Bus Employee Assistance Program ("EAP") serve as the agency's Substance Abuse Professionals. Pursuant to FTA regulations, a SAP is required to be a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the NAADAC (National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the ICRC) and have clinical knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Where there is a verified positive drug or alcohol test result, or where the employee is deemed a refusal, the SAP is to: (1) conduct an initial evaluation to determine what assistance the employee needs in resolving problems associated with prohibited drug use or alcohol misuse; (2) determine the types of assistance needed by the employee and recommend a course of action to the employee; (3) determine whether the employee (a) has followed the course of action recommended by the SAP, (b) has successfully completed the course of treatment, and (c) is ready to return to safety-sensitive duties; (4) determine whether the return-to-duty test, and subsequent follow-up tests, will be for drugs only, alcohol only, or both drugs and alcohol; 5) determine the frequency and duration of follow-up testing for each covered employee on an individual, case-by-case basis. At a minimum, the SAP must require a frequency and duration of 6 tests during the first 12 months back to work. That frequency may be increased or reduced at any time during the course of follow-up testing. The SAP determines a follow-up testing program that is individual and tailored to the circumstances of the employee, and which may continue for as long as 60 months, but no longer; 6) after 12 months, determine whether to continue or terminate the follow-up testing program, and adjust the frequency and duration as appropriate. This requirement implies that there will be a one-year evaluation of the employee, with subsequent modification to the follow-up program as appropriate; 7) maintain records related to the referral and return to duty and follow-up testing, including: (i) records pertaining to a determination by a substance abuse professional concerning a covered employee's need for referral for assistance in resolving problems associated with prohibited drug use and alcohol misuse; (ii) records concerning a covered employee's entry into and completion of the program of treatment recommended by the substance abuse professional.

The SAP must present a written report to MTA Bus (i) following an initial evaluation of an employee that determines what level of assistance is needed to address the employee's drug and/or alcohol problems; and (ii) at the time the SAP recommends that the employee is ready to take a return-to-duty test and return to a safety-sensitive position if the return-to-duty test is negative, or the SAP determines that the employee has not demonstrated successful compliance. The SAP's reports will be in letter format with the SAP's official letterhead, signed by the SAP.

The FTA requires that safety-sensitive employees who test positive for drugs and/or alcohol in an FTA test be referred to a Substance Abuse Professional for evaluation and appropriate referral even when the employee is dismissed and not eligible for restoration to duty under MTA Bus policy. This requirement applies to both probationary and non-probationary employees.

RULE ENFORCEMENT

Employers are required to keep detailed records of their alcohol misuse prevention programs. The FTA conducts inspections or audits of employers' programs.

BENEFITS OF PREVENTING ALCOHOL MISUSE

There are significant safety benefits from preventing alcohol misuse. These rules will help prevent tragic, costly transportation accidents, as well as help to improve worker productivity, decrease health care costs, and lessen worker absences.

DRUG TESTING

The FTA has issued a rule requiring drug testing of safety-sensitive transit employees. The drug testing rules cover the same categories of safety-sensitive employees as the alcohol testing rules and require the same types of testing of these employees – reasonable suspicion; post-accident; random; return-to-duty; and follow-up. The drug testing rule *also includes* pre-employment testing:

The following FTA drug tests will be conducted by MTA Bus:

Pre-employment – Candidates for employment must produce a negative drug test result prior to being hired (i.e. going on the payroll) and if the test is cancelled, the candidate must retake and produce a negative test result before being hired. Pre-employment testing is also required when employees transfer to a safety-sensitive position. When a covered employee or applicant has not performed a safety-sensitive position for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, such individual must provide a verified negative drug test result prior to performing safety-sensitive functions. When a covered employee, including an applicant, has previously failed or refused a pre-employment drug test administered pursuant to applicable federal regulations, such employee must provide proof of having successfully completed a referral, evaluation and treatment plan.

Post-accident – An accident is defined as an occurrence associated with the operation of a vehicle in which (1) an individual dies; (2) an individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident; (3) the mass transit vehicle involved is a bus, electric bus, van, or automobile, in which one or more vehicles incurs disabling damage as the result of the occurrence and is

transported away from the scene by a tow truck or other vehicle; (4) the mass transit vehicle involved is a rail car, trolley car, trolley bus or vessel, and is removed from revenue service. For accidents involving fatalities, each surviving safety-sensitive employee operating the mass transit vehicle at the time of the accident must be tested. Safety-sensitive employees not in the vehicle (e.g. maintenance personnel) whose performance could have contributed to the accident (as determined by MTA Bus using the best information available at the time of the accident) must be tested. For non-fatal accidents involving a bus, electric bus, van or automobile, MTA Bus shall test each safety-sensitive employee operating the mass transit vehicle at the time of the accident unless such an employee's behavior can be completely discounted as a contributing factor to the accident. Safety-sensitive employees in non-fatal accidents involving rail cars, trolley cars, trolley buses or vessels on duty in the vehicle at the time of the accident must be tested unless their behavior can be completely discounted as a contributing factor to the accident. For non-fatal accidents, MTA Bus shall test any other safety-sensitive employee whose performance could have contributed to the accident as determined by the employer using the best information available at the time of the accident. Post-accident drug tests must be performed as soon as practicable, and within 32 hours after the accident.

Reasonable suspicion – A test conducted when one trained supervisor can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observation of specific behavior, speech or appearance of the covered employee.

Random – A test conducted on a random unannounced basis for safety-sensitive employees.

Return-to-duty and Follow-up – Tests conducted when an individual who has a verified prior FTA positive drug test or refusal returns to performing safety-sensitive duties. Frequency and duration of the follow-up testing period is determined by a SAP. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty and may include alcohol testing.

In addition, MTA Bus requires drug testing in **additional circumstances for both FTA covered and non-FTA covered employees.**

DRUG TESTING PROCEDURES

The DOT drug and alcohol testing procedures rule (49 CFR Part 40 ("Part 40")) sets forth the procedures for drug testing in all the transportation industries. Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services ("DHHS"). For primary specimen analysis, MTA Bus has contracted with a DHHS certified laboratory. The employee provides a urine specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes chain of custody documents, and prepares the specimen and accompanying paperwork for shipment to the drug testing laboratory.

The specimen collection procedures and chain of custody documents ensure that the specimen's security, proper identification, and integrity are not compromised. When an individual arrives at the collection site, the collection site person must ensure that the individual is positively identified as the employee selected for testing (e.g. through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person must not proceed with the collection. An intact Chain of Custody must be maintained throughout the testing process. The collection site person must place securely on the bottle a tamper proof seal and preprinted identification label which contains the date and the individual's specimen number. The individual must

initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her. Federally approved chain of custody documents are used at MTA Bus for FTA required tests. Those chain of custody forms are distinct from chain of custody forms used for testing conducted under MTA Bus's own authority.

If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee will be notified by the Medical Review Officer ("MRO") that the employee has a confirmed, verified positive test and that the employee has 72 hours to request the split specimen be sent to another DHHS certified laboratory to have it analyzed for the presence of the drug found in the primary sample. If the employee makes the request within 72 hours of the time he or she has actual knowledge of the MRO's verification of a positive on the primary specimen, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS certified laboratory for analysis. Only the MRO can initiate this action. This split specimen procedure essentially provides the employee with an opportunity for a "second opinion." If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) detected in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, or if the results of the split sample test are not scientifically adequate, the MRO shall declare the original test to be "cancelled" and report the reasons to the employee, MTA Bus and the DOT. A "cancelled test" is neither positive nor negative.

A drug test that is reported by the MRO as both negative and dilute shall require the employee to take another drug test immediately. The second drug test will not be collected under direct observation, unless there is another basis for use of direct observation in accordance with applicable federal regulations. A second drug test result of negative and dilute will not require a third test; the result of the second drug test will become the test of record. Refusal to submit to a second drug test will be considered a refusal to test and "positive."

Failure to appear for a test without an acceptable reason will be treated as a refusal. When the employee receives notification to appear for testing, he or she should proceed immediately to the test site. The test of any employee who arrives at the test site after a reasonable period of time (as determined by MTA Bus) of being notified shall be presumed to be a refusal and therefore a positive under the FTA. The employee shall then have the burden of establishing an inability to arrive within such reasonable period of time. A failure to meet the burden of proof will result in the "refusal" standing. Failure to remain at the testing site until the testing process is complete constitutes a refusal.

A covered employee who remains subject to post-accident testing who fails to remain readily available for such testing, including notifying MTA Bus or its representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, shall be deemed by MTA Bus to have refused to submit to testing. Where the employee subject to post-accident testing is required to assist in the resolution of the accident or receives medical attention following the accident, post-accident testing is stayed during that period. A written or verbal refusal to provide a required urine specimen, or to sign the DOT-required testing forms, and/or to permit observation or monitoring of the provision of a urine specimen where authorized also constitutes a refusal. An employee's failure to cooperate with any part of the testing process shall be considered a refusal. In addition, tests of employees who are unable to provide a minimum of 45 ccs of urine within three hours of the commencement of the testing process shall be deemed a refusal where the MRO determines that no valid medical reasons exist for such failure. An employee who fails or declines to take an additional drug test as directed by MTA Bus or the MRO, and/or fails to undergo a medical examination or evaluation as directed by the MRO or DER as part of the verification process or "shy bladder" procedures in the federal regulations, shall also be deemed to have refused to test. An employee shall also be deemed to have refused to take a drug test where the MRO reports that such employee has a verified adulterated or substituted test result.

Refusal to take a test is considered to be a "positive" and may have further disciplinary consequences, up to and including dismissal.

DRUGS TESTED

The FTA requires that all urine specimens be analyzed for the following drugs:

1. Marijuana (THC metabolite)
2. Cocaine
3. Amphetamines
4. Opiates (including heroin)
5. Phencyclidine (PCP)

In addition, under MTA Bus's own authority, for non-FTA tests, urine specimens are analyzed for additional drugs. See Part II.

The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more drugs, then a confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GCMS) analysis.

FTA DRUG TESTING CUT-OFF LEVELS FOR SCREENING AND CONFIRMATION TESTING

The FTA has set forth the following minimum cut off levels for the minimum quantity of drug metabolite that must be detected in the initial and confirmation tests:

	<u>Screen(ng/ml)</u>	<u>Confirmation(ng/ml)</u>
Marijuana (THC metabolite):	50	15
Cocaine	300	150
Amphetamines	1000	500
Opiates (including heroin)	2000	2000
Phencyclidine (PCP)	25	25

REVIEW AND INTERPRETATION OF THE LABORATORY RESULTS

MTA Bus, pursuant to FTA regulations, employs the services of a MRO As required by FTA regulations, the MRO for MTA Bus is a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his or her medical history and any other relevant biomedical information. All drug test results are reviewed and interpreted by the MRO before they are reported to MTA Bus. If the laboratory reports a positive result to the MRO, the employee will be directed to see the MRO for an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative to MTA Bus.

PROHIBITED DRUG USE

MTA Bus prohibits any unauthorized use of controlled substances. Illicit use of drugs by FTA covered employees is prohibited on or off duty. By MTA Bus's own authority, illicit use of drugs by **any** employee is prohibited on or off duty. See Part II.

THE CONSEQUENCES OF A POSITIVE DRUG TEST

A covered employee must be removed from safety-sensitive duty if he/she has a positive drug test result. An employee cannot be returned to safety-sensitive duties until he/she has been evaluated by a SAP and/or the MRO, complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the employee's continued abstinence from drug use is required and may include testing for alcohol.

The FTA requires that FTA covered employees who test positive for drugs and/or alcohol in a FTA test be referred to a SAP for evaluation and appropriate referral even when the employee is dismissed and not eligible for restoration to duty to MTA Bus. This requirement applies to both probationary and non-probationary employees.

There may also be additional disciplinary consequences for both **FTA covered and non-covered employees** in accordance with MTA Bus Policy or applicable collective bargaining agreements.

RANDOM DRUG TESTING

MTA Bus conducts random, unannounced drug tests for covered employees. The selection of employees for random testing, pursuant to FTA regulations, is accomplished by a scientifically validated method by means of a computer program. The total number of tests conducted each year by MTA Bus at a minimum will equal a percentage, as set forth by FTA each year in the Federal Register, of the number of FTA covered employees. Some employees may be tested more than once each year; some may not be tested at all depending on the random selection. Random tests are spread reasonably throughout the year and are continuous throughout the year, during all hours of operation of the service, which at MTA Bus is 24 hours per day, 7 days per week. Random testing for drugs does not have to be conducted in immediate time proximity to performing safety-sensitive functions. Once notified of selection for testing, an employee must immediately proceed to a collection site to accomplish the urine specimen collection.

REQUIRED EMPLOYEE EDUCATION AND TRAINING

MTA Bus provides information on drug use, alcohol misuse and treatment resources to FTA covered and non-covered employees. MTA Bus provides one hour of training for employees on the dangers of controlled substances use and alcohol misuse. All supervisors of FTA covered employees must attend at least one hour of training of the signs and symptoms of drug abuse on reasonable suspicion testing and at least one hour of training of the signs and symptoms of alcohol misuse and reasonable suspicion testing. This training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing.

RECORDS, SPECIMEN STORAGE AND CONFIDENTIALITY OF EMPLOYEES' TESTING RECORDS

Federal rules require that the testing laboratory report test results to the MRO within an average of five working days after receipt of the specimen by the laboratory. Before any test result is reported, the laboratory shall review it and certify the report as accurate. The report is required to identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by MTA Bus, and the drug testing laboratory specimen identification number. The laboratory is required to report as negative all specimens that are negative on the initial test or negative on the confirmation test. Only specimens confirmed positive are reported positive for a specific drug. The MRO may request a quantitative level that the laboratory must supply. The MRO is required to report whether the test is positive or negative, and may report the drug(s) for which there was a positive test, but is not permitted to disclose the quantitation of test results to MTA Bus. However, the MRO may reveal the quantitation of a positive test result to MTA Bus, the employee, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test. Reports from laboratories to the MRO may be made by electronic means in a confidential manner but may not be provided verbally by telephone.

Employee drug and alcohol testing results and records are available to the employee and are maintained under strict confidentiality by MTA Bus, the testing laboratory, and the MRO. They cannot be released to others without the written consent of the employee. Exceptions to these confidentiality provisions are limited to DOT agencies when license or certification actions are required or to a decision maker in arbitration, litigation or administrative proceedings arising from a positive test. Statistical records and reports are maintained by employers and testing laboratories. This information is aggregated data and is used to monitor compliance with the rules and to assess the effectiveness of the testing programs.

PART II

MTA Bus Drug & Alcohol Testing: MTA Bus Non-Federal Program

THE RULES AND POLICY INSTRUCTIONS GOVERNING AGENCY-BASED TESTING

To the extent that any provisions of the MTA Bus policy, rules and/or collective bargaining agreements are inconsistent with federal regulations, they are considered modified to conform to such regulations.

These rules are separate and distinct from but not in conflict with the Federal Transit Administration ("FTA") issued rules described in Part I.

EMPLOYEES AFFECTED BY THESE RULES

All MTA Bus employees are covered by this Policy as a condition of employment.

REQUIRED ALCOHOL TESTS

The following MTA Bus alcohol tests are required.

- Post Accident/Incident Testing, when directed by members of supervision following any accident or unusual incident that occurs while on duty where it is reasonable to conclude that drug/alcohol use could have contributed to the accident. An "Accident" is an unexpected or unintentional occurrence that results in property damage or personal injury. An "Accident" shall include all motor vehicle accidents involving a company vehicle driven by an MTA Bus employee that result in property damage or personal injuries. An "Unusual Incident" is an event which interrupts normal procedures of the company.
- Reasonable Suspicion, when supervision or management has reason to believe the employee is impaired.
- Follow-up testing after a prior positive test and based on a SAP's recommendation.

NON-DOT ALCOHOL TESTING PROCESS

The DOT drug and alcohol testing procedures rule (49 CFR Part 40) sets forth the procedures for alcohol testing in all the transportation industries. MTA Bus has adopted the DOT regulations of drug testing (49 CFR 40) for all Non-DOT Drug Testing under MTA Bus authority. Federally approved Chain of Custody documents are used at MTA Bus only for FTA required tests. Those chain of custody forms are distinct from Chain of Custody Forms that are used for testing that is conducted under MTA Bus's own authority which are entitled "NON-DOT."

MTA Bus Non-DOT alcohol tests require breath testing using evidential breath testing devices (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). A screening breath test is conducted first. Any result with less than 0.02 alcohol concentration is considered a "negative" test and no further testing is done. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. A "positive" alcohol test is one in which both the screening test and the confirmation test are at .02 or greater.

Failure to appear for a test without an acceptable reason will be deemed a refusal. Employees who appear for testing more than a reasonable period of time (as determined by MTA Bus) after being directed without

an acceptable reason for the delay may be treated as having refused the test and/or appropriately disciplined. A written or verbal refusal to provide a required breath specimen or to sign required testing forms also constitutes a refusal. In addition, employees who fail to cooperate with the testing process in a way that prevents the completion of the test and/or who provide insufficient breath and/or a physician has determined, through a medical evaluation, that there was no adequate medical explanation for the failure, such employee shall be deemed to have refused the test. Failure to undergo a medical examination or evaluation, as directed by MTA Bus as part of the "insufficient breath procedures" also constitutes a refusal. Refusal to take a test is considered to be a "positive" and may have further disciplinary consequences, up to and including dismissal.

PROHIBITED ALCOHOL USE

MTA Bus prohibits any the use of alcohol by **any** employee while on duty and while operating a company vehicle for any purpose. MTA Bus employees are prohibited from consuming alcohol after an accident or unusual incident until they have completed the post accident/incident testing process.

THE CONSEQUENCES OF A POSITIVE TEST

Violations of this policy will result in disciplinary action up to and including dismissal.

REHABILITATION

Employees who violate the alcohol misuse or drug use rules will be referred to the Employee Assistance Program ("EAP").

RULE ENFORCEMENT

MTA Bus's internal standards must be strictly enforced by supervisors and managers. There is zero tolerance for drug use and alcohol misuse violations at MTA Bus. The riding public and all employees have a right to expect a drug and alcohol free transit system.

NON-DOT DRUG TESTING

Drug testing is required for all MTA Bus employees for reasonable suspicion; post-accident/incident; and follow-up testing:

MTA Bus also requires drug testing in the following circumstances for all employees performing safety-sensitive duties: back-to-work physical following extended illness of 21 work days or more; suspension or unauthorized absence (21 or more work days); biennial and/or annual periodic physicals; when directed by members of supervision following any accident or unusual incident that occurs while on duty where it is reasonable to conclude that drug/alcohol use could have contributed to the accident; unannounced recheck after a prior positive.

NON-DOT DRUG TESTING PROCEDURES

The DOT drug and alcohol testing procedures rule (49 CFR Part 40) sets forth the procedures for drug testing in all the transportation industries. MTA Bus has adopted the DOT regulations of drug testing (49 CFR 40) for all Non-DOT Drug Testing under MTA Bus authority. Federally approved Chain of Custody documents are used at MTA Bus only for FTA required tests. Those chain of custody forms are distinct

from Chain of Custody Forms that are used for testing that is conducted under MTA Bus's own authority, which are entitled "Non-DOT".

DRUGS TESTED

MTA Bus requires that for all tests conducted under its own (non-federal) authority, urine specimens be analyzed for the following drugs:

1. Marijuana (THC metabolite)
2. Cocaine
3. Amphetamines
4. Opiates (including heroin)
5. Phencyclidine (PCP)
6. Barbiturates
7. Methadone
8. Benzodiazepines
9. Dilantin

The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more of the drugs, then a confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GCMS) analysis.

REVIEW AND INTERPRETATION OF THE LABORATORY RESULTS

All drug test results are reviewed and interpreted by the Medical Review Officer ("MRO") before they are reported to the employer. If the laboratory reports a positive result to the MRO, the employee will be directed to see the MRO for an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative to the employer.

PROHIBITED DRUG USE

MTA Bus prohibits any unauthorized use of controlled substances and the illicit use of drugs by **any** employee on or off duty.

THE CONSEQUENCES OF A POSITIVE TEST

Any employee will be removed from service if he/she has a positive drug test result. An employee cannot be returned to duty until he/she has been evaluated by a SAP, and/or the MRO, complied with recommended rehabilitation, is recommended by a SAP for return to work and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the employee's continued abstinence from drug use is required.

There may also be disciplinary consequences for both **FTA covered and non-covered employees** in accordance with MTA Bus Policy or applicable collective bargaining agreements.

Appendix I

Safety-Sensitive Titles MTA Bus Company

Revenue Vehicle Operators (including when not in revenue service)

Revenue Vehicle and Equipment Maintenance personnel

Revenue Vehicle Control/Dispatch

CDL/Non-revenue Vehicle

Supervisors of Safety-Sensitive Functions

Inspectors (or any other employees) while performing dispatch functions

Appendix II

Substance Abuse Professionals for MTA Bus Company

MTA Metro-North Railroad
Employee Assistance Program
341 Madison Avenue, 8th Floor
New York, New York 10017
(212) 340-3235

Thomas Clark, Manager of EAP
Haylee Seltzer, Employee Counselor

In addition to the above individuals, MTA Bus currently employs an EAP who maintains the federally required credentials for Substance Abuse Professionals.

MTA Bus Company
128-15 28th Avenue
Flushing, New York 11354
(718) 445-3100

William Collins
(718) 445-3100 Telephone Ext. 6126

Appendix III

Disciplinary Agreements


NOTICE OF ADOPTION BY THE AGENCY'S GOVERNING BOARD AND STATEMENT ON FEDERAL PREEMPTION

This policy statement has been adopted by the MTA Bus governing board and is in full force and effect subject to future amendment and revision as necessary. Pursuant to 49 CFR Part 40 and Part 655.6: (a) Except as provided in paragraph (b) of Part 655.6, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part. (b) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

Also, to the extent that any provisions of the MTA Bus policy, rules and/or collective bargaining agreements are inconsistent with federal regulations, they are considered modified to conform to such regulations.


Staff Summary



Subject
Information Item: Procurements
Department
MTA Bus Company
Department Head Name
Thomas J. Savage
Department Head Signature

Project Manager Name

Date
September 10, 2007
Vendor Name
N/A
Contract Number
N/A
Contract Manager Name
N/A
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Bus Committee	9/24/2007	X		

Internal Approvals			
Order	Approval	Order	Approval
1	President 		

PURPOSE:

To inform the MTA Bus Company Committee of various contracts and purchase orders processed by other MTA Agencies.

DISCUSSION:

MTA Bus Company proposes to award Non-Competitive procurements in the following categories:

None

MTA Bus Company proposes to award Competitive procurements in the following categories:

None

MTA Bus Company proposes to award ratifications in the following categories:

Schedule K: *Modification to the contract to extend the bumper-to-bumper warranty 158 express over-the-road buses from one year to two years.*

Item Number					
Dept & Dept Head Name: President, Thomas J. Savage					
Division & Division Head Name: Procurement, James Prunty					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Bus Committee	09-24-07			X
2	Finance Committee	09-24-07			X
3	Board	09-26-07	X		
Internal Approvals					
Order	Approval	Order	Approval		
1	General Counsel				
2	President				

SUMMARY INFORMATION	
Vendor Name Various	Contract Number
Description Ratification of various procurements	
Total Amount \$9.8 Million	
Contract Term (including Options, if any)	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input 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:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative**I. PURPOSE/RECOMMENDATION**

•To obtain approval of the Board to award various contracts/contract modifications and purchase orders, as reviewed by the MTA Bus Committee. It is recommended that the Board ratify the procurements listed below. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

II. DISCUSSION

•MTA Bus Company proposes to award Non-Competitive procurements in the following categories:

NONE

•MTA Bus Company proposes to award Competitive procurements in the following categories:

NONE

•MTA Bus Company seeks Ratifications in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K: Ratification of completed procurement actions (see Exhibits A & B to attached Staff Summary regarding Immediate Operating Need/Emergency Declaration: Procurements)	58	\$ 9.8 M

III. Impact On Funding

The purchases/contracts will result in obligating MTA Bus Company funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

MTA Bus Company
BOARD RESOLUTION

WHEREAS, in accordance with Section § 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 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 service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and certain budget adjustments to estimated quantity 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, upon the recommendation of the Executive Director, the Board resolves as follows:

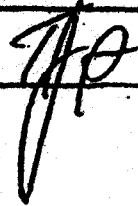
1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public 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.
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.
7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.

SEPTEMBER 2007Page**Procurements Requiring Majority Vote:****K. Ratification of Completed Procurement Actions (Involving Schedule E-J)**
(Staff Summaries required for items requiring Board approval.)**Motor Coach Industries, Inc.
Contract #B31153.46****\$1,190,530.00****Staff Summary Attached 223**

Modification to the contract to extend the bumper-to-bumper warranty for 158 express over-the-road buses from one year to two years.

Schedule K: Ratification of Completed Procurement Actions

Item Number:

Vendor Name (& Location)	
Motor Coach Industries, Inc. (Schaumburg, IL)	
Description	
Purchase of Over-the-Road Buses	
Contract Term (Including Options, if any)	
June 4, 1997 - May 23, 2014	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
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: Modification
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:	
MTA Bus Co., Thomas J. Savage, President 	

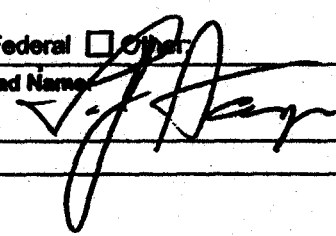
Contract Number	AWO/Modification #
BS1153	46
Original Amount:	\$ 45,198,840.00
Prior Modifications:	\$ 419,220,815.88
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 464,419,655.00
This Request:	\$ 1,190,530.00
% of This Request to Current Amount:	.3%
% of Modifications (Including This Request) to Original Amount:	930.1%

Discussion:

Under the contract, Motor Coach Industries, Inc. (MCI) provides NYC Transit and MTA Bus with over-the-road express buses. Under four (4) modifications, NYC Transit on behalf of MTA Bus purchased 475 MCI express buses. 317 express buses had the original one-year bumper-to-bumper warranty extended to two (2) years, as approved by the Board in February 2007, at a unit price of \$7,535. This modification is for the extension of the one-year bumper-to-bumper warranty to two years on the remaining 158 buses. MTA Bus requested this modification to accommodate the learning curve of MTA Bus personnel while they become more familiar with the new MCI buses being assigned to the newly acquired depots. All of the buses have a standard one-year bumper-to-bumper warranty from the acceptance date. Under Mod. #40, 59 buses were purchased, with the warranty for each expiring on varied dates between late August 2007 and late September 2007. In addition, the warranty on each of the 99 option buses purchased under Mod. #43 expires on dates between November 2007 and February 2008. Thus, a portion of this modification is retroactive. Upon determination by MTA Bus of the need for the extension of the warranty and to take immediate advantage upon expiration of the warranty of each bus, the Project Manager authorized MCI to continue coverage in advance of negotiations and finalization of pricing. The warranty requires MCI to provide added customer service by involving additional technicians and personnel. A price analysis was conducted on labor and materials utilized during the regular one year period. MCI's price of \$7,535, per bus, for a total of \$1,190,530 was found to be fair and reasonable.

Schedule A. Ratification of Completed Procurement Actions

Item Number: 1

Vendor Name (& Location)	
Various	
Description	
Ratification of various procurements	
Contract Term (including Options, if any)	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input 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:	
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	
President, Thomas J. Savage 	

Contract Number	AWO/Modification #
Original Amount:	
Prior Modifications:	
Prior Budgetary Increases:	
Current Amount:	
This Request:	\$9,834,924.62
% of This Request to Current Amount:	
% of Modifications (including This Request) to Original Amount:	

Discussion:

- To obtain Board approval of various purchases/procurements, including for fleet and facility maintenance and professional services, made during the period July 1, 2007 and August 21, 2007 pursuant to the ION/Emergency Declaration extension approved by the Board in October 2006.

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Item Number 1					
Dept & Dept Head Name: President, Thomas J. Savage					
Division & Division Head Name: Procurement, James Prunty					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MTA Bus Committee	09-24-07			X
2	Finance	09-24-07			X
3	Board	09-26-07	X		
Internal Approvals					
Order	Approval	Order	Approval		
1	Executive Vice President		<i>[Signature]</i>		
2	General Counsel		<i>[Signature]</i>		
3	President		<i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Various	Contract Number
Description Ratification of various procurements	
Total Amount \$9,834,924.62	
Contract Term (Including Options, if any)	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive X Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid X Other:	
Funding Source X Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

I. PURPOSE/RECOMMENDATION

To seek Board ratification of procurements in excess of \$15,000 made under the Immediate Operating Need/Emergency Declaration ("ION/Emergency") authorized by the Board on January 27, 2005, on behalf of the MTA Bus Company ("MTA Bus") and MTA New York City Transit, as extended by the Board on October 25, 2006, on behalf of MTA Bus and other affiliates and subsidiaries of the Metropolitan Transportation Authority. It is recommended that the Board ratify the procurements in excess of \$15,000 made by MTA Bus during the period July 1, 2007 through August 21, 2007, in accordance with the ION/Emergency.

II. DISCUSSION

MTA Bus was created in September 2004 to operate bus service in areas formerly served by seven private operators under franchises with the City of New York. The transition to MTA Bus service was completed on a staged basis between January 2005 and February 2006. The fleet inherited by MTA Bus consisted of 15 different bus models, with an average age in excess of 13 years per bus. While a total of 759 buses (475 express and 284 local) have since been approved for purchase and many are already in service, the remaining over-age buses have required continued maintenance. Extensive facility evaluations were required as the transition to MTA Bus service proceeded. Major facility upgrades, including environmental remediation, continue to be required to bring the facilities into a state of good repair in accordance with MTA standards and to accommodate newly purchased buses.

On January 27, 2005, at the inception of the transitions to MTA Bus service, the Board approved the Immediate Operating Need/Emergency Declaration on behalf of MTA Bus and MTA New York City Transit in the interests of public safety and convenience in order to expedite the procurement process to meet MTA Bus's immediate operating needs and maintain seamless service. The original term of the ION/Emergency was 18 months from January 3, 2005, the date of the initial transition in service from a privately owned company. The ION/Emergency provided that it would remain in effect for each

of the facilities inherited by MTA Bus for 90 days after the transition in service and that Board ratification for procurements made under the ION/Emergency would be sought at the next Board cycle. At the time, it was anticipated that the transition in service from the other private companies to MTA Bus service would be completed in quick succession. The transition was not completed until February 2006, almost 14 months after the first transition.

Given the delay in completing the transition and the actual condition of the later acquired fleet and facilities, the continued ability to expedite the procurement process was critical to addressing MTA Bus's continuing and immediate fleet and facilities needs and to maintaining service. On October 25, 2006, the Board (i) ratified the extension of the original ION/Emergency from the date of its initial expiration through October 23, 2006, and (ii) approved the extension, on behalf of MTA Bus and other MTA affiliates and subsidiaries, of the ION/Emergency for six months from October 23, 2006, with an option, on notice to the Board, to extend the ION/Emergency for an additional six months thereafter. Pursuant to the October 2006 Board Resolution, the option to extend the ION/Emergency for an additional 60 day period commencing June 23, 2007, was exercised in order to meet MTA Bus's continuing immediate fleet and facility needs and maintain service, and on June 27, 2007, the Board approved said extension.

MTA Bus is seeking Board ratification of the procurements in excess of \$15,000 made by MTA Bus from July 1, 2007 through August 21, 2007, pursuant to the ION/Emergency as extended. There were 58 such procurements during this period, totaling \$9,834,924.62. A summary of these procurements by types and dollar value is set forth in Exhibit A hereto under the following categories: Materials and Supplies; Maintenance/Operating Contracts (Facilities & Fleet); and Professional Service Contracts. A breakdown by respective vendors for each type of procurement within these categories, together with description and the total dollar value of applicable procurements, is set forth in Exhibit B hereto.

Approved:



Thomas J. Savage
President, MTA Bus Company

Procurements \$15,000 and Over
July 1, 2007 to August 21, 2007
(SUMMARY)

Materials & Supplies

Procurements

\$ VALUE

Engine	7	\$ 205,293.74
Brakes	1	\$ 23,086.25
Axles	3	\$ 66,983.78
Transmission	1	\$ 22,149.32
Air Conditioning	2	\$ 44,002.38
Engine Cooling	2	\$ 1,092,972.00
Cleaning / Bus Wash	4	\$ 855,342.52
Other	2	\$ 296,161.50
	<u>22</u>	<u>Total : \$ 2,605,991.49</u>

Maintenance / Operating Contracts (Facilities & Fleet)

Procurements

\$ VALUE

Exhaust System	1	\$ 265,000.00
Portable Lifts	1	\$ 33,900.00
Depot Security	1	\$ 26,132.55
Recycle/Trash/Waste Removal	2	\$ 162,000.00
Electrical Services	1	\$ 31,222.00
Bulk Fluid Monitoring System	1	\$ 24,875.00
Rollup / Overhead Doors	4	\$ 465,030.00
Facility Cleaning and Services	3	\$ 630,000.00
Other	11	\$ 2,535,311.58
	<u>25</u>	<u>Total : \$ 4,173,471.13</u>

Professional Services Contracts

Procurements

\$ VALUE

Computer Services and Equipment	7	\$ 1,981,638.00
Radio Systems	4	\$ 1,073,824.00
	<u>11</u>	<u>Total : \$ 3,055,462.00</u>

Grand Total:	<u><u>58</u></u>	<u><u>\$ 9,834,924.62</u></u>
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Procurements \$15,000 and Over
July 1, 2007 to August 21, 2007
(BY CATEGORY)

Materials & Supplies

Engine

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
ATLANTIC D.D.A.	6	FILTER, DPX MIX SUD, TA3000, RTS	\$ 179,773.74
FINCO SUPPLIES	1	V.N.T ASSY. TESTING	\$ 25,520.00
	<u>7</u>		<u>Engine Total : \$ 205,293.74</u>

Brakes

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
TRUCK TRAILER	1	AXLE KIT, REAR, GMC/RTS, TMC	\$ 23,086.25
	<u>1</u>		<u>Brakes Total : \$ 23,086.25</u>

Axles

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
MOTOR COACH INDUSTRIES	2	WHEELS, WHITE	\$ 50,830.32
ORION BUS PARTS	1	WHEELS, POWDER COATED	\$ 16,153.46
	<u>3</u>		<u>Axles Total : \$ 66,983.78</u>

Transmission

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
ATLANTIC D.D.A.	1	B400R TRANS., REMAN.	\$ 22,149.32
	<u>1</u>		<u>Transmission Total : \$ 22,149.32</u>

Air Conditioning

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
ATLANTIC D.D.A.	2	MOTOR,CNG A/C COND	\$ 44,002.38
	<u>2</u>		<u>Air Conditioning Total : \$ 44,002.38</u>



Bus Company

Exhibit B

**Procurements \$18,000 and Over
July 1, 2007 to August 31, 2007
(BY CATEGORY)**

Engine Cooling

VENDOR

DIESEL RADIATOR CO.
GRADE A PETROLEUM CORP

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	RADIATOR ASSY	\$ 80,472.00
1	2 YEAR SUPPLY + BU ETHYLENE GLYCOL MIX	\$ 1,042,000.00
2		
	Engine Cooling Total:	\$ 1,067,972.00

Cleaning / Bus Wash

VENDOR

A-1 HYDRO PAVE-HILL CHEMICAL
GAK SERVICE

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
3	2 YEARS, ALL DEPOTS SOAP, BUS WASH	\$ 515,342.52
1	TOWELS, ORANGE HAND	\$ 40,000.00
4		
	Cleaning / Bus Wash Total:	\$ 555,342.52

Other

VENDOR

HONEYDO PRODUCTS, LLC.

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	FORM, DEFECT CARD ALL DEPOTS	\$ 200,161.50
2		
	Other Total:	\$ 200,161.50
	Materials & Supplies Total:	\$ 2,605,591.40

Maintenance / Operations Contracts (Facilities & Fleet)

Exhaust System

VENDOR

MAS AIR SYSTEMS

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	MAINTENANCE, REPAIR ALL DEPOTS	\$ 205,000.00
1		
	Exhaust System Total:	\$ 205,000.00

Procurements \$15,000 and Over
July 1, 2007 to August 21, 2007
(BY CATEGORY)

Portable Lifts

VENDOR
P.J. INDUSTRIAL SUPPLY, INC.

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	JACK STANDS - 18 TON	\$ 33,900.00
1		
	Portable Lifts Total :	\$ 33,900.00

Depot Security

VENDOR
ADT SECURITY SYSTEMS

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	CONTRACT-ALARM SYS.	\$ 26,132.55
1		
	Depot Security Total :	\$ 26,132.55

Recycle/Trash/Waste Removal

VENDOR
95 INC.
AB OIL SERVICE LTD

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	SERVICE-WASTE REMOVAL ALL DEPOTS	\$ 137,000.00
1	UR-VACUUM ENHANCED	\$ 25,000.00
2		
	Recycle/Trash/Waste Removal Total :	\$ 162,000.00

Electrical Services

VENDOR
EXPRESS ELECTRIC INC.

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	WIRE/ILLUMINATE	\$ 31,222.00
1		
	Electrical Services Total :	\$ 31,222.00

Bulk Fluid Monitoring System

VENDOR
FRANKLIN COMPANY

<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
1	CONTRACT, PURCHASE OF LUBE TANKS, REPLACEMENTS @	\$ 24,875.00
1		
	Bulk Fluid Monitoring System Total :	\$ 24,875.00



Bus Company

Procurements \$15,000 and Over
July 1, 2007 to August 21, 2007
(BY CATEGORY)

Exhibit B

Rollup / Overhead Doors

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
GLOBAL OVERHEAD DOORS, INC.	4	SUMMER GRILLES TO SECURE STEEL DOORS	\$ 465,030.00
	4	Rollup / Overhead Doors Total :	\$ 465,030.00

Facility Cleaning and Services

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
KLEEN SWEEP, INC.	1	SERVICE-PARKING LOT 3 DEPOTS	\$ 250,000.00
ONESOURCE	1	SERVICE-OFFICE CLEAN 2 DEPOTS	\$ 300,000.00
THYSSENKRUPP ELEVATOR	1	SERVICE-ELEVATOR MX	\$ 20,000.00
	3	Facility Cleaning and Services Total :	\$ 550,000.00

Other

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
ACCULIFT FORKLIFT	1	SERVICE-FORK LIFT	\$ 24,000.00
AMCO UNIFORM RENTAL	1	UNIFORM - RENTAL SERVICE	\$ 30,000.00
ARAMARK	1	UNIFORM - RENTAL SERVICE	\$ 144,000.00
CHOICE DISTRIBUTORS	3	MISC.SHOP ITEMS MRO ALL DEPOTS	\$ 245,411.39
CINTAS CORPORATION	1	UNIFORM RENTAL & SERVICE 2 DEPOTS	\$ 600,000.00
LACONO INC	1	SERVICE-AIR COMPRESSOR	\$ 30,000.00
MIKE'S HEAVY DUTY TOWING	1	SERVICE-TOWING ALL DEPOTS	\$ 700,000.00
UTILITY SURVEY CORP	1	SUPPLY GROUND PENETRATING RADAR FOR VARIOUS JOBS	\$ 21,900.00
ZEE MEDICAL	1	SERVICE-FIRST AID KITS	\$ 40,000.00
	11	Other Total :	\$ 2,035,311.39
		Maintenance / Operating Contracts (Facilities & Fleet) Total :	\$ 4,473,471.13



Procurements \$15,000 and Over
July 1, 2007 to August 21, 2007
(BY CATEGORY)

Professional Services Contracts
Computer Services and Equipment

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
CHERRY ROAD	1	MNR AND MTA BUS PEOPLESOFT CONV	\$ 1,560,000.00
COMPUTER NETWORK SOLUTIONS	6	CONSULTING SERVICE	\$ 431,638.00
	<u>7</u>	Computer Services and Equipment Total :	<u>\$ 1,991,638.00</u>

Radio Systems

<u>VENDOR</u>	<u># Procurements</u>	<u>DESCRIPTION</u>	<u>TOTAL \$</u>
MOTOROLA INC.	1	OPERATE & MAINTAIN RADIOS TRANSMISSION, MTA BC	\$ 499,230.00
NORTH AMERICAN MOBILE SYSTEMS	3	UR-RADIO SYSTEM SVCS	\$ 574,594.00
	<u>4</u>	Radio Systems Total :	<u>\$ 1,073,824.00</u>
		Professional Services Contracts Total :	<u>\$ 3,065,462.00</u>

Grand Total: 59

\$ 9,834,924.62

BOARD RESOLUTION

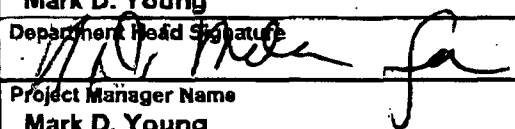
WHEREAS, on January 27, 2005, the Board, in the interest of public safety and convenience and for the reasons set forth in a Staff Summary, dated January 5, 2005, adopted a resolution authorizing an Immediate Operating Need/Emergency Declaration ("ION/Emergency") on behalf of the MTA Bus Company ("MTA Bus") and MTA New York City Transit in order to expedite the procurement process for purposes of meeting immediate operating needs of MTA Bus and providing seamless and reliable service throughout the transition from private to MTA Bus service; and

WHEREAS, on October 25, 2006, the Board, in the interests of the safety and convenience of the public, in order to meet MTA Bus's operating needs and maintain service (i) ratified an extension of the ION/Emergency from the date of its initial expiration to and including October 23, 2006, and (ii) on behalf of MTA Bus and the other affiliates and subsidiaries of the Metropolitan Transportation Authority, authorized an extension of the ION/Emergency for six months from October 23, 2006, with an option, on notice to the Board, to extend the ION/Emergency for an additional six months thereafter; and

WHEREAS, on June 27, 2007, the Board approved the extension of the ION/Emergency for the sixty (60) day period commencing June 23, 2007; and


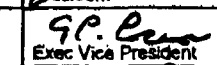

WHEREAS, as set forth in the Exhibits to the attached Staff Summary, during the period July 1, 2007 through August 21, 2007, MTA Bus made 58 procurements in excess of \$15,000, for a total amount of \$9,834,924.62 (the "ION/Emergency Procurements").

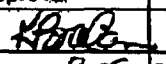



NOW, THEREFORE, BE IT RESOLVED, that the Board hereby ratifies the aforesaid ION/Emergency Procurements.

Subject Special Train Service and Fares (Speonk through Montauk)
Department Vice President/CFO
Department Head Name Mark D. Young
Department Head Signature 
Project Manager Name Mark D. Young

Date September 19, 2007
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	LI Committee	9/19/07			
2	MTA Finance Comm.	9/24/07			
3	MTA Board Mtg	9/26/07			

Internal Approvals			
Order	Approval	Order	Approval
9	 President	8	VP Sup. Eng. & CPM
8a	 Exec Vice President	7	VP Gen. Coun. & Secretary
	 Sr VP Operations	6	VP Labor Relations
		5	VP Mkt. Dev. & Pub Aff

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	Controller 	3	Gen. Mrg. - Serv. Planning 				Other
2	ED-Mgt & Budget 	4	Chief Transportation Officer 				

Narrative

Purpose:

To obtain MTA Board approval to establish a special fare for customers in Zone 12 (Speonk) to pay an intra-zone fare for travel to and from Zone 14 (Westhampton through Montauk) during an intervening period where LIRR will be providing special weekday train service between Speonk and Montauk during the re-construction of a portion of County Road 39 ("CR 39"). This special fare would only be in effect during the period of enhanced train service, which is scheduled from Tuesday, October 23, 2007, through Thursday, May 22, 2008. This modification will provide a uniform fare structure for those commuting between Speonk and Montauk and would apply for all ticket types. Purpose is also to obtain MTA Board approval to allow MTA Long Island Rail Road ("LIRR") discretion to discontinue the special train service and fare prior to May 22, 2008 if either ridership levels do not warrant service continuation or CR 39 re-construction is completed ahead of schedule.

All involved parties have agreed upon the proposed service plan. However, the special fare modification is the subject of MTA Board approval.

Discussion:

LIRR has been requested to provide special weekday train service on the South Fork of Long Island from October 23, 2007 to May 22, 2008 as a means of alleviating traffic congestion in this area during re-construction of CR 39 - the main arterial running through the South Fork. The LIRR estimates that the cost of this interim service is approximately \$84,000 per month. Included in this estimate are the costs of fuel, cleaning and maintenance and crew costs. Overall, the total cost over the 7-month period would be \$588,000. Prior to May 22, 2008, upon notification by electronic mail on the first day of any month, the special train and proposed fare may be terminated on the first day of the next succeeding month if either ridership levels do not warrant service continuation or CR 39 re-construction is completed ahead of

schedule. The parties understand that special service and fare will not be provided after May 22, 2008, irrespective of the road construction schedule.

It is anticipated that traffic congestion on the South Fork will significantly worsen during this construction period unless an alternative mode of transportation is provided. In this regard, the LIRR will provide three (3) additional eastbound trains from Speonk (two terminating in Montauk and one in East Hampton) and three (3) additional westbound trains terminating in Speonk (2 originating from Montauk and 1 from East Hampton). The local communities have agreed to provide connecting shuttle bus service to the business districts from the South Fork Train Stations. As currently configured, the fare between Speonk (Zone 12) and Westhampton through Montauk (Zone 14) as compared to fares between stations within Zone 14 is as follows:

Current Fare			Senior Citizen / Disabled		
		One-Way	One-Way	Weekly	Monthly
From Speonk (Fare Zone 12)	Westhampton through Montauk (Fare Zone 14)	\$ 4.25	\$ 2.00	\$ 36.00	\$ 116.00
From Westhampton (Fare Zone 14)	Hampton Bays through Montauk (Fare Zone 14)	\$ 2.25	\$ 1.00	\$ 20.00	\$ 66.00

As shown in the above table, there is a substantial difference in fares for train customers commuting between Speonk and stations located in Zone 14. As a result, customers will most likely drive to Westhampton Station as a cost savings measure. This, in turn would increase traffic congestion between Speonk and Westhampton. In addition, Speonk Station has a greater supply of commuter parking as compared to Westhampton Station allowing for a positive public transportation experience for new LIRR customers. As noted above, LIRR is proposing a special fare for this period of time as follows:

Proposed Fare			Senior Citizen/ Disabled		
		One-Way	One-way	Weekly	Monthly
From Speonk (Fare Zone 12)	Westhampton through Montauk (Fare Zone 14)	\$ 2.25	\$ 1.00	\$ 20.00	\$ 66.00
From Westhampton (Fare Zone 14)	Hampton Bays through Montauk (Fare Zone 14)	\$ 2.25	\$ 1.00	\$ 20.00	\$ 66.00

Overall, the LIRR believes that this special fare will provide the following benefits: 1) a uniform fare that is easy to understand and use, 2) alleviate traffic congestion between Speonk and Westhampton, 3) increase ridership because of the lower fares between Speonk (Zone 12) and stations located in Zone 14 and 4) direct new LIRR customers to the Speonk station which has greater parking supply.

As information, the proposed special intra-zone fares will be adjusted in accordance with any system-wide fare increases that may be approved by the MTA Board during this period.

Impact on Funding: The LIRR estimates that the cost of this special train service is approximately \$84,000 per month. The total cost over the 7-month period would be \$588,000. Assemblyman Fred Thiele, Senator Kenneth LaValle and County Executive Steven Levy commit to fund the cost of the special train service based upon a combination of federal funds through the assistance of Congressman Timothy Bishop, New

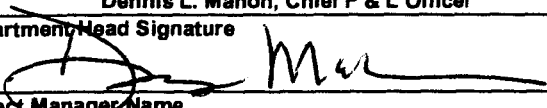
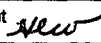
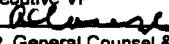
York State funds through the assistance of Senator Kenneth LaValle, and County funds through the efforts of Suffolk County Executive Steve Levy.

The estimated fiscal impact of offering this special fare to customers during the CR 39 project is a loss of approximately \$4,000 (based on proceeds during the same time period in 2006-2007). This is a very small percentage of the total of more than \$400 million in fare box revenue generated each year by the LIRR.

Alternatives: The alternative is to keep the existing fare structure intact. This would forego the opportunity to provide a uniform, user-friendly fare rate for LIRR customers traveling between Speonk and Montauk, and would, in turn, result in greater traffic congestion between Speonk and Westhampton (assuming customers would drive to Westhampton Station to avoid paying the higher fee from Speonk Station).

Recommendation: The LIRR recommends that the MTA Board approve LIRR's request to implement the special fare for the period of Tuesday, October 23, 2007 through Thursday, May 22, 2008 and allow LIRR discretion to discontinue the special fare prior to May 22, 2008 if either ridership levels do not warrant service continuation or CR 39 re-construction is completed ahead of schedule.



Subject Request for Authorization to Award Various Procurements						Date September 26, 2007			
Department Procurement & Logistics						Vendor Name			
Department Head Name Dennis L. Mahon, Chief P & L Officer						Contract Number			
Department Head Signature 						Contract Manager Signature			
Project Manager Name									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
	LI Committee	9.19.07				X	President 		Information Technology Chief Information Officer
	MTA Board	9.26.07				X	Executive VP 		M of E Chief Mechanical Officer
							VP, General Counsel & Secy		Procurement & Logistics Chief P&L Officer
							VP & Chief Financial Officer		Human Resources Executive Director

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:

Schedules Requiring Two-Thirds Vote

Schedule A:	Non-Competitive Purchase & Public Works Contracts	# of Actions	\$ Amount
	<ul style="list-style-type: none"> Graham White Manufacturing Sales \$.750M JK-Co. LLC \$.023M Mitsubishi Electric Power Products, Inc. \$20.000M 	3	\$20.773M

Schedules Requiring Majority Vote

Schedule E:	Miscellaneous Procurement Contracts	2	\$.772M
	<ul style="list-style-type: none"> BorderWare \$.092M IBM/FileNet \$.680M 		
Schedule F:	Personal Service Contracts	2	\$.865M
	<ul style="list-style-type: none"> Alstom Signaling \$.700M Jacobs Civil Consultants \$.165M 		

SUBTOTAL: 7 \$22.410M

LIRR proposes to award Competitive Procurements in the following categories:

			<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>				
Schedule C	Competitive Requests for Proposals		1	\$6.499M
	• Siemens Transportation Systems	\$ 6.499M		
<u>Schedules Requiring Majority Vote</u>				
Schedule G	Miscellaneous Service Contracts		4	\$12.068M
	• Central Parking Consultants	\$ 2.800M		
	• Mount Vernon Monetary Mgmt Corp.	\$.047M		
	• NY Cesspool & Drain Corp.	\$.330M		
	• Miscellaneous Service Contracts	\$ 8.891M		
SUBTOTAL:			5	\$ 18.567M

LIRR proposes to award Ratifications in the following categories:

			<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>				
Schedule D	Ratification of Completed Procurement Actions		2	\$.058M
	• Portec Rail Products, Inc.	\$.034M		
	• Richmond Hill Lumber & Supply Co.	\$.024M		
SUBTOTAL:			2	\$.058M
TOTAL:			14	\$41.035M

BUDGET IMPACT:

The purchases/contracts will result in obligating LIRR operating and capital funds in the amount 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.)

**STANDARD FORM OF RESOLUTION PURSUANT TO ALL-AGENCY PROCUREMENT
GUIDELINES AND THE GUIDELINES FOR SERVICE CONTRACTS**

THE LONG ISLAND RAIL ROAD

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities and the All-Agency Procurement Guidelines, the Board authorized with 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, upon the recommendation of the Executive Director, 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 there in 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 authorized 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 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.

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2007

MTA LONG ISLAND RAIL ROAD

Procurements Requiring Two-Thirds Vote

Page

Schedule A: Non-Competitive Purchase and Public Works Contracts

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

- | | | | | |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|--------------------------------------|------------|
| 1. | Graham White Manufacturing Sales
Sole Source | \$750,000
Not-to-Exceed | <u>Staff Summary Attached</u> | 245 |
| | <p>LIRR requests MTA Board approval to award a Sole Source Blanket Purchase Order for a 36-month period to Graham White Manufacturing Sales ("Graham White"), in an amount not-to-exceed \$750,000 to provide for various air dryer and air brake spare parts for LIRR's Diesel Fleet Locomotives, Work Locomotives, and M3 electric cars. Graham White is the Original equipment Manufacturer and sole responsible source for this material.</p> | | | |
| | | | | |
| 2. | JK-Co. LLC
Sole Source
Contract No. TBD | \$22,505
Fixed Amount | | |
| | <p>LIRR requests MTA Board approval to award a contract in the fixed amount of \$22,505 to JK-Co. LLC to repair airlift cylinders for side dump cars which are used to store, transport, and dump ballast from the track bed and are also used to remove excavated soil from platform and building projects. These cars have also been used on concrete tie projects and various state of good repair programs. JK-Co. LLC is the only source that is approved by the American Association of Railroads and known to LIRR and Metro-North Railroad to process the tooling for fabrication and repairing airlift cylinders of air side dump cars. These very large cylinders, which are three feet in diameter and four feet high, require workers to use special equipment and a crane to work on them. LIRR currently owns five side dump cars, two of which are out of service needing cylinder repairs. Each car has four of these cylinders on them. JK-Co. LLC has certified that the fixed price is equal to or not greater than the price currently quoted to other customers for similar material and quantities. This coupled with LIRR's review of the prices indicate that the pricing submitted by JK-Co. LLC is fair and reasonable.</p> | | | |
| | | | | |
| 3. | Mitsubishi Electric Power Products, Inc.
Sole Source | \$20,000,000
Not-to-Exceed | <u>Staff Summary Attached</u> | 246 |
| | <p>LIRR requests MTA Board approval to award a Sole Source Blanket Purchase Order for a 36-month period to Mitsubishi Electric Power Products, Inc., ("MEPPI") in an amount not-to-exceed \$20,000,000 for various propulsion spare parts used for Life Cycle Maintenance of LIRR's fleet of 836 M-7 cars. MEPPI, which is a wholly owned subsidiary responsible for service requirements for Mitsubishi Electric Co., the Original Equipment Manufacturer of these parts, is the single responsible source.</p> | | | |

Procurements Requiring Majority Vote

Page

Schedule E: Miscellaneous Procurement Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive)

- | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------|-----|
| 4. | BorderWare
Sole Source | \$91,890
Not-to-Exceed | | |
| | <p>LIRR requests MTA Board approval to award a Sole Source Miscellaneous Procurement to BorderWare for the upgrade and maintenance of its current e-mail security devices. This contract, which is for a three-year period, will allow LIRR to continue to filter inbound e-mail messages for spam, viruses, inappropriate content, and other security threats. The upgrade will double the storage capacity and processing capabilities of the units from 25,000 to 50,000 e-mail messages per hour. These security devices have proven extremely effective in combating e-mail spam and viruses to the point that the LIRR has designed its entire e-mail infrastructure around these security devices. Because these security devices are proprietary in nature, they can only be maintained and upgraded by BorderWare. LIRR negotiated an additional 20% reduction off BorderWare's General Services Administration Schedule, therefore pricing is deemed fair and reasonable. This award will be funded by LIRR's operating budget.</p> | | | |
| 5. | IBM/FileNet
Sole Source | \$680,000
Not-to-Exceed | <u>Staff Summary Attached</u> | 247 |
| | <p>LIRR requests MTA Board approval to award a Sole Source Contract in the amount not-to-exceed \$680,000 to IBM/FileNet to upgrade LIRR's existing IBM/FileNet Integrated Document Management (IDM) system to the IBM/FileNet P8 platform, and to provide five years of software maintenance and upgrades. This upgrade will provide a comprehensive integrated system for records management.</p> | | | |

Procurements Requiring Majority Vote

Schedule F: Personal Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive)

- | | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------|-----|
| 6. | Alstom Signaling
Sole Source
Contract No. 6002 | \$700,000
Not-to-Exceed | <u>Staff Summary Attached</u> | 249 |
| | <p>LIRR requests MTA Board approval to award a Sole Source Personal Services Contract to ALSTOM Signaling in the not-to-exceed amount of \$700,000 to provide Construction Phase Services for the Valley Interlocking Signal Upgrade Project.</p> | | | |
| 7. | Jacobs Civil Consultants
Sole Source
Contract No. 5973-2-20 | \$165,200
Not-to-Exceed | <u>Staff Summary Attached</u> | 251 |
| | <p>LIRR requests MTA Board approval to award a Sole Source Personal Services Contract to Jacobs Civil Consultants, Inc. in the not-to-exceed amount of \$165,200 to provide Construction Phase Services for the Seaford Station Rehabilitation Project.</p> | | | |

Schedule A: Non-Competitive Purchases and Public Works Contracts

Staff Summary



Long Island Rail Road

Item Number:

Vendor Name (& Location) Graham White Mfg. Sales, Salem VA
Description Various Rolling Stock Air Dryer and Air Brake Spare Parts
Contract Term (including Options, if any) 3 Year Blanket Purchase Order
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: Sole Source

Contract Number TBD	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$750,000 NTE	
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 Department-Mark P. Sullivan-CMO	
Contract Manager: Arthur Billotti	

Discussion:

LIRR requests MTA Board Approval to award a Sole Source Blanket Purchase Order (BPO) for a 36-month period to Graham White Mfg. Sales ("Graham White") in an amount not-to-exceed \$750,000 for various air dryer and air brake spare parts. These parts will be used to maintain the air dryer systems on LIRR's fleets of 134-C3 Bi-level Coaches, 45-DE and DM30-Diesel Locomotives, eight Work Locomotives, and 170-M-3 electric cars. The parts to be procured under this BPO, which will be ordered on an as-needed basis, are required by LIRR to perform scheduled and unscheduled maintenance. The \$750,000 authorized amount is based on LIRR's estimated needs during the contract period. LIRR is not obligated to purchase any specific parts or quantities pursuant to this authorization. Graham White is the Original Equipment Manufacturer and sole responsible source for these parts. LIRR advertised its intent to award a sole source procurement in the NYS Contract Reporter and the New York Post, and no other vendor expressed interest in competing for this requirement. Pricing will remain fixed for the three-year duration of the BPO. Pricing for high volume items represents an average increase of 15.47% over the previous contract (5.15% per annum). The Producer Price Index for Railroad rolling stock manufacturing parts and accessories for this same time period indicates a 14.2% increase (4.8% per annum). Graham White, which reduced its pricing during negotiations, indicated that the price increase was greater than the PPI because LIRR substantially reduced the order quantities, which is related to M-1 fleet retirement. Graham White has, however, certified that prices offered are equal to or less than prices quoted to their most favored transit customer or any other commuter railroad or transit agency. Based on the above, the prices have been determined to be fair and reasonable.

Schedule A: Non-Competitive Purchases and Public Works Contracts



Long Island Rail Road

Staff Summary

Item Number:

Vendor Name (& Location) Mitsubishi Electric Power Products, Inc. Warrendale, PA.
Description Various Propulsion Replacement Parts
Contract Term (including Options, if any) 3 Year Blanket
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: Sole Source

Contract Number IT04648	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$20,000,000 NTE	
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 Department-Mark P. Sullivan - CMO	
Contract Manager: Arthur Billotti	

Discussion:

LIRR requests approval to award a Sole Source Blanket Order (BPO) for a 36-month period to Mitsubishi Electric Power Products, Inc. (MEPPI), in an amount not-to-exceed \$20,000,000 for various propulsion replacement parts used for Life Cycle Maintenance of LIRR's fleet of 836 M7 cars. The parts to be procured under this BPO, which will be ordered on an as-needed basis, are required by LIRR to perform scheduled and unscheduled maintenance. The \$20,000,000 authorized amount is based on LIRR's estimated needs during the contract period. However, LIRR is not obligated to purchase any specific parts or quantities pursuant to this authorization.

Mitsubishi Electric Co. (MELCO) is the Original Equipment Manufacturer (OEM) of these parts, and single responsible party. MEPPI is MELCO's U.S. wholly owned subsidiary responsible for the logistics and service requirements of MELCO propulsion equipment. LIRR advertised its intent to award a sole source procurement in the NYS Contract Reporter and the New York Post, and no other vendor expressed interest in competing for this requirement. Pricing will remain firm for the duration of the three-year BPO. Through negotiations, pricing was reduced by 2% for high dollar items. Pricing for high volume items represents an average increase of 12 % over the previous pricing (4.0% per annum). The producer Price Index for Railroad rolling stock manufacturing parts and accessories for the past three years indicates a 14.2% increase (4.8% per annum). Additionally, MEPPI has certified that prices offered are equal to or less than prices quoted to their most favored transit customer or any other commuter railroad or transit agency. Based on the above, the prices have been determined to be fair and reasonable.

Staff Summary

Item Number:

Vendor Name (& Location) IBM Corporation, One Rogers Street, Cambridge, MA 02142
Description Upgrade to IBM/FileNet P8 Platform
Contract Term (including Options, if any) October 1, 2007 – September 30, 2008
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 checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

Contract Number TBD	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: NTE \$680,000	
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: Frederick A. Wedley, CIO	
Contract Manager: Cliff De Risi	

Discussion:

LIRR requests MTA Board approval to award a Sole Source Contract in an amount not-to-exceed \$680,000 to IBM/FileNet to (i) upgrade LIRR's IBM/FileNet Integrated Document Management (IDM) system to the IBM/FileNet P8 platform and (ii) provide five years of software maintenance and upgrades. The IBM/FileNet P8 platform is a content and process management system, which provides a comprehensive integrated solution that allows a single user interface (there are currently five) to an enterprise catalog for corporate documents. This new platform is necessary to maintain and grow the LIRR's current and future IDM applications to support critical business requirements. Additionally, the upgrade requires an infrastructure replacement that will consolidate various software components resulting in lower maintenance requirements in the future.

IBM/FileNet Corporation has been the LIRR's standard for integrated document management since 1994. The IDM system consists of the five proprietary client-server application components that have never been fully integrated and lack records management functionality. In addition, the IDM system, which is approaching obsolescence and is ten years old, will not be able to manage the continually growing volume of raw data, which has to be processed to meet mandated storage and records compliance requirements. The P8 upgrade will provide the tools to effectively manage corporate records, which includes the following:

- Provide business continuity through enhanced disaster recovery options and improved management of emails and other electronic records
- Enforce corporate compliance procedures without burdening or relying on business users
- Organize and securely store and quickly retrieve essential company records
- Ensure that only mandated records are stored for the required time period
- Ensure that expired records are destroyed in a legally acceptable manner
- Manage and enable legal discovery of e-mail communications.

The IBM/FileNet P8 products are proprietary. After investigation of other solutions, other alternatives were not considered because no other sources (i) are familiar with LIRR's standards and infrastructure, (ii) have extensive knowledge of the successive generations of IBM/FileNet's IDM technology, and (iii) have familiarity with LIRR's IDM architecture. Replacement of LIRR's IDM system to a comparable alternate solution is not a feasible alternative, because it would result in enormous work efforts and incur additional costs, for migrating approximately 1,000,000 documents, retrofitting of 7 – 12 custom programs, and retraining almost 400 users. This effect could potentially disrupt LIRR business operations, if vital business documents are rendered inaccessible to users for an undetermined period of time while this migration takes place.

IBM/FileNet is providing LIRR with additional pricing discounts off its New York State Office of General Services contract for the P8 products and implementation services. Therefore, the pricing has been deemed fair and reasonable.

It is recommended that the MTA Board authorize the award of a sole source miscellaneous procurement in the amount not-to-exceed \$680,000 to IBM/FileNet for the P8 upgrade and associated software maintenance for a five-year period. The monies for this upgrade will be funded out of LIRR's operating budget.

Schedule F: Personal Service Contract



Staff Summary

Item Number					
Dept & Dept Head Name: Procurement & Logistics; Dennis Mahon					
Department Head Signature & Date <i>[Signature]</i> 9/10/07					
Division & Division Head Name:					
Chief Engineer, Brian Finn <i>[Signature]</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee				
2	MTA Board				
Internal Approvals					
Order	Approval	Order	Approval		
5	President <i>[Signature]</i>	2	VP, Chief Financial Officer		
4	Exec. Vice President <i>[Signature]</i>	1	VP, Gen'l Counsel & Sec'y		
3	Sr. VP Operations <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name	Contract Number
ALSTOM Signaling	6002
Description	
Construction Phase Services for Valley Interlocking	
Total Amount	
Not to Exceed \$700,000	
Contract Term (including Options, if any)	
28 months from award	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type	
<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE/RECOMMENDATION

LIRR requests MTA Board approval to award a Sole Source Contract to ALSTOM Signaling (ALSTOM) in the not-to-exceed amount of \$700,000 to provide Construction Phase Services (CPS) for the Valley Interlocking Project. The estimated period of performance is 28 months from the Notice of Award.

DISCUSSION

Under the 2000-2004 Capital Program, LIRR embarked on an aggressive program to upgrade its signal system with sophisticated microprocessor technology and software utilizing third party contractors to design and furnish the signal systems, including computer hardware and software. The field implementation of several of these signal projects, including the Valley Interlocking Project (Project PN-57), will be undertaken as part of the 2005-2009 Capital Program. In 2001, LIRR retained ALSTOM Signaling through a competitive procurement process to design and furnish a signal system for the Valley Interlocking and Valley Extension. The signal system developed by ALSTOM is in the preliminary stages of construction, with full cutover scheduled for May 2009. Under this proposed Contract, ALSTOM, working closely with the LIRR Engineering-Signal Design Group, will provide technical support services related to its design deliverables on an as-needed basis during the full course of this field implementation. ALSTOM's knowledge of its design and of the overall project requirements makes it uniquely qualified to provide CPS. It is a common industry practice for the microprocessor application software designer to provide such services. The Consultant's labor, overhead, and fee rates have been forwarded to MTA Audit for review, and any adjustments will be downward only. Because the services required cannot be determined prior to the progression of work in the field, ALSTOM shall only perform specific authorized tasks. The "not-to-exceed" amount is the maximum total amount that the consultant shall be allowed to bill under this Contract.

A responsibility review of ALSTOM disclosed Significant Adverse Information (SAI) within the definition of the Responsibility guidelines. A memo to the MTA Executive Director requesting that ALSTOM be determined to be a responsible vendor, notwithstanding the SAI, has been approved.

D/M/WBE INFORMATION

This contract has a 0% M/WBE goal.

IMPACT ON FUNDING

This contract will be funded by the LIRR's Capital budget.

ALTERNATIVES

There is no reasonable alternative since ALSTOM is uniquely qualified to provide technical services related to the implementation of its design and microprocessor application software during the construction of the new Valley Interlocking. The use of another consultant would not be viable, as it would not be able to provide timely response to resolve problems encountered by LIRR forces during installation and testing, without first re-engineering the system designed by ALSTOM, which in turn, would result in project delay, operational impacts, and increased costs.

Schedule F: Personal Service Contract

Staff Summary



Long Island Rail Road

Item Number					
Dept & Dept Head Name: Procurement & Logistics; Dennis Mahon					
Department Head Signature & Date: <i>[Signature]</i> 9/10/07					
Division & Division Head Name: T. DeMaria 9/10/07					
Executive Director Capital Program Management, T. DeMaria					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	9.19.07			
2	MTA Board	9.26.07			
Internal Approvals					
Order	Approval	Order	Approval		
6	President <i>[Signature]</i>	3	VP, Chief Financial Officer <i>[Signature]</i>		
5	Exec. Vice President <i>[Signature]</i>	2	VP, General Counsel & Secretary <i>[Signature]</i>		
4	Sr. VP Operations <i>[Signature]</i>	1	VP, Planning, Technology & CPM <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Jacobs Civil Consultants	5973-2-20
Description	
Construction Phase Services for Seaford Station Rehabilitation	
Total Amount	
Not to Exceed \$165,200	
Contract Term (including Options, if any)	
20 months from award	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type	
<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE/RECOMMENDATION: LIRR requests MTA Board approval to award a Sole Source Personal Services Contract to Jacobs Civil Consultants, Inc. ("Jacobs") in the not-to-exceed amount of \$165,200 (cost plus fixed fee) to provide Construction Phase Services (CPS) for the Seaford Station Rehabilitation Project.

DISCUSSION: On May 5, 2006, pursuant to a competitive procurement process, Jacobs was awarded a contract to provide design services for the Rehabilitation of the Seaford Station. The technical statement of work ("TSOW") for the design stated that services required during construction phase will be included pursuant to a supplemental authorization at a later date. However, a supplemental agreement for Construction Phase Services was not finalized as part of the initial design contract solicitation because the specific scope requirements such as the anticipated construction duration, shop drawing submittals, and meeting requirements could not be determined until design was near completion. As a result, the TSOW for the CPS effort was prepared after the 60% Design submittal.

Under this proposed contract, Jacobs will provide technical support services during construction, including shop drawing review, responses to construction contractor Requests for Information, change order support, value engineering, and work conformance inspections and support. Based upon Jacobs' extensive knowledge of the design, combined with its familiarity with site conditions Jacobs is uniquely qualified to perform this work so that LIRR achieves efficient and successful completion of the Seaford Station Rehabilitation contract, with minimal impact upon ongoing train service operations. It is common industry practice for the Designer of Record to provide CPS services for projects, which they have designed. Construction is scheduled to commence in September 2007. The estimated period of performance of this contract is 20 months from the Notice of Award. The Consultant's overhead and labor rates have been reviewed by the LIRR and determined to be fair and reasonable and are also subject to review by MTA Audit. Any adjustments will be downward only. The "not-to-exceed" amount is the maximum that the Consultant shall be allowed to bill in total under the awarded Contract.

D/M/WBE INFORMATION:

This contract has 10% MBE / 10% WBE participation goals.

IMPACT ON FUNDING:

This contract will be funded by the LIRR's Capital budget.

ALTERNATIVES: Seek another consulting firm through a competitive procurement process. This would add approximately 3-4 months on the front-end and additional time would be required for that consultant to familiarize themselves with all pertinent design documents. The use of another consultant would hamper timely resolution of design issues encountered during the construction effort, which in turn, could result in project delay, operational impacts and inefficiency.

