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Metropolitan Transportation Authority

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September 2005

MTA Board Action Items



MEETING AGENDA

METROPOLITAN TRANSPORTATION AUTHORITY BOARD SEPTEMBER 29, 2005 - 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: Thursday, October 27, 2005 at 9:30 a.m.

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

Official Name	Legal Name	Abbreviation
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	Capital Construction Company	MTA CC

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 is a subsidiary of the New York City Transit Authority (abbreviated as MaBSTOA).

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	Pink

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

**Wednesday, July 27, 2005
9:30 a.m.**

The following members were present:

**Hon. Peter S. Kalikow, Chairman
Hon. Edward B. Dunn, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Nancy Shevell Blakeman
Hon. Michael J. Canino
Hon. Barry Feinstein
Hon. James H. Harding, Jr.
Hon. Susan L. Kupferman
Hon. Mark D. LeBow, Esq.
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. Francis H. Powers
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke**

The following members were absent:

**Hon. Andrew M. Saul
Hon. Edward A. Vrooman**

Hon. David S. Mack, Vice Chairman attended the meeting by telephone.

Katherine N. Lapp, Executive Director, Timothy O'Brien, Chief of Staff and Board Secretary, Catherine A. Rinaldi, General Counsel, former Board Member James Simpson, Board Member James F. Blair, Board Member Ed Watt, Lawrence Reuter, President of NYCTA, Peter Cannito, President of Metro-North, Michael Ascher, 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, the MTA Bus Company, 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. **RESOLUTION COMMENDING BOARD MEMBER JAMES SIMPSON.**

Chairman Kalikow acknowledged Board member James Simpson's years of service on the MTA Board, presented a chair which signifies his lifetime membership as an honorary member of the Board, and read the following Resolution:

WHEREAS, James S. Simpson has served with dedication as a member of the Metropolitan Transportation Authority Board since 1995, and;

WHEREAS, James S. Simpson has uniquely contributed to the Board his expertise in the transportation industry, and;

WHEREAS, James S. Simpson has served the residents of New York State as a representative of governor George Pataki on the MTA Board, and has offered invaluable service to the MTA following the terrorist attacks of September 11, 2001, and;

WHEREAS, James S. Simpson has worked diligently as a member of the Finance and New York City Transit Committees, and as Chairman of the Real Estate and Safety and Security Committees, and has offered unparalleled insight into the management and disposition of MTA properties, and has overseen the MTA's success in significantly reducing worker injuries, and;

BE IT, THEREFORE, RESOLVED that the Members of the Board of the Metropolitan Transportation Authority and its subsidiaries and affiliates extend to James S. Simpson their appreciation and gratitude for his devotion to improving the region's transportation network and make him an honorary lifetime Member of the Board, with all perquisites of such position.

Board Member Simpson thanked Chairman Kalikow, the MTA staff, and he gave specific recognition to Michael Ascher, President of TBTA, Roco Krsulic, Director of Real Estate and his staff, Linda Kleinbaum, Deputy Executive Director of Administration, and her staff, and Darlene Slade, MTA Board Coordinator for their hard work and dedication. Mr. Simpson concluded by saying that it was a pleasure serving on the Board.

In addition, Chairman Kalikow welcomed Board member Susan Metzger, who replaced former Board member Lawrence W. Gamache

2. **PUBLIC SPEAKERS:**

The following public speakers expressed their support of the Forest City Ratner Companies' ("FCR") project, because of the numerous opportunities it will bring to the community and urged the Board to move forward with negotiations with the FCR group:

Denise Caldwell-Taylor, Prospect Heights Neighborhood Corp.; Anthony Herbert, St. John's Place Civic Association; Marie Louis, BUILD; Rev. Herbert Daughtry, Downtown Brooklyn Neighborhood Assoc.; James Caldwell, 77th Pct. Community Council; Anthony Pugliese, Carpenters Union; John Turchiano, Hotel Workers Union; Dennis Milton, Local 580 Ironworkers; Jim Stuckey, Forest City Ratner; John Incontrera, Teamsters Union; Anthony Taylor, Pacific Street Block Association; Patrick Witt, Brooklyn Nets Yahoo.com; Michael West, White Wing Educational Comm. Develop.; Bob Corbett, Business Agent, Plumbers Local Union #1; Bertha Lewis, ACORN; Monica Foster, NYS Assoc. Minority Contractors; Jasmine Miller, Community Leadership for Accountable Pol.; Ebonie Jarvis, Lincoln Place Block Association; Ronald Buie, Buie Development; Atiim Ferguson, Private Citizen; Thomas Sicignano, Brooklyn USA Basketball; Rudy Richardson, NYS Minority Contractors Association; Charlene Nimmons, Public Housing Committee; Delia Hunley-Adossa, FATHC; Lance Woodward, 77th Precinct Community Council; Leonard Ford, BUILD; Alice Fabre, BUILD; Cleveland White, BUILD; and Willie Bethea, Tenants Association.

The following public speakers expressed their opposition to the Board's proposal to continue negotiations with the FCR group and they urged the Board to delay the vote and negotiate with both FCR and Extell. They also urged the Board to consider alternative ideas, and reopen the bidding process so that the MTA can sell the property for its fair market price:

Hon. Letitia James, New York City Council; Norman Oder, Private Citizen; Eric McClure, Park Slope Neighbors; Thomas Rooney, Prospect Heights Action Coalition; Mary Campbell Gallagher, Big Cities/Big Boxes.com; Beverly Dolinsky, PCAC; Hon. Velmanette Montgomery, New York State Senate; Shellie Hagan, Prospect Heights Action Coalition; Daniel McCalla, Clermont Green Ave. Block Association; Millard Owens, Develop-Don't Destroy Brooklyn; Michael Harris, Disabled Riders; Lela Goren, Extell; Genevieve Christy, Brooklyn Kindergarten Society; Patti Hagan, Prospect Hts. Action Coalition; Shabnam Merchant, Sierra Club; Darnel Canada, REBUILD; Candace Carpenter, Develop-Don't Destroy Brooklyn; Ken Diamondstone, Central Brooklyn Independent Democrats; Michael Decker, Develop-Don't Destroy Brooklyn; Sandy Balboza, Atlantic Avenue Betterment Association; and Daniel Goldstein, Develop-Don't Destroy Brooklyn.

3. **MINUTES.** Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular Board meeting held on June 29, 2005.

4. **VANDERBILT YARD PROPOSALS RESOLUTION**

Chairman Kalikow explained the intent of the Vanderbilt Yard Proposals Resolution, which authorizes the Chairman and the Executive Director to meeting with Forest City Ratner Companies to discuss their bid on the Vanderbilt Yard Project and negotiate a

firm bid for a price higher than previously proposed by the Ratner Companies. Chairman Kalikow explained that the MTA is required, under law, to consider all options and he said that it is his opinion that the bids received by the Ratner Companies, while complete and well thought out, was not as high as he expected.

Vice Chairman Edward Dunn said that he thinks that it is appropriate that the MTA continue negotiations with the Forest City Ratner Companies because they have spent a considerable amount of time on developing a proposal, and he said that the only thing missing from the Ratner proposal is a satisfactory price. Mr. Dunn added that continuing negotiations with the Ratner Companies does not constitute a rejection of Extell's proposal, and that if Extell chooses to firm up details of its proposal in the interim, they are free to do so.

Board Member Barry Feinstein said that the dollars involved with the Ratner Companies' proposal are unacceptable, and he said that he fully supports the renegotiations with the Ratner Companies for a period of forty-five days. Mr. Feinstein agreed with Vice Chairman Dunn's comment that Extell is free to revise the details of its proposal so that they would be in a position to continue discussions in the event it becomes necessary. Mr. Feinstein concluded by saying that it is important that the MTA maximize the income from the property for the benefit of the riders.

Board Member Susan Kupferman, on behalf of the City Board members, said that the City believes that the designation of the Forest City Ratner Companies is in the best interest of the MTA and the City because it will provide the MTA with greater certainty, economic value, and will provide the City with substantially more public benefits. Ms. Kupferman said that the Ratner group has completed years of preliminary work, which would allow them to move forward with the proposal. Ms. Kupferman said that she is pleased to support the resolution and moving forward expeditiously with negotiations toward improving the Ratner Companies' proposal.

Board Member Albert said that he understands that the Forest City Ratner's proposal is no where near the threshold that the Board would prefer. However, Mr. Albert said that he was wondering how continuing negotiations with only one of the parties would significantly increase the proposal of that party. Mr. Albert said that it would appear that if the Ratner Companies knew that negotiations were continuing with both parties, they would be more inclined to increase the amount of their proposal.

Chairman Kalikow responded by saying that it makes more sense to negotiate with one bidder at a time and that the MTA, as well as the Ratner Group, is aware that there is another bidder waiting to negotiate for the project.

Board Member Pally said that he agrees with his colleague that it is wrong to negotiate with just one bidder, and it is his opinion that both bids are deficient, that both bids do not meet all the criteria, and that both bids do not give enough money to the MTA. Mr. Pally said that while he appreciates the views of the people of Brooklyn as to what should be built on the property, it is not the Board's responsibility to make that determination, but the responsibility of the City, the State of New York, the Borough President, elected officials and the people of Brooklyn. He said that his determination is whether or not the MTA is getting enough money from the party buying the property. Mr. Pally concluded

by saying that he is concerned about the exclusivity of the negotiations, and that he supports delaying the vote because he doesn't think that either bid is sufficient in its current form, and he respectfully opposed an exclusive negotiating period for one bidder.

Board Member Harding said that he supports the current resolution and that he has confidence in the Chairman, the Executive Director and the staff to negotiate with Forest City Ratner Companies. He concluded by saying that it is important that MTA moves forward with a project that will improve the community.

Board Member Blakeman said that the only element missing from the Ratner proposal is the money, and that there are many unanswered questions to the proposal submitted by Extell, including money; and therefore, she said that it is a wise decision, at the moment, to continue negotiations with Forest City Ratner to give them an opportunity to increase the amount of its proposal.

Board Member Pally responded by saying that he agrees with Mr. Albert and Mr. Harding that time is of the essence and the community deserves an answer; however, Mr. Pally said that the community deserves the right answer from the Board, and going through a forty-five day period with the Ratner proposal does not give the Board any assurance that they will increase the amount of their proposal, and at the end of the forty-five day period, the Board would be forced to decide how to proceed. Mr. Pally said assuming that the Board rejects the Ratner bid at the end of the forty-five day period, the Board would then be forced to enter into a negotiating period with Extell. Mr. Pally said that the best thing to do is to negotiate with both parties at the same time, then at the end of the forty-five day period, the Board could review both proposals in their final form and decide how to proceed.

Chairman Kalikow commented on his experience in negotiating with tenants and said that Ratner is aware that Extell wants an opportunity to win, and if Ratner does not bring to the table an adequate bid amount, then the Board will move forward with the process.

Upon motion duly made and seconded, the Board approved the following resolution. Board member Mitchell H. Pally voted in opposition.

WHEREAS, pursuant to a Request for Proposals dated May 24, 2005, the Metropolitan Transportation Authority ("MTA") solicited interest for the sale or lease of the air space and relating real property interests in one or more of the three parcels known as Vanderbilt Yard (the "Site"); and

WHEREAS, on July 6, 2005, the MTA received two proposals, one from Extell Development Company ("Extell") and one from the Forest City Ratner Companies ("FCR");

WHEREAS, following its further evaluation of the Extell and FCR proposals and discussion of the proposals at its July 27, 2005 meeting, the MTA Board has determined that the following actions should be taken.

NOW THEREFORE, upon the recommendation of MTA's Executive Director, the Board of the MTA resolves as follows:

1. The Chairman and the Executive Director and their respective designees are hereby authorized, for the next 45 days, to negotiate the terms and conditions of any agreements to sell or lease air space and relating real property interests relating to the Site to FCR in connection with the FCR proposal only, and such other terms and conditions as the Chairman and Executive Director shall determine.
2. The Chairman and Executive Director shall present the terms and conditions of any such agreements to the Board for its consideration at the Board meeting next succeeding the successful negotiation of such term and conditions.
3. The Chairman and Executive Director and their respective designees are hereby authorized to take such actions as may be required to satisfy legal or regulatory requirements in connection with the foregoing actions, including but not limited to the preparation of any environmental analyses, evaluations, documents, determinations, or findings that may be required prior to final approval of any binding agreements to sell or lease air space and related real property interests relating to the Site to FCR in connection with the FCR proposal.
4. If, in the judgment of the Chairman and the Executive Director, MTA is unable to negotiate an acceptable agreement with FCR for the sale or lease of air space and related property interests relating to the Site, the Chairman and the Executive Director and their respective designees are authorized to terminate negotiations with FCR.

Upon motion duly made and seconded, Chairman Kalikow called for a two minute recess.

Upon motion duly made and seconded, Chairman Kalikow called the Regular Board meeting back to order.

Chairman Kalikow commented on the status of the Jets proposal by saying that this past Monday, the MTA had been contacted by Jay Cross, President of the New York Jets, who requested that the MTA give the Jets a month to decide whether to proceed with a contract of sale for the West Side Yards. Mr. Kalikow said that Mr. Cross was advised that the MTA was prepared to give the Jets another month with the understanding that the MTA would be free to pursue other options not involving the Jets for development of the West Side Yards during that one-month period. Mr. Kalikow continued by saying that MTA agreed that it would give the Jets notice if MTA decides to pursue any other development options before the deadline.

JOINT MEETING. The Chairman convened a concurrent meeting of the Committee on Finance as follows:

5. **EXECUTIVE DIRECTOR'S PRESENTATION TO A JOINT SESSION OF THE BOARD AND THE FINANCE COMMITTEE OF THE MTA 2006 PRELIMINARY BUDGET AND 2006-2009 FINANCIAL PLAN.**

MTA Executive Director, Katherine Lapp, presented the MTA Board and the public with the MTA 2006 Preliminary Budget and the July Financial Plan for 2006-2009. The presentation of the July plan, which reflected developments from the plan issued in February 2005, was for information purposes and did not require action by the Board.

Ms. Lapp highlighted the improved financial position of the MTA. However, on a cautionary note, she emphasized that a significant portion of the improvement was from one-time only revenues. She also stressed the impact on the budget of the continuing increase in the MTA's debt service costs, from \$1,080 billion in 2005 to more than \$2 billion forecasted in 2011.

Ms. Lapp reported that, prior to gap closing and other actions, the July plan showed improved closing cash balances from the February plan. The balances increased to \$833 million from \$76 million in 2005; to a positive \$461 million from a gap of (\$737 million) in 2006; to a gap of (\$194 million) from (\$1,105 million) in 2007; and to a gap of (\$1,077 million) from (\$1,398 million) in 2008. The budget gap in 2009 was estimated to be (\$1,453 million). Ms. Lapp noted that the \$200 million real estate stabilization reserve established in 2004 is available and will be applied to offset the 2006 reduction proposals included in previous financial plans.

Ms. Lapp noted that the improvement in the 2005 cash balance to \$833 million was the result of higher than budgeted real estate tax receipts of \$365 million, savings in debt service costs of \$128 million, and additional receipts of \$170 million from baseline adjustments and new taxes enacted by the New York State Legislature. The rest of the surplus came from restated financial results and other accounting adjustments.

Ms. Lapp explained that the NYS Legislature created new taxes to support the MTA's 2005-2009 Capital Plan. They included a one-eighth of a percent increase in the regional sales tax, a nickel increase in the Mortgage Recording Tax (MRT) and increased Department of Motor Vehicle (DMV) fees. The sales tax and the MRT increases became effective June 1, 2005, while the new DMV fees will go into effect January 1, 2006.

Ms. Lapp said the expected \$128 million reduction in debt service costs for 2005 included annual savings from refunding fixed-rate securities and continued low interest rates. In 2005, \$2 million of these savings will be used to quickly start NYC Transit intensive cleaning initiatives. Beginning in 2006, debt service savings will fund approximately \$6.4 million of service and cleaning enhancements at New York City Transit. The remainder of the nonrecurring debt service savings, \$3 million, will be used by the two commuter railroads to increase AM peak service and early afternoon service from Penn Station (LIRR) and expanded late-night service from Grand Central Terminal (MNR) and for New York City Transit Bus and Staten Island Railroad to provide additional service to match increased Staten Island Ferry service.

Ms. Lapp reported that the July plan includes more reductions in the agencies' February budgets for total savings of \$82 million in 2006 and \$108 million in 2007. Examples of the agencies' PEGs that produce more efficiencies with no reductions in service or security include: NYC Transit plans to reduce health and welfare costs and increase productivity in its central electronic ship operations; LIRR plans to reevaluate right-of-way leased line fees and create crew

efficiencies from reduced on-board ticket sales; Metro-North plans to increase revenue collection through an expanded ticket vending machine network and to establish a process review for productivity savings; B&T plans to reduce arrest processing overtime and the number of administrative position; MTAHQ plans to achieve administrative savings from headcount and contractual service reductions and create police overtime efficiencies; and SIR plans to achieve operation efficiencies from the new Rail Control Center.

Ms. Lapp stated that the MTA proposes to take \$481 million in non-recurring revenues from the \$833 cash balance for 2005 and allocate it to an MTA "Reinvestment Fund" as a one-time investment that will generate long-term operating benefits. She emphasized the non-recurring nature of these funds which must be considered when determining their use. At this time, Ms. Lapp identified for the Board's consideration two possible options for the use of the Reinvestment Fund. One would be to fund the construction of a platform over the West Side Rail Yards and sell the development rights to generate revenues for the MTA 2005-2009 Capital Plan. The authority would also sell three buildings on Madison Avenue, occupy space at the new development site over the West side Yards, and make the revenues from the sale available for the MTA 2010-2015 Capital Plan.

A second option for the \$481 million would be to pay down the unfunded liabilities of the MTA pension plans which currently total \$2.2 billion. Applying the \$481 million to the liabilities would result in a savings of approximately \$38 million annually in the agency's contributions to these funds.

Ms. Lapp noted that the MTA chose not to allocate the \$481 million to security projects because the Authority anticipates receiving \$500 million from the Federal government for those projects.

After applying the gap closing and other actions, the closing cash balances in the July financial plan were \$370 million in 2005, \$239 million in 2006, a gap of (\$128 million) in 2007, a gap of (\$771 million) in 2008, and a gap of (\$880 million) in 2009. The cash balances for 2007 and 2009 include the 5% revenue increases that were consistent with prior plans.

Mr. Kalikow said the next stage in the budget process is to encourage input from Board, elected officials and the public culminating with the adoption of the 2006 Budget by the Board in December.

Mr. Page emphasized that real estate taxes are always cyclical and forecasting those revenues is extremely difficult.

JOINT MEETING CONCLUDED. The Chairman concluded the concurrent meeting of the Committee on Finance.

Chairman Kalikow announced that the staff summary for the Revised MTA Committee Charters would not be voted on at this time and moved the item to the September, 2005 Board meeting agenda.

Chairman Kalikow asked Vice Chairman Dunn to move the regular items on the Committee on Finance as follows:

6. **COMMITTEE ON FINANCE.** 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.

A. **Board Authorization to File for and Accept Federal Grants.** Approval of a resolution, in conformance with past practices, (i) authorizing the filing of applications in request of Federal capital assistance for the balance of FFY 2005 and FFY 2006; (ii) authorizing the Chairman or any officer or their designees to make required certifications; and (iii) authorizing the acceptance of grants.

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.

1. **Business Objects America (formerly Crystal Decisions) – Enterprise Reporting and Analysis Renewal of Software Maintenance and Support – No. 6-01-02119-0-0, S/A #4.** Increase funding to a non-competitive contract to: i) extend maintenance and support of licensed Crystal Software for MTAHQ from August 1, 2005 through July 31, 2008; and ii) downgrade the level of software support from Elite support to Corporate support, which is deemed adequate by the Technology Department. This software is integrated into PeopleSoft, MTA's enterprise management software.
2. **Various Contractors - Computer Consulting Applications Services – Nos. 5-01-04062-0-1 thru -10.** Competitively negotiated contract to Cherry Road Technologies, Inc., Myers-Holum, Inc., Micro Technologies International, Cedar Enterprise Solutions, Mathtech, Inc., Computer Horizons Corp., Radiant Systems, Inc., Bowne Management Systems, Inc., Longi Engineering, and Syllog Corporation to provide computer consulting services, on an as-needed basis, to assist MTA EITG Division with the implementation and support of Computer Applications and Infrastructure changes to comply with various business requirements.
3. **Warnock Dodge, Inc. – Installation and Removal of Equipment on MTA Police Vehicles – No. 04128-0100.** Competitively negotiated contract to provide services in connection with the installation and removal of emergency lighting, communication and graphic equipment for the MTA Police Department fleet of vehicles for a period of thirty-six months.
4. **Foam and Car Wash – Interior/Exterior Car Wash Services for MTA Police Department – No. 04189-0800.** Competitively negotiated contract to provide interior cleaning and exterior car wash services on an as-needed basis for the MTA Police Department, District Seven-Beacon for a period of thirty-six months for an estimated total of 860 washes per year.
5. **Big M Car Wash – Interior/Exterior Car Wash Services for MTA Police Department – No. 04189-0300.** Competitively negotiated contract to provide interior cleaning and exterior car wash services on an as-needed

basis for the MTA Police Department, District Two-Garden City for a period of thirty-six months for an estimated total of 825 washes per year.

6. Angel Electrical Construction Inc. – Electrical Maintenance and Repair Services – No. 05005-0100. Competitively negotiated contract to furnish labor, material and equipment to provide as-needed electrical maintenance and repair services at MTAHQ (341, 345 and 347 Madison Avenue), The Manhattan Data Center (460 W. 34th Street), and East Side Access (469 and 470 Seventh Avenue – various floors).
 7. Temco Service Industries, Inc. – Maintenance and Repair Services of HVAC System – No. 05056-0100. Competitively negotiated contract to furnish all labor, material and equipment to provide operations maintenance and repair services for the Heating, Ventilation and Air Conditioning (HVAC) systems at MTAHQ (347, 345 and 341 Madison Avenue) and the Manhattan Data Center (460 W. 34th Street).
 8. Various Contractors - Preventive Maintenance and Repair Services - MTA Police Vehicles – Nos. 04141-0100 thru -0600. Competitively negotiated contract to Goodyear Tire and Rubber Co., Putnam Tire Company, Inc., South Shore Motors Corp., Tony's Long Wharf Transport, LLC, Triport International A.G.E.R., Inc., and Westside Auto Inc. to perform preventative maintenance and repair services on as as-needed basis for the MTA Police Department fleet of vehicles.
 9. Deloitte Consulting LLP – Risk Management Consulting Services for the MTA RISCs Project – No. 5-01-01003-0-0, S/A #2. Increase funding to a competitively negotiated contract to provide additional Risk Management Consulting Services; and extend the period of performance by twelve months from August 1, 2006 to July 31, 2007 to coincide with the implementation schedule for the enterprise-wide Risk Information, Safety and Claims System being created for MTA.
 10. James Carpenter Design Associates – AFT Project for Fulton Street Transit Center (2, 3, 4, 5; A, C, J, M, N, R, Z Subway Lines) – No. 1-07-04056-0-0, S/A #1. Increase funding to a competitively negotiated contract for artist to redesign his original proposal for the Fulton Street Transit Center.
 11. Louis Matarazzo – Labor Relations Consultant for MTA Police Department – No. 05052-0100. Ratification of a non-competitive contract for Louis Matarazzo to continue providing, for an eighteen-month period, consulting services to the MTA Police Department and its represented employees in establishing a harmonious working relationship.
7. **COMMITTEE ON MSBA.** Upon motion duly made and seconded, the Board unanimously approved the following procurement items. The specifics are set forth in the attached documentation:

1. Atlantic Detroit Diesel Allison – Service and Repair of Detroit Engines - # E-3473. Non-competitive contract for non-warranty service and repair of Detroit Series 50 Engines.
 2. Kirk's Automotive, Inc. – Rebuild of 50DN Generator Electrical Modules - #E-3493; NYCTA #04D8908. Competitively negotiated contract to rebuild 50DN generator electrical modules to support maintenance of bus fleet.
 3. Fire Command Co., Inc. – Fire Extinguisher Equipment - #E-3484. Competitively negotiated contract for inspection, maintenance and repair of fire extinguisher equipment at LI Bus's Mitchel Field, Rockville Centre, Stewart Avenue and Hempstead Transit Center locations.
 4. Summit Security Services, Inc. – Unarmed Guard Service - #E-3280, C/O #3. Modification to a competitively negotiated contract to extend contract for nine months and add funding for unarmed guard service at LI Bus's Mitchel Field, Rockville Centre and Hempstead Transit Center locations.
8. **COMMITTEE ON REAL ESTATE.** Upon motion duly made and seconded, the Board unanimously approved the following items. The specifics are set forth in the attached staff summaries.

New York City Transit Authority

1. Lease extension agreement with 3M Property Developers, LLC for a parking lot for revenue control armored cars located at 42-44 Duffield Street, Brooklyn, N.Y.
2. Lease extension agreement with SAG, LLC for warehouse space at 58 Second Avenue, Brooklyn, N.Y.
3. License agreement with Golden Apple International, Inc. for a newsstand and convenience store located at 6611-6613 Bay Parkway, Bay Parkway Station, Brooklyn, N.Y.
4. Lease agreement with Yaffa Associates, Ltd. for the operation of a newsstand and convenience store located at 1374 East Gun Hill Road, Gun Hill Road Station, Bronx, N.Y.

Long Island Rail Road

5. License agreement with Omnipoint Communications, Inc., d/b/a T-Mobile, for the installation of cellular transmitter equipment in a closet area within Retail Space #9, located on the connecting corridor of the Level A in Penn Station, New York, N.Y.
6. License agreement with J.J.T. Trucking Corp. for the maintenance of an office trailer, storage of trucks and contractors automotive equipment located at LIRR property situated on the north side of Roosevelt Avenue, east of Willets Point

Boulevard at the Corona Meadows Yard west of the Van Wyck Expressway, (Block 1833, part of Lot 1) Queens, N.Y.

7. License agreement with Superior Holding LLC. for the use of a one-story corrugated metal building located at 375 Johnson Avenue, Brooklyn, N.Y.

Metro-North Railroad

8. Lease agreement with Electric Railroaders Association Inc. for the operation of a research library for a railroad information and meeting room located in Grand Central Terminal, 4th Floor, Tower A, New York, N.Y.
9. Permit agreement with Stelios Inc., d/b/a Stelios, for the operation of a retail store for the sale of jewelry, belts and accessories in the Graybar Passageway, Grand Central Terminal, New York, N.Y.

Triborough Bridge and Tunnel

10. License agreement with The Municipal Arts Society of New York for the installation of the Tribute in Lights at the Battery Parking Garage, New York, N.Y.

Chairman Kalikow made reference to some of the public speakers' comments regarding what the MTA is allowed to do under a new law regarding disposition of real property by public authorities, and he asked Catherine Rinaldi, DED/General Counsel to read the section of the law which outlines factors that the MTA must consider when dealing with property.

Ms. Rinaldi explained the language of the new bill, which has not yet been signed by the Governor, provides that the bid that is accepted must be the one that is most advantageous, and that the MTA can take into account factors other than price.

Mr. Pally expressed his deep concern, and the concern of the people he represents, over the recent action by the Capital Program Review Board to single out the Main Line Third Track Project for LIRR for a separate approach. He said he thinks that it is abominable and that all the MTA projects should be considered together. Mr. Pally said that he thinks that this is unfair to the people of Suffolk County and the people of Long Island that this one project is treated differently from all the other projects. He said that the LIRR has been planning this project for over twenty years, that it is an integral part of the East Side Access project, and that without this project MTA would be spending sixty billion dollars on East Side Access without receiving all the benefits that East Side Access would provide. Mr. Pally said that he is deeply disappointed and the people he represents are deeply disappointed with representatives of the Governor, representatives of the Majority Leader, and representatives of the Speaker for creating separate rules for this project, and he urged the Authority to take whatever action that is necessary, including looking at whether or not the actions taken by the Capital Program Review Board are legal in this regard, to ensure that this project moves forward in an expeditious manner and on the current timetable.

Chairman Kalikow responded by saying that the MTA was faced with the problem of having to choose between not having an approved Capital Program for 2004-2009 or deciding to accept the terms of the program as it approved by the Capital Program Review Board, and he said that MTA chose the latter. Chairman Kalikow also said that the work that the staff has done since January 2005 has been nothing short of stupendous and that if anyone has a problem with the way things are done, they should direct their problems to the individuals who caused the problem and not the MTA Board, because the Board determined that it was important to get the Capital Program approved.

Mr. Mack pointed out that there are other options being explored.

Mr. Pally agreed with Mr. Mack and said that other options are being looked at but at the moment, the LIRR is going through its process, and his concern is not with the scoping document or what options the railroad can come up with because if the railroad can come up with other options to provide the same benefits of service for the 2.8 million people of Long Island so be it. His concern is that this one project was singled out for separate treatment while other projects in the Capital Program were not. Mr. Pally said that the problem is that while other projects can move forward after a completed Record of Decision, this project cannot, and that, to him, is unacceptable.

9. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board unanimously voted to convene to executive session to discuss matters concerning security.
10. **PUBLIC SESSION RESUMED.** Upon motion duly made and seconded, the public session resumed.

Upon motion duly made and seconded, the Board unanimously approved an award of a non-competitive, personal services contract to Argonne National Laboratories to furnish technical maintenance and support services for the continuation of Pilot Chemical Detection System within MTA's transportation infrastructure for a period of one year.

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

Respectively submitted,

Miriam Cukier
Secretary to the
Finance Committee

Victoria Clement
Assistant Secretary
MTA Board

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

July 27, 2005

**Meeting Held At:
Metropolitan Transportation Authority
347 Madison Avenue
New York, New York, 10017
9:30 A.M.**

The following Members were present:

Hon. Peter S. Kalikow, Chairman
Hon. Edward B. Dunn, Vice Chairman
Hon. David S. Mack, Vice Chairman (via telephone)
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Nancy Shevell Blakeman
Hon. Michael J. Canino
Hon. Barry Feinstein
Hon. James H. Harding, Jr.
Hon. Susan L. Kupferman
Hon. Mark D. Lebow, Esq.
Hon. Susan G. Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following Members were absent:

Hon. Andrew M. Saul
Hon. Edward A. Vrooman

Katherine N. Lapp, Executive Director, Timothy O'Brien, Chief of Staff and Board Secretary, Catherine A. Rinaldi, General Counsel, Board Member James F. Blair, Board Member Ed Watt, Lawrence G. Reuter, President of NYCTA, Raymond P. Kenny, Senior Vice President of LIRR, Peter A. Cannito, President of Metro-North, Michael C. Ascher, President of TBTA, Neil S. 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 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 two public speakers on items pertaining to NYC Transit:

Darlyne Lawson of TWU Local 100 questioned the extent of emergency response training received by NYCTA operating personnel and urged the Board to set aside a significant portion of the available security grant funds for such training.

Marty Goodman of TWU Local 100 criticized the MTA's security enhancement efforts and its utilization of security grant funds.

3. **Minutes**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular meeting of MTA New York City Transit, the Manhattan and Bronx Surface Transit Operating Authority and the Staten Island Rapid Transit Operating Authority held on June 29, 2005.

4. **Comments by Chairman Kalikow**

Chairman Kalikow recognized retiring Board Member James S. Simpson for his years of dedicated service.

5. **Executive Director's Presentation**

Executive Director Lapp presented a preview of the 2006 Preliminary Budget, which features a sharp increase in revenue generated principally by certain types of real estate tax revenues and favorable interest rates, and the 2006-2009 Financial Plan. Board Member Page noted his agreement with Ms. Lapp's assessment that real estate tax revenue fluctuates and thus cannot be relied upon as a given in future budget cycles.

6. **Committee On Finance**

There were no items pertaining to NYC Transit.

7. Committee On New York City Transit/SIR Operations

Non-Competitive Procurements: Upon motion duly made and seconded, the Board unanimously approved the procurements requiring a majority vote (Schedules G and H in the Agenda). Details of the above items are set forth in the staff summaries, copies of which are on file with the records of the meeting of the Committee On New York City Transit Operations.

Competitive Procurements: Upon motion duly made and seconded, the Board unanimously approved the procurement requiring a two-thirds vote (Schedule B of the Agenda) and those requiring a majority vote (Schedules F and I in the Agenda). Details of the above items are set forth in the staff summaries, copies of which are on file with the records of the meeting of the Committee On New York City Transit Operations.

Procurement Ratifications: Upon motion duly made and seconded, the Board unanimously approved the ratifications requiring a majority vote (Schedule K in the Agenda). Details of the above items are set forth in the staff summaries, copies of which are on file with the records of the meeting of the Committee On New York City Transit Operations.

Action Items: Upon motion duly made and seconded, the Board unanimously approved the write off of an accounts receivable open balance in the sum of \$438,936.44. Details of the above item are set forth in the staff summary, a copy of which is on file with the records of the meeting of the Committee On New York City Transit Operations. Board Member Kupferman recused herself from the vote on this item.

MTA Bus Company: There were no items pertaining to MTA Bus Company.

8. Committee On Real Estate

Upon a motion duly made and seconded, the Board unanimously approved the items pertaining to NYC Transit recommended to it by the Committee On Real Estate as set forth below:

Lease Extension Agreement with 3M Property Developers, LLC for a parking lot for revenue Control armored cars at 42-44 Duffield Street, Brooklyn, New York.

Lease Extension Agreement with SAG, LLC for warehouse space at 58 Second Avenue, Brooklyn, New York.

License Agreement with Golden Apple International, Inc. for the operation of a newsstand/convenience store at 6611-6613, Bay Parkway Station, Brooklyn, New York.

Lease Agreement with Yaffa Associates, Ltd for the operation of a newsstand/convenience store at 1374 East Gun Hill Road, Bronx, New York.

9. **Adjournment**

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

Respectfully submitted,

Louis Vicari
Assistant Secretary

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

July 27, 2005 - 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. Edward B. Dunn, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Nancy Shevell Blakeman
Hon. Michael J. Canino
Hon. Barry Feinstein
Hon. James H. Harding, Jr.
Hon. Susan L. Kupferman
Hon. Mark D. LeBow, Esq.
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. Francis H. Powers
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Andrew M. Saul
Hon. Edward A. Vrooman

Hon. David S. Mack, Vice Chairman attended the meeting by telephone.

Katherine N. Lapp, Executive Director, Timothy O'Brien, Chief of Staff and Board Secretary, Catherine A. Rinaldi, General Counsel, former Board Member James Simpson, Board Member James F. Blair, Board Member Ed Watt, Lawrence Reuter, President of NYCTA, Peter Cannito, President of Metro-North, Michael Ascher, 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 53 public speakers, most of whom spoke on the Vanderbilt Yard RFP, details of which can be found in the MTA minutes, and none of whom spoke on LIRR issues.

Approval of Minutes

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular Board meeting held on June 29, 2005.

Procurements

Upon motion duly made and seconded, the Board approved the following procurements and ratification, 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. **Elcon National, Inc.** **\$650,000**
Sole Source **Not to Exceed**
Contract No. TBD
LIRR requests approval to award a three-year Sole Source Contract to Elcon National, Inc. (Elcon) in the amount of \$650,000 for various window material to support the C-3 Coach and M7 Car fleets. Elcon is the Original Equipment Manufacturer and single responsible source for this material.
2. **Westcode, Inc.** **\$85,000**
Sole Source **Not to Exceed**
Contract No. TBD
LIRR requests approval to award a three-year Sole Source Contract to Westcode, Inc. in the amount of \$85,000 for various replacement parts to support the M3 fleet. Westcode Inc. is the Original Equipment Manufacturer and single responsible source for this material.

Procurements Requiring Majority Vote**Schedule F: Personal Service Contracts**

3. **Daniel Frankfurt, PC** **\$237,014**
Sole Source Contract
Contract No. 5662-3-2-M
LIRR requests approval to award a Sole Source Contract to Daniel Frankfurt, PC in the not-to-exceed amount of \$209,263 for construction design services to fit-out a leased property which will be used to house LIRR's Print Shop plus an option in the not-to-exceed amount of \$27,751 for related Construction Support Services.

Procurements Requiring Majority Vote**Schedule G: Miscellaneous Service Contracts**

4. **Industries for the Blind of New York State** **\$30,000**
Two-Year Contract **Not to Exceed**
Contract No. IT03800
LIRR requests approval to award a Miscellaneous Services Contract to the Industries for the Blind of New York State (IBNYS) in the not to exceed amount of \$30,000 for Direct Mail Services for a two-year period. Direct Mail Services, which involves the

processing (sorting, collation, folding, insertion and labeling) and delivery of bulk mailings to a designated United States Post Office, are needed primarily to support LIRR's Public Affairs and Print Shop operations. IBNYS is designated as a New York State Office of General Services (NYSOGS) Preferred Source. Based on LIRR's review of IBNYS' facility and its performance under direct mail contracts with LI Bus and NYC Transit, LIRR has determined IBNYS has the ability to provide direct mail service as defined in LIRR's contract. Further, NYSOGS has found IBNYS' proposed pricing is based on prevailing market rates. LIRR therefore, is required by NYS Financial Law Section 162 to award the Contract to IBNYS. The services will be funded by LIRR's Operating Budget.

Procurements Requiring Majority Vote

Schedule H: Mods. To Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services

- | | | |
|----|---|----------------------|
| 5. | ETNA Prestige Technology, Inc. | \$220,000 |
| | Contract No. PO75282 | Not to Exceed |
| | Maintenance & Service of HVAC Units | |
| | In Kings and Queens Counties of the LIRR | |

LIRR requests approval to award a Contract Modification in the amount of \$220,000 to ETNA Prestige Technology, Inc. ("ETNA") to continue remedial and emergency repairs on HVAC equipment and to provide Preventative Maintenance servicing of new equipment previously covered under warranty through the contract term. In January 2002, pursuant to competitive bidding, ETNA was awarded a five year contract in the amount of \$943,336 for Preventive Maintenance, Remedial Repairs and Emergency Repairs to be performed on HVAC equipment located in Kings and Queens counties. ETNA is paid for repair work based on actual costs using labor hours from work tickets and labor rates, suppliers' material cost plus a fixed percentage mark-up and fixed unit prices established in the contract. The \$943,336 original authorized amount was based on estimates of \$607,770 for Preventive Maintenance and \$335,566 for Remedial and Emergency Repairs. The number and extent of major repairs including equipment replacements, however, have caused the LIRR to exceed the quantities estimated under the original contract. As of May 2005, LIRR had expended most or all the monies allocated for remedial and emergency repairs. Thus, additional funding in the estimated amount of \$205,000 is requested to cover the services through the December 2006 contract term. The additional \$15,000 of the requested \$220,000 will be allocated for increased monthly Preventative Maintenance costs related to HVAC units coming off of warranty and contingency. Funds will be provided by LIRR's Operating budget.

Competitive Procurements for Board Approval

Procurements Requiring Two-Thirds Vote

Schedule C: Competitive Request for Proposals (Award of Purchase and Public Work Contracts)

- | | | |
|----|---------------------------------|----------------------|
| 1. | Various (11) Contractors | \$15,000,000 |
| | Contract No. 5967 | Not to Exceed |
- LIRR requests approval to award On-Call Contracts to eleven general construction and specialty contractors (roofing and fencing) to provide contracting services on an as-

needed basis for a three year period (with two-year option). The total amount of work to be contracted over the five-year period shall not exceed \$15,000,000.

Procurements Requiring Majority Vote
Schedule F: Personal Service Contracts

2. **Fall Protection Group** **\$42,737.90**
Competitive RFP
Contract No. TBD

LIRR requests approval to award a Personal Services Contract to the Fall Protection Group (FPG) to provide on site training for tower rescue and bucket evacuation safety for LIRR forces. FPG is certified as a qualified trainer by the manufacturer of harnesses used by LIRR - Mine Safety Appliance Company. Under the Contract, FPG will train six LIRR employees to be trainers and up to 42 students. Trainers will attend a three-day course and students will attend a two day course. Trainers will also be required to co-teach students for two days in order to achieve a certification allowing them to train future students. FPG submitted the only proposal in response to LIRR's RFP. One prospective proposer indicated that it did not have available resources and another prospective proposer indicated it was not able to submit a proposal within the timeline set forth in the RFP. As a result of negotiations, LIRR achieved a reduction of 28% of FPG's price of \$59,017.80, resulting in a final not-to-exceed contract price of \$42,737.90. This price includes all course instructors, course materials, and travel and per diem living expenses, which are capped at the maximum amount specified in the GSA Per Diem Rate for Nassau County. LIRR has determined that the prices are fair and reasonable.

Procurements Requiring Majority Vote
Schedule G: Miscellaneous Service Contracts

3. **NY Cesspool & Drain Corp.** **\$119,430**
DBA/Windrider Environmental **Not to Exceed**
Two-Year Contract
Contract No. IT03744

LIRR requests approval to award a competitively bid, two year Miscellaneous Services Contract to NY Cesspool & Drain Corp., DBA/Windrider Environmental ("Windrider"), for the evacuation, haul and lawful disposal of wastewater from LIRR's Ronkonkoma Train Wash Facility to the Bergen Point Waste Disposal Facility in West Babylon, NY. LIRR received four bids in response to its solicitation, ranging from \$119,430 (\$.07962/gallon) to \$435,000 (\$.29/gallon). Bid prices were determined using LIRR's estimated quantity of 1.5 million gallons of wastewater to be pumped over two years. LIRR has determined Windrider to be the lowest responsive and responsible bidder. Windrider, which had provided these services to LIRR from May 2002 through April 2003 in a satisfactory manner, submitted the low bid of \$119,430 based on a unit cost of \$.07962/gallon. Windrider's bid is 6% less than the next lowest bidder, William Mallins, and 15% less than the incumbent service provider, Russell Reid Waste Hauling

and Disposal Services Co., Inc. In addition, Windriver's estimate is 27.9% less than LIRR's estimate, and is therefore determined to be fair and reasonable. Services are to be funded from LIRR's Operating budget.

Ratification

Procurements Requiring Two-Thirds Vote

Schedule D: Ratification of Completed Procurement Actions

- | | | |
|----|-------------------------------------|---------------------------|
| 1. | (I) Harsco Track Technologies, Inc. | \$1,807,043 Not-to-Exceed |
| | (ii) Loram Maintenance of Way Inc. | \$ 371,932 Not-to-Exceed |
| | (iii) LB Foster Company | \$1,328,039 Not-to-Exceed |
| | (iv) Polyply Inc. | \$ 104,286 Not-to-Exceed |
| | (v) CR Quality, Inc. | \$ 50,000 Not-to-Exceed |

Contract Nos. TBD

Emergency Procurements

Related to Installing Concrete Ties

Pursuant to an emergency declaration, LIRR requests that the Board ratify the award of Contracts to (I) Harsco Track Technologies, Inc. in the amount of \$1,807,043 to provide a tie laying machine and Operator, (ii) Loram Maintenance of Way Inc. in the amount of \$371,932 to provide ballast cleaning and excavating services, (iii) LB Foster Company in the amount of \$1,328,039 to provide Composite 3rd Rail, splice joint kits and tie extensions, (iv) Polyply Inc. in the amount not-to-exceed \$104,286 to provide insulator material, and (v) CR Quality, Inc. in the amount of \$50,000 to provide concrete tie inspections during the manufacturing process. All of the procurements are related to the replacement of concrete ties and 3rd rail on a 6.2 mile track segment of LIRR's Main Line Track.

Details of the above items are set forth in staff summaries, copies of which are on file with the records of this meeting.

Real Estate Committee

Upon motion duly made and seconded, the Board unanimously approved the following items which have been recommended by the Committee on Real Estate.

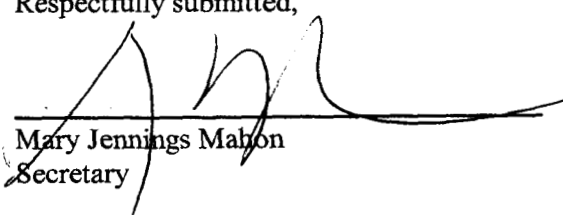
1. License Agreement with Omnipoint Communications, Inc., d/b/a T-Mobile ("T-Mobile"), for the installation of cellular transmitter equipment in a closet area within Retail Space #9, on the Connecting Corridor of Level A, Penn Station, Manhattan, New York.
2. License Agreement with J.J.T. Trucking Corp., for the storage of trucks and contractors automotive equipment and the use of an office trailer, at the Corona Meadows Yard, Queens, New York.

3. License Agreement with Superior Holding LLC for the use of a one story corrugated metal building adjacent to 375 Johnson Avenue, Brooklyn, New York.

Adjournment

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

Respectfully submitted,



Mary Jennings Mahon
Secretary

**Minutes of the Regular Meeting
Metro-North Commuter Railroad Company**

Wednesday, July 27, 2005
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. Edward B. Dunn, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Nancy Shevell Blakeman
Hon. Michael J. Canino
Hon. Barry Feinstein
Hon. James H. Harding, Jr.
Hon. Susan L. Kupferman
Hon. Mark D. LeBow, Esq.
Hon. Susan Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following members were absent:

Hon. David S. Mack, Vice Chairman – Participated via telephone
Hon. Andrew M. Saul
Hon. Edward A. Vrooman

Katherine N. Lapp, Executive Director, Timothy O'Brien, Chief of Staff and Board Secretary, Catherine A. Rinaldi, General Counsel, Board Member James F. Blair, Board Member Ed Watt, Former Board Member James S. Simpson, Peter Cannito, President of Metro-North, Michael Ascher, President of TBTA, Neil Yellin, President of MSBA, Mysore L. Nagaraja, President of MTA Capital Construction, Lawrence G. Reuter, President, MTA NYCT, 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.

1. Public Comment:

There were 53 public speakers. None commented upon a Metro-North agenda item. The subject matter of the public comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

2. Approval of Minutes - The minutes of the regular meeting of June 29, 2005 were unanimously approved.

3. Upon motion duly made and seconded, the Board unanimously approved a resolution honoring James S. Simpson for his service as a member of the Board. The text of the resolution is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

4. Executive Director's Presentation-2006 Preliminary Budget and 2006-2009 Financial Plan
The details of Ms. Lapp's presentation are contained in the minutes of the meeting of the Board of Metropolitan Transportation Authority held this day.

5. Committee on Finance:

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

- Authorization to File and Accept Federal Grants

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

6. Committee on Metro-North Railroad Operations

Procurements:

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

Non-Competitive Purchases and Public Works Contracts

- United Knitting Machine Co.
- Monogram Systems, Inc.
- Halsey Supply Company, Inc.

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

Miscellaneous Service Contracts

- Electronic Security and Control Systems, Inc. (ES&CS)

- Tri-Valley Broadcasting Corp.
- Peerless Instrument Co., Inc.

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

Competitive Requests for Proposals (Award of Purchase and Public Works Contracts)

- Locomotive Overhaul – (P21ACDM)(Genesis)
- Fabrication of Central Instrument Location

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

Personal Service Contracts

- Edwards and Kelcey Engineers, Inc.
- Clifton Weiss & Associates, Inc.

Miscellaneous Service Contracts

- Various Contractors – Temporary Computer Operator Personnel
- CDC Systems, Inc.

Modifications to Personal/Miscellaneous Service Contracts

- Iron Mountain, Inc.
- Vollmer Associates, LLP
- GE Transportation Systems – Vice Chairman Dunn abstained from the vote.

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

Ratification of Completed Procurement Actions

- GE Transportation Parts, LLC – Vice Chairman Dunn abstained from the vote.
- GM Pump Repair, Inc.

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

Completed Emergency Procurement Actions

- Harso Track Technologies – Installation of Concrete Ties. CR Quality Inc. – Concrete Tie Inspection Services, Various Vendors – Various Material-Power Dept.

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

7. Committee on Real Estate

Upon motion duly made and seconded, the Board unanimously approved the following items recommended to it by the Committee on Real Estate.

- Lease agreement with Electric Railroaders Association, Inc. for the operation of a research library for railroad information and meeting room, 4th Floor, Tower A, Grand Central Terminal, Manhattan, New York.
- Permit agreement with Stelios, Inc. for an operation of a kiosk selling jewelry, belts and accessories in the Graybar Passageway, Grand Central Terminal, Manhattan, New York.

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

8. Other Business

The Board deferred action on the following item.

- Revised MTA Committee Charters

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

9. Executive Session: Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss a security matter. Upon motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.
10. Next Meeting - Thursday, September 29, 2005 at 9:30 a.m.
11. Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting.

Respectfully submitted,



Richard K. Bernard
Vice President, General Counsel/Secretary

**Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority**

July 27, 2005

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. Edward B. Dunn, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Nancy Shevell Blakeman
Hon. Michael J. Canino
Hon. Barry Feinstein
Hon. James H. Harding, Jr.
Hon. Susan L. Kupferman
Hon. Mark D. LeBow
Hon. Susan Metzger
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. Francis H. Powers
Hon. James E. Sedore, Jr.
Hon. Carl V. Wartendyke

Not Present:

Hon. David S. Mack, Vice Chairman (by telephone)
Hon. Andrew M. Saul
Hon. Edward A. Vrooman

Katherine N. Lapp, Executive Director; Timothy O'Brien, Chief of Staff and Board Secretary; Catherine A. Rinaldi, General Counsel, MTA; former Board Member James S. Simpson; Board Member James F. Blair; Board Member Ed Watt; Michael C. Ascher, President, MTA Bridges and Tunnels; Peter A. Cannito, President, MTA Metro North Railroad; Mysore Nagaraja, President, MTA Capital Construction Company; Lawrence G. Reuter, President, MTA 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.

Public Speakers

There were no public speakers on issues regarding the Triborough Bridge and Tunnel Authority.

Approval of Minutes

The Minutes of the regular meeting held June 29, 2005 were unanimously approved.

Chairman's Opening Remarks

Chairman Kalikow stated that it would be the last meeting for Commissioner James S. Simpson.

On behalf of the Board, Chairman Kalikow extended his appreciation and gratitude to Commissioner Simpson who had served as a member of the Board since 1995. Commissioner Simpson thanked Chairman Kalikow and the Board, and MTA and Agency Staff for their assistance over the years. In addition, he commented on the professionalism of B&T's President, Michael C. Ascher.

Upon a motion duly made and seconded, the Board unanimously approved the following resolution proposed by Chairman Kalikow bestowing lifetime honorary membership to Commissioner Simpson (attached).

Executive Director's Report **2006 Preliminary Budget and 2006-2009 Financial Plan**

The details of Ms. Lapp's presentation to a joint session of the Board and Finance Committee are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

Committee for MTA Bridges and Tunnels Operations

Commissioner Harding stated that the Committee discussed the MTA Safety Campaign, "If you See Something, Say Something". He noted that there are a total of nine procurements.

Procurements

Non-Competitive Procurements

Commissioner Harding reported that there are two (2) non-competitive procurements which include a personal services contract not to exceed \$300,000 on an as-needed basis over a three year period to obtain expert outside technical engineering services from two professors at Columbia University, and a three year extension of a contract for janitorial services provided by the New York State Industries for the Disabled in the amount of \$5.3 million.

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

Personal Service Contracts

Dr. Christian Meyer	Contract Nos. PSC-05-2750	\$100,000.00
Dr. Raimondo Betti	PSC-05-2751	\$200,000.00

There are instances when the Authority's Engineering & Construction Department requires independent expert outside technical assistance on short notice. These instances typically involve highly technical and critical requirements for which the consultant architect/engineer selection process is impractical. Services of nationally recognized civil and structural bridge experts from the field of academia fulfill this requirement best. These experts provide current state of the art knowledge regarding new analytical and design methods, new codes and structural requirements, innovative procedures and materials, and they typically include laboratory testing capabilities not inherent to a typical consulting engineering arrangement.

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

New York State Industries for the Disabled, Inc.	Contract No. 98-MNT-2509 Extend the period of performance of a non-competitive miscellaneous service contract with New York State Industries for the Disabled (NYSID) for the provision of janitorial services at all bridge facility service buildings, trailers and booths for three (3) years.	\$5,364,863.61
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Competitive Procurements

Commissioner Harding stated that there are seven (7) competitive procurements which include one (1) competitive requests for proposals, two (2) competitive bids, two (2) modifications to personal service contracts and miscellaneous service contracts awarded as contracts for services, and two (2) modifications to purchase and public works contracts for a total of \$4.3 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.

Competitive Procurements

Personal Service Contracts

Daniel Frankfurt, P.C.	Contract No. PSC-04-2729 The services of a consultant engineering firm are required to assist the Authority's Engineering and Construction Department in providing design and design support services during construction for Project QM-01A, Service Building and Facility Engineering Building Rehabilitation and Upgrade at the Queens Midtown Tunnel. The Scope of Work consists of tasks to include the following: Administrative Procedures; Investigation; Preliminary through Final Design; Pre-Award Requirements; and Services Required During Construction.	\$685,020.73
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Miscellaneous Service Contracts

Trip Consultants Corp.	Contract No. GES-155 Provide hourly traffic counts and/or related traffic data such as travel speeds at various Authority facilities. Based on competition, the price is considered fair and reasonable.	\$226,920.00
LRS Communications, Inc.	Contract No. 05-MNT-2725 Furnish labor, equipment and material for maintenance and repair of the Authority's operation, traffic control and law enforcement communications equipment and systems. This equipment, which encompasses radio transmitters, mobile and portable two-way radios, ID decoders for two-way radios and base station radio systems, plays an integral part in enabling the Authority to effectively manage its daily operations, particularly law enforcement and traffic control.	\$143,750.00

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

Edwards & Kelcey Engineers, Inc.	Contract No. PSC-04-2717 Provide additional consulting services for the design for Project BB-15A, Control and Monitoring Enhancements/Control Room Modernization at the Brooklyn Battery Tunnel.	\$406,792.00
Accordia, Inc.	Contract No. PSC-04-2722 Exercise the first one (1) year renewal option that will extend the contract beyond one (1) year for the consultant to provide social compliance audit services.	\$0.00

Modifications to Purchase & Public Works Contracts

Perini/O&G (Joint Venture)	Contract No. BW-82 Relocate the switchgear equipment and transformers from a room in the Queens Abutment to a stand-alone substation structure to be located under the Queens Approach of the Bronx Whitestone Bridge under Contract BW-82, Replacement of Roadway Deck in Suspended Spans at the Bronx-Whitestone Bridge.	\$1,460,000.00
Liberty Maintenance, Inc.	Contract No. TBM-350 Perform additional work under Contract TBM-350, Cleaning and Painting of the Triborough Bridge Suspended Span Towers and Bronx Truss Spans.	\$1,400,000.00

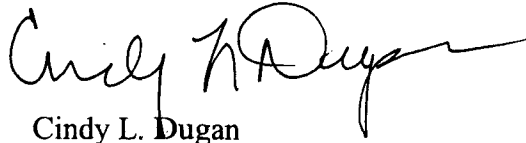
Executive Committee

Upon a motion duly made and seconded, the members unanimously voted to convene in Executive Session to discuss security issues. Thereafter, upon a motion duly made and seconded, the Board voted to re-convene in Public Session.

Public Session

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", with a long horizontal flourish extending to the right.

Cindy L. Dugan
Acting Assistant Secretary

RESOLUTION

Commending James S. Simpson On his service to the MTA

WHEREAS, James S. Simpson has served with dedication as a member of the Metropolitan Transportation Authority Board since 1995, and;

WHEREAS, James S. Simpson has uniquely contributed to the Board his expertise in the transportation industry, and;

WHEREAS, James S. Simpson has served the residents of New York State as a representative of Governor George Pataki on the MTA Board, and has offered invaluable service to the MTA following the terrorist attacks of September 11, 2001, and;

WHEREAS, James S. Simpson was duly designated by the Chairman as the primary MTA Board Liaison to the Governor's Office and the Mayor's Office and their Offices of Emergency Management in the aftermath of 9/11 and as such was engaged in coordinating MTA's role at both the World Trade Center site and in Lower Manhattan in general, and;

WHEREAS, James S. Simpson has worked diligently as a member of the Finance and New York City Transit Committees, and as Chairman of the Real Estate and Safety and Security Committees, and has offered unparalleled insight into the management and disposition of MTA properties, and has overseen the MTA's success in significantly reducing worker injuries, and;

BE IT, THEREFORE, RESOLVED that the members of the Board of the Metropolitan Transportation Authority and its subsidiaries and affiliates extend to James S. Simpson their appreciation and gratitude for his devotion to improving the region's transportation network and make him an honorary lifetime member of the Board, with all the perquisites of such position.

July 27, 2005

Minutes of Regular Board Meetings
MTA Capital Construction, Planning and Real Estate
347 Madison Avenue
New York, NY 10017

Wednesday, July 27, 2005
9:30 a.m.

The following members were present.

Hon. Peter S. Kalikow, Chairman
Hon. Edward B. Dunn, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Nancy Shevell Blakeman
Hon. Michael J. Canino
Hon. Barry Feinstein
Hon. James H. Harding, Jr.
Hon. Susan L. Kupferman
Hon. Mark D. LeBow, Esq.
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. Francis H. Powers
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following members were absent.

Hon. Andrew M. Saul
Hon. Edward A. Vrooman

Hon. David S. Mack, Vice Chairman attended the meeting by telephone.

Katherine N. Lapp, Executive Director, Timothy O'Brien, Chief of Staff and Board Secretary, Catherine A. Rinaldi, General Counsel, former Board Member James Simpson, Board Member James F. Blair, Board Member Ed Watt, Lawrence Reuter, President of NYCTA, Peter Cannito, President of Metro-North, Michael Ascher, 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 53 public speakers most of whom spoke on the Vanderbilt Yard RFP. Details of the comments may be found in the text of the full MTA Board minutes

Approval of Minutes

Upon motion duly made and seconded, the MTA Board members unanimously approved the minutes of the regular Board meeting held on June 29, 2005.

Action Items

Upon motion duly made and seconded, the MTA Board members approved 10 Real Estate items, the details of which may be found in the text of the full MTA Board minutes.

Adjournment

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

Respectfully submitted,

Miriam Cukier
Acting Secretary

Staff Summary

Subject Owner Controlled Insurance Program (OCIP)
Department General Counsel/Risk and Insurance Management
Department Head Name Catherine A. Rinaldi
Department Head Signature
Project Manager Name (ACTING) Phyllis Rachmuth

Date September 12, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	09/27/05			
2	Board	09/29/05			

Internal Approvals			
Order	Approval	Order	Approval
6	Executive Director <i>[Signature]</i>	4	Affirmative Action <i>[Signature]</i>
5	Chief of Staff <i>[Signature]</i>	3	Legal <i>[Signature]</i>
	LIRR/CPM	1	Risk & Insurance Mgmt <i>[Signature]</i>
	Procurement	2	President CCC <i>[Signature]</i>

Narrative

Purpose:

To obtain MTA Board approval to:

- award the broker services contract to procure an Owner Controlled Insurance Program (OCIP) and to provide insurance-related services for the first phase of the MTA Capital Construction Company Second Avenue Subway Project to The Allied Group of Companies (Allied); and
- compensate Allied for professional services rendered to date.

Background:

Historically, Owner Controlled Insurance Programs have been successfully utilized on a number of agency capital projects. Generally, OCIPs will produce cost savings if projects are in excess of \$100 million and meet certain criteria such as a high percentage of labor cost when compared to total construction dollars. These savings have been demonstrated at the MTA. On LIRR's Penn Station project, the insurance broker for the prime contractor on the job provided the MTA with a report that showed that LIRR saved in excess of \$1.6 million by using an OCIP. In September, 2003, Deloitte & Touche conducted a study regarding the cost effectiveness of our most recent capital program OCIPs. The results showed that those OCIPs will save approximately 2.3% of the total contract cost or approximately \$35 million.

Discussion:

The Second Avenue Subway Project, in its entirety, is ultimately expected to consist of a two-track subway extending from the vicinity of 125th Street in northern Manhattan to the financial district in lower Manhattan approximating a total of 8.5 miles. A variety of multi-million dollar contracts will be let over the course of the Project with actual construction taking place over an extended period of time. Currently, the Project is delayed pending a determination by the MTA on the funding schedule.

In order to meet the construction schedule originally established by MTA Capital Construction Company, an RFP for OCIP broker services for the first phase of the Second Avenue Subway Project was advertised and issued to the insurance brokerage community in mid-2004. The RFP was sent to eighteen interested brokers of whom eight firms provided proposals. The evaluation/selection committee was comprised of representatives from MTA RIM, MTA Legal, MTA Capital Construction Company and MTA Office of Civil Rights. Using the criteria in the RFP the evaluation/selection committee determined that Allied had the best proposal, at the lowest cost, for OCIP and associated administrative services. The Director of MTA RIM, with the concurrence of the Chief Financial Officer, authorized the selected broker to commence work by going into the marketplace and soliciting quotations for Workers'

Staff Summary

Page 2 of 2

Discussion: (Cont'd)

Compensation, General Liability, and Excess Liability insurance coverage. During the month of August 2004, they completed that assignment and obtained quotes from a number of providers. MTA RIM originally intended to identify the insurance package to be recommended to the Board for approval and then, in a single action, to ask the Board to approve both the selection of the broker and the insurance package. After the selected broker began working to identify the insurance package, the Second Avenue Subway Project was delayed. As a result of the delay it was decided that it would be premature to seek Board approval to go forward with procuring an OCIP, including any of those policies. As a result, Allied's appointment has not yet been approved by the Board and Allied has not been compensated for the work they have performed to date. Allied recently submitted an invoice for administrative service fees of \$35,015.19 for which they have not been compensated. In addition, the quotes they received have expired and are no longer valid. In the interests of full disclosure, the Board should be aware that Lauren Gregory, former Director of MTA RIM, began working for Allied in April of 2005 after leaving MTA in March of 2005.

Under the proposed contract, per MTA practice, Allied is compensated for their services based on hours worked and is not entitled to any commissions.

In view of the foregoing, the Risk and Insurance Management Department (RIM) believes that it is in the best interest of all parties concerned to award the OCIP broker services contract for the first phase of the Second Avenue Subway Project to Allied and to compensate Allied for the professional services already rendered. Once the Project construction schedule for the first phase is more certain, MTA RIM in consultation with MTA Capital Construction Company, will make a determination as to the most cost effective means by which to provide and procure insurance for the Second Avenue Subway Project. If it is determined that an OCIP should be obtained, Allied will be directed to go back into the marketplace to acquire up-to-date quotes. If it is determined that it would be more beneficial to the MTA not to obtain an OCIP and to require the contractor(s) to independently procure insurance, the contract with Allied will be modified or terminated (depending on whether MTA desires that Allied provide any of the safety review, training, monitoring and enforcement functions even if contractors independently procure insurance). If the contract is terminated, MTA's only obligation to Allied will be for the administrative services fee described above for services rendered prior to the date of this Staff Summary. If it is determined that an OCIP should be obtained MTA RIM will submit a second staff summary to the Board for the approval of the recommended OCIP insurance package.

DBE Considerations:

The MTA Office of Civil Rights Department established a DBE goal of 10%. Allied selected The Kettles Company, Inc. (KETTCO) to satisfy the DBE goal. KETTCO would be providing administrative services, such as contractor enrollment and entering information for the employee safety incentive program. Allied would be responsible for reimbursing this firm from its administrative fee.

Alternative:

The two alternatives for obtaining construction related insurance for the first phase of the Second Avenue Subway Project are for MTA to obtain an OCIP or for the contractors to independently procure insurance. The decision as to whether to seek an OCIP for the first phase of the Second Avenue Subway Project will be made by MTA RIM in consultation with the MTA Capital Construction Company. However, based on an earlier, pre-project-delay decision to utilize an OCIP, MTA directed Allied to commence work and to seek insurance quotes and Allied is entitled to compensation for that work. In addition, by awarding this contract to Allied, MTA will in effect have an option to direct Allied to perform additional work if there is a determination that an OCIP should be obtained or MTA desires that Allied provide any of the safety review, training, monitoring and enforcement functions even if contractors independently procure insurance. If it is determined in the future that it would be more beneficial to the MTA not to obtain an OCIP and to require the contractor(s) to independently procure insurance, the contract with Allied will be modified or terminated.

Recommendation:

It is recommended that the Board approve (a) the award of the OCIP broker services contract for the first phase of the Second Avenue Subway Project to Allied and (b) the payment to Allied for their professional services rendered from August, 2004 through December, 2004.

Staff Summary

Subject B & T Workers' Compensation Program
Department General Counsel/Risk & Insurance Management
Department Head Name Catherine A. Rinaldi
Department Head Signature <i>Catherine Rinaldi</i>
Project Manager Name (ACTING) Phyllis Rachmuth

Date September 12, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	09/27/05			
2	Board	09/29/05			

Internal Approvals			
Order	Approval	Order	Approval
5	Executive Director <i>[Signature]</i>		Affirmative Action
4	Chief of Staff <i>[Signature]</i>	3	Legal <i>[Signature]</i>
	Chief Financial Officer	1	Risk & Insurance Mgmt <i>[Signature]</i>
	Procurement	2	B & T General Counsel <i>[Signature]</i>

Narrative

Purpose:

To obtain Board approval of the following items necessary to modify MTA Bridges & Tunnels' (B & T) current Workers' Compensation program:

- Authorization to permit B & T to self-insure the first \$500,000 of its Workers' Compensation exposure;
- Authorization to place excess Workers' Compensation insurance coverage with American International Group (AIG); and,
- Authorization to hire Claims Service Bureau, as third-party administrator, for the claim management component of the program.

Background:

During the year 2000, B & T elected to insure its Workers' Compensation exposure and to hire a third-party administrator to handle its claims. Through a competitive process, The Hartford Insurance Company was selected to underwrite the risk financing component of the program and Crawford & Company was selected as the third-party administrator to handle the claims under supervision of the B & T staff.

Over the five-year life of the program, effective administration by B & T staff has reduced the costs of lost time claims and has resulted in significant "second injury fund" recoveries. However, insurance costs have risen which has led both MTA Risk and Insurance Management (RIM) and B & T staff to re-evaluate those costs against actual experience. That evaluation and analysis, conducted with the assistance of Willis of New York, Inc. (Willis) MTA's master insurance broker, resulted in the proposed modifications to the program.

Discussion:

MTA RIM, in conjunction with Willis put together a Request for Proposal (RFP) for the claim handling component of the program. Five responses were received. The responding firms were as follows: Broadspire; Claims Service Bureau (CSB); ESIS; Gallagher Bassett Services, Inc., and Crawford & Company (incumbent). The selection committee was comprised of representatives from MTA RIM; B & T Law Department and B & T Finance Department. Following oral presentations by three of the six respondents, CSB was selected as the new third-party administrator to handle the claims. The total cost of the program is estimated to be \$95,800 per year for three years with an option to renew for two years. This fee includes the handling of new claims effective October 1, 2005.

Staff Summary

Discussion: (Cont'd)

A competitive process was also conducted for the Excess Workers' Compensation portion of the program. Three responses were received from excess insurance carriers that are licensed to conduct business in the State of New York. Those firms were as follows: American International Group (AIG); Ace Insurance Company; and Safety National Insurance Company. AIG was selected to underwrite the excess risk financing component of the program. Thus, effective October 1, 2005, B & T will be self-insuring the first \$500,000 of its program with AIG providing excess coverage up to the statutory limits of the State of New York including terrorism. The premium for the excess coverage will be \$615,929 for the policy year of October 1, 2005 through October 1, 2006. This approach will generate an estimated savings of \$218,386 over the previous insured program.

Through the replacement of B & T's current Workers' Compensation program, MTA RIM and B & T anticipate the following advantages/benefits:

- Program design will provide an even more effective method of administration and lower costs as well as the provision of insurance against excessive Workers' Compensation risks including those from terrorism;
- B & T will have more control over all aspects of the program; and,
- The third-party administrator will provide service to B & T's designed reporting needs.

MBE/WBE Considerations:

There are no MBE/WBE considerations for this contract.

Recommendation:

It is recommended that the MTA Board authorize B & T to self-insure the first \$500,000 of its Workers' Compensation exposure, permit the placement of Excess Workers' Compensation insurance with AIG and hire Claims Service Bureau as the third-party administrator to handle the claims.

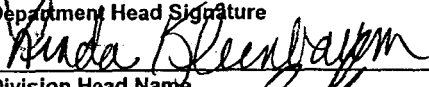

RESOLUTION

WHEREAS, TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY ("B&T") has recommended that the Board authorize B&T to i) self-insure the first \$500,000 of its Workers' Compensation exposure; ii) place excess Workers' Compensation insurance coverage with American International Group; and iii) designate Claims Service Bureau to be the third-party administrator for the claim management component of the program,

NOW, THEREFORE, be it resolved as follows:

1. B&T is authorized to: i) self-insure the first \$500,000 of its Workers' Compensation exposure; ii) place excess Workers' Compensation insurance coverage with American International Group; and iii) designate Claims Service Bureau to be the third-party administrator for the claim management component of the program.
2. The President and any Vice President of B&T acting on behalf of B&T, and the Executive Director, and the Director of Risk Management and any Deputy Director of Risk Management of Metropolitan Transportation Authority ("MTA"), acting on behalf of B&T or MTA, are hereby authorized to negotiate, execute and deliver any documents in connection with the authorizations set forth above.
3. Any action taken in this regard prior to this date is hereby ratified and confirmed.
4. This resolution shall take effect immediately.

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 14, 2005
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
	Finance	9/27/05			
	Board	9/29/05			

Internal Approvals			
Order	Approval	Order	Approval
	Chief Operating Officer		Office of Civil Rights
	Chief of Staff		Legal
3	Chief Financial Officer <i>for M2</i>		EITG
1	Procurement <i>CH</i>	2	Administration

Narrative

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 J: Modifications to Miscellaneous Procurement Contracts

of Actions \$ Amount

1 \$ 57,600

SUBTOTAL

1 \$ 57,600

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule F: Personal Service Contracts

3 \$156,200

Schedule G: Miscellaneous Service Contracts

2 \$123,878

SUBTOTAL

5 \$280,078

MTAHQ presents the following procurement actions for Ratification:

Schedules Requiring Majority Vote

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K: Ratification of Completed Procurement Actions	1	\$ 40,000
SUBTOTAL	<u>1</u>	<u>\$ 40,000</u>
TOTAL	<u>7</u>	<u>\$377,678</u>

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.

LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2005
NON-COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

J. Modifications to Miscellaneous Procurement Contracts

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without staff summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)

1. Press Association, Inc. \$57,600

Subscription for Metrowire Services

Contract No. 6-01-01228-0-0, S/A No. 2

Base plus previous supplement = \$68,460

Increase funding to extend New York City Metrowire 24-hour news service via the Internet for three additional years from November 1, 2005 through October 31, 2008. The Metrowire service provides the MTA Press Office and New York City Transit's Public Affairs office with: 1) a daily schedule of New York City and regional events called the Metro-New York Day Schedule, and 2) breaking news stories provided by Associated Press news and wire services. The Day Schedule is also used to publicize MTA Board and Committee meetings, and to promote news conferences and special events.

LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2005
COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

F. Personal Service Contracts

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

1. **The Verbal Judo Institute, Inc.** **\$40,500**
Tactical Communications Training for **(not-to-exceed)**
Law Enforcement Personnel
Contract No. 05008-0100
Competitively negotiated – one proposal – 36 months
Contractor to provide, on an as-needed basis, training classes and courses for select MTA Police Department personnel so as to better equip them to respond to emergency/terrorists attacks. Courses will be offered in two levels as follows: i) Verbal Judo Basic, and ii) Verbal Judo for Supervisors. The Verbal Judo Institute is the only vendor that can currently provide this tactical training.
2. **AFT Projects for Two Jerome Avenue Stations, Line 4.** AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the two stations specified below.
Competitively negotiated – 59 proposals – 24 months
Jose Ortiz, 183rd Street Station (Contract No. 05106-0100 – \$51,850); and Laura Battle, Burnside Avenue Station (Contract No. 05107-0100 – \$63,850).

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)

3. **Williams Scotsman, Inc.** **\$104,800**
Relocation of MTA Police Department Trailers
from Beacon to Harriman
Contract No. 05064-0100
Sealed bids/Single bid – 6 months
Contractor to: a) disassemble MTAPD trailers located at Beacon Station at which construction is currently underway for Metro-North's new Beacon Station Parking Project; b) transport the trailers to MTAPD's new location in Harriman; and c) reassemble the trailers at Harriman. The MTAPD personnel who are currently working out of the trailers at the Beacon Station will be relocated to permanent MTAPD offices being constructed by Metro-North at 711 Beekman Street in Beacon.
4. **Hudson Highlands Veterinary Medical Group** **\$19,077.68**
Veterinary Services for MTA Police K9 Unit **(not-to-exceed)**
Contract No. 04213-0300
Sealed bids/Low bidder – 8 bids – 24 months
Contractor to provide veterinary services in Dutchess County for the MTA Police Department K9 Unit for a period of twenty four (24) months from October 1, 2005 through September 30, 2007. Veterinary services for Manhattan, Nassau and Suffolk Counties and Connecticut are being awarded separately under seven (7) small purchase contracts.

LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2005
PROCUREMENTS FOR RATIFICATION

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

K. Ratifications (Involving Schedules E-J)

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

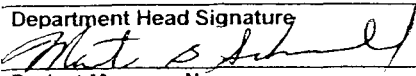
- | | | |
|----|---|-----------------|
| 1. | New York City Economic Development Corp. | \$40,000 |
| | Consultant Services in connection with | (fixed) |
| | Con Edison's 2005 Rate Increase | |
| | Contract No. 05109-0100 | |

Non-competitive

Board ratification is requested of the Authority's prior agreement to reimburse the City of New York (the City) a fixed amount of \$40,000 (approximately a 10% share) of the cost of retaining an expert consultant in connection with Con Edison's application to the New York State Public Service Commission in April 2004 for a three-year rate increase. Since the filing disproportionately impacted New York Power Authority customers — which include MTA and its agencies, and the Port Authority (PANYNJ) — the City, MTA and PANYNJ agreed to a combined strategy that would have the greatest chance of success. Accordingly, the City utilized one of its legal firms on retainer to engage the services of an expert consultant (Alan Rosenberg) who is well versed in utility rate cases and who testified on behalf of the three parties. The combined efforts of the parties in the rate case reduced the impact of the rate increase from 40% to less than 10% over three years. The settled rate resulted in a savings to MTA of approximately \$14 million per year.

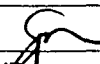

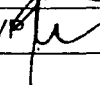

Pages 49 through 60 intentionally left blank.

Staff Summary

Subject Amendments to NYCT, MaBSTOA, SIRTOA and Paratransit Eligibility Rules and Regulations
Department Law
Department Head Name Martin B. Schnabel
Department Head Signature 
Project Manager Name David Goldenberg

Date 6/1/05
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				
2	Board				

Internal Approvals			
Order	Approval	Order	Approval
4	President 	2	VP System Safety 
3	Executive VP 	1	VP Law 

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

PURPOSE:

To obtain Board approval to adopt proposed amendments to the Rules of Conduct for NYCT, MaBSTOA and SIRTOA and conclude the rule-making procedures required under the State Administrative Procedure Act (SAPA). The proposed revisions, initially presented to the Board in a Staff Summary dated April 29, 2004, and thereupon approved by the Board at its May, 2004 meeting for purposes of commencement of the SAPA process, are required to: (a) improve the enforcement capability of police officers; (b) enhance customer safety and security; (c) clarify the meaning and/or intent of certain rules; and (d) conform the language of the rules to agency practice which complies with the Americans with Disabilities Act (ADA). It is to be noted that the one material change to the proposed rules considered by the Board in May, 2004 relates to a determination, following consideration of public comment and consultation with the New York City Police Department, to withdraw the proposed prohibition on photography and videotaping in the system and retain the present rule permitting such conduct subject to certain limitations.

DISCUSSION:

Consistent enforcement of the NYCT/MaBSTOA Rules of Conduct to increase our customers' sense of security in the transit system is an ongoing high priority. NYCT has recently taken a fresh look at its Rules of Conduct (codified at 21 NYCRR 1050 et seq.) last revised in 1994, in the context of intervening operational and legal events, and recommends a number of revisions, as set forth in Attachment A, to enhance security and safety, strengthen and clarify existing Rules and to facilitate enforcement of other Rules. (Proposed deletions are bracketed and insertions are underscored in Attachment A.) A brief description of the changes is set forth below. Included in the proposed changes are an express prohibition against "turnstile jumping" or other improper entry into the transit system regardless of, for example, whether the individual possessed a time-based MetroCard; a provision making clear that passing between subway cars is prohibited, regardless of whether the train is in motion; and a provision specifically authorizing NYPD or NYCT personnel to request individuals who utilize special farecards allowing for free or reduced rate transportation to produce such farecards for inspection.

Comparable modifications are similarly being proposed to SIRTOA's Rules of Conduct (codified at 21 NYCRR 1040 et seq.) as set forth in Attachment B. It is to be noted that, with regard to the SIRTOA Rules of Conduct, certain changes, e.g. those which relate to fare evasion, are not applicable to SIRTOA regulations and thus have not been included.

The rule-making process formally commenced after Board approval was obtained at the May 25, 2004 Board meeting. The Notice of Proposed Rulemaking was published in the New York State Register on November 24, 2004, commencing the statutory public comment period under SAPA which concluded January 10, 2005. In addition, public comments were sought and received from late May 2004 through November 23, 2004 prior to the statutory public comment period.

Except with respect to the original proposed changes to Section 1050.9(c) of the NYCT and MaBSTOA Rules of Conduct and Section 1040.4(f) of the SIRT OA Rules of Conduct pertaining to photography and videotaping, and Section 1050.6(c) of the NYCT Rules of Conduct and Section 1040.4(e)(2) of the SIRT OA Rules of Conduct in which references to the New York State Secretary of State have been replaced with references to the New York State Attorney General reflecting recent amendments to the New York State Executive Law (see Description of Proposed Changes, below) no change to the proposed revisions as set forth in the April 29, 2004 Staff Summary are being proposed.

DESCRIPTION OF THE PROPOSED CHANGES:

I. New York City Transit Rules of Conduct

1. Section 1050.2

A technical revision is being made to the definition of "person". [Section 1050.2(g)]

The definition of "fare media" is being amended to discontinue the reference to "token" since tokens are no longer sold or accepted in the subways or on buses. [Section 1050.2(i)]

A new definition of "farecards" is being added which would differentiate between value-based and time-based MetroCards. [Section 1050.2(j)]

A new definition of "payment of fare" is being added which specifically references the use of time-based farecards. [Section 1050.2(k)]

2. Section 1050.4

A prohibition against "turnstile jumping", entering through an exit gate, etc. is being added to Section 1050.4(a) which deals with payment of fare and access to NYCT facilities. Currently, situations arise where passengers "jump" the turnstiles or enter through an exit gate when their time-based farecard is swiped improperly or malfunctions. They then seek to have a charge of fare evasion dismissed on the theory that since they had already prepaid for unlimited transportation for a specified period (e.g. 7 days), they therefore cannot be guilty of fare evasion. In other instances, some passengers "jump" the turnstile when their improperly swiped or malfunctioning pay-per-ride MetroCard does not grant access, only to discover, after the fact, that a fare has been deducted from their card.

3. Section 1050.5

Prohibitions against vandalizing or otherwise damaging New York City Transit property are currently found in two separate provisions of the Rules, Section 1050.5(a) and Section 1050.6(a). Both sections are to be amended so that the prohibition is contained solely within Section 1050.5(a). This simplifies enforcement and allows for more informative statistical analysis. Also, several technical revisions are being made to Section 1050.5(a) in order to clarify language.

4. Section 1050.6

As stated above, Section 1050.6(a) is being amended to consolidate prohibitions against damaging New York City Transit property into Section 1050.5(a).

Voter registration activities are being specifically delineated as a permissible non-transit use or activity. The Law Department has advised in the past that this type of activity is permissible, provided that general safety oriented restrictions are observed. In addition, the reference to the Secretary of State of the State of New York was changed to the Attorney General of the State of New York, reflecting an amendment to the New York State Executive Law Section 172 which transferred regulatory responsibility over charitable organizations from the Secretary of State to the Attorney General. [Section 1050.6(c)]

A provision is being added to Section 1050.6(d)(3) to provide specifically that persons with farecards issued based on specified individual eligibility criteria which allow entry into the system either for no charge or at a reduced fare are obligated to produce the card for physical inspection when requested to do so by a police officer or NYCT personnel. Also, a specific requirement is being added that the name of the eligible holder of such farecard be clearly visible on the card.

The restrictions in Section 1050.6(f) are being clarified, to state more clearly that it is not permissible to possess any liquid in or consume any liquid from an open container, while on a conveyance.

5. Section 1050.7

Smoking is not permitted anywhere within the transit system. Section 1050.7(b) is to be amended so as to delete the language which currently allows smoking in specifically designated locations.

A specific prohibition against placing one's feet on a seat of a subway or bus or platform bench has been added. Also, the prohibition against placing a package or other item on an empty seat is being modified so that it would be applicable only when the conduct tends to interfere with transit operations or the comfort of other passengers, such as the ability of another passenger to obtain a seat. [Section 1050.7(j)]

Straddling a bicycle that is in motion, wearing in-line skates (or roller skates) or standing on a skateboard constitute conduct that is potentially harmful to others but, currently, is not adequately addressed. In particular, with respect to skates and skateboards, it is often difficult to sustain a charge of a violation where offending individuals are stationary at the time they are observed by a police officer. This revision enhances enforcement by including a prohibition against straddling a bicycle that is in motion, wearing skates or standing on a skateboard. Additionally, scooters are added to the list of vehicles which may not be ridden in the system. [Section 1050.7(k)]

6. Section 1050.9

Catwalks and emergency stairs have been added to the list of areas contained in the prohibition against entering areas not open to the public. [Section 1050.9(a)]

In order to further enhance passenger security and safety, it was proposed that photography and videotaping would be prohibited except for members of the press holding valid identification cards issued by the New York City Police Department or where written authorization has been provided by NYCT. [Section 1050.9(c)]. However, upon review of the extensive public comments received in connection with the proposed change to ban photography, and after consultation with the NYPD, it is recommended that this proposal (proposed revision to Section 1050.9(c) of NYCT's Rules of Conduct together and the proposed revision to Section 1040.4(f) of SIRTQA's Rules of Conduct) be withdrawn and that we should maintain our present rule which authorizes photography and videotaping on the system except to the extent that tripods and other similar ancillary equipment are utilized.

Currently, there appears to be uncertainty as to whether the provisions of Section 1050.9(d) which prohibit riding between subway cars also prohibit the act of moving between cars. The use of end doors to move between cars carries with it inherent safety hazards whether or not the train is in motion. In 2004 alone, three fatalities were attributed to passenger use of end doors to move between cars. Accordingly, the use of end doors are prohibited except when passengers are directed to use them by NYCT personnel or a police officer. [Section 1050.9(d)]

The provisions regarding service animals have been revised so as to conform the language of the Rules to current practice which incorporates the FTA interpretation of requirements under the Americans with Disabilities Act. Most important, a provision has been added that would supersede any requirement of licensure or written documentation for the animal, if the individual bringing the animal into the system can credibly explain how the animal is needed to perform a task that the person is unable to perform due to his or her disability. As both New York City Transit and the New York City Police Department have previously issued bulletins incorporating the FTA standards, this amendment simply formally codifies current practices. [Section 1050.9(h)]

7. General Technical Revisions

Technical revisions have been made throughout various provisions of the Rules to reflect the merger of the Transit Police into the New York City Police Department.

Also, as mentioned above, in Section 1050.6(c), the reference to the Secretary of State of the State of New York has been replaced by a reference to the Attorney General of the State of New York, reflecting an amendment to New York State Executive Law Section 172 which transferred regulatory responsibility over charitable organizations from the Secretary of State to the Attorney General.

II. Paratransit Eligibility Rules

Rules pertaining to the provision of ADA-Paratransit Service are contained within 21 NYCRR Part 1035, as shown in Attachment C. A technical revision to correct a misprint in the current version of the rules is being made to Section 1035.2(a) of the rules relating to eligibility. No substantive change to eligibility requirements is being made.

SUMMARY OF PUBLIC COMMENTS RECEIVED:

Section 1050.4(a)

Some of the public comments received were in opposition to the "turnstile jumping" prohibition, expressing the view the prohibition was unfair where an individual had a valid MetroCard and was kept out of the transit system because of a malfunctioning card or turnstile. These comments have been considered, but it is felt that "turnstile jumping" and related unauthorized entry into the transit system, regardless of the reason, creates an environment of disorder, including a perception amongst other customers that a fare has been evaded and that this factor remains the primary concern. Accordingly, it is recommended that the Board approve adoption of the amendment to this rule as originally proposed.

Section 1050.6(f)

A few comments were received on the issue of consuming liquids, with some expressing the view that this rule would hinder commuters drinking their morning coffee on the train. However, a number of comments were in favor of this rule, as it would promote cleaner subways and buses, and passengers would not have to worry about a drink being accidentally spilled on the floor, creating a hazardous condition, or spilled on their person, creating an annoyance or possible injury in the case of hot liquids. It is recommended that NYCT amend the rule as originally proposed.

Section 1050.7(j)

A number of comments were received on this proposal relating to placing one's foot on a seat. While the majority was against this prohibition either because they felt the rule was intrusive or they felt no harm was done if one's feet was on the seat and there were no passengers wanting the seat, a substantial number of comments were in favor of this ban because they felt other passengers were inconsiderate when they put their feet up on seats, dirtying them. Some people were even in favor of making the prohibition more stringent by prohibiting putting one's feet on the metal poles in the middle of the subway cars. It is recommended that NYCT amend the rule as originally proposed.

Section 1050.7(k)

A few comments were received on this rule relating to bicycles, skates and skateboards, with the majority in favor of the prohibitions. While one person felt this rule was unimportant, many considered the ban to be necessary to help the free flow of traffic and prevent accidental injuries. Several comments suggested that the ends of subway cars should be designated for bicycles and strollers, so as to minimize disruptions and/or injuries to other passengers; other comments suggested a higher fare for those with bicycles. After review of these comments, it is recommended that the rule be amended as originally proposed.

Section 1050.9(c)

As stated above, numerous comments were received on the proposed ban on photography and videotaping in the system, presenting various policy, practical and legal concerns, including the frequently expressed view that the proposal would unduly impact tourists and individuals who wished to record the system for personal, artistic or historical purposes. In reviewing the comments, we additionally received and considered a number of alternative proposals which would have prohibited photography and videotaping on the system to varying degrees. Upon careful review of those alternatives and the comments received, the NYPD and NYCT have concluded that the powers currently available to police personnel under present law are sufficient to allow for the protection of our customers and the transit system. We will continue to review this issue in the future with an eye towards possible proposal of a modification to the present rule if circumstances so warrant.

Section 1050.9(d)

Numerous comments were received on this proposed ban, with the majority against the prohibition, because they felt the necessity to move between cars often arises because of uncomfortable temperatures, odors, or threatening situations. Nonetheless, it is felt that the safety concerns described above predominate and it is therefore recommended that the amendment be adopted as originally proposed.

RECOMMENDATION:

It is recommended that the Board authorize the adoption of the rule revisions proposed and the completion of the rule-making process for the proposed amendments to the Rules of Conduct for NYCT, MaBSTOA and SIRTAA, and paratransit eligibility criteria in accordance with SAPA.

ATTACHMENT A

Proposed Revisions to NYCT Rules of Conduct

TITLE 21. MISCELLANEOUS
CHAPTER XXI. METROPOLITAN TRANSPORTATION AUTHORITY
SUBCHAPTER D. RULES AND REGULATIONS GOVERNING THE
CONDUCT AND SAFETY OF THE PUBLIC
PART 1050. RULES GOVERNING THE CONDUCT AND SAFETY OF THE
PUBLIC IN THE USE OF THE FACILITIES OF NEW YORK CITY TRANSIT
AUTHORITY AND MANHATTAN AND BRONX SURFACE TRANSIT
OPERATING AUTHORITY

NYCT proposes to amend Sections 1050.2, 1050.4, 1050.5, 1050.6, 1050.7, 1050.9, 1050.11 and 1050.12 of Title 21 NYCRR as follows (new language is denoted by underline; language to be deleted is in brackets []):

1. Section 1050.2 is amended to read as follows:

Section 1050.2 Definitions

The following terms as used in these rules shall have the following meanings:

(a) Authority means collectively the New York City Transit Authority and its subsidiary, Manhattan and Bronx Surface Transit Operating Authority, public benefit corporations of the State of New York, except if the context in which the word authority is used indicates that it is either (but not both) New York City Transit Authority or Manhattan and Bronx Surface Transit Operating Authority to which reference is being made.

(b) Facilities includes all property and equipment, including, without limitation, rights of way and related trackage, rails, signal, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices and other real estate or personalty used or held for or incidental to the operation, rehabilitation or improvement of any rapid transit railroad or omnibus line of the authority.

(c)[[Reserved]] Service animal means a guide dog, signal dog, or other animal individually trained to perform tasks for the benefit of a person with a disability that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a

wheelchair, retrieving dropped items or providing rescue assistance. The term service animal does not include a therapy animal or animal used for emotional support.

(d) Sound production device includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, compact disc player, speaker device or system, and any sound amplifier or any sound-producing device of similar nature.

(e) Conveyance includes any subway or rapid transit car or train, locomotive, omnibus or other vehicle previously used or held for use by the authority as a means of transportation of passengers.

(f) Rules means these rules.

(g) Person means any individual, firm, [copartnership] partnership, corporation, association or company.

(h) Fare means the lawful charges established by the authority for the use of its facilities.

(i) Fare media means the various instruments issued by or on behalf of the authority to use for the payment of fare, including, but not limited to, farecards [tokens], passes, [farecards,] transfers, tickets, and vouchers.

(j) Farecards include, but are not limited to, (i) value-based, magnetically encoded cards (frequently referred to as pay-per-ride MetroCards) containing stored monetary value from which a specified amount of value is deducted as payment of a fare, and (ii) time-based, magnetically encoded cards (frequently referred to as unlimited ride MetroCards) which permit entrance into facilities and conveyances for a specified period of time.

(k) Payment of the fare includes the use at a fare collection device of a time-based farecard for purposes of gaining lawful entry into a facility or conveyance.

2. Section 1050.4 is amended to read as follows:

Section 1050.4 Payment of fare and access to authority facilities

(a) No person shall use or enter upon the facilities or conveyances of the authority,

for any purpose, without the payment of the fare or tender of other valid fare media used in accordance with any conditions and restrictions imposed by the authority. For the purposes of this section, it shall be considered an entrance into a facility or conveyance whenever a person passes through a point at which a fare is required or collected. No person shall, for purposes of gaining entry into a facility, proceed over or under any turnstile or otherwise proceed in any other unauthorized manner through an exit gate or through or past any other point at which a fare is required or collected and it shall be no defense to a charge of a violation of this subdivision that fare media, a fare media sales device or a fare collection device was malfunctioning.

(b) [Reserved]

(c) Except for employees of the authority acting within the scope of their employment or other expressly authorized agents of the authority, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

(d) No person shall put or attempt to put any paper, article, instrument or item, other than fare media issued by the authority and valid for the place, time and manner in which used, into any farebox, turnstile, pass reader or other fare collection instrument, receptacle, device, machine or location.

(e) Fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with the rules shall be confiscated.

3. Section 1050.5 is amended to read as follows:

Section 1050.5 Property and equipment

(a) No person shall destroy, mark, soil or paint, or draw, inscribe, write, spray paint or place graffiti upon, or remove, injure or tamper with any facility, conveyance, sign, advertisement, [or] notice or other property of the authority, or attempt to commit any of the aforementioned acts, except that this [provision] subdivision shall not apply to any work within the scope of any contract made by or on behalf of the authority.

(b) No person shall post, distribute or display any sign, poster, notice, advertisement or other printed or written matter in or on any facility or conveyance without the permission of the authority, except as otherwise provided by law.

(c) Except as an incident to travel on authority facilities for which a fare has been paid or which has otherwise been duly authorized by the authority, no conveyance or facility may be occupied, used or handled, except by permit, agreement, license or other authorization of the authority duly made.

4. Section 1050.6 is amended to read as follows:

Section 1050.6 Use of the transit system

(a) No person may [vandalize or attempt to vandalize any facility or conveyance, or] perform any act which [causes or may tend to cause damage to any facility or conveyance,] interferes with or may tend to interfere with the provision of transit service, [or] obstructs or may tend to obstruct the flow of traffic on facilities or conveyances, or [which would in any way interfere] interferes with or may tend to interfere with the safe and efficient operation of the facilities or conveyances of the authority.

(b) No person, unless duly authorized by the authority shall engage in any commercial activity upon any facility or conveyance. Commercial activities include:

(1) the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services or entertainment (including the free distribution of promotional goods or materials); and (2) the solicitation of money or payment for food, goods, services or entertainment. No person shall panhandle or beg upon any facility or conveyance.

(c) Except as expressly [authorized and] permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation. The following nontransit uses are [authorized and] permitted by the authority, provided they do not impede transit activities and they are conducted in accordance with [the] these rules [governing the conduct and safety of the public in the use of the facilities of New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority]: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or

political causes; solicitation for charities that: (1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision[, or]; (2) are duly registered as charitable organizations with the [Secretary of State] Attorney General of New York under section 172 of the New York Executive Law or any successor provision[,]; or, (3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(1) Permitted nontransit uses may be conducted in the transit system except: (A) when on or within: a subway car; an omnibus; or, any area not generally open to the public; (B) within a distance of 25 feet of a [token] station booth, or a fare media sales device including but not limited to a fare media vending machine; or, (C) within a distance of 50 feet from the marked entrance to an authority office or tower. (D) The following activities are not subject to the minimum distance requirements [from a token booth or authority office or tower] as set forth in subparagraphs (B) and (C) of this paragraph : public speaking; leafleting or distribution of [literature] written noncommercial materials; campaigning; and, activities intended to encourage and facilitate voter registration, [campaigning, public speaking or similar activities], provided, that with respect to any of the activities described in this subparagraph, [that] no sound production device is used and no physical obstruction, such as a table or other object, is present within a distance of 25 feet of a station booth or fare media sales device, or 50 feet from the marked entrance to an authority office or tower.

(2) [In no event will an] Notwithstanding any other provision of this section, any activity [be permitted] in a location which interferes with the access onto or off of an escalator, stairway or elevator, or otherwise interferes with or impedes transit services or the movement of passengers, is prohibited.

(3) No activity permitted by [this] the authorization contained in this section shall be conducted on a subway platform [while] where construction, renovation or maintenance work is [actively] underway on or near the platform, or on or near the staircases, escalators, or elevators leading to [the] such platform and including any such work in or near track areas.

(4) No activity [may be] is permitted which creates excessive noise or which emits noise that interferes with transit operations. The emission of any sound in excess of 85 dBA on the A weighted scale measured at five feet from the source of the sound

or 70 dBA measured at two feet from a [token] station booth is excessive noise and is prohibited. [In no event will] Notwithstanding any other provision of this section, the use on subway platforms of amplification devices of any kind, electronic or otherwise, [be permitted on subway platforms] is prohibited.

(5) No person shall use media devices such as films, slides or video-tapes.

(6) [No person shall conduct or continue to conduct] Where an activity permitted by [this] the authorization contained in this section [which] includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a [transit] New York City police officer or by an authority employee.

(7) No person shall misrepresent through words, signs, leaflets, attire or otherwise such person's affiliation with or lack of affiliation with or support by any organization, group, entity or cause, including any affiliation with or support by the authority or the Metropolitan Transportation Authority or any of their programs, such as Music Under New York or Arts for Transit.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at his or her own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the authority shall:

(1) comply with all lawful orders and directives of any [transit] New York City police officer or [other] authority employee acting within the scope of his or her employment;

(2) obey any instructions on notices or signs duly posted on any authority facility or conveyance; and

(3) provide accurate, complete and true information or documents requested by [transit] New York City police officers or [other] authority personnel acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority personnel or a New York City police officer to physically inspect such farecard.

(e) No persons shall refuse or fail to relinquish a seat on a conveyance which has been designated as "PRIORITY SEATING," "WHEELCHAIR PRIORITY SEATING" or words of similar import, if requested to do so by or on behalf of a person with a disability, or occupying any location on a conveyance designated for use by persons using wheelchairs if such location is required to accommodate a person using a wheelchair. Further, passengers aboard buses equipped with wheelchair lift devices shall not conduct themselves in a manner which will impede the operation of such lifts, impede the securing of wheelchairs in the tie-down devices located on such buses or impede the exit of such passengers using wheelchairs.

(f) No person [shall bring or carry onto], while on a conveyance, shall possess any liquid in or consume any liquid from an open container .

(g) No person shall falsely represent himself or herself as an agent, employee or representative of the authority or falsely represent himself or herself as a member of the [Transit] New York City Police Department.

5. Section 1050.7 is amended to read as follows:

Section 1050.7 Disorderly conduct

No person on or in any facility or conveyance shall:

(a) litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, or urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;

(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch [, except in those areas or locations specifically designated by the authority as authorized for smoking];

(c) sleep or doze where such activity may be hazardous to such person or to others or may interfere with the operation of the authority's transit system or the comfort of its passengers;

(d) engage in any form of gambling, except as specifically authorized as, for example, at OTB parlors;

(e) create any sound through the use of any sound production device, except as authorized by section 1050.6(c) of this Part. Use of radios and other devices listened to solely by headphones or earphones and inaudible to others is permitted;

(f) throw, drop or cause to be propelled any stone, projectile or other article at, from, upon, in or on a facility or conveyance;

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(h) enter or remain in any facility or conveyance while his or her ability to function safely in the environment of an authority transit system is impaired by the consumption of alcohol or by the taking of any drug;

(i) conduct himself or herself in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j) (1) occupy more than one seat on a station, platform or conveyance when to do so would interfere or tend to interfere with the operation of the authority's transit system or the comfort of other passengers; (2) place his or her foot on a seat on a station, platform or conveyance; (3) lie on the floor, platform, stairway, landing or conveyance; or (4) block free movement on a station, stairway, platform or conveyance; or

(k) commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to:

(1) riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, [skateboard, roller skates, in-line skates] or any other self-propelled vehicle or any motor-propelled vehicle;

(2) wearing roller skates or in-line skates; or

(3) riding or otherwise standing on a skateboard.

(4) [This provision] Paragraph one of this subdivision does not apply to the proper

use of self-propelled or motor-propelled wheelchairs or similar devices by a nonambulatory individual.

6. Section 1050.9 is amended to read as follows:

Section 1050.9 Restricted areas and activities

(a) No person, except as specifically authorized by the authority, shall enter or attempt to enter into any area not open to the public, including but not limited to train operator's cabs, conductor's cabs, bus operator's seat location, [token] station booths, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, catwalks, emergency stairways (except in cases of an emergency), tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment.

(b) No vehicle, except as specifically authorized, may be parked on authority property.

(c) Photography, filming or video recording in any facility or conveyance is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the New York City Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of this Part.

(d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority. No person may use the end doors of a subway car to pass from one subway car to another unless directed to do so by an employee of the authority or a New York City police officer.

(e) No person shall extend his or her hand, arm, leg, head or other part of his or her person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

(f) No person shall enter or leave a subway car, bus or other conveyance operated by the authority except through the entrances and exits provided for that purpose.

(g) No person may carry on or bring to any facility or conveyance any item that:

(1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;

(2) constitutes a hazard to the operation of the authority, interferes with passenger traffic, or impedes service; [and] or

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h)(1) [No] Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which [have been trained or] are being trained [to aid or guide a person with a disability] as service animals and are accompanying persons with disabilities, or to [service] animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

(3) Upon request by a [law enforcement] police officer or [other] designated employee of the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or [a service] an animal [in training] being trained as a service animal. Upon request of a police officer or designated authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of paragraph (1) of this subdivision qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, [or] the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.

(4) As an alternative to any of the methods described in paragraph (3) of this

subdivision for providing evidence that an animal meets the definition of service animal, persons [Persons] with disabilities who use service animals who do not have a service animal license or other [proof] written documentation that the accompanying animal is [professionally trained as described in this subdivision] a service animal may apply to the Metropolitan Transportation Authority [on behalf of the authority] for a service animal identification card.

(5) [Designated] Law enforcement officers or designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.

7. Section 1050.11 is amended to read as follows:

Section 1050.11 Ejection

[(a)] Any person who is observed by a [transit] New York City police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejection from the facilities.

12. Section 1050.12 is amended to read as follows:

Section 1050.12 Persons authorized to issue notices of violation

[(a)] Any [transit police officer,] New York City police officer[,] or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

ATTACHMENT B

TITLE 21. MISCELLANEOUS CHAPTER XXI. METROPOLITAN TRANSPORTATION AUTHORITY SUBCHAPTER D. RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC

PART 1040. RULES GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF THE FACILITIES OF THE STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY

The Staten Island Rapid Transit Operating Authority proposes to amend Sections 1040.2, 1040.4, 1040.5, and 1040.8 of Title 21 NYCRR as follows (new language is denoted by underline; language to be deleted is in brackets []) :

1. Section 1040.2 is amended to read as follows:

Section 1040.2 Definitions

As used or referred to in this Part, the following terms have the following meanings unless a different meaning clearly appears from the context in which the term is used:

(a) Authority means the Metropolitan Transportation Authority, the public benefit corporation created by section 1263 of the Public Authorities Law.

(b) Commercial activities means activities whose main purpose is the sale of goods or services or the promotion or advertising of goods or services, including the distribution of goods or materials for free. Commercial activities include:

(1) the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services or entertainment (including the free distribution of promotional goods or materials); and

(2) the solicitation of money or payment for food, goods, services or entertainment.

(c) Controlled substance means those substances designated as controlled substances by the New York State Penal Law.

(d) Conveyance includes any train, locomotive, omnibus or other vehicle previously used or held for use by the authority as a means of transportation of passengers.

(e) Excessive noise means excessively or unusually loud sounds produced by any means which are audible to another person and which cause public inconvenience, annoyance or alarm, or which interfere with transit operations, but does not include conversational speech or sounds incident to walking or normal movement. The emission of any sound in excess of 85 dBA on the A weighted scale measured at five feet from the source of the sound is excessive noise and is prohibited. The term excessive noise also includes sounds which interfere with the audibility of the normal communication, audio communication equipment and speaker system of a terminal, station or train.

(f) Facilities means the terminals and stations owned or operated by SIRTOA under contract, lease or other arrangement, including joint service arrangements. Facilities includes all property and equipment including, without limitation, rights of way and related trackage, rails, signal power, fuel, communication and ventilation systems, power plants, tunnels, emergency exits, signage, storage yards, depots, repair and maintenance shops, yards, offices, other real estate or personally owned, operated, used, held or leased by SIRTOA for or incidental to the operation, rehabilitation or improvement of railroad operations.

(g) Fare media means the various instruments issued by or on behalf of or accepted by SIRTOA to use for the payment of fare, including, but not limited to, farecards, passes, transfers, tickets, and vouchers.

[(g)] (h) General Manager means the individual or individuals designated by SIRTOA with overall supervisory responsibility for the SIRTOA facilities, or his designee.

[(h)] (i) Noncommercial activities means activities involving public speaking; distribution of written materials related to a charitable, religious or political causes, and solicitation of contributions for charitable, religious or political causes; and artistic performances, including the acceptance of donations for such performances.

[(i)] (j) Person means any natural person, individual, corporation, society, organization, company, association, firm, partnership, or other entity.

[(j)] (k) Police officer refers to any member of the SIRTOA Police and any other police officer duly appointed pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to his authority, has jurisdiction within a terminal, station or train.

(l) Service animal means a guide dog, signal dog, or other animal individually

trained to perform tasks for the benefit of a person with a disability that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items or providing rescue assistance. The term service animal does not include a therapy animal or animal used for emotional support.

(m) Sound production device includes, but is not limited to, any musical instrument and any electronic device capable of producing sound such as a radio receiver, phonograph, television receiver, tape recorder, cassette player, compact disc player, speaker device or system and any sound amplifier or any sound-producing device of similar nature.

[(k)] (n) Terminals and stations mean all terminals and stations owned and operated by SIRTOA under contract, lease or other arrangement, including joint service arrangements, and including all appurtenances to any terminal or station including, but not limited to, platforms, stairways, arcades and passageways.

[(1)] (o) Trains means all trains operated by SIRTOA.

2. Section 1040.4(e) is amended to read as follows:

(e) Except as expressly authorized and permitted in this subdivision, no person shall engage in any non transit uses upon any facility or conveyance. Non transit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation. The following nontransit activities are authorized and permitted by SIRTOA, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the Staten Island Rapid Transit Operating Authority: public speaking; distribution of written noncommercial materials; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:

(1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision;

(2) are duly registered as charitable organizations with the [Secretary of State] Attorney General of the State of New York under section 172 of the New York Executive Law or any successor provision; or

(3) are exempt from Federal income tax under section 1501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications. The aforementioned non transit uses within the stations and terminals are deemed to be authorized provided that such activities:

- (i) do not impede or interfere with or impair transportation services or the movement of persons within a station or terminal;
- (ii) do not violate any of the prohibitions contained in these rules; and
- (iii) do not take place on trains.

3. Section 1040.5 is amended to read as follows:

Section 1040.5 Prohibited uses

No person in a terminal, station or train shall:

(a) block free movement of another person or persons; lie on the floor, platforms, stairs or landings; [or] occupy more than one seat when to do so would interfere with the operation of SIRTTOA's transportation system or the comfort of other passengers; or place his or her foot on any seat;

(b) create any sound through the use of any sound production device, except as is specifically authorized by these rules. In no event will the use of amplification devices of any kind, electronic or otherwise, be permitted on a platform. Use of radios and other devices listened to solely by head phones or earphones and inaudible to others is permitted;

(c) throw, drop or cause to be propelled any object, projectile or other article at, from, upon, in or on a facility or train;

(d) bring into a facility or carry onto a train liquid in an open container, or drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage;

(e) consume any controlled substance except pursuant to valid prescription;

(f) enter or remain in any facility or train while his or her ability to function safely in the environment of the terminal, station or train is impaired by the consumption of alcohol or by the taking of any drug;

(g) endanger the safety of others, engage in fighting or assault another person or persons, or threaten another person with such conduct;

(h) vandalize, injure, deface, alter, write upon, destroy, remove or tamper with the facilities or trains, including any facilities under the jurisdiction of tenants or permittees;

(i) enter or attempt to enter any area which is locked or otherwise restricted from public access by any means including, but not limited to, barricades, fencing, doors and signs, or enter or leave a terminal, station or train except by designated entrance ways or exits;

(j) ride or otherwise stand on a skateboard, wear roller [skate] skates [,] or in-line [skate] skates, [or] ride or straddle a bicycle while it is in motion, or ride a scooter or any other self-propelled vehicle or motor-propelled vehicle or device, on or through any part of a terminal, station or train, excluding parking lots and access roads. This provision does not apply to the proper use of self-propelled or motor-propelled vehicles or similar devices by non ambulatory persons;

(k) cook, light a fire or otherwise create a fire except pursuant to the terms of any lease, license, operating agreement or concession granted by SIRTOA or the authority;

(l) utilize hand carts on escalators;

(m) dispense commercial merchandise with or without charge or carry on any commercial activity except pursuant to the terms of a lease, license, operating agreement or concession granted by SIRTOA or the authority;

(n) offer to or agree to carry baggage or hire and/or flag taxicabs or car services except pursuant to the terms of a lease, license, operating agreement or concession granted by SIRTOA or the authority;

(o) burn a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any tobacco substitute [on a train or in any indoor area within a terminal or station not specifically designated as an area where such conduct is permitted];

(p) engage in any activity which interferes with the commercial activities of leases, tenants or their customer;

(q) engage in noncommercial activities, except as expressly permitted by these rules;

(r) misrepresent through words, signs, leaflets, attire or otherwise, such person's affiliation with or lack of affiliation with or support by any organization, group, entity, or cause, including any affiliation with or support by SIRTOA or the authority or the New York City Transit authority or any of their programs, such as Music Under New York or Arts for Transit;

(s) carry on or bring to any facility or train any item that:

(1) is so long as to extend outside the window or door of a train;

(2) constitutes a hazard to the operation of SIRTOA, interferes with passenger traffic or impedes service; and

(3) constitutes a danger or hazard to other persons. Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes, or other physical assistance devices.

(t) bring a bicycle into a facility or train on weekdays between the hours of 5:00 a.m. to 10:00 a.m., and between 4:00 p.m. and 8:00 p.m., or at any other time when in the judgment of a SIRTOA conductor, passenger traffic exceeds available seating. The prohibition against bringing a bicycle into a train between 4:00 p.m. and 8:00 p.m. only applies to trains travelling in the eastbound (towards Tottenville) direction;

(u) ride on the roof, platform between trains or any other area outside the train; [and]

(v) use the end doors of a train car to pass from one train car to another unless directed to do so by a police officer or SIRTOA personnel;

(w) refuse or fail to relinquish a seat on a conveyance which has been designated as "PRIORITY SEATING", "WHEELCHAIR PRIORITY SEATING" or words of similar import, if requested to do so by or on behalf of a person with a disability, or occupy any location on a conveyance designated for persons using wheelchairs if such location is required to accommodate a person using a wheelchair; and

(x) for purposes of gaining entry into a facility, proceed over or under any turnstile or otherwise proceed in any other unauthorized manner through an exit gate or through or past any other point at which a fare is required or collected, and it shall be no defense to a charge of a violation of this subdivision that fare media, a fare media sales device or a fare collection device was malfunctioning.

4. Section 1040.8 is amended to read as follows:

Section 1040.8 Animals barred from terminal

(a) No person, except as otherwise provided in subsection (b), may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(b) Subsection (a) does not apply to working dogs for law enforcement agencies, to service animals which have been trained or are being trained to aid or guide a person with a disability and are accompanying persons with disabilities, or to

service animals which are being trained by a professional trainer. All service animals must be harnessed or leashed.

(c) Upon request by a [law enforcement] police officer or other designated employee of the SIRTOA or the authority, a trainer must display proof of affiliation with professional training school and that the animal is a licensed service animal or [a service] an animal [in training] being trained as a service animal. Upon request of a police officer or designated SIRTOA or authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of subdivision (a) of this section qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the New York City Department of Health, New York State Department of Agriculture and Markets or by other governmental agencies in New York or elsewhere authorized to issue such licenses, [or] the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.

(d) As an alternative to any of the methods described in subsection (c) for providing evidence that an animal meets the definition of service animal, persons [Persons] with disabilities who use service animals who do not have a service animal license or other [proof] written documentation that the accompanying animal is [professionally trained as described in this subdivision] a service animal may apply to the authority for a service animal identification card.

(e) [Designated] Police officers or designated SIRTOA or authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.

ATTACHMENT C

TITLE 21. MISCELLANEOUS CHAPTER XXI. METROPOLITAN TRANSPORTATION AUTHORITY SUBCHAPTER C. NEW YORK CITY TRANSIT AUTHORITY, MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY AND STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY PARATRANSIT RULES

PART 1035. PROVISION OF ADA-PARATRANSIT SERVICE WITHIN THE CITY OF NEW YORK

It is proposed that Section 1035.2(a) of Title 21 NYCRR be amended as follows (new language is denoted by underline; language to be deleted is in brackets []):

1. Section 1035.2 (a) is amended to read as follows:

(a) The following individuals are ADA-paratransit-eligible:

(1) any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities; or

(2) any individual with a disability who needs the assistance of a wheelchair lift or other boarding device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such vehicle is not being used to provide designated public transportation on the route:

(i) an individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding and disembarking location which the individual would use is one at which boarding or disembarking from the vehicle

is precluded as provided because the vehicle's wheelchair lift or other boarding device cannot be deployed; or the lift or device would be damaged if deployed; or temporary conditions at the location, not under the authority's control, preclude safe use of the stop by all passengers;

(ii) an individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle, even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs;

(iii) with respect to the rapid transit system, an individual is eligible under this paragraph if the individual could use an accessible rapid transit system, but there is not yet one accessible car per train on the system; or key stations designated in the authority's Key Station Plan have not yet been made accessible; or [the individual with the disability has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system;]

(3) any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system:

[(iv)] (i) only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to a boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph; and

[(v)] (ii) architectural barriers not under the control of the authority and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph if the effect is to prevent the individual from traveling to a boarding location from a disembarking location.

RESOLUTION

NYCTA/MaBSTOA/SIRTOA Rule-making Procedures

WHEREAS, the New York City Transit Authority ("NYCTA"), the Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA") and the Staten Island Rapid Transit Operating Authority ("SIRTOA") maintain rules governing the conduct and safety of the public in the use of transit facilities and rules setting forth eligibility criteria for receipt of paratransit service;

WHEREAS, the Board previously approved the commencement of rulemaking so as to amend 21 NYCRR Parts 1035, 1040, 1050 in order to clarify the meaning of certain rules, facilitate their enforcement and enhance customer security and safety;

WHEREAS, NYCTA, MaBSTOA and SIRTOA are desirous of concluding a process relating to the modification of such rules in several respects;

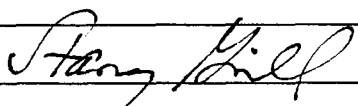
WHEREAS, NYCTA, MaBSTOA and SIRTOA have, accordingly, prepared a series of proposed changes to such rules as set forth in a Staff Summary dated June 2, 2005 and attachments thereto;

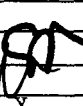
WHEREAS, the necessary public notice and comment period was provided and comments received prior to and during such comment period have been reviewed and considered pursuant to the requirements of the New York State Administrative Procedure Act ("SAPA");

WHEREAS, SAPA requires the publication of a Notice of Adoption of proposed rule changes in the New York State Register;

NOW, THEREFORE, upon motion duly made and seconded, the following resolutions were adopted by the Boards of NYCTA, MaBSTOA and SIRTOA:

RESOLVED, the Boards of NYCTA, MaBSTOA and SIRTOA hereby authorize the conclusion of the process for amendment relating to the series of proposed rule changes referred to above and the President of NYCTA and/or his designee are hereby authorized to take all steps necessary to proceed to adopt the proposed rule changes by filing a Notice of Adoption with the New York State Department of State and to comply with all other requirements of SAPA in order to adopt such amendments.

Subject Request for Authorization to Award Various Procurements					
Department Materiel					
Department Head Name Stanley J. Grill					
Department Head Signature 					
Project Manager Name Constance Mistretta-Thomas					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	9/27/05			
2	Board	9/29/05			

August 30, 2005		
Vendor Name		
Contract Number		
Contract Manager Name		
Table of Contents Ref #		
Internal Approvals		
	Approval	Approval
	President	X Capital Construction Co.
	Executive VP	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
X	MTA Bus Co.						

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:

Procurements Requiring Two Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	3	\$ 5.8M
•Raven Electronics		\$.04M
•Prevost Parts		\$ 5.5M
•PSION TEKLOGIX		\$.2M

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	3	\$ 2.8M
•Altec Industries, Inc.		\$.3M
•National Customer Eng., Inc.		\$.3M
•Brush Industries, Inc.		\$2.2M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$.4M
•GIRO, Inc.		\$.4M
Schedule I: Modification to Purchase and Public Work Contracts	1	\$ 5.8M
•Thermo King Corp.		\$5.8M
SUBTOTAL	8	\$ 14.8M

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

Procurements Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	3	\$ 249.1M

Schedules Requiring Majority Vote

Schedule F: Personal Service Contracts	1	\$ 4.4M
Schedule G: Miscellaneous Service Contracts	1	\$.05M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	2	\$ 1.6M
Schedule I: Modifications to Purchase and Public Works Contracts	3	\$ 28.4M
Schedule L: Budget Adjustments to Estimated Quantity Contracts	3	\$.4M
SUBTOTAL	13	\$ 284.0M

NYC Transit proposes to award Ratifications in the following categories:

Schedules Requiring Two-Thirds Vote:

Schedule D: Ratification of Completed Procurement Actions	3	\$ 2.6M
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Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions:	6	\$ 1.9M
SUBTOTAL	9	\$ 4.5M
TOTAL	30	\$ 303.3M

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 2005

NEW YORK CITY TRANSIT

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. Raven Electronics
Test – Immediate use
Req. #U-A211913**

\$41,886.00

The Department of Subways has an existing closed loop audio intercom communications network that is decades old known as “Six Wire”. This “Six Wire” system was designed to disseminate critical incident information to all groups and permits appropriate responses when necessary, however, is not particularly resilient in the event of a failure and not capable of further expansion to other locations such as the Rail Control Center (RCC). In an effort to improve this system, Subways surveyed the telephone communications technology marketplace and identified three possible updated sources of equipment. Only two vendors offered robust, resilient, expandable technology with much improved diagnostic capabilities known as “Orderwire”. These systems were tested at the RCC in order to extend the “Six Wire” system through the RCC and, possibly to one day replace the existing system. Raven Electronics’ product proved to be clearly superior of the two systems tested in that it is completely compatible with existing communications equipment and performed flawlessly while being less complex and easier to maintain and trouble shoot than the competing system. Subways wishes to purchase the Raven equipment that was utilized for the test in order to facilitate the opening of the RCC. Procurement obtained pricing from both vendors under the test and Raven’s product price was the lower of the two competing products and considered fair and reasonable. In accordance with statutory requirements, a purchase order will not be issued until thirty days after the Board declares competitive bidding impractical.

**2. Prevost Parts
Sole Source – Three year omnibus approval
Purchase of various Nova bus parts.**

\$5,500,000.00 (Est.)

Staff Summary Attached

97

**3. PSION TEKLOGIX
Sole Source – Three year contract
Contract #05E9208**

\$212,905.00 (NTE)

Staff Summary Attached

98

Purchase of TEKLOGIX radio frequency data collection equipment with preventive and remedial maintenance.

Procurements Requiring Majority Vote:

Page

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.)

4. Altec Industries, Inc., Eastern Div. \$266,220.00 (Est.) Staff Summary Attached 99
Sole Source – Four year contract
Contract #04K9070

Inspection and maintenance service for cable lugger pullers and aerial devices.

5. National Customer Engineering, Inc. \$315,762.00 (Est.) Staff Summary Attached 100
Non Competitive – Two year contract with an option for one additional year
Contract #05D9189

Preventive and remedial maintenance and technical support services on Prime computer equipment.

6. Brush Industries, Inc. \$2,229,250.00 (Est.) Staff Summary Attached 101
Non-Competitive - Two year contract with an option for one additional year
Contract #04L9095

Refurbish turnstile swipe read/write head assemblies.

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

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

7. GIRO, Inc. \$382,165.00 (NTE) Staff Summary Attached 102
Contract #97K7070.7

Modification to the contract to upgrade the existing Hastus 2003 software to Hastus 2005 software.

I. Modifications to Purchase and Public Work Contracts

(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.)

8. Thermo King Corp. \$5,767,456.40 Staff Summary Attached 103
Contract #04I9021.2

Modification to the contract for HVAC compressors to exercise the option to purchase additional units.

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS
REQUIRING TWO-THIRDS BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/ PURPOSE</u>	<u>COST</u>
2. Prevost Parts Elgin, IL	Purchase of Nova Bus Parts Requested by the Division of Materiel Stanley Grill, Division Head Three year omnibus approval	\$ 5,500,000.00 (Estimate)

REMARKS

This authorization will cover approximately 3,174 items identified as only obtainable from Prevost Parts, the exclusive after-market distributor for Nova Bus, Inc. Nova Bus, the manufacturer of the RTS bus in Roswell, New Mexico, has since discontinued production of buses due to decreased sales and low demand. Since its buses are no longer in production, Prevost is having parts manufactured through third parties for aftermarket demand. Prevost has stated that it will honor its contractual agreement with NYC Transit to furnish parts to maintain the fleet currently in service for a period of twelve years after delivery. These items are advertised a minimum of once every twelve months to seek additional competition. This Omnibus approval will eliminate the need to advertise and prepare individual procurement staff summaries for each procurement over \$15,000.00. A price analysis for sole source items purchased from Prevost from 9/19/2002 through 5/18/2005 has shown an average weighted price increase of 5.98% annually which included two door assemblies whose availability and increased cost are totally dependent on the fact that buses are no longer being manufactured. The average annual price increase without the door assemblies included is 1.77% for all other items.

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS
REQUIRING TWO-THIRDS BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/ PURPOSE</u>	<u>COST</u>
3. PSION TEKLOGIX Erlanger, KY	Contract #05E9208 Purchase of TEKLOGIX Radio Frequency Data Collection Equipment Requested by the Division of Supply Logistics Ed Spellman, Division Head Three year contract	\$ 212,905.00 (Not-to-Exceed)

REMARKS

The Division of Supply Logistics has requested the purchase of TEKLOGIX radio frequency equipment with preventive and remedial maintenance to replace obsolete equipment at NYC Transit's Central Warehouse at Maspeth. Supply Logistics relies heavily on the use of radio frequency data collection equipment and hand held terminals to satisfy daily inventory transactions at various NYC Transit storerooms. The TEKLOGIX radio frequency equipment is used to process inventory transactions on line, resulting in real time accurate inventory balances. TEKLOGIX is the sole provider of their radio frequency equipment and does not have distributors or provide parts or schematics to independent third parties to service their equipment. Negotiations with TEKLOGIX resulted in discount rates ranging from 10% on installation to 40% on the new units and 50% for support services resulting in a savings of \$35,567 for a final amount of \$212,905.

MISCELLANEOUS SERVICE CONTRACTS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>COST</u>
4. Altec Industries, Inc., Eastern Div. Plains, PA	Contract #04K9070 Inspection and Maintenance Service for Cable Lugger Pullers and Aerial Devices Requested by the Department of Subways Michael Lombardi, Department Head Four year contract	\$ 266,220.00 (Estimate)

REMARKS

The contractor will provide annual inspections and maintenance on six cable lugger pullers and eight aerial devices. Cable lugger pullers are sophisticated truck mounted hydraulic equipment that provide the necessary technology needed for transporting, removing and installing underground or overhead electric cable. The aerial device is a high reach vehicle with a telescopic boom as well as an articulated arm specifically designed for use by the power utility industry. This vehicle is used to repair overhead cable and communication lines. NYC Transit has been using Altec for maintenance work since 1996. Prior to then NYC maintained the equipment in-house but due to the complexity of the hydraulic and electrical systems, the contract work was given to various contractors. It was determined that contracting portions of the work produced long lead times and less than satisfactory results. Due to the unsatisfactory experience with contractors other than the original equipment manufacturer (OEM), Maintenance of Way has specified that all maintenance must be performed by Altec, the OEM. Altec has agreed to maintain the same labor rates of \$80 per hour that Altec charges Con Ed and NJ Transit. The preventive maintenance cost for both the cable lugger and the aerial device is at the same rate charged in the current contract.

MISCELLANEOUS SERVICE CONTRACTS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	COST
5. National Customer Engineering, Inc. El Cajon, CA	Contract #05D9189 Preventive and Remedial Maintenance of Prime Computer Equipment Requested by the Department of Technology and Information Services James Fowler, Department Head Two year contract with an option for one additional year	\$ 315,762.00 (Estimate)

REMARKS

The contractor will provide preventive and remedial maintenance and technical support services on Prime computer equipment. NYC Transit continues to run its timekeeping and crew pick applications for the Department of Subways and Division of Rapid Transit Operations (RTO) on midrange Prime equipment. NYC Transit's Division of Technology and Information Services (TIS) has requested a new non-competitive contract with National Customer Engineering, Inc. (NCE) to continue Prime maintenance services until the Unified Timekeeping System is implemented for RTO in late 2007 or first quarter of 2008. Prime, the equipment manufacturer, is no longer in business and NCE is the recognized service provider for this equipment, having purchased all of Prime's spare parts inventories, and is familiar with the complexities of NYC Transit's operating environment. NCE has satisfactorily maintained this equipment at NYC Transit's facilities since July 2000. Negotiations with NCE were not necessary since NCE took no exceptions to the terms and conditions and proposed the same rates and unit prices for services that were accepted and found fair and reasonable in June 2002.

MISCELLANEOUS SERVICE CONTRACTS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	COST
6. Brush Industries, Inc. Sunbury, PA	Contract #04L9095 Refurbish NYC Transit's Turnstile Swipe Read/Write Head Assemblies Requested by the Department of Subways Michael Lombardi, Department Head Two year contract with an option for one additional year	\$ 2,229,250.00 (Estimate)

REMARKS

The contractor will refurbish NYC Transit's turnstile swipe read/write head assemblies (SRW). The refurbishment includes disassembly, cleaning and inspection of roller block assemblies, replacing the old ceramic head blocks with new ceramic head blocks, replacing the old base plate, applying the new base plate with ceramic coating, installing new connectors, reassembling the SRWs and performing functional swipe tests to ensure that the SRWs work properly. Over time, the SRWs wear down due to frequent swipes of MetroCards. The refurbishment of the SRWs and ceramic coating of the base plates will significantly slow down wear and increase the life of the base plates. There are 4,300 SRWs in the system, 3,950 currently installed in the subway system and 350 spares. Brush will refurbish 3,250 SRWs in the first two years of the contract and 1,050 in the option year. Brush's price was negotiated in line with MTA Audit recommendations and reflects a 3% increase for the option year.

MODIFICATIONS TO
PERSONAL/MISCELLANEOUS SERVICE CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>CONTRACT PRICE/CONTRACT HISTORY BREAKDOWN</u>	<u>COST/PRICE</u>
7. GIRO, Inc. Montreal, Canada	Contract #97K7070	Original Contract	\$ 1,310,177.00
	Purchase HASTUS 5 Software	Prior Modifications	\$ 820,158.00
	Requested by the Department of Technology and Information Services	Adjusted Contract Amount	\$ 2,130,335.00
	James Fowler, Department Head Mod. #7	For Approval	\$ 382,165.00 (17.9%) (Not-to-Exceed)
		% of Mods to Org. Contr.	(91.8%)
Submitted for: Approval	Original Contract		
	Award Date: 8/4/1998		
	Original Contract Subject to Board Approval: <u>YES</u>		
	Original Contract Let By Competitive Process: <u>NO</u>		

REMARKS

The original contract was for the purchase of Hastus 5 Transit Vehicle and Crew Scheduling software, which was an upgrade to the previously used Hastus 2 software. Six modifications have been issued to date for migration services, customization and training for software upgrades, purchase of additional modules, and maintenance. This modification will provide migration services, customization and training to upgrade the existing five modules of the Hastus 2003 software to Hastus 2005. NYC Transit does not pay additional licensing fees for upgrades if the software is upgraded at least once every two years. Additionally, NYC Transit will purchase the Geo software module with three years of maintenance. Geo is a geographic database that will be fully integrated with the other Hastus modules to provide accurate mileage and bus stop information related to routes and scheduling. This information is beneficial for determining accurate mileage along bus routes, general reporting statistics, and budget projections. The cost of the Geo module with three years of maintenance is \$157,575, while the cost of migration, customization and training for the upgrade is \$224,590, for a total modification cost of \$382,165. The daily rates for the required personnel reflect GIRO's standard 3% yearly rate escalation and a one-time 5% surcharge for all US customers due to the status of the US dollar. GIRO agreed to retain the 2005 rates although most of the work is anticipated to be performed in 2006.

MODIFICATIONS TO
PURCHASE AND PUBLIC WORK CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY BREAKDOWN	CONTRACT HISTORY COST/PRICE
8. Thermo King Corp. Minneapolis, MN	Contract #04I9021 Furnish and Deliver HVAC Open Drive Compressors for R46 Subway Cars Requested by the Division of Car Equipment Richard Sowa, Division Head Mod. #2	Original Contract Prior Modifications Adjusted Contract Amount For Approval % of Mods to Org. Contr.	\$ 418,055.00 \$ 18,000.00 \$ 436,055.00 \$ 5,767,456.40 (1322.6%) (1383.9%)
Submitted for: Approval	Original Contract Award Date: 3/1/2005	Original Contract Subject to Board Approval: <u>YES</u>	
	Original Contract Let By Competitive Process: <u>NO</u>		

REMARKS

In March 2004, Thermo King supplied six HVAC compressors under a no-cost loan/test agreement for testing on the R46 subway car. Under another contract, the Division of Car Equipment (DCE) requested the purchase of 100 additional units to increase the test sample and provide NYC Transit with more data concerning design and reliability issues. In January, 2005 the Board approved this contract for the purchase of 100 HVAC compressors with an option for 1,400 additional units, at the same price, to cover the entire R46 car fleet, if the test proved successful. Based on the fact that test units have performed satisfactorily, DCE is requesting that the option for 1,400 units be exercised along with the purchase of 48 additional units so that a supply of 50 spare units can be kept on hand for the R46 subway car fleet. DCE has undertaken a series of efforts to qualify a replacement compressor for the R46 subway car fleet, but testing of compressors manufactured by two other companies failed. Thermo King's price includes technical assistance as needed during installation and a three year warranty.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Page

C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)

(Staff Summaries required for items requiring Board approval.)

1. Abaline Paper Products Bid #70354 - Item 2	\$20,761.00 (Est.)	<u>Staff Summary Attached</u> ↓ ↓ ↓ ↓ ↓	109
2. Bearings & Industrial Supply Co. Bid #70368 - Item 1 Twenty-four month estimated quantities contracts Purchase of various commodity items.	\$23,904.00 (Est.)		
3. Orion Bus Industries, Inc. Contract #B-31195 Purchase of 500 Low Floor Hybrid Electric Buses.	\$249,039,994.40	<u>Staff Summary Attached</u>	110a

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.)

4. URS Corp. Contract #CM-1305 Indefinite quantity consultant contract for the Underground Storage Tank Program.	\$4,400,000.00 (Est.)	<u>Staff Summary Attached</u>	111
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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.)

5. Ana Laboratories, Inc. One bid only – Five year contract Contract #05C9161 The contractor will perform chemical and physical testing of epoxy on an as needed basis. The work includes sample testing, documentation and written reports on all tests performed. Despite efforts to encourage competition by contacting potential vendors, a single bid was received. A market survey of four firms revealed that two firms do not provide testing of epoxy, one firm stated that it does not perform tests by the methods required by NYC Transit and the fourth firm made a business decision not to submit a bid. Ana Labs agreed to reduce its price by \$9,062 or 15%.	\$53,438.00 (Est.)		
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H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services

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

- | | | | | |
|--|--|-------------------------------|--------------------------------------|-----|
| 6. | L3 Communications - SPD Technologies
Contract #01E8161.7 | \$202,500.00 (Est.) | <u><i>Staff Summary Attached</i></u> | 113 |
| | Modification to extend the contract for 8 months with an option for an additional 4 months for preventive and remedial maintenance of uninterruptible power supplies and one precision power center. | | | |
| 7. | EGIS, Inc.
Contract #CM-1158.6 | \$1,350,000.00 (Est.) | <u><i>Staff Summary Attached</i></u> | 114 |
| | Modification to add funds to the contract to provide indefinite quantity engineering services for signal projects. | | | |
|
 | | | | |
| 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.) | | | | |
| 8. | Corporate Express Office Products, Inc.
Contract #99J7657.4 | \$380,000.00 (Est.) | <u><i>Staff Summary Attached</i></u> | 115 |
| | Modification to extend the contract for six months to furnish and deliver office supplies. | | | |
| 9. | E.A. Technologies/Petrocelli (JV)
Contract #W-32622.57 | \$2,350,000.00 | <u><i>Staff Summary Attached</i></u> | 116 |
| | Modification to the contract for the Police Radio Communication System to add certain items to the contract. | | | |
| 10. | Goodyear Tire & Rubber Co.
Contract #97C6906.1 | \$25,643,833.00 (Est.) | <u><i>Staff Summary Attached</i></u> | 117 |
| | Modification to extend the contract for three year for furnishing, leasing, and servicing radial tires. | | | |

L. Budget Adjustments to Estimated Quantity Contracts

(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.)

**11. Ventura Translations
Contract #98I7292R
7/19/99 – 10/31/04**

Original Amount	\$ 35,975.00
Prior Modifications	57,500.00
Prior Budget Adjustments	0
Adjusted Amount	\$ 93,475.00
For Approval	\$ 52,013.00 (Estimate) (55.6%)
% of Mods/Budget Increases	(304.4%)

Ventura Translations provides the services of a translator. This contract was used in instances where another contractor was unable to provide the service due to an interpreter not showing up for an assignment or the lack of a translator for a specific language. This caused the user department to use this contract more often than anticipated and therefore exceeded the contract funds.

**12. Allstate Tree and Shrub
Contract #04B8870
1/31/2005 – 1/30/2008**

Original Amount	\$ 183,695.00
Prior Modifications	0
Prior Budget Adjustments	0
Adjusted Amount	\$ 183,695.00
For Approval	\$ 250,000.00 (Estimate) (136.1%)

The contractor provides tree trimming and removal services covering all NYC Transit locations within the five boroughs. The original cost estimates were based on limited available historic information making it very difficult to accurately provide trimming/removal frequencies. Since inception of the contract, 57% of the funds have been used for removal of trees in danger of falling over running track at Unionport Yard or trees leaning over signal cables at Corona Yard. The initial backlog of tree trimming requests, which are mainly along the main line track areas, still needs to be addressed.

**13. Deer Park Hydraulic
Contract #03E8670
5/5/2004 – 5/10/2007**

Original Amount	\$ 76,000.00
Prior Modifications	0
Prior Budget Adjustments	0
Adjusted Amount	\$ 76,000.00
For Approval	\$ 76,000.00 (Estimate) (100%)

The contractor repairs floor jacks for the Department of Buses (DOB). The original contract value was established based on the historical value of prior repairs. During the term of the contract, there has been an increase in the age of the equipment and many of the aged units, normally scheduled for replacement, have not been replaced due to budgetary constraints. In order to keep these old units operational, additional and frequently more intensive/extensive repairs have been required. Another reason for the increase in contract costs under this contract is an increase in the diversity of the bus fleet. A typical depot now has several different model buses that require their own type of floor jack. Many of the new floor jacks are more complex than what DOB used in the past and will ultimately require contractor repairs.

Staff Summary



New York City Transit

Page 1 of 2

Subject RFP Purchase of Various Commodity Items	Date August 29, 2005
Department Procurement	Vendor Name Various
Department Head Name Stanley J. Grill	Contract Number Various
Department Head Signature 	Contract Manager Name Various
Project Manager Name	Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other

Internal Approvals			
Order	Approval	Order	Approval
	President		Human Resources
	Executive VP		Subways
	Capital Prog. Management		Buses
X 1	Law		Civil Rights

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
					Labor Relations	2	Materiel

PURPOSE

To request that the Board approve the purchase of the items noted below, pursuant to subdivision 9 (f) of Section 1209 of the Public Authorities Law.

DISCUSSION

On June 29, 2005, the Board adopted a resolution authorizing the use of a competitive Request for Proposals (RFP) 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 commodities:

Staff Summary



➤ RFP 70354, Item # 002, Paper Cups, 8 oz., used for drinking hot and cold beverages, proposal opening date 7/15/05.

Award of a 24 month estimated quantity contract to be made to Abaline Paper Products, a "B" rated proposer, in the estimated amount of \$20,761.00, allowing NYCT to bypass one "D" rated proposer for a difference of \$741.00.

<u>Proposer</u>	<u>Total Price</u>	<u>Rating</u>	<u>Evaluation Factor</u>	<u>Total Evaluated Price</u>	<u>New Rank</u>
Borax Paper Products	\$20,020.00	D	15%	\$23,023.00	2
Abaline Paper Products	\$20,761.00	B	5%	\$21,799.05	1
Acme Distributors	\$21,840.00	C	10%	\$24,024.00	3

➤ RFP 70368, Item # 001, Adhesive Epoxy, used to bond materials and to repair holes, cracks, and worn surfaces, proposal opening date 7/22/05.

Award of a 24 month estimated quantity contract to be made to Bearings & Industrial Supply Co., a "B" rated proposer, in the estimated amount of \$23,904.00, allowing NYCT to bypass one "C" rated proposer for a difference of \$936.00. Proposer #2, Kelly & Hayes, was declared non-responsive because they offered a product that was not approved on the NYCT Qualified Products List.

<u>Proposer</u>	<u>Total Price</u>	<u>Rating</u>	<u>Evaluation Factor</u>	<u>Total Evaluated Price</u>	<u>New Rank</u>
Bearing Distributors	\$22,968.00	C	10%	\$25,264.80	2
Kelly & Hayes	\$23,400.00	B	5%	\$24,570.00	Non-Responsive
Bearings & Industrial S.	\$23,904.00	B	5%	\$25,099.20	1
Applied Industrial	\$29,232.00	B	5%	\$30,693.60	3

ALTERNATIVE

Cancel all solicitations 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.

IMPACT ON FUNDING

Funds for the procurement of these inventory commodities are available through NYC Transit's operating budget.

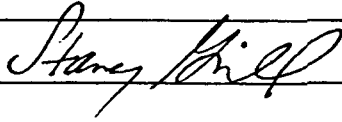
RECOMMENDATION

It is recommended that the Board approve the purchase of the items noted above pursuant to subdivision 9 (f) of Section 1209 of the Public Authorities Law.



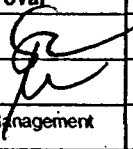
Staff Summary

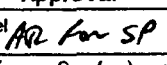
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Subject: Purchase of 500 Low Floor Hybrid Electric Buses
Department Procurement
Department Head Name Stanley J. Grill
Department Head Signature 
Project Manager Name Dino Catozzo

Date 9/21/05
Vendor Name Orion Bus Industries Inc.
Contract Number B-31195
Contract Manager Name Cosmo Maffei
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other

Internal Approvals			
Order	Approval	Order	Approval
8	President 		Human Resources
7	Executive VP		Subways
5 X	Capital Prog. Management	2 X	Buses
9 X	President MTA Bus Co.	4 X	Civil Rights

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1 X	Law			3 X	Labor Relations	6	Material 

PURPOSE: To request that the Board approve the purchase, pursuant to subdivision 9 (g) of Section 1209 of the Public Authorities Law, of 500 low floor Hybrid Electric buses in the total amount of \$249,039,994.40 from Orion Bus Industries Inc. (Orion), 216 buses for NYCT in the amount of \$107,573,325.20 and 284 buses for MTA Bus in the amount of \$141,466,669.20 which includes battery conditioners and test cables for each agency. The proposed Contract includes an option to purchase up to 389 low floor Hybrid Electric buses.

DISCUSSION: On March 31, 2005, the Board adopted a resolution authorizing the use of a competitive Request for Proposals (RFP) in lieu of competitive bidding to award a contract for the purchase of up to 364 low floor Hybrid Electric buses with an option to purchase up to 525 low floor Hybrid Electric buses. The Hybrid Electric buses produce lower emissions of particulate matter than standard diesel buses and therefore represent a "clean fuel" technology. The quantity for NYC Transit was initially 100 buses with an option to purchase up to an additional 400 buses and the quantity for MTA Bus Company was initially up to 264 buses with an option to purchase up to an additional 125 buses.

The solicitation was advertised on June 13, 2005 and initial proposals were received on August 9, 2005. Pursuant to the statutory framework, the selection criteria were as follows: Overall Project Cost, New York State Content, Overall Quality of Proposer and Product. Delivery time, while not part of the selection criteria, was requested to be completed 78 weeks from Notice of Award (NOA). Selection Committee members were drawn from Procurement, NYCT Department of Buses, MTA Bus, and the Office of the Controller.

Two proposals were received on August 9, 2005; Orion (\$515,113/Bus with 35% NYS Content) and New Flyer (\$520,498/per bus with 0.29% NYS Content). Both proposals contained exceptions to the specifications and terms and conditions of the RFP (Orion 118, New Flyer 360), however, the Selection Committee thoroughly reviewed the proposals and determined that certain exceptions from New Flyer (structural qualification data, delivery time, warranty exceptions, electrical multiplex control system and inability to use Ultra Low Sulfur Diesel) needed to be eliminated or significantly modified before its

proposal could receive further consideration. Discussions and correspondence immediately ensued with New Flyer to deal with these issues.

Simultaneously the Selection Committee voted that negotiations commence with Orion as the exceptions cited by Orion, while numerous were not insurmountable. On August 16, 17 and 25, 2005 representatives from DOB, Procurement and MTA Bus met with senior executives from Orion with negotiations centering on the newly developed Bus Qualification Schedule, 2007 EPA emission reduction requirements, technical service representation, warranty and fleet defect provisions, payment terms, MTA Bus farebox pedestal modifications and several minor clarifications. Additional discussions were held covering delivery and pricing for option buses as well as a price incentive for an increase to the number of buses in the base order up to 500 buses within a similar time frame for delivery. The Selection Committee subsequently met and, as it was decided that New Flyer had not adequately changed its position with respect to the significant exceptions to the RFP, unanimously agreed that the New Flyer proposal not be given further consideration at that time and that a Best and Final Offer (BAFO) be requested from Orion. In the negotiations, Orion offered an alternative proposal with advantageous pricing if portions of the option quantities were exercised earlier than originally envisioned, enabling NYCT/MTA Bus to take advantage of a currently available, less expensive engine prior to a Federally mandated engine redesign in 2007.

Orion's BAFO was received on September 19, 2005 showing a unit price per bus of \$496,743 for MTA Bus and \$496,273 for NYCT based on collateralized advance payments of 8% at Notice of Award and 8% at inception of full production and included the opportunity to increase the quantity of the base order from 364 to 500, which NYCT and MTA Bus opted to avail themselves of. The differences in unit price between the two agencies are attributable to differences in the farebox pedestal arrangement. The Orion bus has a seating capacity of 38 seats, NYS Content of 35%, a hybrid propulsion system manufactured by BAE Systems Electronics & Integrated Solutions of Johnson City, New York and a delivery schedule for the 500 buses that begins in April 2006 and completes in June 2007. The final negotiated price per bus is 2.65% below the Department of Buses' estimate of \$509,858 and 3.66% lower than the original proposal of \$515,113.00 for a total savings of \$9,420,000. Increase in the number of buses in the base order results in 105 buses for MTA Bus and 284 for NYCT available for exercise of options. The Contract includes a pre established formula for the pricing of option buses. The proposal also contains pricing for the purchase of spare parts and electronic test equipment. If NYCT or MTA Bus decides to order these, the contract will be modified accordingly.

Procurement, DOB, MTA Bus and the Cost/Price Analysis Unit have determined the final price to be fair and reasonable. The award of this contract will be contingent upon Orion providing satisfactory evidence from its parent, Daimler-Chrysler guaranteeing Orion's delivery of the buses under this contract. A background search and review of the documents submitted by Orion has disclosed no "significant adverse information" within the meaning of the Responsibility Guidelines.

MBE/WBE: MBE/WBE goals of 1% and 2% respectively were established for this contract. Orion has committed to complying with the MBE/WBE goals as stipulated or establishing a good faith effort satisfactory to the Office of Business Programs.

ALTERNATIVE: Conduct another solicitation. Not recommended. There is no reason to believe that conducting another solicitation will result in lower pricing or better contract terms.

INVENTORY: There will be an increase in inventory due to the increase in the number of Hybrid buses that will be in operation.



Staff Summary

IMPACT ON FUNDING:

NYC Transit: Funding for the purchase of 100 buses is budgeted in the 2000-2004 Capital Program and the remaining 116 buses is budgeted for commitment in 2005. Funds for the option buses will come from the 2005-2009 Capital Program.

MTA Bus Company: In October 2004, the MTA Board approved the creation of the MTA Bus Company and at the same time allocated \$322.5 million from the 2000-04 capital program and \$132 million of federal money from the City of New York which will be reprogrammed for other purposes and local money will be used for the purchase of new buses and facilities for MTA Bus. This purchase will utilize funds from these sources.

RECOMMENDATION: To request that the Board approve the purchase, pursuant to subdivision 9 (g) of Section 1209 of the Public Authorities Law, of 500 low floor Hybrid Electric buses in the total amount of \$249,039,994.40 from Orion Bus Industries Inc. (Orion), 216 buses for NYCT in the amount of \$107,573,325.20 and 284 buses for MTA Bus in the amount of \$141,466,669.20 which includes battery conditioners and test cables for each agency. The proposed Contract includes an option to purchase up to 389 low floor Hybrid Electric buses.

Staff Summary



New York City Transit

Page 1 of 2

Subject Underground Storage Tank Program
Department Procurement
Department Head Name Stanley J. Grill
Department Head Signature
Project Manager Name Eric Jones

Date August 29, 2005
Vendor Name URS Corporation
Contract Number CM-1305
Contract Manager Name Richard Bradley
Table of Contents Ref #

Board Action					
Ord	To	Date	Approval	Info	Other

Internal Approvals			
Order	Approval	Order	Approval
8	President	X 6	System Safety
1	Executive VP		Subways
X 1	Capital Prog. Management		Buses
X 2	Law	4	Civil Rights

Internal Approvals (cont.)							
Ord	Approval	Order	Approval	Order	Approval	Order	Approval
X 3	Budget Approval		Human Resources		Labor Relations	5	Materiel

PURPOSE:

To obtain Board approval to award an indefinite quantity consultant contract for the underground storage tank program on a competitive basis to URS Corporation (URS), for a total estimated cost of \$4.4M. The contract duration will be 36 months.

DISCUSSION:

The contract is to engage the services of an environmental engineering consultant to provide services for the underground storage tank program (UST), on a task order basis. The services will include remedial investigations of soil and water contamination and recommendations, remedial design, technical inspection, tank tightness testing and tank closures. The tanks are located throughout NYCT properties in the five boroughs of NYC. The tanks contain petroleum products such as gasoline, diesel fuel and waste oil. NYCT is continuing its UST program in accordance with a consent order executed by NYSDEC in 1992. It was re-negotiated in May, 2001. NYCT will continue to ensure compliance with NYSDEC through investigation and remediation of contaminated soil and ground water caused by leaks from USTs.

A two step Request for Proposal (RFP) was advertised for this solicitation that resulted in 18 submittals. Each package consisted of a customized qualification statement, a federal SF330 form and a Schedule 'J' Qualification Questionnaire. The selection committee reviewed the packages and invited eight firms to submit proposals and to make oral presentations. The other ten submitters were determined to be not technically qualified by the selection committee.

The following seven firms submitted technical proposals and made oral presentations: URS, FPM Engineering, GZA GeoTechnical, BEM Systems, Langan, Metcalf & Eddy (M&E) and LIRO. One firm Tetratich declined, due to a heavy work load. After participating in the oral presentations, the selection committee recommended that negotiations be conducted with two firms, URS and M&E. These two firms were selected for negotiations because they have extensive UST experience, including remedial investigations of soil and water contamination and recommendations, remedial design, technical inspection, tank tightness testing and tank closures. The consultants were asked to quote hourly rates. A detailed cost analysis was performed and a fully loaded average hourly rate was developed for each consultant, using estimated hours for various labor categories. Negotiations centered around hourly rates, overhead, fixed fee and out of pocket expenses. Best and Final Offers (BAFOs) were received from each firm, and evaluated against NYCT's in-house estimate of hours distributed among various titles. The BAFO results were evaluated as follows: URS \$4,149,577 and M&E \$5,562,736. The award amount of \$4.4 million is based on the NYCT budget. The URS BAFO was determined to be fair and reasonable since it was based on the results of a competitive RFP and by a comparison to the estimate.

Staff Summary

The selection committee voted unanimously to award URS the contract based on their technical evaluation and lower cost. URS has the current contract and has had the previous three contracts for this work, commencing November 7, 1990. The CPM project manager advised the selection committee that URS over the years has always furnished an excellent work product, understands the procedures, and responds in a timely fashion.

Background investigations and materials submitted by URS Corporation disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines. URS has been found fully responsible for award.

MBE/WBE:

The Affirmative Action goals for the project have been established at 15% MBE and 5% WBE. No award will be made until URS approval is obtained from the Division of Business Programs.

PREVIOUS WORK OF THE SELECTED FIRM FOR MTA OR AFFILIATES:

URS has the current contract CM-1212 and has had the previous three contracts, CM-1106, CM-1003, CM-796.

CAPITAL PROGRAM REPORTING:

This contract has been reviewed for compliance with the requirements of the 1986 legislation applicable to Capital Contract Awards and the necessary inputs have been secured from the responsible function departments.

ALTERNATIVE:

Perform the work using in-house personnel. At this time, NYCT lacks available staff to perform the specific tasks required.

IMPACT ON FUNDING:

The cost of this contract will be funded with 100% MTA funds. A WAR certificate will be issued prior to contract award.

RECOMMENDATION:

That the Board approve the award of this indefinite quantity consultant contract for the underground storage tank program, to URS Corporation, for a total estimated cost of \$4.4M. The contract duration will be 36 months.

MODIFICATIONS TO
PERSONAL/MISCELLANEOUS SERVICE CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>CONTRACT PRICE/CONTRACT HISTORY</u> <u>BREAKDOWN</u>	<u>COST/PRICE</u>
6. L3 Communications - SPD Technologies Anaheim, CA	Contract #01E8161	Original Contract	\$ 219,642.00
	Preventive and Remedial	Prior Modifications	\$ 436,144.00
	Maintenance of Uninterruptible	Adjusted Contract Amount	\$ 655,786.00
	Power Supplies and One Precision		
	Power Center	For Approval	\$ 202,500.00
	Requested by the Department of		(Estimate)
	Maintenance of Way		(30.9%)
	Carlo Perciballi, Division Head	% of Mods to Org. Contr.	(290.8%)
	Mod. #7		
Submitted for:		Original Contract	
Approval		Award Date: 10/31/2001	
		Original Contract Subject	
		to Board Approval: <u>YES</u>	
		Original Contract Let By	
		Competitive Process: <u>YES</u>	

REMARKS

The contractor provides preventive and remedial maintenance for uninterruptible power supplies (UPS), batteries and a precision power center, which are located at various sites throughout NYC Transit. This equipment is designed to provide backup power to mission critical communications equipment in the event of a blackout, brownout or other electrical power interruption. This contract combines both preventive and remedial service requirements for multiple manufacturers into one agreement. This modification will extend the term of the contract for 8 months and includes an option for an additional 4 months to ensure maintenance coverage while a follow-on contract is solicited and awarded. L3 has agreed to maintain these devices at the same rates contained in the contract that was awarded in September 2001.

MODIFICATIONS TO
PERSONAL/MISCELLANEOUS SERVICE CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>CONTRACT PRICE/CONTRACT HISTORY BREAKDOWN</u>	<u>CONTRACT HISTORY COST/PRICE</u>
7. EGIS, Inc. New York, NY	Contract #CM-1158 Provide Indefinite Quantity Engineering Services for Signal Projects Requested by the Department of Capital Program Management Connie Crawford, Department Head Mod. #6	Original Contract Prior Modifications Adjusted Contract Amount For Approval	\$ 10,000,000.00 \$ 0 \$ 10,000,000.00 \$ 1,350,000.00 (Estimate) (13.5%)
Submitted for: Approval	Original Contract Award Date: 8/31/2001 Original Contract Subject to Board Approval: <u>YES</u> Original Contract Let By Competitive Process: <u>YES</u>		

REMARKS

The contractor will provide Indefinite Quantity (IQ) Engineering Services for professional, technical and administrative support for new/high technology and conventional signal projects. An IQ contract can be either design task or temporary employees. This contract is both, but was advertised as being mostly the former, and proposals were short listed and evaluated as such. Accordingly, it carried the high mark up, in this case, 115% for resident representatives and 133% for all other categories such as signal design engineers. In practice, however, it was used entirely as a temporary employee contract. In July 2004, a lower rate of 60% was negotiated for some resident representatives. However, even that rate is too high when compared to temporary employee contracts with professional staffing agencies. NYC Transit is, therefore, in the process of soliciting a new RFP to exclusively solicit temporary signal personnel. The new contract will replace this contract. The new contract is scheduled to be in place in the first quarter of 2006 and all temporary personnel are planned to be transitioned to that contract when it is in place. Out of \$10,000,000 approximately \$9,983,776 has been committed. It is estimated that \$1,350,000 is required keep the EGIS temporary personnel working until then. There will be no change to hourly labor rates as a result of this modification.

MODIFICATIONS TO
PURCHASE AND PUBLIC WORK CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
8. Corporate Express Office Products, Inc. New York, NY	Contract #99J7657	Original Contract	\$ 5,247,603.00
	Furnish and Deliver Office	Prior Budget Adjustments	\$ 666,349.00
	Supplies	Prior Modifications	\$ 4,560,000.00
	Requested by the Division of	Adjusted Contract Amount	\$ 10,473,952.00
	Materiel		
	Stanley Grill, Division Head	For Approval	\$ 380,000.00
	Mod. #4		(3.6%)
			(Estimate)
Submitted for:	Original Contract	% of Mods to Org. Contr.	(106.8%)
Approval	Award Date: 10/3/2000		
	Original Contract Subject to Board Approval: <u>NO</u>		
	Original Contract Let By		
	Competitive Process: <u>YES</u>		

REMARKS

Under this contract, the contractor furnishes and delivers office supplies to all MTA agencies. By providing desktop delivery to users, this contract eliminates the need to stock office supplies in NYC Transit storerooms. The Board approved the two one-year options in July 2003 and this action requests a six-month extension to provide Procurement with sufficient time to develop, solicit and award the Invitation for Bids for the next contract. This is an estimated quantities contract with no fixed quantities. The contract was solicited for use by all MTA agencies, with the provision that other agencies wishing to use the contract needed to establish their own administrative mechanisms in order to do so. The estimated amount to be expended by NYC Transit during the extension period is \$1,020,353.72, of which \$380,000.00 represents additional required funds. Spending by the other agencies for the six-month extension period are estimated as follows: LIB: \$15,000; LIRR: \$135,000; MTA Headquarters: \$70,000; MNRR: \$175,000; B&T: \$30,000; and SIR: \$3,700. MTA Bus Company and MTA Capital Construction Company amounts are included in the NYC Transit estimate. There are two categories of items in this contract: high usage items at firm fixed prices subject to periodic adjustment and catalog items. High usage items account for 86% of NYC Transit's purchases while catalog items account for the remaining 14%. High usage item pricing is based on itemized prices which are adjusted annually in accordance with the percentage increase or decrease in the Consumer Price Index, currently indicating an annual increase of 2.5%. For catalog items, NYC Transit receives a discount of 50.1% off the current United Stationers Supply Company catalog, an industry recognized standard. The terms and conditions of the base contract as well as the discount off the catalog items, remain unchanged for this extension. Negotiations with Corporate Express resulted in reducing the increase for the high usage items to 1.25%. A market survey of the high usage items indicated that Corporate Express' prices are lower. Pricing for this six month extension is considered fair and reasonable.

MODIFICATIONS TO
PURCHASE AND PUBLIC WORK CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>CONTRACT PRICE/CONTRACT HISTORY BREAKDOWN</u>	<u>COST/PRICE</u>
9. E.A. Technologies/ Petrocelli (JV) Hauppauge, NY	Contract #W-32622 Police Radio System Requested by the Department of Capital Program Management Connie Crawford, Department Head AWO #57	Original Contract Prior Modifications Adjusted Contract Amount For Approval % of Mods to Org. Contr.	\$ 88,951,163.00 \$ 15,900,095.00 \$ 104,851,258.00 \$ 2,350,000.00 . (2.2%) (20.5%)
Submitted for: Approval	Original Contract Award Date: 12/28/99 Original Contract Subject to Board Approval: <u>NO</u> Original Contract Let By Competitive Process: <u>YES</u>		

REMARKS

The contract provides a two-way UHF Police Radio Communication System. Two prior additional work orders (AWO) were issued to procure and install bi-directional amplifiers (BDA), radiating and non-radiating cable and miscellaneous devices to improve inadequate radio frequency (RF) coverage. At that time, it was noted that future similar AWOs would be needed, dependant on various field coverage tests. After extensive testing, it was determined that additional non-radiating cable (approximately 28,000') is needed to improve RF coverage. Also, isolation couplings and filters are required for 38 of the 50 systems which comprise the Police Radio Communication System. Five systems out of 38 were covered under a previous AWO, while the remaining 33 systems are addressed under this AWO. Results of this prior AWO indicate a better quality radio signal with improved coverage. The contractor submitted a cost proposal in the amount of \$3,068,173.23 which was reduced to \$2,350,000. Additional work orders estimated at \$3.45M will be needed to address future items such as the realignment of Police frequencies, the replacement of bad connectors, the provision of additional power at various locations and the relocation of BDA's in connection with the Fulton Street Transit Center project.

MODIFICATIONS TO
PURCHASE AND PUBLIC WORK CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
10. Goodyear Tire & Rubber Co. Akron, Ohio	Contract #97C6906	Original Contract	\$ 31,642,209.00
	Furnishing, Leasing, and Servicing	Prior Budget Adjustments	\$ 2,500,000.00
	Radial Tires and Provide Wheel	Prior Modifications	\$ 0
	Painting	Adjusted Contract Amount	\$ 34,142,209.00
	Requested by the Department of Buses	For Approval *	\$ 25,643,833.00
	Millard Seay, Department Head and MTA Bus Co.		(Estimate)
	Thomas J. Savage, President	% of Mods to Org. Contr.	(75.1%)
	Mod. #1		(88.9%)
Submitted for:		Original Contract	
Approval		Award Date: 9/28/1998	
		Original Contract Subject to Board Approval: <u>YES</u>	
		Original Contract Let By Competitive Process: <u>YES</u>	

REMARKS

The contractor, Goodyear Tire and Rubber Company (Goodyear) presently leases tires on a cost per mile basis for NYC Transit's revenue fleet (4,489 Buses/823 million tire miles annually) and also provides separately priced labor for tire maintenance performed with contractor furnished equipment situated in each NYC Transit depot. This 7 year contract, awarded in September 1998 as the result of a competitive Request for Proposal (RFP), includes annually applied price adjustment formulas for raw materials and labor. It was determined that use of this contract by the formerly private bus lines (1400 buses/182 million tire miles annually) as they were acquired by MTA Bus would afford significant cost and operational advantages. As the contract expires on 9/30/2005, it was decided that in order to avoid operational disruption upon each takeover and allow sufficient time to collect tire performance data from each of the private lines which would be needed in order to prepare a scope of work for solicitation, the issuance of an RFP for a replacement contract would be postponed and the existing contract be extended by modification for 3 additional years. Prices and adjustment formulas for tire leasing and depot tire maintenance labor costs were negotiated and are generally consistent with the initial 7 year period with the exception of the per mile lease cost for the low floor bus tire which, since time of initial award, has displayed lower tire performance mileage history and greater vulnerability to damage, consistent with nationwide experience in the transit industry. Of the amount requested for this modification, \$20.457million is for NYCT and \$5.186 million is for MTA Bus. Prices have been determined to be fair and reasonable.

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. Railroad Friction Products Corp.	\$202,608.00 (Est.)	
Immediate Operating Need -- Two year contract		
Commodity #36-06-3777		
Purchase of 1,512 low friction composition brake shoes.	<u>Staff Summary Attached</u>	121
2. K-IV Enterprises, LLC	\$2,212,000.00	
Immediate Operating Need -- Immediate use		
Req. #U-A156338 & U-A156343		
Purchase of 2,800 lightweight curved plate subway car wheels for qualification testing.	<u>Staff Summary Attached</u>	122
3. Schiavone/Granite-Halmar (JV)	\$160,000.00	
Contract #A-35920.78		
Demolition of a chimney at West 30 th Street in Manhattan.	<u>Staff Summary Attached</u>	123

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

4. Orion Bus Industries, Inc.	\$402,936.00	
Contract #B-31170.3		
Modification to the contract for the purchase of low floor hybrid diesel electric buses to make various technical changes.	<u>Staff Summary Attached</u>	124
5. The Mechanical Secretary	\$150,000.00 (Est.)	
Contract #99J7654.3		
Modification for a one year extension to the contract for audio transcription services.	<u>Staff Summary Attached</u>	125
6. Gruzen Samton, LLP	\$380,000.00 (NTE)	
Contract #CM-1107.4		
Modification to the contract for rehabilitation of the Chambers Street station to revise the contract documents due to deletion of work.	<u>Staff Summary Attached</u>	126
7. Granite Halmar/Schiavone (JV)	\$479,664.00	
Contract #C-34573.211		
Modification to the contract for rehabilitation of the Stillwell Avenue Terminal to make changes to the Building Photovoltaic System and SCADA.	<u>Staff Summary Attached</u>	127
8. Judlau Contracting, Inc.	\$372,500.00	
Contract #C-34574.75		
Modification to the contract for rehabilitation of the White Plains Road to replace girders.	<u>Staff Summary Attached</u>	128

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

Page

9. HKC, LLC, Inc.

\$146,542.00

Staff Summary Attached

129

Contract #CM-1269.1

Modification to the contract for an Independent Safety Assessor for the Bergen Street Solid State Interlocking to extend the contract for one additional year.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING TWO-THIRDS BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM /PURPOSE</u>	<u>COST</u>
1. Railroad Friction Products Corp. Laurinburg, NC	Commodity #36-06-3777 Purchase of 1,512 Low Friction Composition Brake Shoes Requested by the Department of Subways Michael Lombardi, Division Head Two year contract	\$ 202,608.00 (Estimate)

REMARKS

An Immediate Operating Need (ION) was declared and formal competitive bidding was waived to purchase a guaranteed minimum quantity of 1,512 low friction composite brake shoes used on NYC Transit diesel locomotives. The brake shoes will be delivered at one time and subsequent additional quantities may be ordered as required during the twenty-four month contract term. This ION arose when the sole source manufacturer of NYC Transit cast iron locomotive brake shoes ceased operations. JMA Railroad Supply (JMA) purchased the rights and tooling to produce the cast iron brake shoes. JMA provided samples of cast iron brake shoes produced by its subcontractor to the Division of Car Equipment (DCE) for testing. Those sample JMA brake shoes did not pass initial DCE testing. Additional samples were produced by JMA and supplied to DCE for testing. Those samples also failed. JMA currently is working to provide acceptable samples to DCE. NYC Transit also approached Railroad Friction Products Corp. (RFPC), the sole source supplier of composition brake shoes used on all NYC Transit's subway cars, to ascertain if it could produce cast iron brake shoes for NYC Transit's locomotives. RFPC stated that it could not provide cast iron brake shoes but recommended a low friction composition brake shoe as an alternative. Low friction composition brake shoes are made of material proprietary to RFPC. RFPC developed a new low friction composite brake shoe for NYC Transit's application and provided samples to DCE for testing. These brake shoes successfully completed initial DCE testing and, given that there currently exists no other NYC Transit approved locomotive brake shoe, these low friction composition brake shoes will be used on NYC Transit's fleet of diesel locomotives. After successful completion of one year in-service testing, these low friction composition brake shoes will be submitted for NYC Transit's Qualified Products List (QPL) approval. Given the previous manufacturer's cessation of operations and the amount of time required for the iterative testing of both types of brake shoes, an ION was needed to ensure uninterrupted supply of brake shoes to NYC Transit. Procurement negotiated a final unit price of \$134.00 each with RFPC and a price analysis indicates that the price is fair and reasonable.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING TWO-THIRDS BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM /PURPOSE</u>	<u>COST</u>
2. K-IV Enterprises, LLC Mahwah, NJ	Req. #U-A156338 & U-A156343 Purchase of Lightweight Curved Plate Subway Car Wheels for Qualification Testing Requested by the Department of Subways Michael Lombardi, Division Head Immediate use	\$ 2,212,000.00

REMARKS

An Immediate Operating Need (ION) was declared and formal competitive bidding was waived to purchase 2,800 lightweight subway car wheels for qualification testing. MWL Brasil is the manufacturer of the wheels and K-IV Enterprises has the sole and exclusive right to sell MWL's products in the United States. The award was made in June 2005 and purchase could not wait for Board approval and still comply with NYC Transit's programmatic requirements. Phase III subway car qualification testing usually requires the purchase of 1,400 wheels, however, DCE requested that the test be accelerated and the test quantity be increased to 2,800 wheels. Accelerated qualification of MWL as a lightweight wheel supplier is critical given the no-bid responses to a recent NYC Transit solicitation from the only other qualified lightweight wheel suppliers, Sumitomo and Standard Steel. Both these vendors stated that they are at full production capacity and are unable to accept any new orders. This has serious implications on future DCE production requirements because in 2007 new trains (R142/A and newer) will begin Scheduled Maintenance System and only lightweight wheels can be used for wheel replacement. The quoted price of \$790 each per wheel for this purchase is 97.9% higher than the previous procurement. Since that time, dramatic worldwide increases in the price of steel have occurred. A review and analysis of supporting documentation provided at the time the award was made indicates that the price is fair and reasonable.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING TWO-THIRDS BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
3. Schiavone/Granite-Halmar (JV) Secaucus, NJ	Contract #A-35920	Original Contract	\$ 90,689,000.00
	Reconstruction of the Times Square Station	Prior Modifications	\$ 1,139,384.00
	Requested by the Department of Capital Program Management	Adjusted Contract Amount	\$ 91,828,384.00
	Connie Crawford, Department Head	For Approval	\$ 160,000.00
	AWO #78	% of Mods to Org. Contr.	(.2%) (1.4%)
Submitted for:		Original Contract	
Approval		Award Date: 12/31/2002	
		Original Contract Subject to Board Approval: <u>NO</u>	
		Original Contract Let By Competitive Process: <u>YES</u>	

REMARKS

This action requests Board approval for a retroactive additional work order for demolition of the chimney on a building on West 30th Street between 10th and 11th Avenues in Manhattan. In 1988, MTA purchased a site adjacent to B&T property and the LIRR West Side Yard and condemned the unoccupied building on it, known as the Metal Purchasing Building. Subsequently, the MTA leased a portion of the site to the NYC Department of Environmental Protection (DEP) for use by DEP's contractor, Schiavone Construction Co. (Schiavone), as an excavation access shaft for the City's Water Tunnel project. The chimney on the abandoned Metal Purchasing Building deteriorated and needed to be demolished to avert a potential public safety impact. Discussions ensued between various NYC departments and the MTA as to how to handle its demolition. Currently, DEP and the MTA are in negotiations to extend the DEP lease. Ultimately, the entire building will be removed and the MTA will be able to use that part of the site for the No. 7 Extension project. In order to accomplish the demolition expeditiously, it was decided that the work should be performed under a modification to an existing contract. Schiavone was the logical choice, since it is already onsite in connection with its DEP contract and is currently working for NYC Transit under the subject contract for the Times Square Complex Rehabilitation. Use of Schiavone eliminated issues of contractor coordination on-site, allowed the contractor to mobilize immediately, and allowed NYC Transit to process the AWO quickly. The scope of work consists of removal of the 40' chimney to 2' above of the existing building roof line with most of the debris remaining inside the chimney. The work has been successfully completed. The remainder of the building will be demolished later, under a separate contract. Board ratification is being sought for this action because the work is out of the scope of the subject contract. The cost of this additional work order will be reimbursed with NYC funds after the lease is signed. In order to mitigate an unsafe condition, the Vice President & Chief Engineer, MTACC, gave approval for the contractor to begin work prior to Board approval. The contractor submitted a proposal for the work in the amount of \$238,000 which was negotiated down to \$160,000.00.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
4. Orion Bus Industries, Inc. Oriskany, NY	Contract #B-31170	Original Contract	\$ 77,000,000.00
	Purchase of Low Floor	Prior Modifications	\$ 143,000.00
	Hybrid Diesel Electric Buses	Adjusted Contract Amount	\$ 77,143,000.00
	Requested by the Department		
	of Buses	For Approval	\$ 402,936.00
	Millard Seay, Department Head		(.5%)
	Mod. #3	% of Mods to Org. Contr.	(.7%)

Submitted for:

Approval

Original Contract
Award Date: 12/28/2000

Original Contract Subject
to Board Approval: YES

Original Contract Let By
Competitive Process: YES

REMARKS

The original contract was for the purchase of 200 low floor hybrid diesel electric buses. After pre-production meetings, the Department of Buses determined that technical changes were required to enhance safety, reliability and maintainability. The majority of the changes are the same as those previously performed on the prior Hybrid bus purchase, 125 buses under B-31169, and therefore there are no additional engineering and redesign costs. The project manager authorized Orion to implement these changes prior to Board approval and before final agreement on prices was reached in order not to create additional delays in production. This modification will cover 73 technical changes and changes to terms and conditions, including pilot buses, manuals and training. Changes reflect credits as well as additional changes, some of them more significant as follows: credits – deletion of speaker box and wheel well sensor not required for low floor buses - \$175,800; additional costs – enhancement on fire detection coverage - \$160,000. The negotiated amount of \$402,936, deemed fair and reasonable, is 10% lower than the in-house estimate and represents a reduction of \$4,498 from Orion's original proposal.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
5. The Mechanical Secretary Forest Hills, NY	Contract #99J7654.3	Original Contract	\$ 290,000.00
	Provide Audio Transcription	Prior Modifications	\$ 286,638.00
	Services	Adjusted Contract Amount	\$ 576,638.00
	Requested by the Law Department		
	Martin Schnabel, Department	For Approval	\$ 150,000.00
	Head		(26.0%)
	Mod. #3		(Estimate)
		% of Mods to Org. Contr.	(150.6%)
	Submitted for:	Original Contract	
	Approval	Award Date: 4/1/2000	
		Original Contract Subject	
		to Board Approval: <u>NO</u>	
		Original Contract Let By	
		Competitive Process: <u>YES</u>	

REMARKS

The original contract was for three years for audio transcription services utilizing the Office of General Services (OGS) contract. The contract provides audio transcription services of statutory hearings for NYC Transit's Law Department, Torts Division. The service includes daily delivery and pickup of tapes that have been transcribed into a typed transcript. Although the OGS contract expired on March 31, 2005, the Law Department continued to utilize this service with the understanding that OGS was in the process of extending the agreement for an additional year. On May 18, 2005, the OGS contract was retroactively extended from April 1, 2005 for an additional year at the same rates set forth in the contract. The Law Department has requested a one year extension to be coterminous with the OGS contract. The contractor's favorable pricing of \$1.04 per page for normal and priority work, including pick-up and delivery, as compared to market rates that range from \$3.75 to \$5 per page for normal delivery and \$4.75 to \$9 per page for priority delivery plus messenger pick-up and delivery charges of \$25 to \$35, makes the continued use of the OGS contract advantageous to NYC Transit.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
6. Gruzen Samton, LLP New York, NY	Contract #CM-1107	Original Contract	\$ 1,493,740.00
	Design Services for the	Prior Modifications	\$ 1,218,748.00
	Rehabilitation of the Chambers	Adjusted Contract Amount	\$ 2,712,488.00
	Street Station, 7 th Avenue Line		
	Requested by the Department of	For Approval	\$ 380,000.00
	Capital Program Management		(14.0%)
	Connie Crawford, Department		(Not-to-Exceed)
	Head	% of Mods to Org. Contr.	(107.0%)
	AWO #4		

Submitted for:
Approval

Original Contract
Award Date: 2/4/1999

Original Contract Subject
to Board Approval: YES

Original Contract Let By
Competitive Process: YES

REMARKS

The contract is for design of the rehabilitation of the Chambers Street station, Broadway, 7th Avenue line in Manhattan. The contract was solicited in 1998 and awarded in February 1999 to support a construction award planned in the 2000-2004 Capital Program. However, due to a change in Capital Program priorities, construction was shifted to the 2005-2009 Capital Program and, accordingly, in August 1999, this consultant contract was put on hold. Design work resumed in April 2003. Subsequently, three modifications were issued to cover the cost of escalation due to the nearly four year hold, as well as the cost of new requirements generated in that time due, for example, to the placement of this station on the National Register of Historic Places, the promulgation of Executive Order #111 on sustainable design, requirements of the new consolidated facility program, changes in the Station Planning and Design Guidelines, a re-survey of field conditions, etc. The consultant completed final design on this basis in February 2005. However, Capital Program funding limitations have necessitated the development of a core Capital Program which de-emphasizes station rehabilitations. Accordingly, this modification covers the deletion of the station rehabilitation and facility components of the project, leaving only ADA accessibility elements and urgent structural repairs in the scope of work. Under this modification, the final design drawings and specifications which were completed in February 2005 will be revised to allow advertisement of the construction contract in 2005. In order to meet this goal, Capital Program Management started the work retroactive to August 1, 2005. The consultant's initial proposal was \$457,109.88 which was negotiated down to \$380,000 and reflects no change in the current contract rates.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
7. Granite Halmar/Schiavone (JV) Mount Vernon, NY	Contract #C-34573	Original Contract	\$189,766,000.00
	Reconstruction of the Stillwell	Prior Modifications	\$ 7,847,025.01
	Avenue Terminal	Adjusted Contract Amount	\$197,613,025.01
	Requested by the Department of		
	Capital Program Management	For Approval	\$ 479,664.00
	Connie Crawford, Department		(.2%)
	Head	% of Mods to Org. Contr.	(4.4%)
	AWO #211		
Submitted for:		Original Contract	
Approval		Award Date: 10/4/2001	
		Original Contract Subject	
		to Board Approval: <u>YES</u>	
		Original Contract Let By	
		Competitive Process: <u>YES</u>	

REMARKS

The contract is for the complete, phased reconstruction of the Stillwell Avenue Terminal and construction of on-site and off-site facilities to support the impacted operating departments during construction. The restoration of the Stillwell Avenue Terminal includes a new train shed, which covers the terminal's 8 tracks and 4 platforms. This 72,000 square foot roof shed is considered to be the largest Building Integrated Photovoltaic (BIPV) System in North America. Photovoltaic technology is a new technology which converts sunlight to DC electricity and then through a system of inverters converts it to AC electricity which supports the station's electrical demands. Based on new developments in the photovoltaic industry during the construction phase, a decision was made to introduce more elaborate monitoring requirements which will improve maintenance and troubleshooting of the system. The combiner boxes for this system were expanded to accommodate additional monitoring equipment which also required a series of wire and cable changes. In addition, the Supervisory Control & Data Acquisition System (SCADA) which is a diagnostic and maintenance system that monitors key points on the photovoltaic shed, was expanded to monitor a greater number of points. It took several meetings to determine how to implement design changes and with the scope of work finalized and time being critical, the Sr. VP and Chief Engineer directed the contractor to begin work on 4/26/2005. The contractor submitted a cost proposal in the amount of \$493,682 which was negotiated down to \$479,664.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
8. Judlau Contracting, Inc. College Point, NY	Contract #C-34574	Original Contract	\$ 192,763,557.00
	White Plains Road Line	Prior Modifications	\$ 6,950,866.00
	Rehabilitation	Adjusted Contract Amount	\$ 199,714,423.00
	Requested by the Department of Capital Program Management	For Approval	\$ 372,500.00
	Connie Crawford, Department Head	% of Mods to Org. Contr.	(.2%)
	AWO #75		(3.8%)
Submitted for: Approval	Original Contract		
	Award Date: 12/12/2002		
	Original Contract Subject to Board Approval: <u>NO</u>		
	Original Contract Let By Competitive Process: <u>YES</u>		

REMARKS

The contract is for the rehabilitation of the White Plains Road line. The contract specifications call for the demolition and replacement of the ground level station house including installation of new elevators, escalators and platform rehabilitation work and a new mezzanine that would be constructed as part of the new station at Gun Hill Road. During demolition of the existing concrete slab at the Third Avenue mezzanine level in August 2003, it was determined that the web plates were corroded at various locations which affected the structural integrity of the existing members to carry the new design loads. These conditions were not visible during the design stage of the project, therefore proper evaluation and survey of the existing girders could not be conducted. In order to install the new concrete structural slab, the deteriorated girders would have to be replaced. The contractor was directed by the Sr. VP and Chief Engineer to begin the work in October 2003 to meet general order schedules for track outages and platform closures. The contractor submitted a cost proposal in the amount of \$631,652.71. Due to scope revisions and negotiations the final price of \$372,500 was agreed upon.

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL

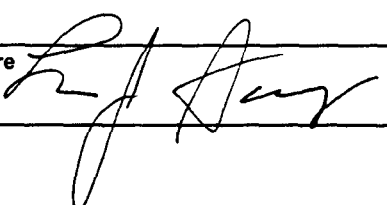
Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY BREAKDOWN	COST/PRICE
9. HKC, LLC, Inc. Warrington, VA	Contract #CM-1269 Independent Safety Assessor for the Bergen Street Solid State Interlocking Requested by the Department of Capital Program Management Connie Crawford, Department Head Mod. #1	Original Contract Prior Modifications Adjusted Contract Amount	\$ 436,252.00 \$ 0 \$ 436,252.00 \$ 146,542.00 (33.6%) (Not-to-Exceed)
Submitted for: Approval	Original Contract Award Date: 8/6/2004 Original Contract Subject to Board Approval: <u>YES</u> Original Contract Let By Competitive Process: <u>YES</u>		

REMARKS

The consultant is the independent safety assessor (ISA) for NYC Transit's first new technology Solid State Interlocking (SSI) project. Under this project, a contract was awarded to Alcatel to design, furnish and install an SSI to replace the existing Bergen electro-mechanical interlocking at Bergen Street for the F/G subway lines between Bergen and Jay Streets. The consultant, as an ISA, is providing an independent review of all system safety activities of Alcatel and NYC Transit during the design, development, manufacture, integration, factory testing, installation, testing and commissioning of the SSI. The consultant will also assist NYC Transit and Alcatel, fulfilling their respective responsibilities to implement the safety certification process and achieve safe operation. During the performance of its contract, Alcatel made hardware and software modifications that entailed revision of substantial amounts of previously submitted and reviewed design and safety case documentation. This additional work necessitated the extension of the substantial completion of the project to June 2006. This modification requests approval to extend the contract term retroactively from June 1, 2005 through May 31, 2006. This action is retroactive because the final decision to redesign the software/hardware architecture resulting in major software and hardware changes was not made until June 2005. The consultant submitted a cost proposal in the amount of \$394,252 which was negotiated down to \$146,542.

Staff Summary

Subject Request for Authorization to Award Various Contracts
Department MTA Bus Company
Department Head Name Thomas J. Savage
Department Head Signature 
Project Manager Name

Date September 15, 2005
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	Committee	9-27-05	X		
2	Board	9-29-05	X		

Internal Approvals			
Order	Approval	Order	Approval

PURPOSE:

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA Bus Company Committee of these procurement issues.

DISCUSSION:

MTA Bus Company proposes to award Non- Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$Amount</u>
- Schedule H: Modification to Personal/Miscellaneous Service Contracts:	<u>1</u>	<u>\$6M</u>
• NYC DOT \$6 M		
SUBTOTAL	<u>1</u>	<u>.6M</u>

MTA Bus Company proposes to award Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote:</u>		
- Schedule I: Modification to Purchase and Public Work Contracts :	<u>1</u>	<u>5.2M</u>
SUBTOTAL	<u>1</u>	<u>5.2M</u>

MTA Bus Company 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:	<u>5</u>	<u>2.2M</u>
<u>Schedules Requiring Majority Vote:</u>		
- Schedule K: Ratification of Completed Procurement Actions:	<u>1</u>	<u>.9M</u>
SUBTOTAL	<u>6</u>	<u>3.1M</u>
TOTAL	<u>8</u>	<u>\$8.9M</u>

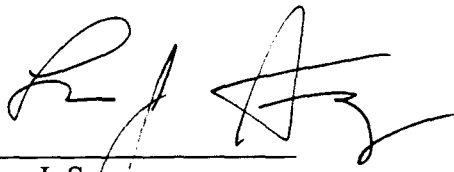
BUDGET IMPACT:

The purchases/contracts will result in obligating MTA Bus Company 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.

Approved:



Thomas J. Savage
President, 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, and authorizes the solicitation of such proposals and changes to the 2004 bus purchase program reallocating funds as described in the Staff Summary dated March 8, 2005 relating to Contract B-31195.

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.

MTA

BUS COMPANY

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

- | | | |
|---|--------------------------|--------------------------------------|
| 1. New York City Department of
Transportation Office of Traffic
Engineering & Safety
Contract #04E8945.1 | \$577,000.00(NTE) | <u>Staff Summary Attached</u> |
|---|--------------------------|--------------------------------------|

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Modification to the contract to include the requirements of MTA Bus Co. for the maintenance of bus stops, informational signage and bus stop movements.

MODIFICATIONS TO
PERSONAL/MISCELLANEOUS SERVICE CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>CONTRACT PRICE/CONTRACT HISTORY BREAKDOWN</u>	<u>COST/PRICE</u>
1. New York City Department of Transportation Office of Traffic Engineering and Safety Long Island City, NY	Contract #04E8945 Maintenance of Bus Stops, Informational Signage and Bus Stop Movements Requested by the Division of Operations Planning Keith Horn, Division Head and MTA Bus Co. Thomas J. Savage, President Mod. #1	Original Contract Prior Modifications Adjusted Contract Amount For Approval	\$ 3,700,000.00 \$ 0 \$ 3,700,000.00 \$ 577,000.00 (Not-To-Exceed) (15.6%)
Submitted for: Approval	Original Contract Award Date: 7/2/2004 Original Contract Subject to Board Approval: <u>YES</u> Original Contract Let By Competitive Process: <u>NO</u>		

REMARKS

Since 1990, under various Memoranda of Understanding (MOU), NYC Transit has retained NYCDOT to inspect and maintain all bus stop signage throughout the five boroughs. NYCDOT and NYC Transit have agreed to incorporate the requirements of MTA Bus Co. (MTABC) and associated costs as part of the current MOU awarded to NYCDOT on July 2, 2004. NYCDOT will provide a designated staff consisting of three positions and necessary hardware for the installation and maintenance of bus stops and informational signage. MTABC requirements for establishing, adjusting, and revoking bus stops are based on prices and rates identified in the MOU price schedule. NYCDOT will submit to NYC Transit separate invoices for each agency for work performed for maintenance of bus stops and signage, approved expenses, and bus stop moves on a quarterly basis. NYC Transit will be responsible for reviewing MTABC's quarterly invoice and, if acceptable, submitting it to MTABC for approval and payment.

MTA

BUS COMPANY

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

I. Modifications to Purchase and Public Work Contracts

Page

(Staff Summary 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.)

**1. Goodyear Tire & Rubber Co.
Contract #97C6906.1**

\$5,186,000.00

Staff Summary Attached

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Modification to extend the contract for three years for furnishing, leasing, and servicing radial tires. This modification includes both MTA Bus and NYCT. The total amount requested for this modification is \$24.644 million, of which \$5.186 million is for MTA Bus and the balance, \$20.457 million, is for NYCT.

MODIFICATIONS TO
PURCHASE AND PUBLIC WORK CONTRACTS
REQUIRING BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
1. Goodyear Tire & Rubber Co. Akron, Ohio	Contract #97C6906	Original Contract	\$ 31,642,209.00
	Furnishing, Leasing, and Servicing	Prior Budget Adjustments	\$ 2,500,000.00
	Radial Tires and Provide Wheel	Prior Modifications	\$ 0
	Painting	Adjusted Contract Amount	\$ 34,142,209.00
	Requested by the Department of Buses	For Approval	\$ 25,643,833.00
	Millard Seay, Department Head and MTA Bus Co.		(Estimate) (75.1%)
	Thomas J. Savage, President	% of Mods to Org. Contr.	(88.9%)
	Mod. #1		
	Submitted for:	Original Contract	
	Approval	Award Date: 9/28/1998	
		Original Contract Subject to Board Approval: <u>YES</u>	
		Original Contract Let By Competitive Process: <u>YES</u>	

REMARKS

The contractor, Goodyear Tire and Rubber Company (Goodyear) presently leases tires on a cost per mile basis for NYC Transit's revenue fleet (4,489 Buses/823 million tire miles annually) and also provides separately priced labor for tire maintenance performed with contractor furnished equipment situated in each NYC Transit depot. This 7 year contract, awarded in September 1998 as the result of a competitive Request for Proposal (RFP), includes annually applied price adjustment formulas for raw materials and labor. It was determined that use of this contract by the formerly private bus lines (1400 buses/182 million tire miles annually) as they were acquired by MTA Bus would afford significant cost and operational advantages. As the contract expires on 9/30/2005, it was decided that in order to avoid operational disruption upon each takeover and allow sufficient time to collect tire performance data from each of the private lines which would be needed in order to prepare a scope of work for solicitation, the issuance of an RFP for a replacement contract would be postponed and the existing contract be extended by modification for 3 additional years. Prices and adjustment formulas for tire leasing and depot tire maintenance labor costs were negotiated and are generally consistent with the initial 7 year period with the exception of the per mile lease cost for the low floor bus tire which, since time of initial award, has displayed lower tire performance mileage history and greater vulnerability to damage, consistent with nationwide experience in the transit industry. Of the amount requested for this modification, \$20.457million is for NYCT and \$5.186 million is for MTA Bus. Prices have been determined to be fair and reasonable.

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Page

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.

- | | | | | |
|----|---|-----------------------|-------------------------------|-----|
| 1. | Atlantic Detroit Diesel Allison
PO #20050017 – Immediate use
Purchase of rebuilt diesel engines. | \$39,456.82 | <u>Staff Summary Attached</u> | 145 |
| 2. | Atlantic Detroit Diesel Allison
Contract #05C9140
Rebuild 4 buses. | \$210,561.00 | | |
| 3. | Atlantic Detroit Diesel Allison
Contract #05C9138
Heavy scheduled overhauls to rear axles, rebuilding of bus power plants and painting of exteriors of buses. | \$1,832,266.95 (Est.) | | |
| 4. | The Inventory Company
Contract #05B9124
Wall-to-Wall inventory cycle counts. | \$118,875.00 (Est.) | | |
| 5. | Acculift Sales
PO #726988
Purchase of diesel fork lifts. | \$27,500.00 | | |

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

- | | | | | |
|----|---|--------------|-------------------------------|-----|
| 1. | Motor Coach Industries, Inc.
Contract #B-31153.38
Modification to the contract for the purchase of over-the-road buses to make technical changes. | \$888,400.00 | <u>Staff Summary Attached</u> | 146 |
|----|---|--------------|-------------------------------|-----|

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING TWO-THIRDS BOARD APPROVAL

Board Mtg. September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM /PURPOSE</u>	<u>COST</u>
1. Atlantic Detroit Diesel Allison Lodi, NJ	PO #20050017 Purchase of Rebuilt Diesel Engines	\$ 39,456.82
2. Atlantic Detroit Diesel Allison Lodi, NJ	Contract #05C9140 Rebuild Four Buses	\$ 210,561.00
3. Atlantic Detroit Diesel Allison Lodi, NJ	Contract #05C9138 Heavy Scheduled Overhauls to Rear Axles, Rebuilding of Bus Power Plants, and Painting of Bus Exteriors	\$ 1,832,266.95 (Estimate)
4. The Inventory Company Ft. Lee, NJ	Contract #05B9124 Wall-to-Wall Inventory Cycle Counts	\$ 118,875.00 (Estimate)
5. Acculift Sales Ozone Park, NY	PO #726988 Purchase of Diesel Fork Lifts	\$ 27,500.00

Requested by the MTA Bus Co.
Thomas J. Savage, President
Immediate use

REMARKS

On January 27, 2005 the Board authorized an expedited procurement process in connection with the takeover and operation of bus lines operated by seven private companies. The first company taken over, Liberty Lines, commenced operations as a member of the MTA Bus Company January 3, 2005. As outlined in the original declaration, Procurement requested extensions in ninety (90) day increments to continue making awards on an expedited basis. The above procurements took place in the extension period of April 3, 2005 to July 2, 2005 approved by the Board April 28, 2005. As a result of operating requirements, the procurements were completed totaling \$2,228,659.77. All procurements, to the extent possible, were solicited competitively. Twelve prospective bidders were solicited for Contract #05C9138 for which two responses were received, with the award going to the low bidder, Atlantic Detroit Diesel Allison. No further extension is requested.

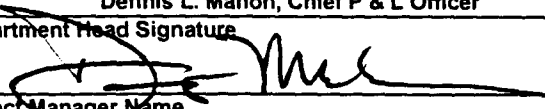
RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM /PURPOSE		COST
1. Motor Coach Industries, Inc. Schaumburg, IL	Contract #B-31153	Original Contract	\$ 45,198,840.00
	Purchase of Over-the-Road	Prior Modifications	<u>\$ 325,199,454.08</u>
	Buses	Adjusted Contract Amount	\$ 370,398,294.08
	Requested by MTA Bus Co. Thomas J. Savage, President	For Approval	\$ 888,400.00
	Mod. #38		(.2%)
Submitted for: Approval		% of Mods to Org. Contr.	(721.5%)
	Original Contract		
	Award Date: 6/4/1997		
	Original Contract Subject to Board Approval: <u>YES</u>		
	Original Contract Let By Competitive Process: <u>NO</u>		

REMARKS

The original contract was for the purchase of 120 over-the-road buses. Through a series of modifications, a total of 570 buses were purchased for NYC Transit's Department of Buses (DOB). In 2004 and 2005 an additional 317 over-the-road buses were purchased for the MTA Bus Co. This modification comprises all technical changes to the buses for the MTA Bus Co. resulting from pre-production meetings. DOB, at the request of and on the behalf of the MTA Bus Co., has determined that technical changes were required to enhance safety, reliability and maintainability. The changes reflect credits as well as additional changes, some of the more significant are as follows: credits - deletion of NYC Transit farebox pedestal - \$105,585; deletion of redundant filtration - \$27,939; additional changes - modification and installation of MTA Bus Co. pedestal - \$162,100, upgrade of air compressor - \$183,168, additional training - \$162,000. The project manager authorized Motor Coach Industries (MCI) to implement these changes immediately in order not to create delays in production. MCI's price of \$935,201.81 was negotiated down to \$888,400.00.

Subject Request for Authorization to Award Various Procurements						Date September 29, 2005			
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	9/20/05				X	President		Information Services Chief Information Officer
	MTA Board	9/29/05				X	Executive VP gpc		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 (or more, where noted)

		<u># of Actions</u>	<u>\$ Amount</u>
Schedule A:	Non-Competitive Purchases and Public Work Contracts	3	\$1.949M
	<ul style="list-style-type: none"> Monogram Systems \$.420 North American Signal \$.689 Saft America \$.840 		

Schedules Requiring Majority Rule

Schedule E:	Miscellaneous Procurement Contracts	1	\$.032M
SUBTOTAL:		4	\$1.981M

LIRR proposes to award competitive procurements in the following categories:

Schedules Requiring Majority Rule

		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F:	Personal Service Contracts	4	\$4.128M
Schedule G:	Miscellaneous Service Contracts	1	\$8.350M
Schedule H:	Mods. to Personal Service Contracts & Misc. Service Contracts Awarded as Contracts for Services	2	\$.750M

Schedule I:	Mods. to Purchase and Public Works Contracts	1	\$1.000M	
		SUBTOTAL	8	\$14.228M
LIRR proposes to award ratifications in the following categories:				
Schedule D:	Ratification of Completed Procurement Actions	1	\$.200M	
		SUBTOTAL	1	\$.200M
		TOTAL	13	\$16.409M

BUDGET IMPACT:

The purchases/contracts will result in obligating LIRR operating and capital funds in the amount listed. Funds are available in the current LIRR 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 2005

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. | Monogram Systems
Sole Source
BPO2491 | \$420,000
Not to Exceed | <u>Staff Summary Attached</u> | 153 |
| | <p>LIRR proposes to award a three-year Sole Source Blanket Purchase Order to Monogram Systems for various spare parts to maintain its MU fleet toilet systems. Monogram Systems is the Original Equipment Manufacturer and single responsible source for these parts.</p> | | | |
| 2. | North American Signal
Sole Source | \$688,800
Not to Exceed | <u>Staff Summary Attached</u> | 154 |
| | <p>LIRR requests approval to award a three year Sole Source Blanket Purchase Order (BPO) to North American Signal, Inc. (NAS) in the not-to-exceed amount of \$688,800. Under the BPO, NAS will furnish 120 universal data analyzers as part of LIRR's program to upgrade and expand the existing Wayside Event Recorders system to a Centralized Event Monitoring System at an estimated cost of \$688,800.</p> | | | |
| 3. | Saft America
Sole Source
BP02492 | \$840,000
Not to Exceed | <u>Staff Summary Attached</u> | 155 |
| | <p>LIRR requests approval to award a three-year Sole Source Blanket Purchase Order to Saft America, Inc. (SAI) for the supply of battery sets and components for the C-3 bi-level coaches. SAI is the Original Equipment Manufacturer and single known source for this material.</p> | | | |

Procurements Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts

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

- | | | | |
|-----------|---|---|--|
| 4. | FileNet Corporation
Sole Source
Contract No. POE1911 | \$32,243
Not-to-Exceed | |
| | <p>LIRR requests approval to award a Sole Source Miscellaneous Procurement Contract to FileNet Corporation (FileNet) for the purchase of software necessary to provide a separate Integrated Document Management (IDM) Development Test System. When new applications are developed or existing applications are enhanced, a critical part of the process is to insure that new or revised applications are thoroughly tested before being introduced into the production environment. To accomplish this, LIRR must maintain separate and identical development and production environments. This requires two distinct systems (operating system, application software, database, etc.) – one for production and one for testing. Procurement and installation of the FileNet IDM Development Test System will enable LIRR to comply with this requirement. This is a sole source procurement because the FileNet software is proprietary. Pricing is in accordance with the New York State Office of General Services Contract No. PT57022, Group 76068, Award 11747, and has been determined to be fair and reasonable.</p> | | |

SCHEDULE A

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS

LIRR COMMITTEE - September 20, 2005

MTA BOARD MEETING - September 29, 2005

Vendor/Contractor	Procurement Number Item/Purpose	Cost
Monogram Systems 1500 Glenn Curtis Carson, CA 90746-4012	BPO2491 Sole Source	\$420,000 Not to Exceed

Remarks:

LIRR requests approval to award a Sole Source Blanket Purchase (BPO) for a three-year period to Monogram Systems (Monogram) for various spare parts to maintain toilet systems on M-1 and M-3 cars. Monogram Systems is the original equipment manufacturer and single responsible source for this material.

LIRR currently has 300 M-1 cars and 172 M-3 cars, which consist of married pair configurations with one toilet car per married pair. 173 of the M-1/M-3 toilet cars use Monogram toilet systems. The remaining 63 M-1 toilet cars have new Envirovac vacuum toilet systems. The parts list and estimated quantities of this procurement are based on projected usage. LIRR will purchase parts on an "as needed" basis. Further, LIRR has not committed to any minimum quantity. The \$420,000 not-to-exceed value takes into account that the 87 M-1 cars with Monogram toilet systems will be decommissioned during the contract period as LIRR continues to accept new M-7 cars.

As a result of negotiations, LIRR reduced Monogram's prices to an average increase of 2.2% over the pricing in the prior three-year BPO. Additionally, this pricing is below Monogram's current 2005 catalog pricing. Based on the above, LIRR has been found to be fair and reasonable.

Impact on Funding:

This contract is funded by LIRR's Operating Budget.

Recommendation:

Board approval of a contract award to Monogram Systems for a three-year period in the not-to-exceed amount of \$420,000 is recommended.

SCHEDULE A

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS

LIRR COMMITTEE - September 20, 2005

MTA BOARD MEETING - September 29, 2005

Vendor/Contractor	Procurement Number Item/Purpose	Cost
North American Signal Inc. 12412 San Jose Blvd, Suite 302 Jacksonville, FL 32223	Contract #TBD Furnishing of Universal Data Analyzers and Event Recorder Equipment	\$688,800 Not to Exceed

Remarks:

LIRR requests approval to award a three year Sole Source Blanket Purchase Order to North American Signal, Inc. (NAS) in the not-to-exceed amount of \$688,800. Under the BPO, NAS will furnish up to 120 Universal Data Analyzers (UDAs) as part of LIRR's program to upgrade and expand the existing Wayside Event Recorder Systems to a Centralized Event Monitoring System.

Prior to 2002, LIRR used Harmon Data Analyzers for its Wayside Event Recorder System. In 2002, LIRR installed a NAS Universal Data Analyzer (UDA) at Stewart Avenue on the Mainline as part of a test program. The NAS UDA was selected because it had greater functionality that enabled LIRR to monitor crossings and interlockings for early detection of system deterioration and to be alerted to actual failures. The testing proved successful. Thereafter, in 2003, LIRR purchased from NAS a Central Monitoring Server with the capability to link the UDA event recorders and provide the data to centrally monitor all LIRR crossings and interlockings. In addition, LIRR has installed 47 NAS UDAs over the last few years. As part of the 2005 - 2009 Capital Program, LIRR plans to install UDAs at 77 locations throughout the system.

The additional UDAs, which will have upgrade capacity (from 64 digital input modules to 80 digital input modules), also will be connected to the Central Server and will allow 24/7 monitoring of the crossing status. Alarms generated by the UDAs are sent immediately to the Central Monitoring System and are analyzed by Signal Department personnel, who then dispatch appropriate maintenance crews to repair the problem. This improves crossing safety, and also improves response time to incidents and lowers costs of repairs and testing when incidents occur.

This is a sole source procurement because the UDAs and the Central Meeting System are proprietary designs of NAS. LIRR advertised its intent to award a sole source blanket order in the NYS Contract Reporter as well as the New York Post and no other vendor expressed any interest in competing for this procurement.

NAS proposed unit prices of \$5,740 for the UDA is 20% lower than the previous UDAs used by LIRR notwithstanding that the new UDAs have 80 digital input module units. Pricing is firm fixed for the term of the contract. Based on a price analysis performed by LIRR, the contract prices are found to be fair and reasonable.

Impact on Funding:

This Contract will be funded by LIRR's 2005-2009 Capital Program, except spare parts, which will be funded by LIRR's Operating Budget.

Recommendation:

Board approval to award a three-year sole source Blanket Purchase Order to North American Signal, Inc. in the not-to-exceed amount of \$688,800 is recommended.

SCHEDULE A

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS

LIRR COMMITTEE - September 20, 2005

MTA BOARD MEETING - September 29, 2005

Vendor/Contractor	Procurement Number Item/Purpose	Cost
Saft America, Inc. 107 Beaver Court Cockeysville, MD 21030	BP02492 Battery Sets and Components for C-3 bi-level coaches	\$840,000 Not to Exceed

Remarks:

LIRR proposes to award a three-year Sole Source Blanket Purchase Order (BPO) to Saft America, Inc. for the supply of battery sets, battery cells and individual components to support LIRR's 134 C-3 bi-level coaches. Saft America, Inc. (SAI) is the Original Equipment Manufacturer and single responsible source for this material.

The parts and quantities listed in this BPO are estimated and based on projected usage. The material will be ordered only on an as needed basis. Further, LIRR is not obligated to purchase any minimum quantity. LIRR advertised its intent to award a sole source procurement in the NYS Contract Reporter and the New York Post. No other supplier responded.

The prices are considered fair and reasonable. Saft America, Inc. offered a 41.3% discount off its 2004 published list price for the battery sets and battery cell, which is the same price charged since 1999. Pricing for individual components was originally quoted at an increase of 8.29% over the last purchase price. Through negotiations, the increase was reduced to 2.79% or an average 0.93% per year. Prices quoted are FOB delivered and are firm for the duration of the contract.

LIRR has received concurrence from the MTA Executive Director pursuant to the MTA All Agency Responsibility Guidelines to consider SAI a Responsible Bidder notwithstanding Significant Adverse Information pertaining to SAI. Specifically, in 1998 Saft was found non-responsible by NYC Transit due to its poor quality record on a then existing procurement. Thereafter, Saft initiated corrective action, which resulted in NYC Transit finding its overall performance as satisfactory. As a result, NYC Transit and other MTA agencies have awarded Contracts to SAI over the past few years. On May 27, 2005, at the request of the MTA General Counsel, the MTA Office of Inspector General (OIG) initiated an independent review of significant adverse information concerning SAI. Among other things, the OIG found that in 1998, SAI was convicted of rigging bids submitted to the US Army for \$6.2 million in contracts and in 1994, the US Attorney's Office charged six people and four companies for making kickback payments made to SAI workers (from 1987 through 1993 in the amount of \$87,000). The companies were military suppliers, which were also charged with falsifying test data to make officials believe certain hardware met military specifications.

The Vendor Responsibility Form included in all MTA bids over \$250,000 only requires disclosure during the past 10 years. In addition, LIRR has ascertained that the military has given SAI contracts in the last few years, including a \$3.6 million contract from the Army in 2003 through Raytheon, a \$20 million contract from the Air Force in 2003, and several contracts from Special Forces and the Navy. These factors in addition to the fact that SAI is the sole source for these batteries and related components required by LIRR for its C-3 fleet support LIRR's finding of Responsibility.

Impact on Funding:

This contract will be funded by LIRR's Operating Budget.

Recommendation:

Board approval to award a three-year sole source contract in the not to exceed amount of \$840,000 is recommended.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2005

MTA LONG ISLAND RAIL ROAD

Procurements Requiring Majority Vote

Page

Schedule F: Personal Service Contracts

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

- | | | | | |
|-----------|--|--|---|------------|
| 1. | Lloyd Staffing, Inc.
Competitive RFP
Contract No. (TBD) | \$67,500
Not to Exceed | | |
| | <p>LIRR requests Board approval to award a Personal Services Contract to Lloyd Staffing for "as required" on-site freelance graphic art services including, but not limited to, graphic design, artwork layout, illustration, photography, speech writing and copy writing. The services will be used by LIRR in the development of creative concepts and designs for various promotions and customer information. The term of the contract is for two years with one one-year option. Request for Proposals (RFP) were mailed to nine firms with two additional firms requesting and receiving RFP documents. Of the eleven firms who received proposal documents, only Lloyd Staffing submitted a proposal. The Lloyd Staffing proposal pricing, which remains fixed for all three years of this contract, is the same as the pricing contained in LIRR's prior contract, which was awarded to Lloyd Staffing for similar services for 2002 through 2004. The award of the previous contract to Lloyd was based on a competitive RFP in which five firms participated. As part of that RFP process, LIRR recommended an award to Lloyd Staffing based on its experience, qualification, quality of work samples, as well as its proposed rates which were determined to be competitive. As a result, Lloyd Staffing's proposed prices are determined herein to be fair and reasonable.</p> | | | |
| 2. | OSI Collection Services, Inc.
Ride B&T Contract
PCS-04-2724 | \$210,000
(Estimated) | <i><u>Staff Summary Attached</u></i> | 161 |
| | <p>LIRR requests approval to ride MTA Bridges and Tunnels' Contract No. PSC-04-2724, with OSI Collection Services, for the collection of unpaid Mail&Ride Accounts, dishonored checks and other commercial non-government accounts receivable, for a period of five years, with a two-year option in a total estimated amount of \$210,000.</p> | | | |
| 3. | Two Twelve Harakawa, Inc.
Competitive RFP
Contract No. (TBD) | \$850,000
Not to Exceed | \$350,000-LIRR
\$500,000-LIB | |
| | <p>LIRR requests Board approval to award a joint procurement for a two year Blanket Purchase Order (BPO) with two one-year options to Two Twelve Harakawa, Inc. (TTHI) to provide Graphic Design and Print Production Services on an "as needed" basis on behalf of LIRR and Long Island Bus. These services are essential to provide timely and accurate customer information such as schedule changes related to various capital improvement projects and other railroad and bus events. LIRR, acting as the lead agency, publicly advertised the requirement and sent out 43 Requests for Proposals. Six proposals were received and reviewed by LIRR's Technical Evaluation Committee (the "TEC"). The three proposers that received the highest technical ranking were short listed and provided oral presentations. Thereafter, the TEC ranked TTHI as the</p> | | | |

top rated proposer. The MTA Internal Audit Department reviewed the overhead, labor rates, and made recommendations, which were used in negotiations. The negotiated rates are considered fair and reasonable. The not-to-exceed contract amount is \$850,000 and is divided as follows: LIRR - \$350,000 and LI Bus - \$500,000.

- | | | | | |
|----|---|--|-------------------------------|-----|
| 4. | Various Consultants
Ride NYCTA Contract
Personal Services Contract | \$3,000,000
Not to Exceed | <u>Staff Summary Attached</u> | 163 |
|----|---|--|-------------------------------|-----|
- LIRR requests approval to Ride NYC Transit's three-year personal services requirements contracts for General Information Systems Consulting Services to the 11 firms listed in the attached staff summary.

Procurements Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

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

- | | | | | |
|----|--|--|-------------------------------|-----|
| 5. | Emergency Bus Service
Scheduled Bus Service | \$8,350,000
Not to Exceed | <u>Staff Summary Attached</u> | 165 |
|----|--|--|-------------------------------|-----|
- LIRR requests approval to award requirements contracts to 12 companies listed on the attached Staff Summary to provide emergency and scheduled bus service both on an as-needed basis over a three-year contract term.

Procurements Requiring Majority Vote

Schedule H: Mods. 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 require for Board approval.)

- | | | | | |
|----|---|--|-------------------------------|-----|
| 6. | Carr Business Systems
Non-Competitive Procurement
Contract No. BP02268 | \$198,136
Not to Exceed | <u>Staff Summary Attached</u> | 167 |
|----|---|--|-------------------------------|-----|
- LIRR requests approval to award a Contract Modification to Carr Business Systems, Inc. in the not-to-exceed amount of \$198,136 to cover the leasing of up to 16 additional Konica copy machines.
-
- | | | | | |
|----|--|--|-------------------------------|-----|
| 7. | PS Technology, Inc.
Miscellaneous Service Contract
Contract No. GS-0721/PO20722 | \$551,534
Not to Exceed | <u>Staff Summary Attached</u> | 168 |
|----|--|--|-------------------------------|-----|
- LIRR requests Board approval to modify the Contract with PS Technology, Inc. by increasing the authorized contract amount by \$551,534 related to software modifications and to extend software maintenance to April, 2010.

Schedule I: Modifications to Purchase and Public Work Contracts

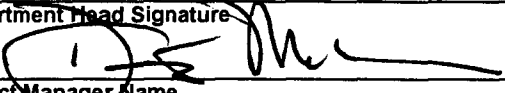

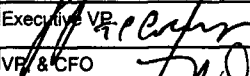
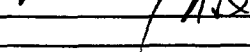
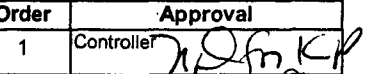
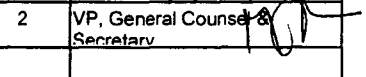
(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K)

8.	FC Hanson and Various Phase I Contractors	Increase by \$1.0M from \$37.4M to \$38.4M	<u>Staff Summary Attached</u>	169
	Competitive Bid	Not to Exceed		
	Contract No. 5848			

LIRR requests authorization to increase the aggregate value of the contracts related to the completion and closeout of the Atlantic Terminal Phase I construction from \$37.4M to \$38.4M to cover additional cost associated with the project.



SCHEDULE F

Subject Collection of Unpaid, Dishonored Checks, Delinquent Mail & Ride Accounts & Non-Government Accounts						Date September 29, 2004	
Department Procurement & Logistics						Vendor Name OSI Collection Services, Inc.	
Department Head Name Dennis Mahon, Chief P&L Officer						Contract Number 7801-A	
Department Head Signature 						Contract Manager Signature Cynthia M. Carter	
Project Manager Name K. Porcelain							
Board Action						Internal Approvals	
Order	To	Date	Approval	Info	Other	Order	Approval
1	LI Committee	9/20/05	x			5	President 
2	MTA Board	9/29/05	x			4	Executive VP 
						3	VP & CFO 
						1	Controller 
						2	VP, General Counsel & Secretary 

Purpose:

To obtain Board approval for the LIRR to ride the Bridges and Tunnels (B&T) Personal Services Contract with OSI Collection Services, Inc. ("OSI") for debt collection services for a period of five years (\$150,000) plus a two-year option (\$60,000), at a total estimated amount of \$210,000.

Remarks:

LIRR requires the services of a contractor to collect unpaid, dishonored Mail & Ride accounts, dishonored checks, and other commercial non-government accounts receivable. On April 28, 2005, the Board approved award of a competitively negotiated Personal Services Contract, No. PSC-04-2724, to OSI, for the recovery of unpaid tolls and fees from E-Z Pass customer accounts. Services under the OSI contract with B&T include: i) developing a database of delinquent accounts, ii) contacting the customers by mailers, as well as telephone, in an effort to collect the monies owed to the authority, and, iii) collecting unpaid tolls and fees on behalf of the Authority.

B&T advertised the RFP in December 2004, and received six proposals in response to the solicitation. The B&T Evaluation Committee unanimously recommended OSI as the preferred contractor. Of those six proposals, OSI demonstrated the most extensive experience in collection services, including work for such governmental agencies as NYC Department of Finance, NYS Office of Court Administration and the California DOT. OSI also demonstrated the most thorough understanding of the requirements of the B&T Technical Scope of Work (TSOW) and proposed the lowest collection fee of 17.9%.

Notwithstanding minor differences between B&T and LIRR's data collection reporting procedures, OSI agreed to perform the required services for the LIRR at the same negotiated fee afforded to B&T (17.9% of recovered funds). This fee rate is 5.1% lower than LIRR's previous, competitively negotiated fee of 23%.

The estimated \$210,000 amount for the seven-year period assumes OSI will receive approximately \$30,000/year representing approximately \$167,600/year collected.

Impact on Funding:

This contract will be funded under LIRR's Operating Budget.

Recommendation:

Board approval for LIRR to ride the Bridges and Tunnels (B&T) Personal Services contract with OSI Collection Services, Inc. for collection of unpaid dishonored checks, delinquent Mail & Ride accounts, and other commercial non-government accounts receivable, for a period of five years, plus a two-year option, at a total estimated amount of \$210,000, is requested.

Staff Summary



Long Island Rail Road

SCHEDULE F

Subject Schedule F Personal Service Contract
Department Procurement & Logistics
Department Head Name Dennis L. Mahon
Department Head Signature
Project Manager Name Joseph M. De Carlo

Date September 29, 2005
Vendor Name Various
Contract Number Various
Contract Manager Signature
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	LI Committee	9/20/05			
2	MTA Board	9/29/05			

Internal Approvals			
Order	Approval	Order	Approval
6	President	1	Information Services Chief Information Officer
5	Executive VP	2	VP, Service Planning Technology & CPM
4	Law	3	VP & CFO

Remarks:

LIRR requests approval to award personal services contracts to the consulting firms listed below to "ride" NYC Transit Contracts to provide technical and professional staff on an as needed basis to support Information Technology efforts in the not-to-exceed amount of \$3.0 million for the term ending March 2008. The following 11 firms were selected as a result of the NYCT's RFP process:

- | | |
|--|---|
| 1. ASR International, Inc. Contract No. CMM-1412 | 6. HEPCO, Inc. Contract No. CMM-1402 |
| 2. Datacom Technology Group Contract No. CMM-1399 | 7. Infosys Intl, Inc. Contract No. CMM-1403 |
| 3. CGI Contract No. CMM-1398 | 8. L. J. Gonzer Assoc Contract No. CMM-1404 |
| 4. Derive Technologies Contract No. CMM-1400 | 9. Mathtech, Inc. Contract No. CMM-1405 |
| 5. Global Computer Assoc, Inc. Contract No. CMM-1401 | 10. Radiant Systems, Inc. Contract No. CMM-1406 |
| 11. The Ayers Group Contract No. CMM-1407 | |

Under the contracts, when specific tasks and/or projects are identified, a competitive request for proposal will be forwarded to the consultant firms, requesting, among other things, resumes of staff whose qualifications best meet the skill sets required. LIRR will then select the most qualified candidates based upon established technical and cost evaluation factors.

NYCT negotiated favorable labor rates with all the firms, which will inure to LIRR's benefit. All 11 firms have proven experience in the recruitment and placement of highly skilled individuals with the technical disciplines necessary to complete the projects assigned. A number of the firms have current consulting contracts with the MTA and its agencies. It is the intention of the LIRR to do a joint procurement with the NYCT for these services, once their respective contracts expire. The requested approval amount does not represent a commitment on the part of LIRR to any of the awardees.

The MTA Division of Business Programs, Office of Civil Rights has assigned 0% MBE and 0% WBE goals for this contract.

Impact on Funding:

These contracts will be funded through LIRR's Operating Budget.

Recommendation:

Board approval to ride NYCT's contracts for Information Systems Consulting Services to the 11 firms listed above for a not-to-exceed amount of \$3,000,000 is recommended.

SCHEDULE G

MISCELLANEOUS SERVICE CONTRACTS

LIRR COMMITTEE - **September 20, 2005**

MTA BOARD MEETING - **September 29, 2005**

Vendor/Contractor	Procurement Number Item/Purpose	Cost
12 Bus Companies, As listed herein	Contract No. IT03669-GS30 Emergency & Scheduled Bus Service	\$8,350,000 – Not-to-Exceed

Remarks:

LIRR requests approval to award contracts to 12 bus companies to provide LIRR with Emergency and Scheduled Bus Services over a three-year contract term. Each bus company, which offers various resources that differ in location, vehicle quantity and types of vehicles; will be awarded a separate blanket contract for both Emergency and Scheduled Bus services in a not-to-exceed aggregate amount totaling \$8,350,000. Under these contracts, LIRR orders services on an as-needed basis. LIRR is not, however, obligated for any minimum expenditure.

In October 2004, a Request for an Expression of Interest (RFEI) for the Emergency and Scheduled Bus Services was advertised and mailed to all known area bus providers. After the responses were reviewed and revised Contract documents developed, a Request For Proposal was advertised on June 3, 2005, with copies mailed to the thirteen bus companies who responded to the RFEI. The thirteen proposals that were received were evaluated based on the following criteria: price, experience, responsiveness, and ability to meet the technical scope of work.

As a result of the evaluation, the following 12 bus companies are being recommended for award:

Acme Bus Lines	We Transportation/Towne Bus LLC
Alert Coach Lines	Suffolk Transportation Service
Baumann & Sons Buses, Inc.	Veterans Transportation
Huntington Coach Corp.	Independent Coach
Harran Transportation Company	John Bosch Bus Corp.
Express Bus Tours, Inc.	Elite Bus Service

LIRR has taken several steps in this solicitation to reduce costs by (i) reducing the maximum number of hours, from five to four, that LIRR is obligated to pay for emergency callouts and (ii) making a clear distinction between what constitutes an "Emergency" callout from a "Scheduled" event, which has a substantially lower rate. The Scheduled Bus Service prices offered in the proposals were on average 24.13% higher than prices in our current contracts, which were awarded three years ago. Through negotiation, this increase was reduced to 17.5%. Taking into consideration that fuel costs have escalated significantly over the past three years, LIRR determined the increases in the prices offered are fair and reasonable. The prices offered in the proposals for the Emergency Bus Service were on average 39.25% higher than the prices in the current contracts, which were also awarded three years ago. Through negotiation, this increase was reduced to a 34.93%. Again, taking into consideration the rise in fuel costs over the past three years as well as the fact that the minimum amount of hours LIRR is obligated to pay per emergency call out has been reduced, LIRR determined that a 34.93% increase in the prices offered are fair and reasonable.

With regard to Scheduled Bus Service, LIRR will make call-outs in sequence starting with the company with the lowest price for the required type of service. If the lowest-priced company is not available to provide the required service, LIRR will call other companies in sequence of lowest price first until a company confirms it can provide the service. For Emergency Bus Service, lowest price and proximity to the emergency will be considered in determining who will be awarded a job order. In some instances such as a winter storm, several companies will be awarded job orders for the same emergency.

The total estimated not-to-exceed amount is based on LIRR estimate of expenditure during the three-year term of \$5,250,000 for Emergency Services and \$3,100,000 for Scheduled Services. During the term of the three-year contract, some bus companies may be selected more than the others due to more favorable pricing and/or availability. As a result, LIRR will reallocate money between the blanket contracts over the contract term, as required for actual usage. However, the total funding over the contract term will not exceed the total approved amount without further Board approval.

Impact on Funding:

These contracts will be funded by LIRR's operating budget and in some instances the Capital Budget.

Recommendation:

Board approval to award individual blanket requirements contracts to twelve bus companies in the not-to-exceed amount of \$8,350,000 is recommended.

SCHEDULE H

MODIFICATIONS TO PERSONAL SERVICE CONTRACT AND MISCELLANEOUS SERVICE CONTRACTS AWARDED AS CONTRACTS FOR SERVICES

LIRR COMMITTEE - September 20, 2005

MTA BOARD MEETING - September 29, 2005

Vendor/Contractor	Procurement Number Item/Purpose	Cost	
Carr Business Systems, Inc. 225 West 34 Street New York, NY 10122	Contract No. BP02268	Original Contract	\$486,000
		Prior Modifications	\$-0-
		For Approval	\$198,136
		Revised Contract Amt	\$684,136
		% of Modification to Original Contract	40.8%

Remarks:

LIRR requests approval to issue a Contract Modification to Carr Business Systems, Inc. (CBSI) in the not-to-exceed amount of \$198,136 to cover leasing and maintenance costs for up to an additional 16 Konica copier machines for a 60-month period. The Contract with CBSI was competitively awarded on March 21, 2003 by New York City Transit (NYCT), which acted as the lead agency on behalf of the MTA and the remaining MTA agencies. The contract allows LIRR to enter into leases within a three-year period of the contract award. To date, LIRR has leased 34 various copier machines under this contract and has committed \$480,285 of LIRR's \$486,000 authorized amount. During the remaining contract term, LIRR anticipates the need to lease up to 16 additional machines to support its corporate administrative requirements. As current copier leases expire, or if requests for additional copiers are approved, LIRR will use the NYCT All-Agency Contract, which has more favorable pricing than its other copier leases. Each 60-month lease agreement also covers all maintenance, toner and staples under the fixed lease amount.

Impact on Funding:

This Contract Modification will be funded by the operating budget over the 60-month lease period.

Recommendation:

Board approval to issue a Contract Modification to Carr Business Systems, Inc. in the not-to-exceed amount of \$198,136 for the lease of up to 16 Konica copy machines for a 60-month period is recommended.

SCHEDULE H

MODIFICATIONS TO PERSONAL/MISCELLANEOUS SERVICE CONTRACTS

LIRR COMMITTEE - **September 20, 2005**

MTA BOARD MEETING - **September 29, 2005**

Vendor/Contractor	Procurement Number Item/Purpose	Cost
PS Technology, Inc. 5775 Flatiron Parkway Suite 110 Boulder, CO 80301	Contract No. GS-0721/PO20722	Original Contract: \$ 1,393,282 For Approval: \$ 551,354 Revised Contract Amount \$ 1,944,636 % Increase of Modification (40%)

Remarks: LIRR requests Board approval to modify the Contract with PS Technology, Inc. (PST) by increasing the authorized contract amount by \$551,354 including (i) \$360,620 for previously issued contract modifications; (ii) \$250,000 to cover the anticipated cost of future software modifications and related maintenance cost; and (iii) a \$59,266 credit to LIRR pursuant to a proposed contract modification (CM#14) that addresses various outstanding contractual issues including the cancellation of the Crew Disruption Management Module and the extension of the contract through April 2010 to cover software maintenance.

The original contract, which was awarded to PST in April 1999 pursuant to a competitive RFP process, was for the acquisition of an automated Resource Process and Control System (RPCS). The RPCS consisted of three modules – Crew Dispatching, Timekeeping and Crew Disruption. The original system functions were to track, analyze and manage assignment of train crew and non-operational crew employees; create electronic time slips for claims; and support terminal operations with Crew and Train swaps. The contract includes software licenses for the base package (\$225,000), professional services for design and development of software functionality (\$897,200), five years of software maintenance of the base system (\$226,282), and on-site training (\$44,800). The completion of the project has been substantially delayed due to poor vendor performance and the various Contract Modifications.

Over the term of the contract, numerous user requests were issued resulting in \$360,620 in contract modifications. Of this amount, \$151,628 exceeded the 15% reporting threshold, which through an oversight was not submitted to the MTA Board for approval. The \$360,620 included \$220,620 for software enhancements and \$140,000 for a feasibility study to determine if RPCS could be modified to cover the Maintenance of Equipment and Passenger Services Departments. After the study was completed, both departments selected a different system. The requested \$250,000 for future software modifications to the RPCS over the next year is driven by operational procedural changes and work rule changes within the Transportation Department that occur periodically. These modifications, some of which are currently being discussed with PTS, are driven by labor negotiations, tax law changes, changes to management of workforce, and new reporting requirements.

In 2004 the Transportation Department decided it was not feasible to continue with the development of the Crew Disruption module from an operations perspective, and advised the IS Department to cancel this module. CM#14, which will result in a credit in the net amount of \$59,266 to LIRR, includes a credit of \$134,580 for cancellation of this module. The credit was based on LIRR's estimate that PST had completed more than 50% of the work and the value of the remaining work to finish the module. The contract price currently includes software maintenance of the Crew Maintenance Module to April 2008 and the Timekeeping Module to April 2010. This Contract Modification will also cover the extension of software maintenance of the Crew Management module to April 2010.

Impact on Funding: This contract modification will be funded by the operating budget over the five-year period.

Recommendation: Board approval to issue a Contract Modification #14 to PST, to ratify \$362,620 in previously issued contract modifications to PTS, and to increase the Contract value by the not-to-exceed amount of \$551,354 is recommended.

SCHEDULE I

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS

LIRR COMMITTEE - September 20, 2005

MTA BOARD MEETING - September 29, 2005

Vendor/Contractor	Procurement Number Item/Purpose	Cost
FC Hanson and Various Trade Contractors	LIRR Contract #5848 Construction Mgmt Svcs And Twenty Four separate Trade Contract Awards	Original Amount: \$20,000,000 NTE Prior Modif: <u>\$17,400,000</u> Adj. Contract Amt. \$37,400,000 NTE For Approval: <u>\$ 1,000,000</u> NTE Rev. Contr. Amt: \$38,400,000 NTE % of all Modifications to Orig. Contract: 92.0% % of this Modification to Orig. Contract: 5.0%

Purpose: To obtain Board approval to modify its prior authorization allowing LIRR to perform Phase I Construction Work on the Atlantic Terminal Station Complex in an amount not to exceed \$37,400,000 by increasing the authorized amount to \$38,400,000.

Discussion: In October 1999, as part of a real estate development plan, the MTA Board approved the Initial Improvements Construction Agreement (the "IICA") between MTA / LIRR and FC Hanson / Forest City (FCH), which authorized FCH to construct a 450,000 square foot retail center over the LIRR's Atlantic Terminal. Concurrent with the construction of FCH's retail overbuild, LIRR is renovating its Atlantic Terminal Complex at a currently estimated cost of \$115M. Because FCH's retail overbuild structure and LIRR's station complex, which is directly adjacent to and beneath the retail structure, are a shared integrated facility, the design and construction of both facilities required careful coordination. In view of this, in February 2002, the Board approved the Sole Source designation of FCH as a general contractor to perform part of the construction work that was required to be done in conjunction with FCH's overbuild (known as Phase I work) for an amount not to exceed \$20M. However, FCH refused to be a general contractor. Further, the original \$20M not-to-exceed estimate, which was an order of magnitude construction estimate based upon conceptual design, was inaccurate. As a result, in April 2003, the Board (i) authorized LIRR to utilize FCH as a Construction Manager (CM) and to enter into various trade contracts to complete the work and (ii) approved an increase in the value of authorized construction work from \$20M to \$32.2M, which included additional work added to Phase I as well as \$5.2M for FCH's CM services. In February 2004, the Board approved an additional \$5.2M increase in authorized amount for a total spending cap of \$37.4M to cover cost overruns due to unforeseen site conditions, work scope changes, work coordination related costs, and project delay related costs.

To date, LIRR has awarded 24 trade contracts for the Phase I Work totaling \$28,801,628 plus \$3,130,156 for contract modifications. The Phase I Work is approximately 98% complete. The CM services, which include a Contract Modification for \$125,323, have been substantially completed. Overall LIRR has committed \$37,256,773 to the Phase I Work. However, LIRR estimates it will cost an additional \$1,000,000 to complete Phase I Work. If approved, that additional amount will be funded in two ways. First, pursuant to the IICA, to offset a tax savings realized by LIRR's sales tax exemption, FCH as a general contractor originally was to perform \$625,000 worth of construction work for LIRR at no cost to LIRR. However, because FCH ultimately did not act as a general contractor, it instead paid MTA/LIRR \$625,000 in lieu of actually performing such work. LIRR proposes to apply those monies to the cost of the Phase I Work performed directly by LIRR's trade contractors rather than FCH. The remaining \$375,000 of the \$1,000,000 requested increased spending authorization is needed to cover the balance of the projected cost of paying Phase I trade contractors for the cost of the remaining unpaid Phase I Work.

Impact on Funding: Of the total \$1,000,000 in requested additional funding, \$625,000 will be funded via application of funds already received from FCH and \$375,000 will be funded via a reallocation of funds from the Atlantic Terminal Phase II Construction budget.

Recommendation: Board approval to modify its prior authorization allowing LIRR to perform Phase I Work on the Atlantic Terminal Station Complex in the not-to-exceed amount of \$37,400,000 by increasing the authorized amount to a not-to-exceed amount of \$38,400,000 is recommended.

LIST OF RATIFICATIONS FOR BOARD APPROVAL
SEPTEMBER 2005

MTA LONG ISLAND RAIL ROAD

Procurements Requiring Two-Thirds Vote

Page

Schedule D: Ratification of Completed Procurement Actions

(Ratifications are to be briefly summarized with staff summaries attached only for unusually large or especially significant items.)

1.	Balfour Beatty Sole Source PO-E 1754	\$200,000	<u>Staff Summary Attached</u>	173*
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Pursuant to an Emergency Declaration, LIRR requests that the Board ratify the award of a Contract to Balfour Beatty Rail Track System Ltd. in the not-to-exceed amount of \$200,000 to provide a right hand #15 tangential geometry turnout switch to replace the switch located at Kings Park, just east of the Old Commack Road crossing.

SCHEDULE D

RATIFICATION OF COMPLETED PROCUREMENT ACTIONS

LIRR COMMITTEE - September 20, 2005

MTA BOARD MEETING - September 29, 2005

Vendor / Contractor	Procurement Number Item / Purpose	Cost
Balfour Beatty Rail Track System Ltd. Osmaston Street, Sandiacre Nottingham, England NG10S-AN (UK)	Contract No. PO-E 1754 Furnishing #15 Turnout Switch	\$200,000 Not to Exceed

Purpose:

Pursuant to an Emergency Declaration, LIRR requests that the Board ratify the award of a Contract to Balfour Beatty Rail Track System Ltd. (Balfour Beatty) in the not-to-exceed amount of \$200,000 to provide a right hand #15 tangential geometry turnout switch (the Turnout Switch).

Discussion:

In August 2005, LIRR declared an emergency with regard to purchase of the Turnout Switch that is necessary to replace the switch located at Kings Park, just east of the Old Commack Road crossing. The switch replacement along with replacing a grade crossing and incidental track work in this area is known as the Fox 1 project, which is part of LIRR's track state of good repair program (PNTI).

LIRR had issued a Purchase Order to VAE Nortrak (Nortrak) in May 2005 in the amount of \$1,075,909 to provide four concrete switches that were planned to be used by LIRR forces for installation at several locations including Kings Park. This emergency results from an unforeseen circumstance, namely, after the Contract award, Nortrak advised LIRR of its inability to deliver the switches within the delivery requirements set forth in the Nortrak Contract. An expedited procurement action to allow LIRR to purchase the Turnout Switch for the Fox 1 Project from a substitute supplier for delivery in 2005 is essential to the efficient operation of the LIRR as well as to the adequate provision of service. Because of the emergency concrete tie replacement work between Hall and Harold interlockings scheduled for the fall of 2005, the installation of the other switches included in the Nortrak PO have been deferred; thus obviating the need to purchase these switches at this time.

The Fox 1 Project represents a \$707,117 investment in the track infrastructure and approximately \$300,000 for signal support and reconstruction for the Turnout Switch, of which a significant amount of work has been done in preparation for the switch cutover. If the Turnout Switch is not procured in time to allow the Fox 1 project to be complete in 2005 as part of the PNTI state of good repair program, LIRR would not be able to substitute other reimbursable work to match the magnitude of the Fox project, thus adversely impacting LIRR's 2005 operating budget. Additionally, LIRR planned to use our new Panel Exchange System (which is specialized equipment for large concrete and timber switch installations that reduces track outages and labor costs) to install the Fox 1 Turnout Switch concurrently with a new concrete crossing at 1st Avenue in Kings Park. The 1st Avenue Crossing work is necessary to correct drainage problems that result in additional maintenance cost. However, due to their very close proximity, postponing Fox 1 would also require deferring the 1st Avenue crossing work.

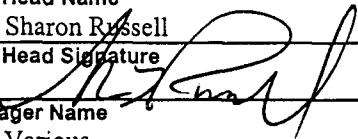
Balfour Beatty has indicated that it can supply the Turnout Switch at a price of \$200,000 (\$27,000 above the price in the Nortrak PO) within the delivery schedule required by LIRR. Balfour Beatty, which was the only other supplier that bid on the original procurement, is the only known supplier other than Nortrak that has experience manufacturing concrete switches. The price is considered fair and reasonable inasmuch as Balfour Beatty agreed to the same price as Nortrak except for the \$27,000 cost related to shipping from England and reassembly in the United States.

Impact on Funding:

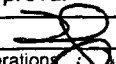


This contract will be funded by LIRR's 2005 Capital Budget as part of the overall Fox 1 project budget.

Recommendation:

It is recommended that the Board ratify the award of an emergency procurement to Balfour Beatty in the not-to-exceed amount of \$200,000 to furnish a #15 Turnout Switch.

Subject	Request for Authorization to Award Various Procurements	Date	September 2, 2005
Department	Procurement & Material Control	Vendor Name	Various
Department Head Name	Sharon Russell	Contract Number	Various
Department Head Signature		Contract Manager Name	Various
Project Manager Name	Various	Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	9/20/05			
2	Board	9/29/05			

Internal Approvals			
Order	Approval	Order	Approval
X	President 		VP Administration
X	Sr. VP Operations 		CIO
	VP Finance		Other
X	General Counsel 		

PURPOSE:

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

DISCUSSION:

LI Bus proposes to award non-competitive procurements in the following categories: **None**

LI Bus proposes to award competitive procurements in the following categories: **None**

LI Bus presents the following procurement actions for Ratification:

<u>Schedules Requiring Majority Vote:</u>		<u># of Actions</u>	<u>Amount</u>
Schedule K:	Ratification of Completed Procurement Actions	<u>1</u>	<u>\$51,580</u>
TOTAL		1	\$51,580

BUDGET IMPACT:

The purchases/contracts will result in obligating LI Bus funds in the amount listed. Funds are available in the current LI Bus 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).

MTA LONG ISLAND BUS

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 estimate contracts set forth in Schedule L.

SEPTEMBER 2005

LONG ISLAND BUS

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

K. Ratification of Completed Procurement Actions

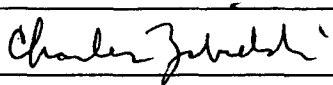
(Ratifications are to be briefly summarized with Staff Summaries attached only for unusually large or especially significant items)


1. **United Electric Power** **\$ 51,580**
Contract No. E-3486
Emergency CNG Skid Repairs


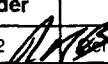
Emergency repairs were required for two CNG refueling skids. The skids are essential for operation of the revenue fleet. Due to the critical nature of the repairs, advertising and competitive bidding were deemed impractical and inappropriate. Vendor met the expedited timeframe for repairs and utilized labor rates consistent with an existing, competitively bid LIRR contract.

Staff Summary

Page 1 of 1

Subject NYSDOT Grant for Connecting Services Mktg.	Date August 22, 2005
Department Marketing	Vendor Name N/A
Department Head Name Charles Zabielski	Contract Number N/A
Department Head Signature 	Contract Manager Name N/A
Project Manager Name D. O'Connell	Table of Contents Ref#

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	M-N Comm. Mtg.	9/21	X			4	President		Budget
2	MTA Fin. Comm.	9/27	X				VP Operations		VP Capital Programs
3	MTA Board Mtg.	9/29	X				VP Financial Admin		Engr/Const
							Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1 	VP Planning & Development		Government Relations		Labor Relations	2 	General Counsel
	Press		VP Human Resources		Personnel		Other

Narrative

PURPOSE:

To obtain MTA Board approval to enter into a contract to accept \$260,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2005 through September 30, 2006.

DISCUSSION:

Metro-North has worked with NYSDOT to implement various projects to improve access to Metro-North stations. These projects, which include connecting buses (e.g. Transport of Rockland, Newburgh-Beacon Shuttle, etc.), the Haverstraw-Ossining Ferry, and Guaranteed Ride Home programs, increase ridership and revenue for the Railroad, as well as reduce the number of single occupancy vehicles on the roads.

Since 1995, M-N has received over \$1 million from similar Board approved NYSDOT grants. These funds have been used for a variety of operational and marketing activities: providing customer information (e.g. signage, kiosks, pocket timetables, etc.); marketing/advertising to launch and support these services; supporting Metro-North's Guaranteed Ride Home programs; and for miscellaneous operational improvements. M-N plans to use the \$260,000 from this new CMAQ grant in a similar fashion.

BUDGET IMPACT:

This CMAQ grant will provide an additional \$260,000 for Metro-North's 2005 and 2006 Budgets.

RECOMMENDATION: That the MTA Board grant approval to enter into a contract to accept \$260,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2005 through September 30, 2006.

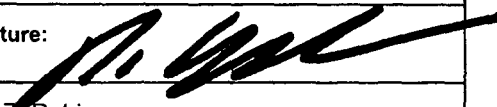
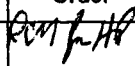
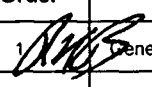
APPROVED FOR SUBMISSION TO THE BOARD:



Peter A. Cannito, President

STAFF SUMMARY

Page 1 of 2

Subject: Engineering Design Services for the Superstructure Replacement of Three Overhead Bridges in New York State						Date: 8/22/05			
Department: Capital Programs						Vendor Name N/A			
Department Head Name: R. Yutko						Contract Number N/A			
Department Head Signature: 						Contract Manager Name N/A			
Project Manager Name: Z. Rubin Program Manager Name: R. Yutko						Table of Contents Ref# N/A			
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	M-N Comm. Mtg.	9/21	X			4	President	3	Budget
2	MTA Fin. Comm.	9/27	X				VP Operations		VP Capital Programs
3	MTA Board Mtg.	9/29	X				VP Financial Admin		Engr/Const
							Controller		Project Reporting
Internal Approvals (cont.)									
Order	Approval	Order	Approval	Order	Approval	Order	Approval	Order	Approval
2	VP Planning & Development		Government Relations		Labor Relations	1		General Counsel	
	Press		VP Human Resources		Personnel			Other	
Narrative: <p>I. Purpose: To obtain MTA Board approval to amend the grant agreement between New York State Department of Transportation (NYSDOT) and Metro-North Railroad increasing federal funding for the design and construction support services for the superstructure replacement of three (3) overhead bridges located in Westchester County, New York.</p> <p>II. Background and Discussion: Metro-North entered into an agreement with the NYSDOT for financial assistance in the amount of \$1,019,200 (80% of project cost) for the design and construction support services estimated to total \$1,274,000 for the superstructure replacement of three (3) overhead bridges located in Westchester County, New York on February 11, 2000. As the project sponsor, Metro-North must adhere to the Federal Highway Administration (FHWA) guidelines and procedures in order to receive federal funding.</p> <p>Vollmer Associates provides the design and construction support services for the project, while Metro-North Capital Engineering Department provides project management and coordination.</p>									

The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company

STAFF SUMMARY

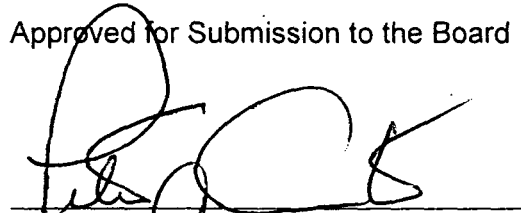
Metro-North seeks board approval to amend the Agreement with NYSDOT to add \$398,000 to total project cost as a result of additional work performed by the consultant and additional administrative efforts by Metro-North Capital Engineering, Procurement and Material Management and Legal Departments. This brings total project cost to \$1,672,000 and the amount of the grant to \$1,337,600.

Additional design work included the design and layout of intersection and bridge approach grading plans, water main support system and new staircases for Bridge Street in Irvington; and the design of two separate superstructure system and utility support systems for North Barry Avenue in Mamaroneck.

Metro-North administrative efforts include time spent to revise the construction contract, manage the project, write a detailed Construction Management Plan, prepare bid documents and to procure 3rd party contractor and construction manager, all in accordance with FHWA requirements.

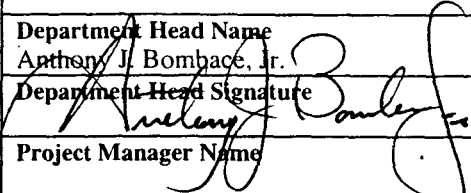



- III. **Budget Impact:** NYSDOT provides federal funding for 80% of the project, and the remainder is funded by MNR's Capital Budget.
- IV. **Recommendations:** That the Board approve an amendment to the agreement with NYSDOT to increase total project cost for the design, and construction support services for the superstructure replacement of three (3) overhead bridges in Westchester New York.

Approved for Submission to the Board



Peter A. Cannito
President



Subject Request for Authorization to Award Various Procurements						Date September 7, 2005			
Department Procurement and Material Management						Vendor Name Various			
Department Head Name Anthony J. Bombace, Jr.						Contract Number Various			
Department Head Signature 						Contract Manager Name Various			
Project Manager Name						Table of Contents Ref #			
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other		Approval		Approval
1	M-N Comm Mtg	9-21-05				X	President		Budget
2	MTA Board Mtg	9-29-05				X	VP Operations		Capital Programs
						X	VP Financial Admin		Engr/Const
							Controller		Project Reporting
Internal Approvals (cont.)									
Order	Approval	Order	Approval	Order	Approval	Order	Approval	Order	Approval
X 	VP Planning & Devel.		Government Relations		Labor Relations 		General Counsel		
	Press		Safety	X	Human Resources		Other		

PURPOSE:

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

DISCUSSION:

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

Schedules Requiring Two-Thirds Vote (or more, where noted)

of Actions \$ Amount

Schedule A: Non-Competitive Purchases and Public Work Contracts

4 \$6,058,720

- Saft Inc. \$ 5,500,000
- Mateson Chemical Corp. \$ 180,120
- Monogram Systems \$ 300,000
- Ice Qube, Inc. \$ 78,600

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

4 \$ 803,892

- Langevin Learning Services \$ 40,500
- Granite Fluid Power \$ 680,000
- Westcode, Inc. \$ 58,392
- Megger, Inc. \$ 25,000

SUB TOTAL 8 \$6,862,612

MNR proposes to award competitive procurements in the following categories:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule B:	Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	3	TBD
<u>Schedules Requiring Majority Vote</u>			
Schedule G:	Miscellaneous Service Contracts	4	\$ 2,335,222
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	4	\$ 3,285,000
Schedule I:	Modifications to Purchase and Public Work Contracts	4	\$10,245,700
SUB TOTAL		15	\$15,865,922

MNR presents the following procurement actions for Ratification:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>			
Schedule D:	Ratification of Completed Procurement Actions	6	\$ 487,539
<u>Schedules Requiring Majority Vote</u>			
Schedule K:	Ratification of Completed Procurement Actions	NONE	
SUB TOTAL		6	\$ 487,539
TOTAL		29	\$ 23,216,073

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

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

METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, 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. The Board ratifies each action taken set forth in Schedule D for which ratification is requested.
4. 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.

SEPTEMBER 2005

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

Page

A. Non-Competitive Purchases and Public Work Contracts

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

- | | | | |
|--|------------------------------------|--------------------------------------|------------|
| 1. Saft Inc. | \$5,500,000 (not-to-exceed) | <u>Staff Summary Attached</u> | 191 |
| Five (5)-Year Purchase Agreement for Various NiCad Batteries for MNR Rail Cars | | | |
| Single responsible source for the purchase of various NiCad batteries for inventory replenishment and eventual use on all MNR Commuter Rail Cars. Saft Inc. is the OEM (Original Equipment Manufacturer) for this material. The various purchase prices in the new five (5)-year agreement represent an overall average increase of approximately 2.4% since 1996. Advertisements placed in the last 12 months as well as MNR's investigation of alternate sources have not identified any additional interested vendors, confirming the sole source status of these parts. This procurement is funded by the MNR Operating Budget. | | | |
| 2. Mateson Chemical Corp. | \$180,120 | <u>Staff Summary Attached</u> | 192 |
| Two (2)-Year Purchase Agreement for Purchase of Five and Seven Pound AC Vaporizer Gel Packs | | | |
| Single responsible source for the purchase of 7,200 5 lb and 5,100 7 lb AC Vaporizer Gel Packs used on MNR's coach car fleet. Mateson Chemical Corp is the sole source for this material. The prices in this agreement are the same as those paid since 2003. Advertisements placed in the last 12 months as well as MNR's investigation of alternate sources have not identified any additional interested vendors, confirming the sole source status of these parts. This procurement is funded by the MNR Operating Budget. | | | |
| 3. Monogram Systems Inc. | \$300,000 (not-to-exceed) | <u>Staff Summary Attached</u> | 193 |
| Two (2)-Year Purch. Auth. – Replacement Parts for Toilet Assemblies (M1, M3, & M4s) | | | |
| Single responsible source for various OEM replacement parts for MNR's M1, M3, & M4 electric rail cars' toilet assemblies. Monogram Systems Inc. is the OEM for this material. This is a negotiated multiyear purchase authorization request for MNR; no comparable purchase authorization had been executed in the past. Individual purchases since 2000 have shown an average price increase per year of approx. 4%. These replacement parts will be purchased on an as needed basis and negotiated on an individual per part basis prior to purchase. Advertisements placed in the last 12 months as well as MNR's investigation of alternate sources have not identified any additional interested vendors, confirming the sole source status of these parts. This procurement is funded by the MNR Operating Budget. | | | |
| 4. Ice Qube, Inc. | \$78,600 | | |
| Purch. of 40 (20 unit base+100% option) Air Conditioning Units- for the TVM Network Controller Units | | | |
| Single responsive and responsible source of OEM (Original Equipment Manufacturer) air conditioning units required for use in the Network Controller Units that support Metro-North's Ticket Vending Machines. These units are designed to fit into the TVM network controller units that are located at the stations with the TVMs. This purchase agreement has yielded an approximate 5.6% price decrease from smaller, individual purchases made since 2002. Advertisements as well as MNR's investigation of alternate sources have not identified any additional interest from other sources; confirming the non-competitive status of these units. This procurement is funded by the MNR Operating Budget. | | | |

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.)

5. Langevin Learning Services \$40,500 (not-to-exceed)**On-Site Instructor/Facilitator Certification Training Services**

Non-competitive miscellaneous service contract for on-site professional certification training services for Metro-North Railroad's training instructors. Langevin Learning Services has provided course development/design of a certification program for approximately twenty-eight (28) Metro-North Railroad trainers. Langevin is best suited to administer the professional certifications and to provide continuity in the learning theories used to design and deliver MNR's programs as previously established with the current staff of certified trainers. The services shall be provided at Metro-North Railroad's Grand Central Terminal Training Facility. The customized program's costs include discounts ranging between ten and thirty percent (10%-30%), depending on the number of participants. The total cost is not-to-exceed \$40,500, and the period of performance shall be for one (1)-year. This procurement is funded by the MNR Operating Budget.

6. Granite Fluid Power \$680,000 (not-to-exceed)**Staff Summary Attached 195****Wheel Press Machine Repair & Modifications**

Granite Fluid Power, (formerly known as Victor Fluid Power Company), of Granite Falls, MN, is the original equipment manufacturer of two large, complex, high-pressure, precision Rodgers Presses located in MNR's Croton-Harmon Wheel and Axle Shop. The equipment is used for routine wheel set replacement and maintenance activity. This procurement is for the replacement of damaged tension bars on one of the presses, for the modification of both machines to adapt for the M-7 fleet wheels sets, and the fabrication of an additional safety feature for machine operators. Granite maintains the original engineering drawings for this critical equipment and is best qualified to provide the required repairs and modifications to the equipment. Pricing for the repair and the modifications is based on actual work performed; MNR has no prior pricing with this vendor. The total estimated cost is not-to-exceed \$680,000, which includes design, fabrication, materials, labor, rigging and installation, and all shipping and handling costs, to repair and modify wheel press machines. This procurement is funded by the MNR Operating Budget.

7. Westcode, Inc. \$58,392**Two-Year Service Contract for the Repair and Return of Movable Cores**

Non-competitive, two (2)-year miscellaneous service agreement for the repair and return of moveable cores found on the braking system of MNR's M2 fleet. Presently, Westcode Inc. is the OEM and sole source to conduct repairs on this item. Pricing for the repair and return services is based on fixed unit prices for the two (2)-year period. This contract will result in a major decrease in time in administrating individual repair and return requests, thus providing MNR with an even flow of supply for this material. This procurement is funded by the MNR Operating Budget.

8. Megger, Inc. \$25,000**Two-Year Service Contract for the Repair and Return of Insulation Testers**

Non-competitive, two (2)-year miscellaneous service agreement for the repair and return of insulation testers manufactured by Biddle James and used during maintenance operations throughout Metro-North. Presently, Megger is the OEM and sole source to conduct repairs on this item. Pricing for the repair and return services is based on fixed unit prices for the two (2)-year period. This contract will result in a major decrease in time in administrating individual repair and return requests, thus providing MNR with an even flow of supply for this material. This procurement is funded by the MNR Operating Budget.

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS

Board Mtg. DATE September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>COST</u>
Saft Inc.	Furnish and Deliver, on a scheduled rate, for a five-year period, various NiCad batteries manufactured by Saft Inc. These are used on all of MNR's Commuter Rail Cars	\$5,500,000.00 (not-to-exceed)

REMARKS

Single responsible source for the purchase of various NiCad batteries for inventory replenishment and eventual use on all MNR Commuter Rail Cars. Saft Inc. is the OEM (Original Equipment Manufacturer) for this material. The various purchase prices in the new five (5)-year agreement represent an overall average increase of approximately 2.4% since 1996. Advertisements placed in the last 12 months as well as MNR's investigation of alternate sources have not identified any additional interested vendors, confirming the sole source status of these parts. This procurement is funded by the MNR Operating Budget.

A

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS

Board Mtg.	DATE	September 29, 2005
VENDOR/CONTRACTOR	ITEM/PURPOSE	COST
Mateson Chemical Corp.	Furnish and deliver, as needed, for a two-year period, five (5) and seven (7) lb AC vaporizer Gel Packs used on MTA Metro-North Railroad's Coach Car Fleet manufactured and distributed solely by Mateson Chemical Corp.	\$180,120.00

REMARKS

Single responsible source for the purchase of 7,200 5 lb and 5,100 7 lb AC Vaporizer Gel Packs used on MNR's coach car fleet. Mateson Chemical Corp is the sole source for this material. The prices in this agreement are the same as those paid since 2003. Advertisements placed in the last 12 months as well as MNR's investigation of alternate sources have not identified any additional interested vendors, confirming the sole source status of these parts. This procurement is funded by the MNR Operating Budget.

A

NON-COMPETITIVE PURCHASES AND PUBLIC WORK CONTRACTS

Board Mtg.

DATE

September 29, 2005

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>COST</u>
Monogram Systems Inc.	Furnish and deliver, as needed, for a two-year period, various quantities of toilet assembly parts for the MTA Metro-North Railroad's Commuter Rail Car Fleet (M1, M2s in CSR, M3 & M4 rail cars) manufactured and distributed solely by Monogram Systems Inc.	\$300,000.00 (not-to-exceed)

REMARKS

Single responsible source for various OEM replacement parts for MNR's M1, M3, & M4 electric rail cars' toilet assemblies. Monogram Systems Inc. is the OEM for this material. This is a negotiated multiyear purchase authorization request for MNR; no comparable purchase authorization had been executed in the past. Individual purchases since 2000 have shown an average price increase per year of approx. 4%. These replacement parts will be purchased on an as needed basis and negotiated on an individual per part basis prior to purchase. Advertisements placed in the last 12 months as well as MNR's investigation of alternate sources have not identified any additional interested vendors, confirming the sole source status of these parts. This procurement is funded by the MNR Operating Budget.

A

Staff Summary



Page 1 of 2

Subject Wheel Press Machine Repair & Modifications	
Department Procurement & Material Management	
Department Head Name Anthony J. Bombace, Jr.	
Department Head Signature 	
Project Manager Name Various	Program Manager Name Various

Date August 19, 2005
Vendor Name Granite Fluid Power
Contract Number Various
Contract Manager Name D. Irving
Table of Contents Ref# G

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	9-21-05	X		
2	MTA Board Mtg.	9-29-05	X		

Internal Approvals			
Order	Approval	Order	Approval
X	President		Budget
X	VP Operations		Capital Programs
X	Executive VP		Engr/Const
	Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	VP Planning & Development		Government Relations		Labor Relations	X	General Counsel
	Press		Safety		Personnel		Other

Narrative

I. **PURPOSE:** To obtain MTA Board approval to award a non-competitive miscellaneous service contract to the firm, Granite Fluid Power (Granite), to perform equipment repair and modification of MNR's wheel press machines in Croton-Harmon.

II. **DISCUSSION:** Granite Fluid Power, (formerly known as Victor Fluid Power Company), of Granite Falls, MN, is the original equipment manufacturer of two large, complex, high-pressure, precision Rodgers Presses located in MNR's Croton-Harmon Wheel and Axle Shop. This highly specialized apparatus is used for the "stripping and building" of wheel sets. Granite maintains the original engineering drawings for this critical equipment and is best qualified to provide the required repairs and modifications to the equipment.

The Wheel and Axle Shop replaces rail wheel sets that have been deemed too worn to safely remain in service. The wheel set primarily consists of wheels, bearings, an axle, and a gearbox, which are "press fit" together. The wheel set replacement activity, "stripping and building", is performed using the two Rodgers Presses. This procurement is for the replacement of damaged tension bars on one of the presses, for the modification of both machines to adapt for the M-7 fleet wheel sets, and the fabrication of an essential safety feature for machine operators. The M-7 wheel sets are too large to fit the existing equipment. The scheduled maintenance for the M-7 wheel set replacement activity is projected to commence 3QTR 2006.

Staff Summary



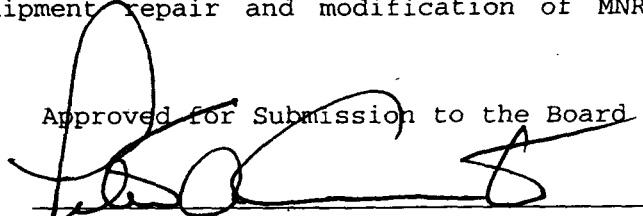
Pricing for the repair and the modifications is based on actual work performed; MNR has no prior pricing with this vendor. The total estimated cost is not-to-exceed \$680,000.00, which includes design, fabrication, materials, labor, rigging and installation, and all shipping and handling costs, to make the wheel presses fully functional and able to process the M-7 wheel sets. The reliable functioning of the wheel presses support MNR's mission of providing a safe and efficient operation.

III. ALTERNATIVES: There are no viable alternatives to this service at this time, as MNR in-house staff do not possess the technical expertise and equipment to provide the required services. Past investigations of completed wheel sets provided by other operating railroads revealed that these organizations have sized their facilities and equipment specifically for their particular fleet requirements. Contracting out MNR's wheel set replacement activity would increase turn around time and incur additional shipping costs. Any prolonged interruption of this critical maintenance function would directly impact safety to MNR's operations and customers.

IV. BUDGET IMPACT: The total cost is estimated not to exceed \$680,000.00, and is to be funded by the MNR Operating Budget.

V. RECOMMENDATION: That the MTA Board approve award of a non-competitive miscellaneous service contract to the firm Granite Fluid Power in the total not-to-exceed amount of \$680,000.00 to perform equipment repair and modification of MNR's wheel press machines in Croton-Harmon.

Approved for Submission to the Board


Peter A. Cannito, President

The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company

SEPTEMBER 2005

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

Page

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

- | | | | |
|--|-----------------|--------------------------------------|------------|
| 1. Tagging Relay Project for the Harlem and Hudson Line | Cost TBD | <u>Staff Summary Attached</u> | 203 |
| <p>MNR requests the Board to adopt a resolution declaring that competitive bidding is impractical and/or inappropriate and that it is in the public interest to use the RFP process to solicit and evaluate prospective contractors to provide engineering, manufacturing facilities and quality control procedures to furnish Remote Terminal Unit (RTU) Systems for installation in Power Department substations along the Harlem and Hudson Lines. The new RTUs are a central element in the "Tagging Relay" project for the Harlem and Hudson lines, which will provide an improved level of safety for those MNR employees working on third rail equipment on these two lines. The RTU is a data transmission device that permits communication between the centralized Power Control Center in Manhattan and the local substations and directs the control of devices and functions at the substation level. The current RTUs do not have the capacity to support the required safety enhancements at the substations and must be replaced. MNR has recently installed upgraded RTUs on the New Haven Line. The cost of this procurement is to be funded by the MTA Capital Program.</p> | | | |
| 2. Design, Fabricate and Deliver
Eleven (11) Switching and Shuttle Locomotives | Cost TBD | <u>Staff Summary Attached</u> | 205 |
| <p>MNR requests the Board to adopt a resolution declaring that competitive bidding is impractical and/or inappropriate and that it is in the public interest to use the RFP process to select a prospective Rail Car manufacturer to Design, Fabricate and Deliver up to eleven (11) Switching and Shuttle Locomotives. This project provides for the purchase of new or newly rebuilt general purpose diesel locomotives with HEP. These Locomotives shall begin to replace the current overage fleets of switchers and shuttles. The switching and shuttle Locomotives will be suitable for any service outside Grand Central Terminal and will maximize the reliability, operational flexibility, and ease of maintenance of the non-dual-mode locomotive fleet.</p> <p>These Locomotives will include, but not be limited to, the following features/characteristics: Microprocessor Control System, 26L Air Brakes, Diesel Engines with Electronic Engine Control and 325 kW HEP Power Supply. In addition, the Locomotives shall comply with all applicable FRA and EPA regulations. The cost of this procurement is to be funded by the MTA Capital Program and CDOT. CDOT will pay 100% of the cost for 6 locomotives, and MNR and CDOT will share the cost for 5 locomotives.</p> | | | |

3. Fabrication and Installation of Tandem Wheel True Machine

Cost TBD

Staff Summary Attached

MNR requests the Board to adopt a resolution declaring that competitive bidding is impractical and/or inappropriate and that it is in the public interest to use the RFP process to select a contractor to furnish and install new tandem wheel true machines (1 unit for Croton Harmon & 2 units for NH). MNR's current wheel true equipment is now at full capacity and with the addition of the M7 fleet, additional equipment is required. The unit to be placed in Croton Harmon will augment the existing equipment, and will significantly improve MNR's ability to maintain the wheels of its various rail cars in optimal condition. Additionally, the RFP will also include the requirement for 2 machines for the New Haven Maintenance Facility. The cost of this procurement is to be funded by the MTA Capital Program and CDOT.

Schedules 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.)

4. M & B Auto Leasing Inc., d.b.a Knapp McCarthy Enterprises, Inc. \$100,000 (not-to-exceed)

Guaranteed Ride Home Program (GRHP) - Tarrytown Station

Competitively solicited (one bid received) miscellaneous service contract. The base contract term is three (3)-years with an option to renew for two (2) additional years. Knapp McCarthy shall provide taxi service for MNR's guaranteed ride home customers at the Tarrytown Station, during specific program hours when there is no available returning connecting service. The Program is eligible to Metro-North UniTicket customers who use the Tappan ZEEExpress Bus or the Haverstraw-Ossining Ferry. In addition, this Tarrytown program also services monthly Pascack Valley Line customers. Knapp McCarthy Enterprise, Inc. is the incumbent firm and has been providing this taxi service since inception of the GRHP in 1997. Knapp McCarthy's per ride rates have increased an average of 9% per year since 2003, and are at a level that is comparable to other taxi companies in the area. The unit prices paid in the first year of the new contract (2005-2006) are firm and fixed; they are subject to renegotiation in years 2 and 3. The total cost of services shall not exceed \$100,000 for the initial contract term of three (3)-years. A NYSDOT Congestion Mitigation Air Quality (CMAQ) grant provides full funding for this program.

5. O'Halloran Advertising, Inc., \$560,000 (not-to-exceed)

National Yellow/White Page Advertising

Competitively solicited (one bid received) miscellaneous service contract to provide yellow/white page advertising in local publications throughout MNR's operating territory. The base contract term is for five (5)-years with an option to extend for an additional two (2)-years, in one (1)-year increments. Yellow and white page phone directories are the only reference medium readily available to all consumers outside of MNR publications (e.g. timetables, brochures, etc.). O'Halloran Advertising, Inc., is required to ensure publication of appropriate yellow/white page advertising, assist in selecting directories with high distribution/usage figures, recommend size and type of ads, and provide periodic management reports to assist MNR's Corporate and Media Relations Department with advertising campaigns and strategies. As a result of negotiation, MNR shall receive free advertising in the Yellow Book and an approximate thirty-nine percent (39%) reduction in advertising rates. The unit prices shall remain firm and fixed for the initial base contract period. The total cost for up to the seven (7)-year term shall not exceed \$560,000. This procurement is to be funded by the MNR Operating Budget.

**6. Ray's Transportation, Inc.
Hi-Rail Tie Unloading Service**

\$75,000 (not-to-exceed)

Competitively solicited (6 bids received) three (3)-year miscellaneous service contract to unload railroad ties along the right of way throughout MNR's operating territory. Ray's Transportation, the low bidder, will provide a Hi-Rail equipped Logging Truck (a unique/specialized piece of equipment), and Operator(s). The bid prices are approximately 1% lower than the previous fixed price contract. The total guaranteed, fixed-price cost for the new three (3)-year agreement is not-to-exceed \$75,000 (\$25K/yr.). This procurement is to be funded by the MNR Operating Budget.

**7. BFI Waste Services of New York, Inc. \$1,600,222 (not-to-exceed)
Refuse Removal - Grand Central Terminal (GCT)**

Competitively solicited (7 bids received) miscellaneous service contract for up to a five (5)-year period (3-yr. base + 2-yr. option) for non-recyclable refuse removal services in Grand Central Terminal. BFI Waste Services of N.Y, the low bidder, shall also provide maintenance and parts for two (2) 36 cu. yd. compactors located in GCT. These compactors are operated 365 days per year. BFI Waste Services of New York's pricing is fixed and guaranteed for both the three-year base contract and option period. The unit prices paid in this contract are approximately 9% lower per pickup and 4% lower per ton than those prices paid in the last contract. The total estimated cost of the agreement for up to the five (5)-year period is not-to-exceed \$1,600,222. This procurement is to be funded by the MNR Operating Budget. An estimated 40-50% of the charges are directly billable/reimbursed by GCT Tenants.

H. Modifications to Personal/Miscellaneous Service Contracts

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

**8. Arch Wireless Holding, Inc
Alpha Numeric Paging Services**

\$360,000 (not-to-exceed)

A four (4)-year miscellaneous service contract (LIRR was the lead agency) was awarded to the firm Arch Wireless Holding, Inc. in November 2003 for paging services used throughout MNR operating territory. Arch's services include a toll free dispatch number for instant alpha/numeric messaging, and group paging to designated MNR personnel. The initial contract award amount was \$483,321, and represented only the first 2 years of funding for the intended 4-yr. term. At this time, MNR requests approval to add the funding for the remaining 2 years; the projected cost for the remaining 2 years is \$360,000. All unit pricing remains unchanged; all other terms and conditions of the original contract remain the same. The total cost of the contract change is not-to-exceed \$360,000 and this contract change is to be funded by the MNR Operating Budget.

9. Norcon Communications, Inc.

\$160,000 (not-to-exceed)

GCT Public Address System Maintenance

MTA Board-approved three (3)-year miscellaneous service contract with the firm, Norcon Communications, Inc., to provide repair and maintenance support services for Grand Central Terminal's Public Address System. Norcon Communications, Inc., the original equipment manufacturer, has provided the majority of the system components, system training and testing, as well as installation and maintenance. The initial contract term was for three (3)-years (2002-2005). MNR reserved a contract renewal option to extend for an additional two (2)-years. At this time, MNR has elected to utilize the extension option at a cost not-to-exceed \$160,000 (\$80K annually). All unit prices for the contract renewal period are the same as those paid since 2002. All services, pricing, terms and conditions shall remain the same. Funding is provided in the MNR Operating Budget.

10. Various Contractors \$2,695,000 (estimated)

Staff Summary Attached

MTA All-Agency IT Training Services

1. CALC Canterbury
2. Global Knowledge
3. Information Builders
4. MDP Systems
5. Parity Americas
6. Frameworks Computers
7. Displaymate Solutions
8. IBM NY
9. New Horizon
10. Bowne AE&T
11. Computer Generated
12. Novasoft
13. SysEd
14. Infokeen
15. Talis Learning

RFP process, MNR Lead Agency, 22 Proposals received; an MTA All-Agency approved IT Training Vendor List used to retain various contractors to provide specific computer technology training classes for a (3)-year period. The training is for both client and vendor site desktop and technical training. The all-agency approved training vendor list is comprised of 15 vendors. Each vendor is used on an as-needed basis, from an approved, discounted rate schedule. The rate schedule was fixed and guaranteed for the initial three (3)-year contract term. A two (2)-year contract renewal option was reserved and will be exercised at this time. The estimated total for each agency is as follows: MTA NYCT \$1M, MTA MNR \$625K, MTA B&T \$120K, MTA LI Bus \$50K, MTA LIRR \$400K, MTA Headquarters \$500K.

11. Global Overhead Doors, Inc. \$70,000 (not-to-exceed)

Installation of Two (2) Overhead Doors - Brewster and Croton Harmon Maint. Facilities

Competitively solicited miscellaneous service contract to the firm Global Overhead Doors, Inc. to provide maintenance, repair, equipment replacement and modernization work for Metro-North Railroad's overhead doors. The present contract value is \$65,000.

Currently, Metro-North Railroad has a need for two (2) replacement doors at the maintenance facilities in Brewster and Croton Harmon due to damage incurred by rolling stock or other work equipment. This is the first door replacement to be requested and necessary on this contract. Metro-North requests a contract change to facilitate the installation of the new doors, especially before the onset of the winter season. The total cost negotiated for the door replacement is not-to-exceed \$70,000. This contract change is to be funded by the MNR Operating Budget.

I. **Modifications to Purchase and Public Work Contracts**

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without Staff Summaries required for change orders greater than 15 % of previously approved amount which are also at least \$50K)

12. Envirospect, Inc. \$80,700 (not-to-exceed)

Air Duct Cleaning and Inspection Services for Grand Central Terminal (GCT)

Competitively bid, public works contract awarded one (1)-year base period + four (4) one-year renewals for remedial and preventative air-duct maintenance services in Grand Central Terminal (GCT). The contract is

budgeted and funded annually. The scope of work includes all labor, equipment and materials for scheduled inspections, repair and cleaning of all ducts located throughout GCT. The projected annual cost is \$80,700 and is firm and fixed for the entire contract term. The first one (1)-year renewal option will be exercised at this time. Unit prices to be paid by MNR for up to the five (5)-year period (2005-2009) shall remain the same; all other terms and conditions remain in effect. This contract is funded by the MNR Operating Budget.

13. PHW Inc. \$1,880,000 (not-to-exceed) Staff Summary Attached 211

Design Build and Deliver M-2 Cab Signal Systems

In October 2002, a competitively solicited miscellaneous procurement contract was MTA Board approved and awarded to the firm, PHW Inc., to supply M-2 Rail Car Cab Signal Systems. The contract was structured such that the base order was for 50% (60) of the required units with two options for 20% (25) and 30% (36) respectively in order to match available funding from both CDOT and MTA. The contract's original & present value is \$2,678,640, inclusive of non-recurring engineering costs; there have been no prior modifications. The requests for MTA Board approval of these options was held pending the verification that the prototype units have been installed and were operating as intended. Additionally, the original Board approval in October 2002 did not identify the funding for the options.

At this time, MNR requests approval to exercise the first and second options for an additional 25 and 36 Cab Signal Systems. The total cost of the election of the two options is not-to-exceed \$1,880,000. MNR and CDOT will share the cost of this option election in accordance with the provisions of the CDOT Service Agreement (65% - CDOT, 35% - MNR Fed. Grant #s: NY-03-0406, NY-90-X489; CDOT Fed. Grant #s: CT-90-X345, CT-90-X359, CT-90-X378).

14. Monogram Systems. \$1,525,000 (not-to-exceed) Staff Summary Attached 212

Design Build and Deliver M-2 Toilet Systems

In October 2002 a competitively solicited miscellaneous procurement contract was MTA Board approved and awarded to the firm, Monogram Systems, to supply M-2 Rail Car Toilet Systems. The contract was structured such that the base order was for 50% (60) of the required units with two options for 20% (24) and 30% (37) respectively in order to match available funding from both CDOT and MTA. The contract's original & present value is \$1,408,760, inclusive of non-recurring engineering costs; there have been no prior modifications. The request for MTA Board approval of these options are held pending the verification that the prototype units had been installed and were operating as intended. Additionally, the original Board approval in October 2002 did not identify the funding for the options.

At this time, MNR requests approval to exercise the first and second options for an additional 24 and 37 Toilet Systems. The total cost of the election of the two options is not-to-exceed \$1,525,000. MNR and CDOT will share the cost of this option election in accordance with the provisions of the CDOT Service Agreement (65% - CDOT, 35% - MNR Fed. Grant #s: NY-03-0406, NY-90-X489; CDOT Fed. Grant #s: CT-90-X345, CT-90-X359, CT-90-X378).

15. Sepsa \$6,760,000 Staff Summary Attached 213

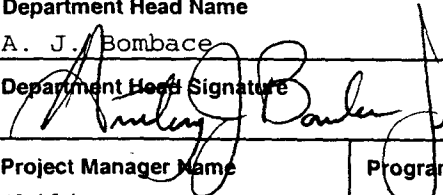
Design Build and Deliver M2 Inverter and SEB/DEB Systems

In March 2003, a competitively solicited miscellaneous procurement contract was MTA Board approved and awarded to the firm, Sepsa, to supply M-2 Rail Car Inverter and SEB/DEB Systems. The contract was structured such that the base order was for 50% (60) of the required units with two options for 20% (24) and 30% (37) respectively in order to match available funding from both CDOT and MTA. The contract's original & present value is \$5,926,620, inclusive of non-recurring engineering costs; there have been no prior modifications. The request for MTA Board approval was held pending the verification that the prototype units had been installed and were operating as intended. Additionally, the original Board approval

in March 2003 did not identify the funding for the options.

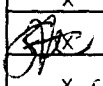
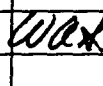
At this time, MNR requests approval to exercise the first and second options for an additional 24 and 37 Inverter and SEB/DEB Systems. The total cost of the election of the two options is not-to-exceed \$6,760,000. MNR and CDOT will share the cost of this option election in accordance with the provisions of the CDOT Service Agreement (65% - CDOT, 35% - MNR Fed. Grant #s: NY-03-0406, NY-90-X489; CDOT Fed.Grant #s: CT-90-X345, CT-90-X359, CT-90-X378).

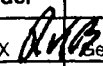
Staff Summary

Subject Tagging Relay Project for the Harlem and Hudson Line	
Department Procurement & Material Management	
Department Head Name A. J. Bombace	
Department Head Signature 	
Project Manager Name Philip Ryan	Program Manager Name

Date August 18, 2005
Vendor Name N/A
Contract Number N/A
Contract Manager Name B. Jennings
Table of Contents Ref# B

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	9-21-05	X		
2	MTA Board Mtg.	9-29-05	X		

Internal Approvals			
Order	Approval	Order	Approval
X	President		Budget
 X	VP Operations	 X	Capital Programs
X	Executive VP		Engr/Const
	Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	VP Planning & Development		Government Relations		Labor Relations	X 	General Counsel
	Press		Safety		Personnel		Other

Narrative

I. Purpose: To obtain MTA Board approval to use the RFP process to solicit and evaluate proposals from prospective contractors to design and construct Remote Terminal Unit (RTU) Systems capable of providing automated electronic lockout/tagout at the local level.

II. Background and Discussion: MTA Metro-North Railroad is now undertaking a project that will result in improved safety for its employees that work on power lines and equipment on the Harlem and Hudson Lines. MNR currently has detailed procedures for de-energizing power lines and equipment to allow for maintenance and repair and ensure worker safety. These procedures provide for de-energizing power from the centralized power control center in New York City. It has been determined, however, that an additional level of protection is required at the local, or power substation, level than currently exists to further enhance worker safety. MNR has already installed a similar system on the New Haven Line to meet an agreement with New York State Department of Labor to provide this additional localized protection known as the "remote lockout/tagout" function.

MNR's solution, which is the same as the New Haven Line, will include an enhanced automated electronic lockout at the local level that will also be initiated from the Power Control Center. A critical element in this project is the upgrade of the Remote Terminal Unit or RTU. The RTU is a data transmission and collection device that permits communication between the Power Control Center and the local substation and directs the control of devices at the substation. The RTUs currently in-place on the Harlem and Hudson Lines do not have the available capacity to support the new remote lockout/tagout functionality and must be significantly upgraded.

MNR is seeking a Contractor with an experienced engineering staff, the necessary manufacturing facilities, and quality control procedures required for designing,

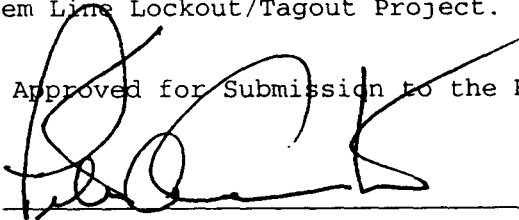
Staff Summary

furnishing and supporting Substation Control equipment equivalent in scope, complexity, and magnitude, which in the opinion of MNR will ensure the quality and reliability of the system to be furnished and the satisfactory completion of the Contract. The overall complexity of the project requires a close examination and evaluation of the design capabilities and methodologies that prospective Contractors will propose. It is, therefore, in the public's interest that an RFP solicitation be utilized in this procurement so that each proposer's capabilities and technologies can be carefully evaluated. The Contractor will be selected based on MNR's overall evaluation of technical capability, experience of engineering team members, experience in similar products/applications, evidence of human and physical resources, and cost.

III. Budget Impact: The cost of this procurement is to be funded by the MTA Capital Program.

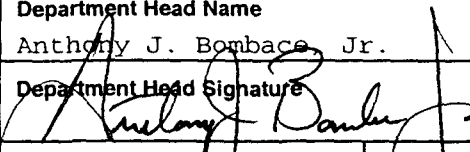
IV. Recommendation: MNR requests the Board to adopt a resolution declaring that competitive bidding is impractical and/or inappropriate and that it is in the public interest to use the RFP process for the design, application engineering, fabrication and delivery of the RTUs for the Hudson and Harlem Line Lockout/Tagout Project.

Approved for Submission to the Board


Peter A. Cannito, President

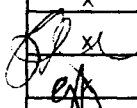
The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company


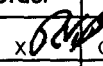
Staff Summary

Subject Design Fabricate and Deliver Eleven (11) Switching and Shuttle Locomotives	
Department Procurement & Material Management	
Department Head Name Anthony J. Bombace Jr.	
Department Head Signature 	
Project Manager Name T. McCarthy	Program Manager Name R. Yutko

Date August 23, 2005
Vendor Name TBD
Contract Number TBD
Contract Manager Name Al Muir
Table of Contents Ref# B

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg	9-21-05	X		
2	MTA Board Mtg	9-29-05	X		

Internal Approvals			
Order	Approval	Order	Approval
X	President		Budget
X 	VP Operations	WAX	Capital Programs
	Executive VP		Engr/Const
	Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
X 	VP Planning & Development		Government Relations		Labor Relations	X 	General Counsel
	Press		Safety		Personnel		Other

Narrative

I. Purpose: To obtain MTA Board approval to use the RFP process to solicit proposals from prospective Rail Car manufacturers to Design, Fabricate and Deliver eleven (11) Switching and Shuttle Locomotives.

II. Background and Discussion: This project provides for the purchase of new or newly-rebuilt general purpose diesel locomotives with HEP. These Locomotives shall begin to replace the current overage fleets of switchers and shuttles. The GP20 Locomotive will be suitable for any service outside Grand Central Terminal and will maximize the reliability, operational flexibility, and ease of maintenance of the non-dual-mode locomotive fleet.

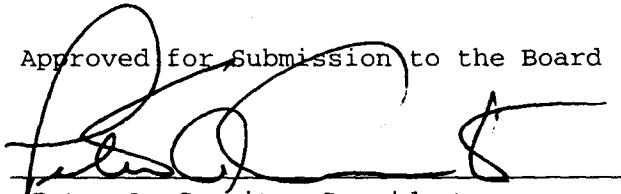
These Locomotives will include, but not be limited to, Microprocessor Control System, 26L Air Brakes, Diesel Engines with Electronic Engine Control and 325 kW HEP Power Supply. In addition, the Locomotives shall comply with all applicable FRA and EPA regulations.

In order to ensure the selection of a manufacturer with the necessary experience and expertise it is in the public interest to use the RFP process to properly evaluate the technical and remanufacturing capabilities of prospective proposers. The Contractor will be selected based on an evaluation of technical capability, past performance, organizational resources, experience of team members, and cost.

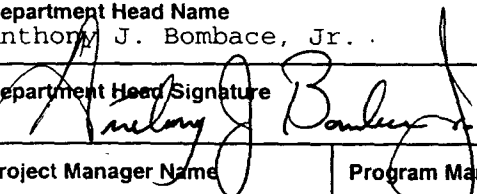
III. Budget Impact: The The cost of this procurement is to be funded by the MTA Capital Program and CDOT. CDOT will pay 100% of the cost for 6 locomotives, and MNR and CDOT will share the cost for 5 locomotives.

IV. Recommendation: MNR requests the Board to adopt a resolution declaring that competitive bidding is impractical and/or inappropriate and that it is in the public interest to use the RFP process to solicit proposals from Rail Car Manufacturers to Design, Fabricate and Deliver eleven Switching and Shuttle Locomotives.

Approved for Submission to the Board

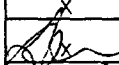



Peter A. Cannito, President

Staff Summary

Subject Design, Fabricate and Install New Tandem Wheel True Machine	
Department Procurement & Material Management	
Department Head Name Anthony J. Bombace, Jr.	
Department Head Signature 	
Project Manager Name J. Hoban	Program Manager Name W. Duke

Date August 25, 2005
Vendor Name TBD
Contract Number TBD
Contract Manager Name R. Bautista
Table of Contents Ref# B

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	9-21-05	X		
2	MTA Board Mtg	9-29-05	X		

Internal Approvals			
Order	Approval	Order	Approval
X	President		Budget
	VP Operations		Capital Programs
X	Executive VP		Engr/Const
	Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	VP Planning & Development		Government Relations		Labor Relations	X	General Counsel
	Press		Safety		Personnel		Other

Narrative

I. Purpose: To obtain MTA Board approval to use the Request for Proposal solicitation process to fabricate and install a new tandem wheel true machine.

II. Background and Discussion: MNR's existing wheel true equipment, located at Harmon and New Haven is currently at or near full capacity. A new wheel true machine is necessary to augment our existing capacity, particularly with the addition of the M7 fleet, and especially during the autumn "slip/slide" season, which typically increases wheel true demand.

MNR's requirements call for installation of a "tandem underfloor wheel lathe" machine. Proposers will be required to submit extensive technical information for both equipment and software systems proposed that will meet MNR's operational requirements. A close examination and evaluation of the proposed design methodology and the systems and technologies proposed will be required to select the product that best meets MNR's operational needs. A careful examination of experience levels and past history of on-going product support is also required.

Staff Summary

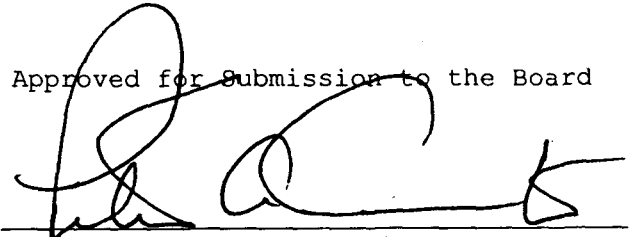
It is therefore in the public interest that the RFP process be used so that the various methodologies and capabilities described above can be carefully and appropriately evaluated. The successful contractor will be selected on an overall evaluation of technical capability, experience, understanding of the RFP including the quality and completeness of all required submissions, and cost.

As MNR and CDOT finalizes the plans and design for the New Haven Maintenance facility/campus, the RFP will also include the requirement for 2 wheel true machines at New Haven. Those machines will be funded by CDOT.

III. Budget Impact: The cost of this procurement is to be funded by the MTA Capital Program and CDOT.

IV. Recommendation: MNR requests the Board to adopt a resolution declaring that competitive bidding is impractical and/or inappropriate and that it is in the public interest to use the RFP process for the design, fabrication and installation of the tandem wheel true machine(s).

Approved for Submission to the Board



Peter A. Cannito, President

Modifications to Personal/Miscellaneous Service Contracts

Board Mtg.

September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/CONTRACT
1. CALC Canterbury			
2. Global Knowledge	Contract No: 201062	Orig. Contract	\$ 3,780,000.00
3. Information Builders		Prior Modif.	\$ 0.00
4. MDP Systems	MTA All-Agency IT	Adj.Contract Amt.	\$ 3,780,000.00
5. Parity/Teltech	Training Services	For Approval:	\$ 2,695,000.00
6. Frameworks Computers			
7. Displaymate Solutions	Orig. Contract Date: 02/01/03	% of Mod. to Adj. Contr. Amt. <u>71%</u>	
8. IBM NY		% of All Mods. to Orig.	
9. New Horizon	Orig.Contr.Board Approved <u>Yes</u>	Contr. Amt. <u>71%</u>	
10. Bowne AE&T			
11. Computer Generated	Orig.Contr. Let		
12. Novasoft	By Compet.Process		
13. SysEd	<u>Yes</u>		
14. Infokeen			
15. Talis			

Submitted for:

Approval X

Information

REMARKS

The November 2002 MTA Board approved the award of a competitive three (3)-year miscellaneous service contract, with a reserved two-year contract renewal option, for Information Technology training services. A Request for Proposal (Non-Brooks) procurement method was used to identify the approved list of vendors. The above list of firms possess the optimum combination of training qualifications required in the RFP. They provided the best overall combination of client and vendor site training qualifications, experience, cost, and availability of relevant resources necessary to satisfy the all-agency IT Training support requirements.

MTA Metro-North Railroad, MTA Bridges & Tunnels, MTA Long Island Bus, MTA Long Island Rail Road, MTA New York City Transit and MTA Headquarters require training and instruction in a variety of computer technologies. The training supports all areas of information technology, such as Applications Support (mainframe), microcomputer Hardware and Software, as well as Telecommunications Hardware and Software. Both client site training classes and vendor site training classes are required to qualify the users in the technology supported by each agency's IT Department. These services will assist the approximate 8000 computer users in fully utilizing the hardware and software applications resident in each agency's various operating departments.

It is recommended that the MTA Board authorize use of the above described preferred vendor list for the purpose of making awards to fulfill each participating agency's IT Training requirements for an additional two (2)-year period commencing February 1, 2006.

Budget Impact: The not-to-exceed estimated annual budget allocation for the required training by agency is as follows:

	<u>Initial (3 year contract)</u>	Two-Year (Extended Term)	Total (5-YR)
MTA NYCT	\$1,500,000.00	\$1,000,000.00	\$2,500,000.00
MTA Metro-North	\$ 675,000.00	\$ 625,000.00	\$1,300,000.00
MTA Bridges & Tunnels	\$ 180,000.00	\$ 120,000.00	\$ 300,000.00
MTA LI Bus	\$ 75,000.00	\$ 50,000.00	\$ 125,000.00
MTA LIRR	\$ 600,000.00	\$ 400,000.00	\$1,000,000.00
MTA Headquarters	\$ <u>750,000.00</u>	\$ <u>500,000.00</u>	<u>\$1,250,000.00</u>
Total	\$3,780,000.00	\$2,695,000.00	\$6,475,000.00

The individual training costs are identified in an approved discounted rate schedule which will be utilized throughout the contract term by each agency. The budgets are based on each agency's current training requirements and their annual anticipated requirements. The funding is available in each Agency's Operating Budget.

H

MODIFICATIONS TO PURCHASE & PUBLIC WORK CONTRACTS

Board Mtg.

September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/CONTRACT
PHW Inc. Purchase Order No. 9512 Submitted for: Approval <u>X</u> Information	Exercise the 1 st and 2 nd option for additional M-2 Cab Signal Systems	Orig. Contract	\$ 2,678,640.00
		Prior Modif.	\$ 0.00
		Adj. Contract Amt.	\$ 2,678,640.00
	Orig. Contract Date: October 2002 Orig. Contr. Board Approved <u>Yes</u> Orig. Contr. Let By Compet. Process <u>Yes</u>	For Approval: (Exer. Option 1&2)	\$1,880,000.00
		% of Mod. to Adj. Contr. Amt. <u>70.2%</u>	
		% of All Mods. to Orig. Contr. Amt. <u>70.2%</u>	

REMARKS

In October 2002, a competitively solicited miscellaneous procurement contract was MTA Board approved and awarded to the firm, PHW Inc., to supply M-2 Rail Car Cab Signal Systems. The contract was structured such that the base order was for 50% (60) of the required units with two options for 20% (25) and 30% (36) respectively in order to match available funding from both CDOT and MTA. The contract's original & present value is \$2,678,640, inclusive of non-recurring engineering costs; there have been no prior modifications. The requests for MTA Board approval of these options was held pending the verification that the prototype units have been installed and were operating as intended. Additionally, the original Board approval in October 2002 did not identify the funding for the options.

At this time, MNR requests approval to exercise the first and second options for an additional 25 and 36 Cab Signal Systems. The total cost of the election of the two options is not-to-exceed \$1,880,000. MNR and CDOT will share the cost of this option election in accordance with the provisions of the CDOT Service Agreement (65% - CDOT, 35% - MNR Fed. Grant #: NY-03-0406, NY-90-X489; CDOT Fed. Grant #: CT-90-X345, CT-90-X359, CT-90-X378).

I

MODIFICATIONS TO PURCHASE & PUBLIC WORK CONTRACTS

Board Mtg.

September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/CONTRACT
Monogram Systems.	Exercise the 1 st and 2 nd option for additional	Orig. Contract	\$ 1,408,760.00
Purchase Order No. 9515	M-2 Cab Toilet Systems	Prior Modif.	\$ 0.00
		Adj. Contract Amt.	\$ 1,408,760.00
Submitted for:		For Approval: (Exer. Option 1&2)	\$1,525,000.00
Approval <u>X</u>	Orig. Contract Date: October 2002		
Information	Orig. Contr. Board Approved <u>Yes</u>	% of Mod. to Adj. Contr. Amt. <u>108%</u>	
	Orig. Contr. Let By Compet. Process	% of All Mods. to Orig. Contr. Amt. <u>108%</u>	
	<u>Yes</u>		

REMARKS

In October 2002 a competitively solicited miscellaneous procurement contract was MTA Board approved and awarded to the firm, Monogram Systems, to supply M-2 Rail Car Toilet Systems. The contract was structured such that the base order was for 50% (60) of the required units with two options for 20% (24) and 30% (37) respectively in order to match available funding from both CDOT and MTA. The contract's original present value is \$1,408,760, inclusive of non-recurring engineering costs; there have been no prior modifications. The request for MTA Board approval of these options are held pending the verification that the prototype units had been installed and were operating as intended. Additionally, the original Board approval in October 2002 did not identify the funding for the options.

At this time, MNR requests approval to exercise the first and second options for an additional 24 and 37 Toilet Systems. The total cost of the election of the two options is not-to-exceed \$1,525,000. MNR and CDOT will share the cost of this option election in accordance with the provisions of the CDOT Service Agreement (65% - CDOT, 35% - MNR Fed. Grant #s: NY-03-0406, NY-90-X489; CDOT Fed. Grant #s: CT-90-X345, CT-90-X359, CT-90-X378).

MODIFICATIONS TO PURCHASE & PUBLIC WORK CONTRACTS

Board Mtg.

September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/CONTRACT
Sepsa Purchase Order No. 9536 Submitted for: Approval <u>X</u> Information	Exercise the 1 st and 2 nd option for additional M-2 Inverter and SEB/DEB Blower Systems Orig. Contract Date: March 2003 Orig. Contr. Board Approved <u>Yes</u> Orig. Contr. Let By Compet. Process <u>Yes</u>	Orig. Contract	\$ 5,926,620.00
		Prior Modif.	\$ 0.00
		Adj. Contract Amt.	\$ 5,926,620.00
		For Approval: (Exer. Option 1&2)	\$6,760,000.00
		% of Mod. to Adj. Contr. Amt. <u>114.1%</u>	
		% of All Mods. to Orig. Contr. Amt. <u>114.1%</u>	

REMARKS

In March 2003, a competitively solicited miscellaneous procurement contract was MTA Board approved and awarded to the firm, Sepsa, to supply M-2 Rail Car Inverter and SEB/DEB Systems. The contract was structured such that the base order was for 50% (60) of the required units with two options for 20% (24) and 30% (37) respectively in order to match available funding from both CDOT and MTA. The contract's original & present value is \$5,926,620, inclusive of non-recurring engineering costs; there have been no prior modifications. The request for MTA Board approval was held pending the verification that the prototype units had been installed and were operating as intended. Additionally, the original Board approval in March 2003 did not identify the funding for the options.

At this time, MNR requests approval to exercise the first and second options for an additional 24 and 37 Inverter and SEB/DEB Systems. The total cost of the election of the two options is not-to-exceed \$6,760,000. MNR and CDOT will share the cost of this option election in accordance with the provisions of the CDOT Service Agreement (65% - CDOT, 35% - MNR Fed. Grant #: NY-03-0406, NY-90-X489; CDOT Fed. Grant #: CT-90-X345, CT-90-X359, CT-90-X378).

METRO-NORTH RAILROAD

Schedules Requiring Two-Thirds Vote:

(Ratifications are to be briefly summarized with Staff Summaries attached only for unusually large or especially significant items)

4. Bearing Distributors Inc. \$67,987

Purchase of 250 Low Speed Roller Bearings for GA-56 Gear Units

Expedited purchase of 250 roller bearings, manufactured by NTN Bearings, for the GA-56 gear case assemblies on MNR's M1 through M6 Rail Cars. This bearing is required for the continuing rebuild of the GA-56 gear boxes for these Rail Cars. MNR recently conducted a solicitation for these bearings and as a follow-up to that solicitation, MNR discovered the availability of this additional quantity of 250 bearings. Due to the recent chronic shortages being experienced in the bearing industry, MNR conducted an immediate fax solicitation for the purchase of these bearings, as the lead time necessary to conduct a fully advertised solicitation may well have resulted in their sale to another customer. MNR received a total of six quotations and Bearing Distributors, Inc. submitted the low bid. Although pricing was obtained as a result of a competitive quotation, this was not a formally advertised solicitation and ratification by the Board is required. This procurement is funded by MNR's Operating Budget.

5. United Knitting Machine \$274,400

Modification of 980 Brenco Manufactured Bearing Housings

Expedited solicitation and contract award for the modification of 980 bearing housings originally manufactured by Brenco Corp. MNR currently utilizes two (2) suppliers of journal bearings for its M2 through M6 Rail Cars, Timken Corp., and Brenco Corp. Brenco recently advised MNR that it would no longer be able to supply these bearings. Although there is an underlying supply issue with the bearing industry, as also shown in the above ratification item with Bearing Distributors, MNR will be able to replace actual bearings with the Timken product. However, the Timken bearings will not fit within the existing Brenco bearing housings on the underside of the Rail Cars. MNR has determined that the Brenco housings can be modified to accept the Timken bearing, and conducted an accelerated procurement for the housing modification, which will also include a general refurbishment of the housings. The solicitation was forwarded to seven (7) vendors and bids were received from four (4) firms with the firm United Knitting Machine (UKM) submitting the low bid. UKM has done similar work in the past for MNR and MNR's Mechanical Department has deemed the firm acceptable for this work. Although pricing was received as a result of a competitive quotation, this was not a formally advertised solicitation and ratification by the Board is required. It was imperative that this work begin immediately so that adequate numbers of housings can be modified on a timely basis commensurate with deliveries of the new Timken bearings. Any delay in the retrofit process could require MNR to hold cars out of service resulting in severe service disruptions. This procurement is funded by MNR's Operating Budget.

6. New Jersey Transit \$47,600

Purchase of Eighty (80) each 32 inch Curve Plate Wheels

Emergency purchase of eighty (80) 32 inch curve plate wheels used on MNR's M2 through M6 Rail Cars. Action was deemed necessary after a scheduled supply of wheels from MNR's existing supplier was rejected by the supplier's Quality Control process, thus leaving MNR with a critical shortage until the next scheduled shipment arrives. The purchase price is based on the original price for the wheels paid by NJT. This action was taken to avoid a disruption in rail service. This procurement is funded by MNR's Operating Budget.

Staff Summary

Subject:	Request for Authorization to Award Various Procurements
Department:	Procurement & Materials
Department Head Name	Roy V. Parks <i>Roy V. Parks</i>
Department Head Signature	
Project Manager Name	Various

Date	September 6, 2005
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	9/6/05			
2	MTA B&T Committee	9/20/05			
3	MTA Board	9/29/05			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>9/29/05</i>		VP Procurement & Materials
	General Counsel		VP Internal Audit
	VP Operations		VP Labor Relations
	VP Staff Services		VP & Chief Engineer

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		Other

PURPOSE:

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA B&T Committee of these procurement actions.

DISCUSSION:

MTA B&T proposes to award Non-Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule E	Miscellaneous Procurement Contracts	1	\$.073M
Schedule I	Modifications to Purchase & Public Works Contracts	1	\$2.950M
Schedule J	Modifications to Miscellaneous Procurement Contracts	1	\$.200M
SUBTOTAL		3	\$3.223M

MTA B&T proposes to award Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F	Personal Service Contracts	3	\$3.558M
Schedule G	Miscellaneous Service Contracts	3	\$.917M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	2	\$ (.281M)
SUBTOTAL		8	\$4.194M

MTA B&T presents the following procurement actions for Ratification: None

TOTAL	11	\$7.417M
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Staff Summary

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

BUDGET IMPACT:

The purchases/contracts will result in obligating MTA B&T and Capital Construction funds in the amount listed. Funds are available in the current MTA B&T 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.)

MTA BRIDGES & TUNNELS
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

WHEREAS, in accordance with § 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 procurement contracts, and certain changes orders to procurement, public work, and miscellaneous procurement contracts; and

WHEREAS, in accordance with § 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; and

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. The Board ratifies each action 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; 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.

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2005

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

Page

E: Miscellaneous Procurement Contracts

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

1. **Sagem Morpho, Inc.** **\$ 73,480.00**
Contract No. 100422

1 yr. contract – Non-Competitive

The Authority requests that Purchase Order 100422 be awarded to Sagem Morpho, Inc. against OGS Contract PC60522 to furnish, deliver and install an Integrated LiveScan Solutions System with Palm Capture Capability and provide related accessories. The hardware, software, maintenance and training provided by the contractor in conjunction with this system will enable the Authority to more efficiently process arrests. Currently, arrest processing by the Authority's Bridge and Tunnel Officers requires access to the New York City Police Department's (NYPD) online booking system located at various NYPD precincts. A significant portion of the time is spent waiting at precincts for access to the online booking system and the "LiveScan" fingerprint processing to generate an arrest number, all of which represents a significant cost to the Authority. Utilization of an on-site LiveScan System will allow Bridge and Tunnel Officers to enter information, obtain an arrest number and complete the arrest package prior to transporting the prisoner to the arresting precinct, thereby reducing processing time and related expenses. It is additionally noted that the LiveScan System is the only product compatible with NYPD's current booking and arresting system. The rates Sagem Morpho proposed are consistent with those under the OGS contract. Sagem Morpho would not negotiate its rates below those in its contract with OGS. The pricing under the prospective Contract is considered fair and reasonable.

I: Modifications to Purchase & Public Works Contracts

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without Staff Summaries required for change orders greater than 15% of previous approved amount which are also at least \$50K)

2. **Sprague Energy Corp.** **\$ 2,949,759.88** **Staff Summary Attached**
Contract No. 31679

Extend the contract term for thirty-three (33) months for the contractor to provide fuel management services.

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J: Modifications to Miscellaneous Procurement Contracts

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without Staff Summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)

3. **Verizon Wireless** **\$ 200,000.00**
Contract No. 100318

Pursuant to Board approval in October 2004, the Authority awarded Purchase Order 100318 to Verizon Wireless under OGS Contract PS61217 for cellular telephone services for a one (1) year period in an amount of \$90,000. Such services include monthly maintenance, local airtime accessibility and communications access for users to areas on a nationwide basis. Verizon Wireless provides the level and quality of service that is required for emergency communications between Authority facilities. The Technology Department is requesting that the period of performance be extended for a period of two (2) years in an amount of \$200,000. The rates payable over this twenty-four (24) month extension period are consistent with those contained in the OGS contract and are considered fair and reasonable.

SCHEDULE I
MODIFICATIONS TO
PURCHASE AND PUBLIC WORK CONTRACTS

MTA Board Mtg. September 29, 2005

CONTRACT PRICE/CONTRACT HISTORY

<u>VENDOR/CONTRACTOR</u>	<u>ITEM/PURPOSE</u>	<u>BREAKDOWN</u>	<u>COST</u>
Sprague Energy Corp.	To amend Contract No. 31679;	Original Contract:	\$ 1,455,119.20
	Amendment No. 11	Prior Modification:	\$ 912,174.70
	Total Fuel Management System	Adj Contract Amount:	\$ 2,367,293.90
		For Approval:	\$ 2,949,759.88 (125%)
Submitted for:	Original Contract	% of Mods to Orig. Contract:	(265%)
<u>Approval</u>	Award Date: 6/26/02		
	Board Approval: <u>Yes</u>		
	Committee Approved: <u>Yes</u>		
	Original Contract Let By		
	Competitive Process: <u>No</u>		
	M/WBE Goals: 0% / 0%		
	No. Firms Solicited/Proposals		
	Received: 1 / 1		
	Advertised: <u>No</u>		
	Contract Award		
	Amount: \$1,455,119.20		
	Length of Contract: Three (3) Years	C.O. \$250,000 <u>X</u>	
		C.O. over 15% <u> </u>	

REMARKS

Pursuant to Board approval in September 2001, the Authority awarded Purchase Order 31679 to Sprague Energy Corp. for a total fuel management system for a three (3) year period in an amount of \$1,455,119.20. Such services include all labor, equipment and materials necessary to install, monitor and maintain a total fuel management system at the Authority's facilities as well as to furnish and deliver fuel required by the Authority on a consignment basis. The fuel management system provides: (i) purchase of fuel utilizing a one-card system requiring PIN numbers for accountability and security; (ii) detailed transaction summaries broken down by facility; (iii) "24/7" tank leakage and inventory monitoring; and (iv) data reporting for compliance with Federal and State environmental agencies. The contract has subsequently been amended for additional services in an amount of \$912,174.70 as well as extending the period of performance through September 30, 2005. The Operations Department is requesting that the period of performance be extended for an additional thirty-three (33) months in an amount of \$2,949,759.88. Since the Contractor shall be compensated in accordance with the terms of the contract, the value of the prospective amendment is considered fair and reasonable.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2005

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

Page

F: Personal Service Contracts

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

- | | | |
|---|---|--|
| <p>1. Parsons Brinckerhoff/Weidlinger Associates (Joint Venture)
Contract No. PSC-05-2736
4 yr. 4 mo. contract – Competitive RFP – 5 Proposals
Provide design and design support services during construction for Project BW-84A, Main Cable Replacement (preliminary design only for possible future use), Seismic Retrofits and Pier Protection at the Bronx-Whitestone Bridge.</p> <p>2. Greenman Pedersen, Inc.
Contract No. PSC-05-2745
22 mo. contract – Competitive RFP – 5 Proposals
The services of a consulting engineering firm are required to assist the Authority's Engineering and Construction Department in providing construction management and inspection services for Project QM-82, rehabilitation of the 2nd Avenue and 36th Street overpass bridges at the Queens Midtown Tunnel. The service requirements were publicly advertised. Sixteen (16) firms submitted qualification information. Five (5) firms were issued the Request for Proposal as follows: Greenman Pedersen, Inc. (GPI), URS Corp. (URS), STV, Inc. (STV), Hardesty & Hanover, LLP (H&H) and Baker Engineering (Baker). All five (5) firms submitted a proposal. The proposals were evaluated against the established criteria. The Selection Committee recommended to further short-list two firms: GPI and URS. The Selection Committee recommended that negotiations be conducted with GPI, the highest rated firm. The Committee's recommendation stressed the following: (i) GPI's approach to maintenance and protection of traffic during daytime hours in the Manhattan plaza of the Queens Midtown Tunnel, concrete repairs, modifications to the encased piers, painting and the application of the sealer coat; and (ii) GPI addressed the environmental abatement issues, safety and security requirements and the necessary coordination and administration tasks associated with the project. URS submitted a technical proposal that was favorably rated; however, during its oral presentation URS conveyed general information about the firm as well as its past experience on similar projects rather than focusing on information specific to this project. The committee ultimately determined that URS did not demonstrate as thorough an understanding of the project in comparison with GPI. Further, the committee concluded that URS understated the level of effort necessary to properly support the inspection requirements. GPI submitted a cost proposal in the amount of \$841,346.34. The Engineers estimate is in the amount of \$663,849. During negotiations, manhours were reduced for the project director, project manager, resident engineer and night time inspection. The Authority and GPI agreed to the negotiated amount of \$762,726.96 which is 14.5% higher than the Engineer's estimate. The total cost for this procurement is considered fair and reasonable.</p> | <p>\$ 2,749,156.55</p> <p>\$ 762,726.96</p> | <p><u>Staff Summary Attached</u></p> <p>229</p> |
|---|---|--|

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2005

3. **Executive Safety and Health** \$ **45,552.00**

Consultants, Inc.

Contract No. PSC-04-2733

2 yr. contract – Competitive RFP – 2 Proposals

Provide a maintenance safety training program. Under the terms of the solicitation, the Consultant is required to present a series of safety training courses to selected Maintenance employees, and review and update seven (7) safety training manuals where needed. The service requirements were publicly advertised. One hundred and thirty seven (137) firms were issued solicitation notices. Two (2) firms requested a copy of the solicitation and both firms submitted a proposal on April 12, 2005. The Authority's Selection Committee evaluated the proposals utilizing the evaluation criteria set forth in the RFP. Based on the results of the proposal evaluation, the committee unanimously selected Executive Safety and Health Consultants, Inc. as the preferred firm. Executive Safety and Health Consultants, Inc. proposed a cost of \$47,400 for the required services, which is \$1,000 higher than the Authority's estimate of \$46,400. Negotiations resulted in a revised contract amount of \$45,552, which is deemed fair and reasonable. It is noted that the second firm proposed a lower hourly training rate; however, the committee determined that this consultant did not demonstrate that it possessed the technical experience required to satisfactorily present several of the required training courses.

G: Miscellaneous Service Contracts

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

4. **Transpo Industries, Inc.** \$ **371,528.00**

Contract No. 05-MNT-2733

3 yr. contract - Competitive Bid – One Bid

The services under the subject solicitation require the Contractor to provide maintenance and repair of impact attenuators at various toll plazas. Impact attenuators are installed expressly to provide enhanced safety conditions for all motorists. Such attenuators must be inspected and restored to full functional condition after sustaining any damages as a result of vehicular collisions. One hundred forty nine (149) invitation letters were issued and only one (1) firm requested a copy of the solicitation. Transpo, the incumbent contractor, submitted the only bid which was opened on August 16, 2005. A survey was conducted to determine why other firms did not participate in this solicitation. Two (2) firms do not perform the required services. One (1) firm indicated that its prices would not be competitive with Transpo. Transpo has been a manufacturer of transportation products since 1968. Transpo received ISO 9001 certification in May 2001 for the design, manufacture and supply of transportation construction materials and safety products. It is the main distributor for impact attenuators and related parts and materials in the northeast region. After evaluation of the bid, it was determined that Transpo is a responsive, responsible bidder. Negotiations were initiated, however, Transpo refused to reduce its price. Transpo's bid price of \$371,528 is 4.3% lower than the user's estimate (\$388,258.50). Based on the above, the price is considered fair and reasonable.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2005

- | | | | |
|----|----------------------------------|---------------|-------------|
| 5. | Highway Locksmiths, Inc. | \$ 274,188.00 | <u>Page</u> |
| | Contract No. 04-ISD-2722X | | |

3 yr. contract – Competitive Bid – 2nd Low Bid/ 4 Bids

Furnish all labor, equipment and materials necessary to provide locksmith services at the Authority's facilities on a "per call" basis. The apparent low bidder Professional Locksmith Co., Inc., (Professional) advised the Authority that it wished to withdraw its bid due to Professional's misunderstanding of the prevailing wage rate for supplemental benefits to be paid to its employees as required by the New York State Department of Labor. The Authority accepted Professional's request to withdraw its bid after demonstrating the bid error to the Authority's satisfaction. Following an evaluation of the next low firm, it was determined that Highway Locksmiths, Inc. (Highway) is the lowest responsive responsible bidder. Highway is currently performing this service for the Authority in a satisfactory manner under its present contract. Based on competition, the price is considered fair and reasonable.

- | | | | |
|----|----------------------------------|---------------|--|
| 6. | GenServe, Inc. | \$ 271,500.00 | |
| | Contract No. 04-MNT-2721X | | |

3 yr. contract - Competitive Bid – One Bid

The Authority requires the services of a Contractor to perform preventive maintenance, testing and repair of emergency generator sets located at various Authority facilities. The Contractor shall be required to provide semi-annual inspections, preventive maintenance, equipment repairs and emergency service calls. The Authority initially solicited this service in February 2005. Thirty-one (31) solicitation letters were issued. Three (3) firms requested the solicitation document. On March 29, 2005, one (1) bid was opened. Based on information disclosed during a market survey of contractors that did not respond, we elected to reject the bid based on the expectation that we would obtain competition. Accordingly, services were resolicited. On June 28, one (1) bid was received. At this juncture, we determined it to be in the Authority's best interest to proceed with the evaluation of the bid. The single bidder, GenServe, Inc., is satisfactorily performing similar services for the Authority under its current contract. GenServe, Inc. would not negotiate its rates. GenServe, Inc.'s bid price of \$271,500 is within 1.88% of the user's estimate (\$266,500). Therefore, GenServe, Inc.'s bid of \$271,500 is considered fair and reasonable.

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)

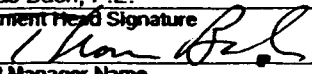
- | | | | |
|----|---|---------------|-----------------------------------|
| 7. | Parsons Transportation Group, Inc. | \$ 221,647.87 | <u>Staff Summary Attached</u> 233 |
| | Contract No. PSC-01-2642 | | |

Additional design and testing services for Project TN-82, Orthotropic Deck Rehabilitation at the Throgs Neck Bridge.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2005


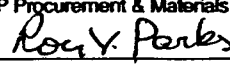
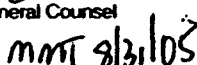

			<u>Page</u>
8.	LiRo Engineers, Inc. Contract No. PSC-03-2679	\$ (502,903.23) <u>Staff Summary Attached</u>	234
	Provide additional construction and administration services for Contract AW-34, Installation of Security Systems at Various Authority Facilities and delete the requirement for construction administration and inspection for Project AW-80A, Installation of Variable Message Signs.		

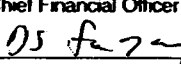
Staff Summary

Subject:	Design and Design Support Services during Construction for Project BW-84A, Main Cable Replacement, Seismic Retrofits and Pier Protection at the Bronx-Whitestone Bridge
Department	Engineering & Construction
Department Head Name	Thomas Bach, P.E.
Department Head Signature	
Project Manager Name	Justine Tietjen

Date	August 30, 2005
Vendor Name	Parsons Brinckerhoff/Weidinger Associates (JV)
Contract Number	PSC-05-2736
Contract Manager Name	Brian A. Walsh
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	9/6/05			
2	MTA B&T Committee	9/20/05			
3	MTA Board	9/29/05			

Internal Approvals			
Order	Approval	Order	Approval
	President 		VP Procurement & Materials 
	General Counsel 		VP Internal Audit
	VP Operations		VP Labor Relations
	VP Staff Services		VP & Chief Engineer

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer 		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		Other

Narrative

- I.
PURPOSE: To obtain Board approval in accordance with the All-Agency Guidelines for Procurement of Services to award Contract PSC-05-2736, Design and Design Support Services during Construction for Project BW-84A, Main Cable Replacement (preliminary design only for possible future use), Seismic Retrofits and Pier Protection at the Bronx-Whitestone Bridge to Parsons Brinckerhoff/Weidinger Associates, Inc. (Joint Venture) with an address at One Penn Plaza, New York, New York 10119 in the amount of \$2,749,156.55 for a duration of four (4) years, four (4) months.
- II.
DBE/EEO: The MWBE subcontracting goals for the referenced contract are 5% MBE and 5% WBE. The Contract will not be awarded until the MWBE requirements are satisfied.
- III.
DISCUSSION: The services of a design consultant engineering firm are required to assist the Authority's Engineering and Construction Department in providing design and design support services during construction for Project BW-84A, Main Cable Replacement, Seismic Retrofits and Pier Protection at the Bronx-Whitestone Bridge. The Scope of Services shall include: feasibility study for widening the bridge; preliminary design (40%) for the replacement of the main cable; final design (100%) for main cable replacement long lead time items (e.g. cable wires and saddles); complete design and design support services during construction for seismic retrofits to the towers and anchorages, concrete repairs to the anchorages and a fender protection system at the piers; and designs for the abatement for lead and asbestos containing materials.

The service requirements were publicly advertised. Five (5) firms submitted qualification information. All five (5) firms were issued the Request For Proposal as follows: Parsons Brinckerhoff/Weidlinger Associates (JV); Parsons Transportation Group of New York, Inc; Modjeski and Masters, Inc.; Hardesty & Hanover/Buckland Taylor (JV); and Ammann & Whitney/Arup (JV). All five (5) firms submitted proposals.

- The proposals were evaluated against established criteria and the Selection Committee unanimously recommended that negotiations be conducted with Parsons Brinckerhoff/Weidlinger Associates ("PB/WAI"), the highest rated firm. This recommendation emphasized the following: (i) PB/WAI's extensive design experience in the areas required in the RFP; (ii) both firms are currently providing services on closely related design projects (PB: BW-89, Elevated and On-Grade Deck Replacement; and WAI: BW-82, Replacement of Roadway Deck in Suspended Spans); (iii) WAI previously developed the full scale seismic model of the bridge and lead the Authority's Cable Wire Research Study. WAI is intimately familiar with the main cable and seismic behavior of the bridge; (iv) PB has intimate knowledge of the need for added capacity and the related traffic, right-of-way, and access issues which allowed them to propose an integrated approach to the investigation of capacity improvements by widening or possibly adding a second level to the bridge in the future; (v) PB/WAI submitted the most comprehensive proposal for main cable replacement, widening scenarios, tower and anchorage seismic retrofits, and fender protection. They were the only team to adequately address the required design criteria for symmetry of the structure in proposing their widening and decking scenarios; and (vi) PB/WAI's proposed cost was lowest among the five (5) proposals.

PB/WAI's cost proposal was in the amount of \$2,749,156.55, which was accepted by the Authority and is considered fair and reasonable. The Engineer's estimate is in the amount of \$3,677,879.

IV. HISTORICAL INFORMATION:

The Authority has not had the need to procure the subject services in the past.

V. PREVIOUS WORK FOR MTA OR AFFILIATES:

Parsons Brinckerhoff			
MTA B&T	Contract No.	PSC-03-2672	Conceptual Design for Project BW-89, Elevated and On-Grade Deck Replacement at the Bronx-Whitestone Bridge (Parsons Brinckerhoff/Chas. H. Sells, JV)
MTA B&T	Contract No.	PSC-04-273A	Biennial Bridge Inspection & Design of Miscellaneous Structural Repairs at the Throgs Neck Bridge
Weidlinger Associates, Inc.			
MTA B&T	Contract No.	PSC-96-2464	Design and Design Support Services during Construction for Project BW-82, Replacement of Roadway Deck for Suspended Spans and Aero-dynamic Study at the Bronx-Whitestone Bridge
MTA B&T	Contract No.	PSC-03-2684	Design and Design Support Services for Project VN-17, Rehabilitation of the Lower Level Approaches and Lily Pond Avenue Overpass at the Verrazano-Narrows Bridge

VI.
IMPACT ON FUNDING: Funding is available in the 2005-2009 Capital Budget under Project BW-84.

VII.
ALTERNATIVES:

- There are no recommended alternatives. The Authority does not have the resources to perform these services on an in-house basis.

VIII.
RECOMMENDATION: It is recommended that the Board approve the award of Contract PSC-05-2736, Design and Design Support Services during Construction for Project BW-84A, Main Cable Replacement (preliminary design only for possible future use), Seismic Retrofits and Pier Protection at the Bronx-Whitestone Bridge to Parsons Brinckerhoff/Weidlinger Associates, Inc. (Joint Venture) in the amount of \$2,749,156.55 for a duration of four (4) years, four (4) months.

SCHEDULE H
MODIFICATIONS TO
PERSONAL/MISCELLANEOUS SERVICE CONTRACTS

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
Parsons Transportation Group, Inc.	PSC-01-2642; Amendment No. 8 Design and Design Support Services during Construction For Project TN-82, Orthotropic Deck Rehabilitation at the Throgs Neck Bridge	Original Contract:	\$ 1,688,496.00
		Prior Modification:	\$ 607,405.21
		Adj Contract Amount:	\$ 2,295,901.21
		For Approval:	\$ 221,647.87 (9.7%)
Submitted for: <u>Approval</u>	Original Contract Award Date: May 31, 2002	% of Mods to Orig. Contract:	(49.1%)
	Board Approval: <u>Yes</u>		
	Committee Approved: <u>Yes</u>		
	Original Contract Let By Competitive Process: <u>Yes</u>		
	M/WBE Goals: 5% / 5%		
	No. Firms Solicited/Proposals Received: 340 / 9		
	Advertised: <u>Yes</u>		
	Contract Award Amount: \$1,688,496	Substantial Change <u>X</u>	
	Length of Contract: Three (3) years, eight (8) months	Time Extension <u> </u>	

REMARKS

Pursuant to Board approval the subject contract was awarded on May 31, 2002 to PTG on a competitive basis in the amount of \$1,688,496 for a period of three (3) years and eight (8) months. The Contract requires PTG to provide design and design support services for the phased orthotropic deck rehabilitation at the Throgs Neck Bridge. This contract has been modified for: an additional feasibility study to increase the load rating from HS-20 to HS-25; revisions to the sub-floor beam connection details and hold-down plates; revisions to the schedules and estimates for Phases A & B and utilizing alternative Maintenance and Protection of Traffic schemes; and approach span fatigue analyses for sixty (60) ton, 117 kip and 119 kip overweight vehicles. Amendments totaling \$174,181.78 have been issued since Board approval was last received and together with this amendment constitute a substantial change.

Additional design and testing services have been identified and the Engineer is requesting additional funding to support these services as follows: (i) during construction activities additional designs are necessary for welding revisions, resolution of retrofit alignment issues, repairs to bearing plates, and revisions to shimming procedures; (ii) additional rigging and access is necessary to support the installation of strain gauges at alternate locations - also, additional test truck runs are to be performed for the load test and strain gauge programs; and (iii) install a weigh-in-motion system to work in conjunction with the load test and strain gauge programs. PTG submitted a proposal in the amount of \$228,925.80 and the Engineer's estimate is \$221,408. The Authority and PTG agreed on the negotiated amount of \$221,647.87 to perform the additional services. The negotiated amount is 0.1% above the Engineer's estimate and is fair and reasonable. On August 23, 2005 the Authority provided partial verbal authorization to commence the design services due to unforeseen field conditions and to mitigate potential delays in construction completion in an amount not-to-exceed \$16,000.

SCHEDULE H
MODIFICATIONS TO
PERSONAL/MISCELLANEOUS SERVICE CONTRACTS

September 29, 2005

		CONTRACT PRICE/CONTRACT HISTORY	
VENDOR/CONTRACTOR	ITEM/PURPOSE	BREAKDOWN	COST/PRICE
LiRo Engineers, Inc.	PSC-03-2679; Amendment No. 3 Construction Administration and Inspection Services for Projects • AW-80A, AW-80B, AW-34 and AW-36	Original Contract:	\$ 5,002,342.38
		Prior Modification:	\$ 663,953.13
		Adj Contract Amount:	\$ 5,666,295.51
		For Approval:	\$ (502,903.23)
			(-8.9%)
Submitted for:		% of Mods to Orig. Contract:	3.2%
<u>Approval</u>	Original Contract Award Date: 12/23/03		
	Board Approval: <u>Yes</u>		
	Committee Approved: <u>Yes</u>		
	Original Contract Let By Competitive Process: <u>Yes</u>		
	M/WBE Goals: 10% / 5%		
	No. Firms Solicited/Proposals Received: 156 / 5		
	Advertised: <u>Yes</u>		
	Contract Award Amount: \$5,002,342.38	Substantial Change <u>X</u>	
	Length of Contract: Three (3) years	Time Extension <u> </u>	

REMARKS

Contract PSC-03-2679 was awarded to LiRo Engineers, Inc (LiRo) on 12/23/03 to provide construction administration inspection services for Projects AW-80A, Installation of Variable Message Signs, AW-80B, Installation of Variable Speed Limit Signs, AW-34, Installation of Security Systems at Various Authority Facilities, and AW-36, CCTV and Fiber Optic Upgrade Authority-Wide. In April 2004 the Board approved Amendment 1 to this Contract adding inspection services for Project AW-32A, Installation of Rotating Prism Signs at the Queens-Midtown Tunnel and the Brooklyn Battery Tunnel. Amendment 2 was issued in June 2005 for additional construction and inspection services for Project AW-34 due to certain unanticipated increased contract quantities and extensive analysis of the cost and design for the addition of new electronic and software components.

The Authority now requires additional hours to sustain a continued construction management and inspection effort to oversee the construction schedule through September 2006, a twelve-month extension to the original construction schedule. This extension is a result of necessary increases in various unit quantities for installation, which has directly impacted the hours required to oversee all construction performed. The cost proposal for these extra services over a twelve (12) month period is \$747,980. The user's estimate is \$763,012.03. Based on a review of the services required, the proposal was accepted as fair and reasonable.

In addition, the Authority intends to delete its requirement for construction management and inspection services for Variable Message Signs throughout its facilities from this contract, reflecting a credit of \$1,250,883.23 for this portion of the work. This combined with the extra services for AW-34 results in a net credit of \$502,903.23.

Staff Summary

Subject Request for Authorization to Award Various Procurements
Department Law
Department Head Veronique Hakim
Signature

MTA Capital Construction

Date September 14, 2005
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	9/27/05			
2	Board	9/29/05			

Internal Approvals			
Order	Approval	Order	Approval
1	Agency President		

PURPOSE

To obtain Board approval to award various contracts and purchase orders as reviewed by the MTA Capital Construction Committee and the NYC Transit Committee

DISCUSSION

of Actions \$ Amount

MTA Capital Construction proposes to award Non-Competitive Procurements in the following categories:

NONE

MTA Capital Construction proposes to award Competitive Procurements in the following categories:

NONE

MTA Capital Construction proposes to award Ratifications in the following categories:

Procurements Requiring Two-Thirds Vote

Schedule D Ratifications of Completed Procurement Actions	1	\$ 212,752,788 (NTE)
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Schedules Requiring Majority Vote

Schedule K Ratifications of Completed Procurement Actions	1	\$ 602,901 (NTE)
---	---	----------------------

TOTAL	2	\$ 213,355,689 (NTE)
-------	---	----------------------

BUDGET IMPACT:

The purchases/contracts will result in obligating capital funds in the amount listed. Funds are available in the current capital budget for this purpose.

RECOMMENDATION:

The purchases/Contracts be approved as proposed.

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 works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

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

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

NOW, 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; 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.

MTA
CAPITAL CONSTRUCTION COMPANY

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Page

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.

- | | | |
|--|-------------------------------|-----|
| 1. Lockheed Martin Transportation and Security Solutions
Thirty-six month contract
Contract #C-52038
Design, Development, Furnishing and Installation of IESS/C3 Electronic Security System at various locations. | <u>Staff Summary Attached</u> | 241 |
|--|-------------------------------|-----|

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

- | | | |
|---|-------------------------------|-----|
| 2. Parsons Brinckerhoff Quade & Douglas, Inc./Bovis Lend Lease LMB (JV)
Contract #CM-1265.1
Modification to the contract for consultant management services for the Fulton Street Transit Center to add three new subconsultants. | <u>Staff Summary Attached</u> | 243 |
|---|-------------------------------|-----|

Staff Summary



Page 1 of 2

Subject Design, Development, Furnishing and Installation of IESS/C3 Electronic Security System at Various Locations
Department Procurement
Department Head Name Stanley J. Grill
Department Head Signature
Program Manager Name Ashok Patel

Date August 26, 2005
Vendor Name Lockheed Martin Transportation and Security Solutions
Contract Number C-52038
Contract Manager Name Frank Salvato
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other

Internal Approvals			
Order	Approval	Order	Approval
X 1	Dep. Exec. Dir. - MTA Security	X 4	Budget
X 7	President - MTA CC	X 3	Civil Rights
	President - NYCTA	X 2	Law
	Executive VP		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
			Human Resources		Labor Relations	1	Material

PURPOSE:

To obtain Board ratification of the award of Contract C-52038 for the Design, Development, Furnishing and Installation of an Integrated Electronic Security System (IESS) and Security Operations (C3) Centers at Various Locations to Lockheed Martin Transportation and Security Solutions, of Rockville, Maryland for the total contract amount of \$212,752,788 and project duration of 36 months.

DISCUSSION:

After the attack on the World Trade Center by terrorists on September 11, 2001, the MTA and its affiliate agencies developed a Security Program to assess, develop and implement anti-terrorism and other security related measures to enhance public safety as well as address the continued threat to the security of the MTA transportation network. This contract covers a state-of-the-art electronic security system which will help prevent, detect, alert, protect, respond to and recover from threats or incidents through using equipment for surveillance of critical facilities, and the creation of security command centers throughout the MTA region. The contractor will furnish and install an Integrated Electronic Security System (IESS) consisting principally of access control devices, intrusion sensors, and CCTV cameras with recording devices at various high risk facilities. These IESS locations will be connected to Command, Communications and Control (C3) centers at MTA, LIRR, MNR, B&T and NYC Transit which, in turn, are interconnected to provide security personnel with comprehensive situational awareness and assist responders in coordinating their actions during an incident.

A Request for Interest and Qualifications (RFIQ) was issued in February 2005, pursuant to the Declaration of Emergency adopted by all Agencies in December 2003, whereby security-related contracts are not required to be advertised and formally bid, but are to be competitive to the extent practical. The RFIQ was issued to 19 firms selected for their experience in this field. The invitation letter stated that only the firms demonstrating experience in security projects most similar in scope to this IESS/C3 project would be selected to receive a Request for Proposals (RFP). Fifteen firms responded in March 2005. A Selection Panel was convened to review all submissions in April 2005, and determined that Lockheed Martin ("LM"), Science Applications Int'l Corp. ("SAIC") and Siemens Transportation Systems ("Siemens") possessed the most relevant experience.

The RFP was issued on May 6, 2005. Selection criteria utilized to select the best overall proposal for award included but were not limited to: overall capability, experience and qualifications in the design, development, integration, installation and management of comparable projects, evaluation of proposed system, development of business rules and concept of operations (ConOps), degree of equipment functionality, schedule, quality control/assurance and safety/emergency response plans, quality and thoroughness of the overall technical proposal, and price. Technical Proposals were received from all three firms on July 22, 2005. The Selection and Technical Review Committees reviewed and evaluated the written technical proposals on the basis of the above criteria. Siemens was eliminated from further consideration prior to oral presentations based on a technical proposal that was judged to be unacceptable. The Selection Committee considered the Siemens proposal to be non-responsive to many of the RFP requirements. This was due, in part, to the number and nature of exceptions to the terms and conditions and technical specifications, as well as the assignment of key personnel already committed to other projects.

312403

Staff Summary

DISCUSSION (cont'd):

The Selection and Technical Review Committees then observed the oral presentations and the cost proposals were revealed to the Selection Committee. Lockheed's cost proposal was in the amount of \$215,761,906. SAIC's cost proposal was in the amount of \$439,994,799. Both firms possess considerable experience with the design, development and installation of similar systems and offered well considered approaches to the project. The technical proposals submitted by both firms were considered by the Committees to be equivalent. The Selection Committee, in conformance with established criteria, recommended Lockheed Martin and SAIC for negotiations.

Discussions commenced with both contractors on August 3, 2005 in an effort to better understand the allocation of work and associated costs within each cost proposal. Discussions covered the level of software development, proposed hardware, extent of system redundancies, cable plant design, available field resources, development of business rules and ConOps and overall plan for the IESS installation. In-depth negotiation of cost as well as terms and conditions continued focusing on IESS installation including material quantities and productivity, system redundancies and back-up capabilities, design/build costs for the fit-out of C3 Centers and communication rooms and review of all cost proposal assumptions. Significant areas of discussion with regard to the contract terms and conditions included a cap on Authority damages in case of delay, contractor's liability, disputes resolution and the inclusion of a provision allowing compensation for delay/cancellation of Authority supplied services.

Each contractor was directed to submit Best and Final Offers (BAFOs) by August 10, 2005. Both contractors were instructed to remove items of work from their base proposals to be "priced-out" as options. These items included installation of fiber optic cable, fiber connectivity and re-wiring for emergency phones and substitution of miscellaneous equipment. Each contractor was informed of the availability of extended weekend hours for IESS installation and was also instructed to identify a price reduction associated with potential extended hours of work under NYCT diversions of service. Additionally, the contractors were instructed to include in their BAFOs, costs associated with additional mobile and report software as well as cubes for video walls.

BAFO proposals from both contractors were received on August 10, 2005 with Lockheed at \$212,752,788 and SAIC at \$339,980,441. Lockheed's BAFO Proposal included a net reduction of \$3,009,118 or 1.4% and identified a further reduction of \$3,477,722 should extended hours of work under NYCT diversions of service be provided. SAIC's BAFO Proposal included a net reduction of \$100,014,358 or 29.4% and identified a further reduction of \$6,533,486 for extended hours. The final in-house estimate for this project is \$190,138,393.

The Selection Committee was reconvened on August 11, 2005 and was presented with the results of negotiations. Since the Committee had previously determined the technical proposals submitted by Lockheed and SAIC to be equivalent, a unanimous selection of Lockheed Martin was made based on their significantly lower price which is within 11.8% of the final in-house estimate. The best and final cost proposal submitted by the selected firm is considered fair and reasonable by both Procurement and the MTA Capital Construction Co. based on the competitive nature of the award process. Due to the critical nature of this project, a Letter of Intent was issued to Lockheed on August 12, 2005.

A review of Lockheed's submissions and the Division of Material's background check disclosed no "significant adverse information" within the meaning of the All Agency Responsibility Guidelines. Lockheed is deemed fully responsible for award.

ALTERNATIVE:

Perform the work using in-house personnel. At this time, MTA lacks available staff with the expertise necessary to perform the specific tasks required under the scope of work for these projects.

MBE/WBE:

The Affirmative Action goals for the project have been established at 5% Minority Business Enterprises (MBE) and 5% Women Owned Business Enterprises (WBE).

CAPITAL PROGRAM REPORTING:

This contract has been reviewed for compliance with the requirements of the 1986 legislation applicable to Capital Contract Awards and the necessary inputs have been secured from the responsible functional departments.

IMPACT ON FUNDING:

The current Security Program has a total budget of \$591 million, which includes a combination of both MTA and FEMA funding (\$143 million). This contract will be funded through both MTA and FEMA funds. Award will not be made until all WAR Certificates have been secured.

RECOMMENDATION: That the Board ratify the award of Contract C-52038 for the Design, Development, Furnishing and Installation of an Integrated Electronic Security System (IESS) and Security Operations (C3) Centers at Various Locations on a competitive basis to Lockheed Martin Corp. for the total contract amount of \$212,752,788 and project duration of 36 months.

**RATIFICATION OF COMPLETED PROCUREMENT ACTIONS
REQUIRING MAJORITY BOARD APPROVAL**

Board Mtg. September 29, 2005

VENDOR/CONTRACTOR	ITEM/PURPOSE	CONTRACT PRICE/CONTRACT HISTORY	
		BREAKDOWN	COST/PRICE
2. Parsons Brinckerhoff Quade & Douglas, Inc./ Bovis Lend Lease LMB (JV) New York, NY	Contract #CM-1265	Original Contract	\$ 18,972,397.00
	Consultant Management	Prior Modifications	\$ 0
	Services for the Fulton Street Transit Center	Adjusted Contract Amount	\$ 18,972,397.00
	Requested by the MTA Capital Construction Company Mysore Nagaraja, President Mod. #1	For Approval	\$ 602,901.00 (3.2%)
	Submitted for: Approval	Original Contract Award Date: 3/29/2004	
		Original Contract Subject to Board Approval: <u>YES</u>	
		Original Contract Let By Competitive Process: <u>YES</u>	

REMARKS

The contract is for consultant construction management services for the Fulton Street Transit Center. MTA Capital Construction (MTACC) requested this retroactive modification to add three new subconsultants, PACO Group (real estate coordinator), Naik Prasad, Inc. (surveyor), and Vollmer Associates, LLP (surveyor) to support real estate acquisition efforts for the Fulton Street Transit Center Project. Preliminary engineering survey work was started under the Fulton Street design contract with Ove Arup + Partners Consulting Engineers (Arup). However, the level of effort necessary to support the real estate acquisition process for a project of this magnitude was never anticipated by either MTA Real Estate or MTACC and the additional work in this modification was not in the Arup contract. In December 2004, Arup completed preliminary engineering and work was suspended on the design contract. MTACC recognized that, to maintain the project schedule, real estate acquisitions needed to continue during the suspension of the Arup contract and would require significant additional efforts. However, neither MTA Real Estate nor MTACC had the resources to undertake this work with existing in-house forces. Therefore, MTACC decided to use the construction management consultant to perform the additional work needed to support the real estate acquisition process and to have it use the subconsultants that had previously performed work with Arup during preliminary engineering. On December 27, 2004, the VP and Chief Engineer authorized Parsons Brinckerhoff/Bovis to begin this work and keep the project on schedule. The joint venture submitted a cost proposal in the amount of \$608,780 which was negotiated down to \$602,901. Hourly rates for titles in this modification are less than or equal to hourly rates for the same titles in the Arup contract. Also, new titles were introduced in this modification, the hourly rates for which are congruent with those in the Arup contract.

September 2005

MTA REAL ESTATE

LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

MTA NEW YORK CITY TRANSIT

1. License Agreement with Silkaly M. Wolchok Limited Partnership for retail use for a portion of a closed entrance at the Bowery Station, BMT Nassau Loop Line, Manhattan, New York.
2. License Agreement with Zaman News for the operation of a newsstand at 81st Street Station (Museum of Natural History), 8th Avenue Line, Manhattan, New York.
3. License Agreement with Zaman News for the operation of a newsstand at 72nd Street Station, Broadway-7th Avenue Line, Manhattan, New York.
4. License Agreement with S.F. News, Inc. for the operation of a newsstand at 86th Street Station, Lexington Avenue Line, Manhattan, New York.
5. Lease extension agreement with Sierra Assets Group Ltd., for bus driver swing space at 4250 Broadway, Manhattan, New York.
6. Lease extension agreement with and West 116 Street Associates for bus driver swing space at 259 West 116 St., Manhattan, New York.
7. Permit agreement with Concord Business Services, Inc. for use of a parking lot for Revenue vehicles at 242 Gold Street, Brooklyn, New York.
8. Permit to Enter with Forever Evergreen, LP, for the storage, assembly, and sale of Christmas trees and related display and decorative material at 33rd Street and Northern Boulevard (Block 380 Lots 1, 13, 14 & 15), Long Island City, New York.
9. Approval to proceed with acquisition by negotiated purchase or by condemnation of a subterranean easement upon property known as Block 577, Lot 1, Manhattan, in support of the Emergency Ventilation Fan Plant Rehabilitation Project; IND Division, Sixth Avenue Line, Manhattan, New York.
10. Approval to proceed with acquisition by negotiated purchase or by condemnation of fee interest in property known as 1119 Pacific Street or 1120 Atlantic Avenue (Block 1126, Lot 57), in connection with the rehabilitation and expansion of the Atlantic Avenue Cable Shop Brooklyn, New York.
11. Approval to proceed with acquisition by negotiated purchase or by condemnation of fee interest in property known as 359-363 9th Avenue (Block 728, Lot 34) New York, NY (on 9th Avenue Between West 30th St. and West 31st St.) adjacent to the Penn Station Control Center, Manhattan, New York.

ACTION ITEMS (Cont'd)

MTA NEW YORK CITY TRANSIT

12. Approval to proceed with preliminary steps to acquire, by negotiated purchase or condemnation, various property interests in support of the Rehabilitation of eleven Brighton Line stations, Brooklyn, New York.
13. Approval to proceed with preliminary steps to acquire of by negotiated purchase or condemnation various property interests, in connection with the rehabilitation of pump rooms along the Culver Line, Brooklyn, New York.
14. Approval of Determination and Findings pursuant to a Public Hearing for acquisition of various property interests in connection with the proposed extension of the #7 Flushing Line to the West Side of Manhattan, New York.

MTA LONG ISLAND RAIL ROAD

15. License Agreement with Best Color at Woodside LLC, for the operation of photo processing and telephone communications store with a snack shop area, at 61st Street and Roosevelt Avenue, Woodside, New York.
16. Permit Agreement with the U.S. Postal Service for the operation and maintenance of a postal service vending machine in the ticket office area at the Ronkonkoma Station, Ronkonkoma, New York.
17. License Agreement with New Cingular Wireless Headquarters LLC for installation of a wireless communications facility on the LIRR Level at Penn Station, Manhattan, New York.
18. Second Amendment to License Agreement with MTA Bridges and Tunnels for use of space adjacent to the Queens Midtown Tunnel at 11-11 Borden Street, Long Island City, New York.

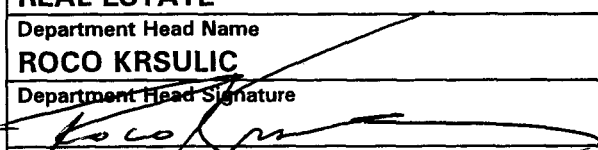
MTA METRO NORTH RAILROAD

19. Lease Agreement with Starbucks Coffee Company for the operation of a Starbucks Cafe at Tuckahoe Station Building, Tuckahoe, New York.
20. Lease Renewal Agreement with Munch Munch, Inc. for the operation of a retail kiosk in the Dining Concourse at Grand Central Terminal, Manhattan, New York.
21. Proposed policy on short-term access agreements for commercial and business entities.

MTA BRIDGES AND TUNNELS



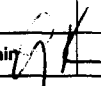
22. Permit to Enter for Langan Engineering and Environmental Services, Inc. in connection with subsurface investigative work at 685 First Avenue, New York, New York.

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name PETER HINE

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

AGENCY: MTA New York City Transit ("NYCT")

LICENSEE: Silkaly M. Wolchok Ltd. Partnership #1

LOCATION: Bowery Station, Nassau Loop Line, Manhattan

ACTIVITY: Retail License Agreement

ACTION REQUESTED: Approval of Terms

TERM: Three (3) Years

SPACE: Approximately 400 Sq. Ft. Street level, 200 Sq. Ft. below grade

COMPENSATION: \$2,400.00 Annually, \$200.00 Monthly

COMMENTS:

For many years MTA-NYCT has had an agreement with Silkaly Wolchok, owner of the building at the SW corner of Bowery and Kenmare (Delancey) Street, for retail use of the space within closed entrance to the Bowery Station. The station and entrance predate the building, and despite the closure of this entrance decades ago, NYCT retains an entrance easement around which the building was constructed.

As part of a project to upgrade and reconfigure portions of the entire Nassau Loop Line (J, M & Z Trains), NYCT CPM requested that MTA Real Estate take measures to reactivate one of the stairs at this closed entrance at the Bowery station to serve as emergency egress. The building owner, represented by Mr. Robert Wolchok, was very cooperative during the stairway project, which took place predominantly within the space occupied by a retail store located on the first floor of the building.

The commercial lease for the tenant now using that store will expire in approximately three years, and Real Estate recommends that a license agreement for the use of the NYCT easement area by the building's tenant be approved in order to appropriately document Ms. Wolchok's use of the newly reconfigured licensed area.

Staff Summary



Page 1 of 1

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSILIC
Department Head Signature
Project Manager Name JERRY TUNG

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	Legal
	Director of B&FM		
3	Dep Exec Dir of Admin		

AGENCY: MTA New York City Transit ("NYCT")

LICENSEE: Zaman News

LOCATION: 81ST Street Station (Museum of Natural History), 8th Avenue Line, Manhattan

ACTIVITY: Operation of a Newsstand

ACTION REQUESTED: Approval of Terms

TERM: Ten (10) Years

SPACE: Approximately 96 Sq. Ft.

COMPENSATION:	Year	Annual	Monthly	% Increase
	1	\$14,400.00	\$1,200.00	
	2	\$16,200.00	\$1,350.00	13%
	3	\$18,900.00	\$1,575.00	17%
	4	\$20,400.00	\$1,700.00	8%
	5	\$23,400.00	\$1,950.00	15%
	6	\$24,900.00	\$2,075.00	6%
	7	\$26,160.00	\$2,180.00	5%
	8	\$27,600.00	\$2,300.00	6%
	9	\$29,400.00	\$2,450.00	7%
	10	\$31,200.00	\$2,600.00	6%

COMMENTS:

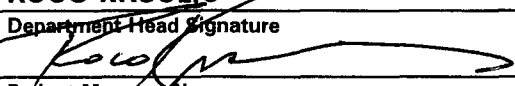
The subject parcel was publicly offered via a Request for Proposals as part of a recent ten (10) newsstand parcel marketing effort. In response to the RFP, Real Estate received eight (8) proposals for this parcel.

Offers, calculated at a Net Present Value (NPV) at 9%, without improvements, ranged in value from a low of \$27,979.43 up to \$140,775.35. Of these, the top offers were: \$140,775.35 by Zaman News, \$63,192.89 by Mohammed Zinnah and \$37,432.48 by Nigroda Bhikkhu.

Mr. Bhikkhu is an experienced newsstand operator; however, he offered the lowest compensation of the top three proposals considered and therefore was eliminated from further consideration. Mr. Ali Zinnah, with the 2nd highest fee offer, has no newsstand construction experience. Zaman News has clearly provided the best fee and has, as an incumbent at several other NYCT newsstands, the necessary newsstand construction and operational experiences required for this location. Based on the above, Real Estate recommends that Zaman News be selected as a licensee for this location.

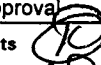
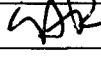

Staff Summary

Page 1 of 2

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name JERRY TUNG

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

AGENCY: MTA New York City Transit ("NYCT")
 LICENSEE: Zaman News
 LOCATION: 72nd Street Station, Broadway/7th Avenue Line, Manhattan
 ACTIVITY: Operation of a Newsstand
 ACTION REQUESTED: Approval of Terms
 TERM: Ten (10) Years
 SPACE: Approximately 45 Sq. Ft.

COMPENSATION:	Year	Annual	Monthly	% Increase
	1	\$14,400.00	\$1,200.00	
	2	\$18,000.00	\$1,500.00	25%
	3	\$20,400.00	\$1,700.00	13%
	4	\$21,720.00	\$1,810.00	6%
	5	\$23,400.00	\$1,950.00	8%
	6	\$24,600.00	\$2,050.00	5%
	7	\$25,920.00	\$2,160.00	5%
	8	\$27,600.00	\$2,300.00	6%
	9	\$29,400.00	\$2,450.00	7%
	10	\$31,260.00	\$2,605.00	6%

COMMENTS:

The subject parcel was publicly offered via a Request for Proposals as part of a recent ten (10) newsstand parcel marketing effort. In response to the RFP, Real Estate received fifteen (15) proposals for this parcel.

Offers, calculated at a Net Present Value (NPV) at 9%, without improvements, ranged in value from a low of \$37,432.48 up to \$149,832.47. The three top fee offers are: \$149,823.47 proposed by Rushedul Huq, \$144,149.13 proposed by Zaman News and \$116,976.86 proposed by Pravin Vadhan.

Mr. Vadhan, the third highest fee proposer, is an experienced tenant of the MTA. However, since the offers by the two other proposers being considered are significantly higher, Mr. Vadhan was eliminated from further consideration. Mr. Huq's proposal was submitted past the deadline; moreover the credit report by LIDA, MTA's credit services consultant, revealed some problems with Mr. Huq's credit history which raised concern among RED staff.

**PLANNING/REAL ESTATE COMMITTEE MEETING
SUBJECT (Cont'd)****COMMENTS: (Cont'd)**

Moreover, Mr. Huq's proposal does not indicate that he has the available liquid assets to undertake and complete the required capital build out of the newsstand. Mr. Huq is unknown to Real Estate and has no track record of completing construction of newsstands. Even though Mr. Huq's offer is slightly higher than Zaman News's proposal (\$5,674 NPV or a 3.8% difference in a ten-year period), it is recommended that Zaman News be selected as the Licensee. Zaman News is a tenant in good standing. It has a track record of completing newsstand construction and has no credit or financial difficulties.

Based on the above, Real Estate recommends that Zaman News be selected as the Licensee for this location.

Staff Summary



Page 1 of 1

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature
Project Manager Name JERRY TUNG

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	Legal
	Director of B&FM		
3	Dep Exec Dir of Admin		

AGENCY: MTA New York City Transit ("NYCT")
 LICENSEE: S.F. News Inc.
 LOCATION: 86th Street Station, Lexington Avenue Line, Manhattan, New York
 ACTIVITY: Operation of a Newsstand
 ACTION REQUESTED: Approval of Terms
 TERM: Ten (10) Years
 SPACE: Approximately 79 Sq. Ft.

COMPENSATION:	Year	Annual	Monthly	% Increase
	1	\$60,001.00	\$5,000.08	
	2	\$63,001.05	\$5,250.09	5%
	3	\$66,151.10	\$5,512.59	5%
	4	\$69,458.65	\$5,788.22	5%
	5	\$72,931.59	\$6,077.63	5%
	6	\$76,578.17	\$6,381.51	5%
	7	\$80,407.07	\$6,700.59	5%
	8	\$84,427.43	\$7,035.62	5%
	9	\$88,648.80	\$7,387.40	5%
	10	\$93,081.24	\$7,756.77	5%

COMMENTS:

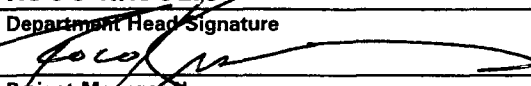
The subject parcel was publicly offered via a Request for Proposals as part of a recent ten (10) newsstand parcel marketing effort. In response to the RFP, Real Estate received sixteen (16) proposals for this parcel.

Offers, calculated at a Net Present Value (NPV) at 9%, without improvements, ranged in value from a low of \$56,204.52 up to \$467,913.74. Of these the top three fee offers, as well as the offer made by the incumbent operator are: \$467,913.74 by S.F. News Inc., \$364,962.01 by Shahid Haroon, \$327,533.66 by Shahenn Niazi and \$217,291.67 (revised offer) by the incumbent operator Kareem Khaja. In conformity with RFP procedures, the incumbent was given the opportunity to revise his offer; the revised offer was non-competitive.

S.F. News Inc. (Shafika Faruqui) clearly made the highest offer among the 4 proposals considered. S.F. News Inc. operates numerous newsstands within the MTA newsstand system. It is an acceptable operator according to its operational and business history. It is an experienced and financially capable newsstand operator. Therefore, Real Estate recommends that S.F. News Inc. be selected as the licensee for this location.




Staff Summary

Page 1 of 1

Subject LEASE EXTENSION
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name MICHAEL DANIELS

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

AGENCY:	Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA") a subsidiary of New York City Transit Authority
LANDLORD:	Terminus Properties
LOCATION:	4250 Broadway, New York, NY
USE:	Swing Room for bus drivers and dispatchers
ACTION REQUESTED:	Approval of terms
TERM:	Five (5) years
SPACE:	Approximately 600 sf of 2 nd floor office space
BASE RENT :	\$18,000.00.per annum/ \$1,500.00 per month/\$30 per sf
ESCALATION:	None
CLEANING:	Landlord provides cleaning as part of the rental consideration
REPAIRS:	Landlord is responsible for structural repairs and building systems. Tenant is responsible for all interior maintenance and repairs.
ELECTRICITY:	Tenant cost via direct meter
SNOW REMOVAL:	Landlord's responsibility as part of the rental consideration
COMMENTS:	<p>MABSTOA has occupied this space under a lease since October 1, 2000. The term will expire on September 30, 2005.</p> <p>While the lease contains a provision for a three (3) year renewal option at \$18,750.00 per annum, due to the user's continuing need for this space, and the difficulty of obtaining swing space, the option was not exercised and a five (5) year lease extension was negotiated at \$18,000.00 per annum.</p> <p>4250 Broadway is convenient for the drivers who terminate their runs at either 179th and Broadway or 181st and Broadway, the negotiated rent is reasonable, and the location has been working very well (very few complaints or issues have arisen during the prior term at this location).</p> <p>Based on the above, Real Estate Department recommends entering into a lease extension with Terminus Properties.</p>

Staff Summary



Metropolitan Transportation Authority

Page 1 of 1

Subject LEASE EXTENSION
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature
Project Manager Name MICHAEL DANIELS

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

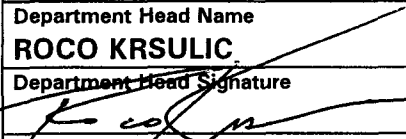
Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	Legal
	Director of B&FM		
3	Dep Exec Dir of Admin		

AGENCY:	Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA") A subsidiary of New York City Transit Authority
LANDLORD:	West 116 th Street Associates
LOCATION:	259 West 116 th Street, New York, NY
USE:	Swing Room for bus drivers and dispatchers
ACTION REQUESTED:	Approval of terms
TERM:	Five (5) years
SPACE:	Approximately 731 sf of storefront space
BASE RENT :	\$15,986.28 per annum/\$1,332.19 per month/\$21.85 per sf
ESCALATION:	Five (5) percent per year
TAXES:	Rent included
CLEANING	Provided by Landlord as part of the rental consideration.
REPAIRS:	Landlord is responsible for structural repairs and building systems. Tenant is responsible for all interior maintenance and repairs.
ELECTRICTY:	Tenant cost via direct meter
SNOW REMOVAL:	To be provided by Landlord's as part of the rental consideration.
COMMENTS:	<p>MaBSTOA has occupied this space since May 1, 2000 under a lease that expired on April 30, 2005, and month-to-month thereafter.</p> <p>The lease did not provide for a renewal option, but MaBSTOA has a continuing need for the space and has requested that a five (5) year lease extension be negotiated.</p> <p>259 West 116th Street is convenient for the drivers on the M10, M7 and M116 bus routes. The negotiated extension rent is reasonable, and the location has been working very well, with few complaints or issues arising during the original lease term.</p> <p>Based on the above. the Real Estate department recommends entering into a lease extension agreement with West 116th Street Associates.</p>


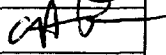

Staff Summary

Page 1 of 1

Subject Permit to Enter PERMIT TO ENTER
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name SHEILA ANTMAN

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

AGENCY: MTA New York City Transit ("NYCT")
 PERMITTOR: Concord Business Services, Inc.
 LOCATION: 242 Gold Street, Brooklyn, N.Y.
 ACTIVITY: Armored Car Parking
 ACTION REQUESTED: Approval of Terms
 TERM: November 1, 2005 to March 31, 2006
 SPACE: Approximately 2,700 sf of paved land
 COMPENSATION: \$4,000.00 per month
 COMMENTS:

As part of its revenue collection and servicing operations, NYCT Metrocard Operations (Revenue) requires parking for approximately twelve (12) armored trucks.

It has been parking in 42-45 Duffield St. under a lease that is being extended through October 31, 2005, with automatic monthly renewals that are cancelable on thirty (30) days notice by either party. The Duffield lot is expected to be developed shortly, and its availability to NYCT past October 31, 2005 is very uncertain.

The Revenue vehicles are to be relocated to a new Revenue facility that is under construction in Queens. The earliest that would be available is in mid December, 2005.

Due to the uncertainty of the availability of the Duffield Street lot after October 31, 2005, and the uncertainty of the readiness of the new Queens facility for occupancy by the end of 2005, NYCT has requested an alternate temporary location through March 31, 2006, to ensure that it has somewhere to park and secure the vehicles until the Queens facility is available.

While the subject parking lot is a bit too small, and the negotiated rent is above market rate the structure of the terms warrants the business terms of the deal. (The owner uses the lot for his own business) This is the only alternative that could be located that was appropriate.

Parking in the area is available at rates ranging from \$110 - \$140 a month per space, but these lots do not provide the 24-hour access required by NYCT, and usually close by 9:00 pm.

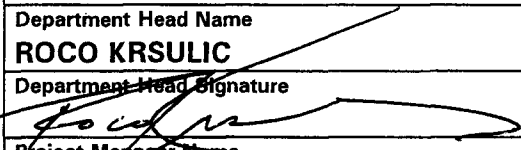
The Real Estate Department, recommends entering into a permit for the temporary use of the Gold Street parking lot with Concord Business Services Inc.

Staff Summary






Metropolitan Transportation Authority

Page 1 of 1

Subject PERMIT TO ENTER
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name MICHAEL T. THADATHIL

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep. Exec. Dir. of Admin. 		

Narrative	
AGENCY:	MTA New York City Transit ("NYCT")
PERMITTEE:	Forever Evergreen, LP
LOCATION:	Northeast corner of 33 rd St. and Northern Boulevard (Block 380, Lots 1,13,14,15), Long Island City, Queens
ACTIVITY:	Retailing, storage, and assembly of Christmas tree displays
ACTION REQUESTED:	Approval of Terms
TERM:	November 9, 2005 through December 30, 2005
SPACE:	Approximately 23,000 sq. ft. of vacant space
COMPENSATION:	\$8,385.00
COMMENTS:	
<p>The proposed licensee, Forever Evergreen, LP, has been a permittee of the NYCT at this location or another nearby location for the past several holiday seasons.</p> <p>Forever Evergreen has been a permittee in good standing in the past and left the lots it used in good condition. RED has negotiated an increase of 5% (on a per diem basis) over last year's permit fee.</p> <p>The proposed permittee plans to sell Christmas trees, store and assemble display materials on the property, and repair storage containers. Customers will not be permitted to park on the property, and merchandise will not be displayed on the sidewalk. The proposed permittee is aware of the "No Standing" restriction on the north side of Northern Boulevard at certain hours on weekdays, and will not sell trees during those periods.</p> <p>Based on the foregoing, the Real Estate Department recommends entering into a permit with Forever Evergreen based on the terms and conditions outlined above.</p>	

Memorandum



Metropolitan Transportation Authority

State of New York

Date September 27, 2005

To Members of the Capital Construction, Planning and Real Estate Committee

From Roco Krsulic

Re **Approval to proceed with acquisition by negotiated purchase or condemnation of a permanent subsurface easement upon a property known as 65 West 13th St. or 510 Sixth Ave., aka Block 577, Lot 1, New York City, New York**

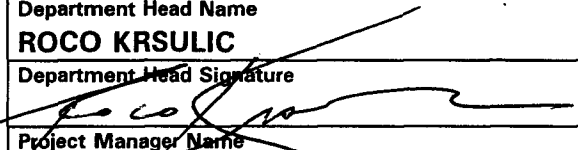
During the construction of the Emergency Ventilation Fan Plant now being built on the Sixth Avenue Line south of the 14th St. Station, NYCT CPM's private contractor poured a portion of a below-grade reinforced concrete wall very slightly upon adjacent private property located at the northeast corner of 13th Street and 6th Avenue, identified as NY County Block 577, Lot 1.

The encroachment consists of a length of the wall approximately six to ten feet in height, encroaching less than two feet at any point, more than 12 feet below street grade, and totals approximately 45 Sq. Ft. in size on a lot of nearly 22,000 Sq. Ft.

We will endeavor to obtain a permanent easement for this encroachment through negotiated settlement. If we are not able to consummate a deal to obtain this modest easement interest, however, we may be compelled to acquire the interest by condemnation, and thus must begin to take steps necessary to satisfy the requirements of the Eminent Domain Procedure Law in order to preserve MTA's rights and lessen potential delay to the project.

To ensure timely acquisition of the easement on the above property, approval by the Board of the following resolution is requested, in order to proceed with acquisition, by negotiated settlement or by condemnation.

Staff Summary

Subject ACQUISITION OF EASEMENTS
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name PETER HINE

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	Legal
	Director of B&FM		
3	Dep Exec Dir of Admin		

ACTION REQUESTED:

RESOLVED, that subject to the foregoing and Section 1267 of the Public Authorities Law, the Chairman or a designated staff member of the Authority is authorized to proceed with the acquisition, by negotiated settlement or by condemnation, of a permanent easement on the property and improvements identified as New York County Block 577, Lot 1 (also known as 65 West 13th Street, or 510 Sixth Avenue NYC, NY), and to schedule and undertake such preliminary actions as may be required in accordance with the New York State Eminent Domain Procedure Law in connection with the acquisition.

This Resolution shall take effect immediately upon its adoption.

**Metropolitan Transportation Authority**

State of New York

Date September 27, 2005

To Members of the Capital Construction, Planning & Real Estate Committee

From Roco Krsulic

Re **Approval to proceed with acquisition by negotiated purchase or condemnation of fee interest in property known as 1119 Pacific Street or 1120 Atlantic Avenue (Block 1126, Lot 57) Brooklyn, New York, in connection with the rehabilitation and expansion of the Atlantic Avenue Cable Shop**

In connection with the New York City Transit project to rehabilitate and expand the Atlantic Avenue Cable Shop, it is necessary to acquire the above-referenced property.

The property is required for the installation of a cable truck loading, servicing and parking area.

This property is located adjacent to the existing Atlantic Avenue Cable Shop. Acquisition of this lot will enable the rehabilitated Atlantic Avenue Cable Shop to integrate its cable truck operations with the rehabilitated cable shop.

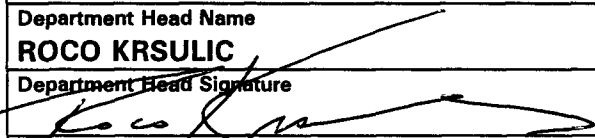
The subject property, owned by the Hart family, is comprised of an approximately 30,230 square foot lot with a 2,200 square foot garage structure on it.

We will endeavor to acquire the property interests through negotiated settlement. However, if we are unable to consummate the transaction through negotiations, we may be compelled to acquire the interest by condemnation, and thus must take steps necessary to satisfy the requirement of the Eminent Domain Procedure Law in order to preserve MTA's rights.

The acquisition will be subject to satisfactory completion of any necessary environmental reviews.

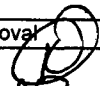
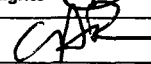

To ensure timely acquisition of the above property interest, approval by the Board of the following resolution is requested in order to proceed with acquisition of the property by negotiated settlement or, if necessary, condemnation.

Staff Summary

Subject ACQUISITION OF PROPERTY
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name JERRY TUNG

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

RESOLVED, that subject to the foregoing and Section 1267 of the Public Authorities Law, the Chairman, or a designated staff member of the Authority, is authorized to proceed with the acquisition by negotiated settlement or condemnation of the fee interest in property known as 1119 Pacific Street or 1120 Atlantic Avenue (Block 1126, Lot 57) Brooklyn, New York, and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required in accordance with the New York Eminent Domain Procedure Law, in connection with the acquisition.

This resolution shall take effect immediately upon its adoption.



Metropolitan Transportation Authority

State of New York

Date September 27, 2005

To Members of the Capital Construction, Planning and Real Estate Committee

From Roco Krsulic

Re **Approval to proceed with fee simple acquisition by negotiated purchase or by condemnation, of a commercial parking lot (Manhattan Block 728, Lot 34) affecting Penn Station Perimeter Protection**

As part of the Capital Security Program, Capital Construction identified a certain parcel to be acquired because of its proximity to a critically important rail operations facility. The parcel to be acquired is used as a parking lot (approximately 60 feet by 100 feet) and is located on 9th Ave. between West 30th St. & West 31st St. The proximity of the commercial parking lot to a critical rail control center presents an unacceptable safety risk to railroad operations. Therefore, acquisition of the property is key in securing the Penn Station Control Center.

MTA Real Estate will seek to acquire the property through a negotiated settlement. However, if we are unable to consummate the transaction through negotiations, we may be compelled to acquire the interests by condemnation and thus must take steps necessary to satisfy the requirements of the Eminent Domain Procedure Law in order to preserve MTA's rights.

To ensure the timely acquisition of the above property and preclude any delays in acquisition of the site, approval by the Board of the following resolution is requested in order to proceed with the acquisition in fee, by negotiated purchase or, if necessary, condemnation.

The acquisition will be subject to satisfactory completion of any necessary environmental reviews.

Staff Summary



Metropolitan Transportation Authority

Page 1 of 1

Subject PROPERTY ACQUISITION
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature
Project Manager Name MICHAEL T. THADATHIL

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	Legal
	Director of B&FM		
3	Dep Exec Dir of Admin		

Narrative

RESOLVED, that subject to the foregoing and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the Authority is authorized to proceed with the acquisition by negotiated settlement or condemnation of fee interest in property known as 359-363 9th Avenue (Block 728, Lot 34) Manhattan, New York and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required in accordance with the Eminent Domain Procedure Law, in connection with the acquisition.

This Resolution shall take effect immediately upon its adoption.



Metropolitan Transportation Authority

State of New York

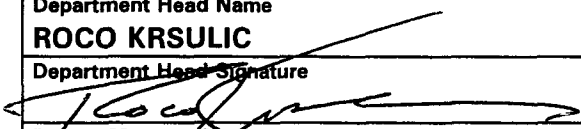
Date September 27, 2005
To Members of the Capital Construction, Planning and Real Estate Committee
From Roco Krsulic
Re **Approval to proceed with preliminary steps to acquire by negotiated purchase or condemnation, various property interests in support of MTA New York City Transit's rehabilitation of eleven Brighton line stations, Brooklyn, NY**

In connection with the structural rehabilitation of a portion of the Brighton line, 54 permanent easements and 2 fee acquisitions will be required along the line from the Avenue H station to the Neck Road station. The permanent easements comprise a narrow strip along both sides of MTA New York City Transit's right-of-way, and will allow access for reconstruction of platforms and access for future maintenance. Adjacent property owners will continue to have the use of their property, but NYCT will have the ability to gain access to the line for needed maintenance. The fee acquisition of two properties will permit the construction of new station entrance facilities at Avenue H (south bound side) and at Avenue M (northbound side).

We will endeavor to acquire all property interests for the project through negotiated settlement. However, for a project of this size we may not be able to reach agreement with all property owners, and we will be compelled to acquire some property interests by condemnation. Therefore, we must begin taking steps to satisfy the requirements of New York State Eminent Domain Procedure Law in order to preserve MTA's rights and lessen the potential for future delays to the project.

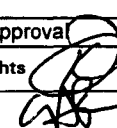
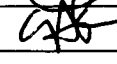

The affected properties, including owner, block and lot, and type of interest, are listed in the attached staff summary. To ensure the timely acquisition of the identified property interests, approval by the Board is requested to proceed with preliminary steps for acquiring, by negotiated settlement or condemnation, the property interests enumerated in the staff summary. The acquisition of property interests will be subject to satisfactory completion of any necessary environmental reviews.

Staff Summary

Subject ACQUISITION OF PROPERTY
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name PRESCOTT VANN

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CCP/RE Committee	09/27/04	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

Narrative

RESOLVED, that subject to the foregoing and Section 1267 of the Public Authorities Law, the Chairman, or a designated staff member of the Authority, is authorized to proceed with the acquisition by negotiation or condemnation of interests in the properties listed below in Brooklyn, New York, and to schedule and undertake such preliminary steps, including holding a public hearing as may be required in accordance with the New York Eminent Domain Procedure Law in connection with this acquisition.

This resolution shall take effect immediately upon its adoption.

MTA New York City Transit—Brighton Line

Block	Lot	Address	Reputed Owner	Type of Interest
6691	60	1517 Avenue H	Flatbush Min Yan, Inc.	Permanent Easement
6699	9	808 East 16 th Street	Nida Property, Inc.	Permanent Easement
6699	10	810 East 16 th Street	Nida Property, Inc.	Permanent Easement
6699	11	812 East 16 th Street	Nida Property, Inc.	Permanent Easement
6699	12	814 East 16 th Street	Marwa Management, Inc.	Permanent Easement
6699	13	816 East 16 th Street	Marwa Management, Inc.	Permanent Easement
6699	14	818 East 16 th Street	16 East 84 th Street Condominium	Permanent Easement
6699	15	826 East 16 th Street	16 th Avenue Realty	Permanent Easement
6699	3	1510 Avenue H	Art Sydney	Permanent Easement
6699	84	811 East 15 th Street	M. Mc Donough	Permanent Easement
6699	83	813 East 15 th Street	Beryl Gooden	Permanent Easement
6699	82	815 East 15 th Street	Domenick Trimboli	Permanent Easement
6699	81	817 East 15 th Street	Joseph Wurn	Permanent Easement
6699	80	821 East 15 th Street	Xiao Chao Wu	Permanent Easement

Block	Lot	Address	Reputed Owner	Type of Interest
6699	79	823 East 15 th Street	Ludner Jacques	Permanent Easement
6691	67	1431 Avenue H	Imtiaz Khan	Fee Acquisition
6708	42	980 East 16 th Street	Doris Marshel	Permanent Easement
6708	45	1519-1523 Avenue J (996 East 16 th Street)	Doris Marshel	Permanent Easement
6717	9	1520 Avenue J (1002 East 16 th Street)	R K R Realty Association	Permanent Easement
6717	18	East 16 th Street	R K R Realty Association	Permanent Easement
6717	19	1016 East 16 th Street	Israel Minzer	Permanent Easement
6717	20	1020 East 16 th Street	Anne Marie Robert	Permanent Easement
6717	21	1024 East 16 th Street	Ayub Sheikh	Permanent Easement
6717	22	1028 East 16 th Street	Maryann Caputo	Permanent Easement
6717	23	1032 East 16 th Street	Benito Juarez	Permanent Easement
6717	25	1036 East 16 th Street	Wendy J. Chang	Permanent Easement
6717	26	1040 East 16 th Street	Michael R. Deleo	Permanent Easement
6717	28	1044 East 16 th Street	Cheuk Lung Lau	Permanent Easement
6735	44	1523 Avenue M	Regional Mark Property	Permanent Easement
6735	44	1523 Avenue M	Regional Mark Property	Fee Acquisition
6744	8	1522-1526 Avenue M (1302 East 16 th Street 1522-1526 Elm Street)	Regional Mark Property	Permanent Easement
6744	22	1326-1338 East 16 th Street	Regional Mark Property	Permanent Easement
6744	26	1340 East 16 th Street	Eveline Qiling Chen	Permanent Easement
6744	27	1344 East 16 th Street	Koon Chan Yee	Permanent Easement
6744	29	1348 East 16 th Street	Ujkan Qeliqui	Permanent Easement
6744	30	1352 East 16 th Street	Atifa Qeliqui	Permanent Easement
7320	26	2044 East 16 th Street	Man Hay Law	Permanent Easement
7320	28	2048 East 16 th Street	At Koutsogiannopoulos	Permanent Easement
7320	30	2052 East 16 th Street	Suk Man Chu Wu	Permanent Easement
7320	32	2056 East 16 th Street	Aiman Chan	Permanent Easement
7320	34	2060 East 16 th Street	Antonia Lewnes	Permanent Easement
7320	36	2066 East 16 th Street	Jian Ping He	Permanent Easement
7320	38	2070 East 16 th Street	Wing Sin Kwan	Permanent Easement
7320	40	1521-1523 Avenue U (2090 East 16 th Street)	Doris Marshel	Permanent Easement
7348	8	1520 Avenue U (2102 East 16 th Street)	Blue Chip Cleaners, Inc.	Permanent Easement
7348	13	2116 East 16 th Street	Ying Wen Luo	Permanent Easement
7376	19	2226 East 16 th Street	Kam Biu Kwan	Permanent Easement



Block	Lot	Address	Reputed Owner	Type of Interest
7376	20	2230 East 16 th Street	Phat Hoang Loi	Permanent Easement
7376	22	2232 East 16 th Street	Sabrina Chin	Permanent Easement
7376	23	2238 East 16 th Street	Zhi Gao Cai	Permanent Easement
7376	25	2240 East 16 th Street	Marian Demaria	Permanent Easement
7376	26	2244 East 16 th Street	Dorothy Lee Tsai	Permanent Easement
7376	28	2246 East 16 th Street	Da Qiang Zeng	Permanent Easement
7376	29	2252 East 16 th Street	Tong K Tsang	Permanent Easement
7376	30	2254 East 16 th Street	Olga P. Munoz	Permanent Easement
7376	31	2258 East 16 th Street	Lai Wai Ching	Permanent Easement

Memorandum



Metropolitan Transportation Authority

State of New York

Date September 27, 2005

To Members of the Capital Construction, Planning and Real Estate Committee

From Roco Krsulic

Re **Approval to proceed with temporary and permanent easement acquisitions, by negotiated purchase or by condemnation, of property (Brooklyn, Block 5352, Lot 33 and Block 5354, Lot 1) needed in conjunction with the Culver Line Pump Room Rehabilitation located along the Culver Line, Brooklyn**

In conjunction with the rehabilitation of existing pump rooms along the Culver Line, the Real Estate Department received Property Acquisition Requests from NYCT Capital Program Management for both temporary and permanent easement interests in property along the Line in Brooklyn.

MTA Real Estate will seek to acquire the property through a negotiated settlement. However, if we are unable to consummate the transaction through negotiations, we may be compelled to acquire the interest by condemnation and thus must take steps necessary to satisfy the requirements of the Eminent Domain Procedures Law in order to preserve MTA's rights and lessen the potential for delays to the project.

To ensure the timely acquisition of the property and preclude any delays in acquisition, approval by the Board of the following resolution is requested in order to proceed with the acquisition, by negotiated purchase or, if necessary, condemnation, of the following properties:

Brooklyn, Block 5352, Lot 33
Shalmoni Auto Shop
Temporary and Permanent Easement

Brooklyn, Block 5324, Lot 1
Adar Management – Residential Parking Lot
Temporary Easement and Modification to Existing Permanent Easement

The acquisition will be subject to satisfactory completion of any necessary environmental reviews.

Staff Summary



Metropolitan Transportation Authority

Page 1 of 1

Subject ACQUISITION OF EASEMENTS
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature
Project Manager Name HELENE CINQUE

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	Legal
	Director of B&FM		
3	Dep Exec Dir of Admin		

Narrative

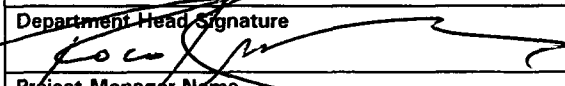
RESOLVED, that subject to the foregoing and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the Authority is authorized to proceed with the acquisition by negotiated settlement or condemnation of property interests described below and to schedule and undertake such preliminary steps, including a public hearing, as may be required in accordance with the Eminent Domain Procedure Law in connection with the acquisition.

B lock	Lot	Address	Reputed Owner	Type of Interest
5324	1	202 11 th Av	136 Wooster Corp.	Modification to Permanent easement Temporary easement
5352	33	560 McDonald Avenue	Shalmoni Auto Shop	Permanent easement Temporary easement

This resolution shall take effect immediately upon its adoption.

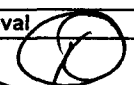
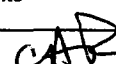
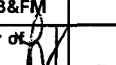
Staff Summary

Page 1 of 6

Subject DETERMINATION AND FINDINGS
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name PETER HINE

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

Narrative

AGENCY: Metropolitan Transportation Authority ("MTA")

ACTIVITY: Acquisition of permanent and temporary subsurface easements required for the proposed No. 7 Subway Line Extension

ACTION REQUESTED: Approval of Determination and Findings Under the New York Eminent Domain Procedure Law

DISCUSSION:

The No. 7 Subway Extension – Hudson Yards Rezoning and Redevelopment Program (the "Project") is a collaborative effort involving the City of New York (the "City"), MTA and various other City and State agencies to formulate a comprehensive transit-oriented plan for redeveloping the Far West Side of Midtown Manhattan. It includes, among other things, a proposed westward extension of the No. 7 Subway Line. In accordance with MTA's expectation that the City of New York will be responsible for funding the subway construction and the acquisition of property interests needed to construct the subway extension, the City and MTA have undertaken preliminary steps with respect to acquiring the required property interests. These steps included a listing in the City's Uniform Land Use Review Procedure ("ULURP") application for the Project, which the City Council approved earlier this year, of all property interests that the City would need to implement the Project, including the property interests that the City would acquire on MTA's behalf for the No. 7 Subway Extension.

After the ULURP application was approved, however, MTA and the City made slight technical refinements to certain subsurface easements for the subway extension. Consequently, concurrent with the City's acquisition of the bulk of property interests required for subway construction, the City has requested that MTA proceed with the acquisition of these subsurface interests in order to avoid potential delays to the start of construction. The additional subsurface easements that MTA would acquire, with City funding, are as follows:

BLOCK	LOT	Address	Reputed Owner	Type of Interest
1013	6	640 8 th Ave.	Milstein Brothers	Temporary easement
1050	1	538 10 th Ave.	Covenant House	Permanent easement
1050	6	455 W. 40 th St.	NYS Dormitory Authority	Permanent easement
1050	61	554 10 th Ave.	Covenant House	Permanent easement
1050	158	454 W. 41 st St.	J. Alden Enterprises	Permanent easement

PLANNING/REAL ESTATE COMMITTEE MEETING DETERMINATION AND FINDINGS (Cont'd)

DISCUSSION: (cont'd)

In accordance with the New York State Eminent Domain Procedure Law ("EDPL"), the City and MTA jointly conducted a public hearing on June 16, 2005 to describe the public uses, benefits, and purposes to be served by the proposed acquisitions for the Project; the property interests to be acquired; the reasons for acquiring property at the proposed locations; and the general effect of the proposed acquisitions on the environment and residents of the locality. Notices of this public hearing were duly published in newspapers, as required under the EDPL. Property owners and other interested parties also were given advance notice of the hearing by mail.

Following introductory presentations, the public was invited to make oral or written presentations regarding the proposed property acquisitions. The record of the hearing remained open until 5:00 P.M. on July 8, 2005 for the receipt of additional written comments. Twenty-three speakers provided comments at the hearing and a number of written comments were presented during the hearing and during the subsequent public comment period. Many of the oral comments and written submissions were directed to the City's rezoning and development initiatives and have already been addressed during the Project's extensive reviews under ULURP and in the Project's Final Generic Environmental Impact Statement ("FGEIS") under the State Environmental Quality Review Act and the City Environmental Quality Review. Comments related to property acquisitions for the No. 7 Subway Line Extension included questions about whether certain property acquisitions could be reduced in quantity, extent (e.g., an easement instead of a full fee taking), or varied in location; an alleged lack of communication about how the condemnation and tenant / occupant relocation process works and what the projected timing of condemnation would be; issues stemming from the alleged impact of area rezoning on condemnation awards; a concern about the impact on property values resulting from a decision to condemn; allegations of defects in the FGEIS; and the perceived reduction in value, or interference with the use, of properties by construction and operation of the subway extension. Not all of these comments directly relate to the five subsurface easements that will be acquired by MTA. In any event, the selection of properties needed to construct the No. 7 Subway Extension was the result of careful planning, engineering and environmental reviews; efforts to minimize and mitigate impacts to property owners, tenants and area residents have been and will continue to be employed; appropriate public outreach efforts were made to inform the affected property owners and the public about the property acquisitions and tenant/occupant relocation process; and property valuation issues will be addressed in full compliance with New York law and procedures. All testimony and written comments received at the hearing or by July 8, 2005 have been reviewed, made a part of the record, and afforded full consideration.

After due consideration of all statements and comments received during and after the EDPL public hearing on June 16, 2005, MTA staff recommends Board approval of the acquisition, by eminent domain, if necessary, of the property interests described in the attached Determination and Findings. As stated above, the City will provide funding for these acquisitions, as well as legal and administrative support to effectuate the acquisitions.

PUBLIC HEARING RECORD. The complete record of the EDPL Public Hearing, including but not limited to the public hearing transcript, written submissions received during the public comment period, a summary of all oral and written comments, the FGEIS and the Executive Summary thereto, a technical memo addressing environmental impacts, and surveys of the proposed acquisitions, is available for the Board's review.

DETERMINATION AND FINDINGS. The proposed Determination and Findings under the EDPL is attached for the Board's consideration and approval.

Staff Summary

Page 3 of 6

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

PROJECT: NO. 7 SUBWAY EXTENSION - HUDSON YARDS REZONING AND DEVELOPMENT PROGRAM

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

1. Project Description and Objectives. The No. 7 Subway Extension—Hudson Yards Rezoning and Development Program (the "Project") is a collaborative effort involving the City of New York ("the City"), the Metropolitan Transportation Authority ("MTA") and various other City and State agencies to formulate a comprehensive transit-oriented plan for redeveloping the Far West Side of Midtown Manhattan. The Project area generally extends from West 24th to West 43rd Streets and from Seventh Avenue to the Hudson River Park - an underutilized area that is now primarily characterized by parking lots, auto repair shops, highway entrance ramps and an open rail yard, MTA's John D. Caemmerer West Side Yard, located between Tenth and Twelfth Avenues from West 30th to West 33rd Streets, which is used to store Long Island Rail Road's commuter rail cars and related equipment. The Project's programmatic objective is to transform the Far West Side into a transit-oriented, pedestrian-friendly, mixed-use extension of Midtown Manhattan, having new civic facilities, open spaces and parkland including a new broad, tree lined boulevard and park system between Tenth and Eleventh Avenues and 33rd and 42nd Streets. It has been designed to accommodate projected future growth in commercial, residential and retail development over the next several decades, allowing the City and State to maintain their respective positions in an increasingly competitive global marketplace.

One of the Project's key components is the proposed extension of the No. 7 Subway Line from its current terminus near Times Square. The No. 7 Subway Extension would extend westward under West 41st Street, then turn southward under Eleventh Avenue and continue underground to West 24th Street. The proposed extension would have two new stations: a Terminal Station on Eleventh Avenue at approximately West 34th Street, and eventually, a Tenth Avenue Intermediate Station at approximately West 41st Street and Tenth Avenue. The extension also has been designed to include two lay-up tracks located south of the Terminal Station, with the most southerly end of the lay-up tracks ending in the vicinity of West 24th Street. In addition to tracks and stations, the extension would require ancillary facilities, such as electrical substations, ventilation facilities, mechanical equipment rooms, and maintenance rooms.

Extension of the No. 7 Subway line offers the best opportunity to meet the Project's transportation objectives and satisfy the Project's transportation needs. In particular, the No. 7 Subway:

- Has the potential, in combination with other transportation services, to provide the capacity needed to support the anticipated new demand from residents, visitors, and office workers.
- Is the closest east-west subway to the Hudson Yards area.
- Could be extended from its current West 41st Street terminus without interfering with other subway lines.
- Already connects to major transportation hubs in Manhattan (Grand Central Terminal, Times Square, and the Port Authority Bus Terminal).
- Provides connections to all of Midtown Manhattan's major north-south subway lines.
- Would offer direct service between the Hudson Yards area and Queens.

The five subsurface easements (four permanent and one temporary) that MTA herein approves for acquisition are required for construction of the portions of the No. 7 Subway Extension.

2. EDPL Public Hearing. In accordance with Article 2 of the New York State Eminent Domain Procedure Law ("EDPL"), the City and MTA jointly conducted a public hearing on June 16, 2005 to describe and to invite public comment on the public uses, benefits, and purposes to be served by the proposed acquisitions for the Project; the property interests to be acquired; the reasons for acquiring property at the proposed locations; and the general effect of the proposed acquisitions on the environment and residents of the locality. Notices of this public hearing were duly published as required under the EDPL. Property owners and other interested parties also were given advance notice of the hearing by mail. As stated at the hearing, the record of the hearing remained open until July 8, 2005 at 5:00 P.M. for purposes of receiving any additional written comments with respect to the proposed acquisitions. At the hearing site, copies of the detailed surveys of the property interests to be acquired by the City and MTA for the No. 7 Subway Extension were posted and reduced copies of those surveys were made available to the public. At the hearing, the City and MTA also made available to the public copies of a previously distributed booklet outlining the proposed property acquisitions and tenant/occupant relocations and the previously issued Executive Summary of the Final Generic Environmental Impact Statement for the Project. Representatives of the MTA and the City were present at the June 16, 2005 public hearing and have been given the transcript of that hearing and the written comments subsequently submitted. All oral and written comments received during the public hearing, and in the written submission period following the hearing, have been reviewed, made part of the record, and given due consideration.

3. Location of Property Required for the Project. The following five (5) subsurface easements in real property located the Borough of Manhattan, New York County, are approved for acquisition by MTA:

Block	Lot	Property Address	Subsurface Interest	Upper Limiting Plane*	Lower Limiting Plane*
1013	6	640 8 th Avenue	Temporary Easement	approx. 130'	approx. 85'
1050	1	538 10 th Avenue	Permanent Easement	approx. 80'	approx. 35'
1050	6	455 West 40 th Street	Permanent Easement	approx. 80'	approx. 35'
1050	61	554 10 th Avenue	Permanent Easement	approx. 80'	approx. 35'
1050	158	454 West 41 st Street	Permanent Easement	approx. 80'	approx. 35'
*Project Elevation 0.0000 feet refers to New York City Transit Authority Datum, which is 97.347 feet below the U.S. Coast and Geodetic Survey mean sea level at Sandy Hook, New Jersey, established in 1929.					

If an address shown above conflicts with a Block/Lot number, the Block/Lot number will control. The temporary easement in Block 1013, Lot 6 will be approximately 24.75 feet wide, run the length of the Lot in an easterly-westerly direction, and be located approximately 15 feet to 60 feet below street level. This temporary easement is required to install rock bolts for temporary support of the subway tunnel during construction and may be needed for a period of up to seven years from the date of its acquisition. The four adjacent, permanent easements in Block 1050 will be approximately 5 feet wide, run in an easterly-westerly direction along the northerly property line of each affected Lot, and be located approximately 43 feet to 88 feet below street level. These permanent easements are required to accommodate the encroachment of a structural key for the Tenth Avenue Station box.

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

4. The Public Use, Benefit, and Purpose to Be Served by MTA's Acquisition of Easements to Support the Project [EDPL § 204(B)(1)]. MTA's acquisition of property interests to construct the No. 7 Subway Extension is integral to and necessary for implementing the Project. Because transportation and urban development patterns are historically linked and interdependent, the No. 7 Subway Extension will facilitate the transit-oriented development of higher residential and commercial densities and new civic facilities, public open space and parkland in the Hudson Yards area. This type of transit-oriented development represents a sustainable plan in that it both will reduce urban sprawl and allow travel at lower per capita levels of energy consumption and vehicular emissions production.

The No. 7 Subway Extension will help integrate the Far West Side into the rest of Midtown and the metropolitan area. The redevelopment contemplated by the Project and the revenues that it will generate are important for the City's fiscal well-being and, among other things, will fund construction of the No. 7 Subway Extension. In addition, the City anticipates that there will be approximately 13,500 new residential units created in the area (of which nearly 4,000 will be affordable) and that about 218,000 temporary and approximately 234,000 permanent jobs will be generated as a result of the Project's construction and on-going economic activity. As noted above, the No. 7 Subway Extension and other substantial infrastructure investments by the City are crucial to supporting the higher density development needed to realize these benefits.

The subway extension also will make some 300 acres of the Far West Side more accessible and will unlock the potential of an underutilized portion of Manhattan that is now replete with parking lots, auto repair shops, roadway entrance ramps and similar uses. Moreover, new civic facilities, open space and parkland will be created to enhance an area that currently is lacking in such amenities for City residents and visitors. The Project, therefore, will produce significant and long-lasting economic, aesthetic and social benefits to the City and State, and construction of the No. 7 Subway Extension is a necessary part of the Project plan.

5. Location of Real Property Interests and Reasons for Selection of those Locations [EDPL § 204(B)(2)]. The proposed alignment for the No. 7 Subway Extension was the product of a rigorous alternatives analysis that was performed in conjunction with the extensive environmental review for the Project under the State Environmental Quality Review Act ("SEQRA") and the City Environmental Quality Review ("CEQR"). The location of the five subsurface easements that MTA will acquire for subway construction was driven by the need to construct and stabilize the subway tunnels and related facilities within and adjacent to the proposed subway alignment. The depth of the subway alignment was dictated by factors of clearance, environmental impact minimization, and quality of rock. The five subsurface easements that MTA will acquire are not anticipated to either materially restrict or adversely impact the current surface uses of the parcels in which they are located. Temporary easements for the No. 7 Subway Extension generally are needed for such uses as site preparation, staging, tunnel excavation, and support for subway tunnels and related subway equipment and facilities. Permanent easements are necessary for the long term maintenance, stability and functioning of the subway extension. It is contemplated that MTA will acquire the five subsurface easements that are described herein in conjunction and in coordination with the City's acquisition of easements and other property acquisitions for the No. 7 Subway Extension.

6. General Effect of Real Property Acquisition on the Environment and Residents of the Locality [EDPL § 204(B)(3)]. The Project's environmental impacts are discussed in detail in a Final Generic Environmental Impact Statement ("FGEIS") that was adopted in November 2004 by the City of New York City Planning Commission and MTA, as co-lead agencies. The FGEIS has been made available to the public at various locations, including internet access at <http://nyc.gov/html/dcp/html/hyards/eis.html>. In addition, the Project has been the subject of more than 150 outreach meetings and numerous public hearings.

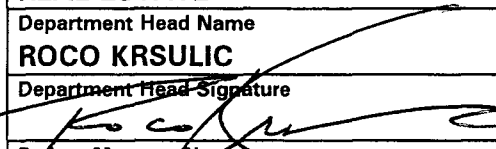
As fully discussed in the FGEIS, various impacts may occur during construction of the No. 7 Subway Extension, including increased construction-related noise and vibration, traffic congestion at several intersections, and possible periodic disruptions to businesses and subway service. MTA and its affiliate, the New York City Transit Authority ("NYCT"), will implement, through a Construction Environmental Protection Program ("CEEP"), mitigation measures to reduce, where practicable, construction related impacts. With respect to air quality, and with mitigation measures in place such as use of ultra-low sulfur diesel fuel and engine retrofit technology in certain construction equipment, construction of the Project is not expected to generate air pollutants in concentrations that exceed the Environmental Protection Agency's National Ambient Air Quality Standards. Furthermore, MTA and NYCT, in cooperation with the City, will incorporate into design, construction, and operation of the No. 7 Subway Extension all mitigation measures identified in the FGEIS as well as any additional measures identified during final design. These measures will reduce Project-related impacts to the fullest extent practicable. The City also has committed to provide relocation assistance to any residents and businesses displaced by property acquisitions needed for the No. 7 Subway Extension and by other property acquisitions for the Project that are undertaken by the City. No such relocations are anticipated for the five subsurface easements that MTA is authorized herein to acquire for the No. 7 Subway Extension.

Operation of the No. 7 Subway Extension is not expected to result in any significant adverse impacts in the Project Area, because subway operations would occur deep below ground or in specially designated enclosures with no significant impacts to the surrounding neighborhoods.

On the basis of a technical memo that was prepared by MTA's engineering consultants, the five subsurface easements to be acquired by MTA are not themselves anticipated to generate any significant adverse construction or operational impacts on existing surface uses, because the easements and related activities will be located in rock at a sufficiently safe depth below existing surface uses and the lowest levels of existing buildings on or adjacent to these sites.

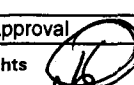
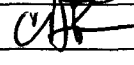
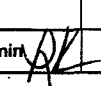
Long term, the Project's impact on the residents in the area will be beneficial with the greater availability of housing, employment opportunities, new civic facilities and open space amenities, and expansion of mass transit to the Far West Side. Once constructed, the general effects of the No. 7 Subway Extension on the environment will be beneficial in that a presently underutilized area of Manhattan will be transferred into an area capable of supporting open space, high density commercial, retail and housing development and growth for the next several decades – all with ready access to mass transit.

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name ROBERT GOLDBERG

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	x		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

Narrative				
AGENCY:	MTA Long Island Rail Road ("LIRR").			
LICENSEE:	Best Color at Woodside LLC.			
LOCATION:	61 st Street & Roosevelt Avenue, Woodside, New York.			
ACTIVITY:	Photo Processing, Telephone Communications Retail Store and Snack Shop.			
ACTION REQUESTED:	Approval of Terms.			
TERM:	Ten (10) years.			
SPACE:	Approximately 400 square feet.			
SECURITY:	Three (3) months compensation.			
COMPENSATION:	<u>Year</u>	<u>Annual</u>	<u>Monthly</u>	<u>% Increase</u>
	1	\$25,000.00	\$2,083.34	
	2	\$25,750.00	\$2,145.84	3
	3	\$26,552.00	\$2,212.67	3
	4	\$27,318.18	\$2,276.52	3
	5	\$28,137.72	\$2,344.81	3
	6	\$28,981.85	\$2,415.16	3
	7	\$29,746.85	\$2,478.91	2.6
	8	\$30,746.85	\$2,562.24	3.4
	9	\$31,669.25	\$2,339.11	3
	10	\$32,619.33	\$2,718.28	3
COMMENTS:				
<p>In response to a recent MTA Real Estate Department's Request For Proposals (RFP), three (3) proposals were received for the operation of a retail space at 61st Street and Roosevelt Avenue, Woodside, New York. The proposals received ranged from a Net Present Value (NPV at 9%) of \$86,572.30 to \$180,074.19. The highest proposal was received from James Pi (\$180,074.19), who is president of Best Color at Woodside LLC, a newly established corporation. The second highest proposal was received from Rashadul Hug (\$86,572.30).</p> <p>Mr. Pi (the highest proposer) is an experienced and successful businessman who owns and operates several photo processing stores. The proposed use for the property is a photo processing, telephone communications retail store and snack shop.</p>				

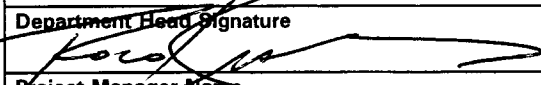
PLANNING/REAL ESTATE COMMITTEE MEETING**License Agreement with Best Color at Woodside LLC (cont'd)****COMMENTS: (Cont'd)**

Items such as disposable cameras, photo albums, film, batteries, phone cards, cellular telephones and accessories, will be sold at this location, as well as various prepackaged snack items, and hot and cold beverages.

The improvement work to be performed at the tenant's sole cost and expense will involve complete renovation of the space including a new ceiling, walls, shelving, counter tops, display cases and fixtures. Utilities required for its business operations will be separately metered and the sole responsibility of the tenant.


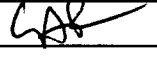
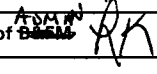
As such, the Real Estate Department recommends the approval of a License Agreement with Best Color at Woodside LLC, at the above noted terms and conditions.

Staff Summary

Subject PERMIT AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name ROBERT GOLDBERG

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
3	Director of Board 		

Narrative

AGENCY: MTA Long Island Rail Road ("LIRR")

PERMITTEE: United States Postal Service, Ronkonkoma Branch, N.Y.

LOCATION: Ronkonkoma Station, Ronkonkoma, New York

ACTIVITY: Postal Service Vending Machine

ACTION REQUESTED: Approval of Terms

TERM: Year to Year

SPACE: Approximately seven (7) square feet

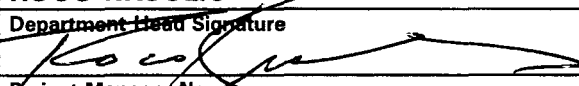
COMPENSATION: \$1.00, payment waived

COMMENTS:

As a convenience to LIRR customers and at the request of LIRR, The United States Postal Service (U.S.P.S.) Ronkonkoma Branch, sent a letter of inquiry to the Real Estate Department to install a Postal Service vending machine in the ticket office waiting room area of LIRR's Ronkonkoma station. The machine will offer our commuters the opportunity to purchase stamps, post cards, envelopes, aerogrammes, commemorative stamps and Express and Priority Mail packets. The U.S.P.S. will stock and maintain the machine at its sole cost and expense, as well as provide the required insurance and indemnification.

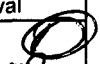
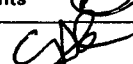

As such, the Real Estate Department recommends the approval of a Year to Year Permit Agreement with the U.S. P. S. based on the above noted terms and conditions.

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name CLARETHA FENNICK

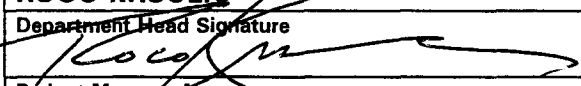
Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		


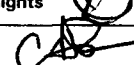
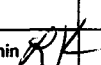
AGENCY:	MTA Long Island Rail Road ("LIRR")
LICENSEE:	New Cingular Wireless Headquarters LLC ("Cingular")
LOCATION:	LIRR level - Penn Station, New York, NY
ACTIVITY:	Non-exclusive license for the installation, operation and maintenance of approximately 200 linear feet of coaxial cable and two (2) associated antennas as part of a wireless communications facility
ACTION REQUESTED:	Approval of Terms
TERM:	Ten (10) years
COMPENSATION:	\$24,000.00 per year with annual CPI increases
SECURITY:	Three (3) months compensation
INSURANCE:	Commercial General Liability in limits acceptable to LIRR
COMMENTS:	<p>Under a month-to-month agreement, Cingular is currently operating a wireless cell site within a portion of a retail store at Penn Station. Cingular proposes to replace its current cell site with an installation comprising of two (2) antennas in the LIRR corridor connected via coaxial cable to Cingular's main system installed in the Amtrak area of Penn Station.</p> <p>The proposed compensation is based on the current market value of similar wireless services at Penn Station, and is consistent with rent currently paid to LIRR by other carriers at Penn Station. Subject to LIRR approval, Cingular has also requested an option to install certain additional wireless equipment within the License Area. Upon installation of such additional equipment, the base compensation would increase at a commensurate rate.</p> <p>Based on the above, Real Estate Department recommends entering into a license agreement for the subject installation based on the above-referenced terms and conditions.</p>

Staff Summary

Subject LICENSE AMENDMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name JENNIFER COLON

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

AGENCY: MTA Long Island Railroad ("LIRR")

LICENSEE: MTA Bridges and Tunnels ("B&T")

LOCATION: 11-11 Borden Avenue, Long Island City, New York

ACTIVITY: Amendment to license agreement

ACTION REQUESTED: Approval of terms

TERM: Ten (10) years commencing November 1, 2006 and ending October 31, 2016

SPACE: Approximately 1.9 acres

COMPENSATION: One dollar, payment waived

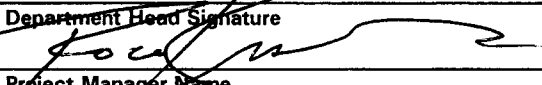
COMMENTS:

MTA Bridges and Tunnels entered into a License Agreement with MTA Long Island Railroad, dated August 1, 1996, for use of LIRR property on the north side of Borden Avenue, east of 11th Street directly south of the Queens-Midtown Tunnel exit plaza in Queens County, New York, in connection with B&T capital program projects. B&T has requested that the existing agreement be extended for an additional ten (10) year period to support its capital projects that are still on-going, including access to its retaining wall monitoring system, which was installed on the B&T wall on the northern boundary of the property.

In addition, as part of its capital project QM-01A in the MTA 2005-2009 Capital Program, B&T will demolish and rebuild its engineering building located adjacent to the existing service building and toll plaza, and will require the subject property to set up a temporary office trailer for its Engineering staff and as contractor parking and staging area.




MTA Real Estate recommends amending the license agreement to extend the term for the above stated reasons.

Staff Summary

Subject LEASE AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name JENNIFER COLON

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	X		
2	Board	9/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

AGENCY: MTA Metro-North Railroad ("Metro-North")

LICENSEE: Starbucks Corporation

LOCATION: Tuckahoe Station Building

ACTIVITY: Lease of station building for the operation of a Starbucks Coffee Store

ACTION REQUESTED: Approval of terms

TERM: Ten (10) years with two options to extend term for an additional five (5) years each

SPACE: Approximately 2,000-square-foot building plus adjacent sidewalk and one (1) dedicated employee parking space; MN reserves non-exclusive use of the public restroom and waiting area.

COMPENSATION:

	<u>Per Year</u>	<u>Per Month</u>
Years 1-5	\$40,000.00	\$3,333.33
Years 6-10	\$44,800.00	\$3,733.33
Extension Options:		
Years 11-15	\$50,176.00	\$4,181.33
Years 16-20	\$56,197.12	\$4,683.09

TENANT IMPROVEMENTS: Tenant shall completely build out the premises, at its expense, at an estimated cost of \$500,000. The build out will include the installation of a new central HVAC system, the installation of new ADA-compliant bathrooms in addition to the general renovation of the interior for Tenant's use in common with Metro-North's waiting room and public restroom functions.

PLANNING/REAL ESTATE COMMITTEE MEETING Lease Agreement with Starbucks Corporation (Cont'd)

LANDLORD IMPROVEMENTS:

MN, in connection with its \$15.8 million Lower Harlem Station improvement project, will undertake certain exterior and structural improvements to the Station Building. Metro-North will also undertake the remediation of environmental issues existing in the building at an estimated cost of \$300,000.

Starbuck's proposal initially requested that Landlord provide needed mechanical and utility services to the Station. In lieu of providing such services, Landlord will provide a construction allowance to Tenant in the amount of \$75,000.

COMMENTS:

Tuckahoe Station was offered for Net Lease via the request for approvals process and subsequently marketed and offered by Royal Properties, pursuant to a brokerage contract approved by the Board in 2004. We have since received offers from two nationally recognized coffee retailers, Starbucks Corporation and a local Dunkin Donuts franchisee. Although Starbuck's rent offer is slightly less than Dunkin Donuts, Starbucks is the preferred Tenant given its creditworthiness and its reputation as an international leader in the specialty coffee retail business. Moreover, it is an existing tenant in good standing with four (4) current leases with MTA agencies, including a Net Lease of Metro-North's Hartsdale Station building, not far from the proposed Tuckahoe station on the Harlem Line. As a current Net Lessee, Starbucks is familiar with the requirements and obligations of Metro-North's net lease program, including securing the requisite approvals of the State Historic Preservation Office ("SHPO") for its alterations.

Metro-North will reserve non-exclusive use of the customer waiting room and public restrooms in common with Tenant's use of the building interior. There is no ticket agent present at this station and ticket vending machines are on the exterior of the building.

Metro-North has reviewed Tenant's preliminary plans and believes that the use and improvements will benefit its operations and its customers. Currently closed for construction, the Station typically has opened at 6:00 a.m., closed at 1:30 p.m., and was closed on weekends. Starbucks' occupancy will extend the waiting room hours to approximately 9:00 p.m. on weekdays with added weekend hours depending upon on store volume. The net lease will also relieve Metro-North of the ongoing cost of operating the building, including the waiting room and bathroom areas, by reducing the utility and general maintenance costs. The build-out will be subject to the further review and approval by Metro-North and SHPO.

Based on the above, Real Estate recommends entering into a lease with Starbucks Corporation pursuant to the terms and conditions outlined above.

Staff Summary



Page 1 of 2

Subject LEASE RENEWAL AGREEMENT
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature
Project Manager Name NANCY MARSHALL

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
	Chief of Staff	1	Legal
	Director of B&FM		
3	Dep Exec Dir of Admin		

Narrative				
AGENCY:	MTA Metro-North Railroad ("Metro-North")			
LESSEE:	Munch Munch, Inc. dba Golden Krust Patties, Inc.			
LOCATION:	K-05 (Kiosk - Dining Concourse)			
ACTIVITY:	For the retail sale of a variety of Jamaican meat and vegetable patties, other lunch items and non-alcoholic beverages			
ACTION REQUESTED:	Approval of Terms			
TERM:	Five (5) Years			
SPACE:	Approximately 150 square feet and LCS-13 approx. 131 square feet storage space			
COMPENSATION:	Year	Per Annum	Per Sq. Ft.	Breakpoint
	1	\$39,000.00	\$260.00	\$390,000
	2	40,170.00	267.80	401,700
	3	41,374.50	275.83	413,745
	4	42,615.00	284.10	426,150
	5	43,894.50	292.63	438,945
	Plus 10% of gross sales over breakpoint			
STORAGE SPACE:	1	\$ 7,601.93	\$58.03	
	2	7,629.87	59.77	
	3	8,064.36	61.56	
	4	8,306.71	63.41	
	5	8,555.61	65.30	
MERCHANDISING AND MARKETING:	\$5.79 per square foot per year increasing annually by 3%			
RENT COMMENCEMENT:	December 1, 2005			

PLANNING/REAL ESTATE COMMITTEE MEETING**Munch Munch Inc. (Cont'd)****MERCHANDISING****AND MARKETING:** \$5.79 per square foot per year increasing annually by 3%**RENT COMMENCEMENT:** December 1, 2005**COMMENTS:**

Since 1999, Golden Krust has been a welcome addition to GCT's dining concourse. Golden Krust adds to the diversity of food vendors in Grand Central by offering diners a taste of traditional Caribbean fare. The negotiated compensation represents a 15.5% increase for the first year of the new term with a 3% increase per annum thereafter. Based on the above, Real Estate recommends the approval of the Lease Renewal with Golden Krust.

Memorandum



Metropolitan Transportation Authority

State of New York

Date September 27, 2005

To Members of the MTA Capital Construction, Planning, and Real Estate Committee

From Roco Krsulic – Director, Real Estate

Re **Proposed policy on short-term parking facilities access agreements for commercial and business entities along Metro-North Right-Of-Way.**

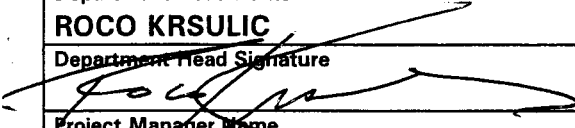
From time to time, MTA Real Estate receives requests from for-profit corporations for temporary access to Metro-North Railroad parking facilities in connection with short-term commercial activities. These generally involve the use of our parking facilities for special events, promotions, or other functions during periods when these facilities are not typically used by commuters.

The agreements covering these activities are normally structured as permits or licenses, and are typically for a term equal to the duration of the event or promotion, which is generally for a few hours, but never for more than a weekend or an extended weekend period. These agreements are uncomplicated deals in which liability protection and insurance coverages are the primary issues to be addressed. Actual costs to the agency are minimal, and the fees associated with these agreements are based on \$2.00 per parking space per diem.

Real Estate is requesting authorization to negotiate and enter into agreements directly with for-profit corporations and other commercial or business entities for such access agreements as described hereinabove without prior notification to or approval from the Real Estate Committee and Board.




Any agreements entered into pursuant to this policy will be reported to the Committee the following month as an Information item.

Staff Summary

Subject PARKING FACILITIES ACCESS POLICY
Department REAL ESTATE
Department Head Name ROCO KRSULIC
Department Head Signature 
Project Manager Name DAVID C. BOSCH

Date SEPTEMBER 27, 2005
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	P/RE Committee	09/27/05	X		
2	Board	09/29/05	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Adm 		

Narrative

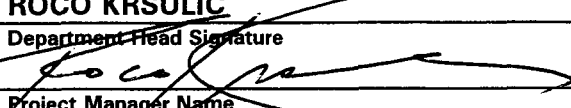
BE IT RESOLVED that the Board hereby authorizes the MTA Director of Real Estate to negotiate and enter into agreements on behalf of Metro-North Railroad for the purpose of providing certain short-term access rights to parking facilities for commercial and business entities and for-profit corporations in connection with special events, promotions, or other functions. These types of agreements may be entered into directly either for one-time use or for periodic short-term use.

Each agreement shall:

1. be in a form approved by the Legal Department;
2. have no significant impact on revenues;
3. comply with operating requirements;
4. provide for compensation commensurate with the activity, use, and duration of the event or function, typically \$2.00 per space per diem, subject to 3% annual increases commencing January 2006;
5. provide for appropriate indemnifications and insurance protections;
6. provide for a term not to exceed 72 hours; and
7. provide for cleanup of the lot by permittee or licensee after the event.


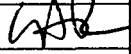

This resolution shall take effect immediately upon its adoption.

Staff Summary

Subject	PERMIT TO ENTER
Department	REAL ESTATE
Department Head Name	ROCO KRSULIC
Department Head Signature	
Project Manager Name	JENNIFER COLON

Date	SEPTEMBER 27, 2005
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	9/27/05	x		
2	Board	9/29/05	x		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights 
	Chief of Staff	1	Legal 
	Director of B&FM		
3	Dep Exec Dir of Admin 		

Narrative

AGENCY: MTA Bridges and Tunnels ("B&T")

PERMITTEE: Langan Engineering and Environmental Services, Inc. ("Langan Engineering")

LOCATION: First Avenue, between 39th and 40th Streets, New York, New York

ACTIVITY: Subsurface investigation involving soil borings

ACTION REQUESTED: Approval of Terms

TERM: Commencing upon execution of the permit and expiring on August 31, 2006

COMPENSATION: One thousand dollars (\$1,000.00)

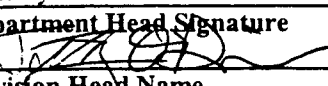
COMMENTS:

Langan Engineering is an environmental consultant for Consolidated Edison Company of New York, Inc ("Con Edison"), undertaking certain environmental investigations on First Avenue in New York, New York. B&T engineers have reviewed and approved the borings plan for subsurface investigations along First Avenue that impact the Queens-Midtown Tunnel ("QMT") subsurface facility between 39th and 40th Streets.

All investigative work performed by Langan Engineering on behalf of Con Edison is being monitored by the New York State Department of Environmental Conservation. MTA Legal and Environmental Counsel will review the Permit as to form and the appropriate insurance coverages and indemnity protections will be secured.

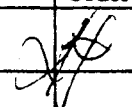
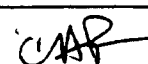
Based on the above, Real Estate recommends granting the permit to Langan Engineering under the stated terms and conditions.

Staff Summary

Subject Revised MTA Committee Charters
Department Corporate Secretary
Department Head Name Timothy A. O'Brien
Department Head Signature 
Division Head Name

Date 7/27/05
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	7/27/05			

Internal Approvals			
Order	Approval	Order	Approval
2	Executive Director		Office of Civil Rights
	Chief of Staff	1	Legal 
	Chief Financial Officer		EITG
	Procurement		Administrator

Purpose

Upon recommendation of the Chairman, to merge the Capital Construction and Real Estate and Planning Committees into one, unified Capital Construction, Planning and Real Estate Committee with a new charter; and to make an adjustment to the Governance Committee charter.

Background

The Capital Construction and Real Estate and Planning Committee charters were approved by the MTA Board on July 29, 2004. In the ensuing year it has become apparent that the two committees could function efficiently as one, joint committee.

The Governance Committee charter was approved by the MTA Board on May 25, 2005. The revised Committee charter reflects a change in the committee's meeting requirements.

The Metropolitan Transportation Authority

CAPITAL CONSTRUCTION, PLANNING AND REAL ESTATE COMMITTEE

This Capital Construction, Planning and Real Estate Committee Charter was adopted by the MTA Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the "MTA"), on this 27th day of July, 2005.

I. PURPOSE

The Capital Construction, Planning and Real Estate Committee (the "Committee") shall assist the MTA Chair and the Board in fulfilling their responsibility to: (a) oversee the operations of the MTA Capital Construction Company ("MTACCC") including implementation of system expansion and security-related projects; (b) review and make recommendations concerning MTA planning studies and (c) review, provide guidance, and make recommendations concerning MTA real estate-related matters.

II COMMITTEE AUTHORITY

In discharging its role, the Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Committee shall have access to all books, records, facilities and staff of the MTA (including any of its subsidiary corporations or affiliates).

III. COMMITTEE MEMBERSHIP

The Committee shall consist of 3 or more members of the Board, appointed by the MTA Chair. If not otherwise a member of the Committee, each MTA Vice-Chair shall be an *ex officio* member of the Committee. The MTA Chair shall appoint the chairperson of the Committee. In the absence of the chairperson at a meeting of the Committee, the MTA Chair shall appoint a temporary chairperson to chair such meeting. A member of the Committee may be removed, for cause or without cause, by the MTA Chair.

IV. COMMITTEE MEETINGS

The Committee shall meet on a regularly-scheduled basis at least 11 times per year, and more frequently as circumstances dictate. The Committee shall cause to be kept adequate minutes of all its proceedings and records of any action taken. Committee members will be furnished with copies of the minutes of each meeting. The Committee shall be governed by the rules regarding meetings, notice, quorum, and voting requirements as are applicable to meetings of the Board, including without limitation any applicable provisions set forth in the Public Authorities Law and Article 7 of the Public Officers Law. The Committee may form and assign responsibilities to subcommittees when appropriate.

The Committee may request that any member of the Board, the Auditor General, any officer or staff of the MTA and its subsidiaries and affiliates, or any other person whose advice and counsel are sought by the Committee, attend any meeting of the Committee to provide such pertinent information as the Committee requests.

V. COMMITTEE REPORTS.

The chairperson of the Committee shall report on the Committee's proceedings, and any recommendations made.

VI. KEY RESPONSIBILITIES

The following responsibilities are set forth as a guide with the understanding that the Committee may diverge as appropriate given the circumstances. The Committee is authorized to carry out these and such other responsibilities assigned by the MTA Chair or the Board, from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purpose, the Committee shall:

1. Monitor the performance and finances of the MTACC;
2. Monitor the progress of all MTACC capital and security projects including budget and scheduling and report, as necessary, to the MTA Chair and Board with respect thereto;
3. Review and make recommendations to the MTA Chair and Board with respect to procurement solicitations relating to capital and security projects undertaken by the MTACC that require approval of the Board;
4. Monitor the progress of contract commitments and completions with respect to all capital and security projects undertaken by the MTACC;
5. Track the funding needs of all capital projects undertaken by the MTACC, as well as the availability of funds to meet such needs from all sources of funding;
6. Review and make recommendations to the MTA Chair and Board with respect to planning studies that: assess the current and future state of the region, define and evaluate projects to meet the region's mobility needs, fulfill MTA's federal planning process obligations and, overall, support a unified mass transportation policy for the MTA region in accordance with Section 1264 of the Public Authorities Law;
7. Review and make recommendations to the MTA Chair and Board with respect to the leasing and acquisition of real property; the licensing of customer services and amenities; the maximizing of advertising opportunities; the disposition or conveyance of interests in real property;

the management of occupancies on the property of the MTA; and the adoption or amendment of any policies relating thereto;

8. Review and make recommendations to the MTA Chair and Board with respect to the procurement of certain professional services in support of the activities of the real estate department, including real estate brokerage and other specialized consultant services;
9. Review MTA's offering and management of leasing, licensing, and other business opportunities on the property of the MTA and its subsidiaries and affiliates;
10. Review periodically with the Counsel of the MTA, the Chief Compliance Officer, and the Counsel of the MTACC as appropriate: (i) legal and regulatory matters that may have material impact on the MTACC or real estate; and (ii) the formulation of compliance policies and procedures;
11. Set the annual agenda for the Committee;
12. Conduct an annual self-evaluation of the performance of the committee, including its effectiveness and compliance with this Charter;
13. Review and assess the adequacy of this Charter annually; and
14. Report regularly to the MTA Chair and Board on Committee findings and recommendations and any other matters the Committee deems appropriate or the MTA Chair or the Board requests, and maintain minutes or other records of Committee meetings and activities.

The Metropolitan Transportation Authority

CORPORATE GOVERNANCE COMMITTEE

This Charter for the Corporate Governance Committee was adopted by the MTA Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the "MTA"), on this 29th day of July, 2004.

I. PURPOSE

The Corporate Governance Committee (the "Committee") shall assist the MTA Chair and the Board in: (i) developing and recommending to the Board, policies to promote honest and ethical conduct by Board members, officers, and employees, and enhance public confidence in the MTA; (ii) developing, recommending to the Board and overseeing implementation of MTA policies relating to corporate governance, including the MTA Corporate Governance Principles; and (iii) reviewing on a regular basis the overall corporate governance of the MTA and recommending improvements when necessary.

II. COMMITTEE AUTHORITY

In discharging its role, the Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Committee shall have access to all books, records, facilities and staff of the MTA (including any of its subsidiary corporations or affiliates).

III. COMMITTEE MEMBERSHIP

The Committee shall consist of 11 or more members of the Board and shall include the MTA Chair, and the chairs of each committee of the Board. All other members of the Committee shall be appointed by the MTA Chair. At all times, the Committee shall include at least one member from among those recommended for appointment to the Board by the Mayor of the City of New York. If not otherwise a member of the Committee, each MTA Vice-Chair shall be an *ex officio* member of the Committee. The MTA Chair shall be the chairperson of the Committee. In the absence of the chairperson at a meeting of the Committee, the MTA Chair shall appoint a temporary chairperson to chair such meeting. A member of the Committee may be removed, for cause or without cause, by the MTA Chair. No member of the Committee shall be employed by (a) the MTA, or (b) a private entity that does, or is likely to do, business with the MTA.

IV. COMMITTEE MEETINGS

The Committee shall meet on a regularly-scheduled basis at least 2 times per year, and more frequently as circumstances dictate. The Committee shall cause to be kept adequate minutes of all its proceedings and records of any action taken. Committee members will be furnished with copies of the minutes of each meeting. The Committee shall be governed by the same rules regarding meetings, notice, quorum, and voting requirements as are applicable to meetings of the Board, including without limitation any applicable provisions set forth in the Public Authorities

Law and Article 7 of the Public Officers Law. The Committee may form and assign responsibilities to subcommittees when appropriate.

The Committee may request that any member of the Board, the Auditor General, any officer or staff of the MTA, or any other person whose advice and counsel are sought by the Committee, attend any meeting of the Committee to provide such pertinent information at the Committee requests.

V. COMMITTEE REPORTS

The chairperson of the Committee shall report on the Committee's proceedings, and any recommendations made.

VI. KEY RESPONSIBILITIES


The following responsibilities are set forth as a guide with the understanding that the Committee may diverge as appropriate given the circumstances. The Committee is authorized to carry out these and such other responsibilities assigned by the MTA Chair or the Board, from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purposes, the Committee shall:

1. coordinate and oversee the annual self-evaluation of the role and performance of the Board, its committees, and management in the governance of the MTA;
2. develop and recommend to the Board, oversee the implementation and effectiveness of, and recommend modifications as appropriate to, any policies or documents relating to the governance of the MTA, including the MTA Corporate Governance Principles;
3. consider corporate governance issues that arise from time to time, and develop appropriate recommendations for the Board regarding such matters;
4. review, and as necessary recommend to the Board any revisions to, MTA policies regarding the procurement of goods and services;
5. monitor the MTA's compliance with MTA policy and the laws and requirements of the State of New York with respect to procurement lobbying;
6. review, and as necessary recommend to the Board any revisions to, MTA policies regarding the protection of whistleblowers from retaliation;
7. review and assess the adequacy of this Charter annually;
8. conduct an annual self-evaluation of the performance of the Committee, including its effectiveness and compliance with this Charter; and



9. report regularly to the MTA Chair and Board on Committee findings and recommendations and any other matters the Committee deems appropriate or the MTA Chair or the Board requests, and maintain minutes or other records of Committee meetings and activities.

Staff Summary

Subject Amendments to Rules and Regulations
Department General Counsel
Department Head Name Catherine A. Rinaldi
Department Head Signature 
Project Manager Name N/A

Date September 22, 2005
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	Board				

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Executive Director		

PURPOSE: To obtain Board approval to adopt proposed amendments to the Rules of Conduct for NYCT, MaBSTOA, SIRTOA, LIRR and MNRR and conclude the rule-making procedures required under the State Administrative Procedure Act ("SAPA").

The proposed amendments were initially presented to the Board in a Staff Summary dated May 16, 2005, and thereupon approved by the Board at its May 2005 meeting for purposes of commencement of the SAPA process. Pursuant to SAPA, the MTA published the proposed amendments in the State Register, and provided the necessary public notice and comment period. The amendments are necessary for MTA to meet the requirement in §165.16 of the Penal Law that MTA promulgate and publish rules and regulations providing additional public notice of the types of sales prohibited by the newly-enacted Penal Law §165.16 entitled "Unauthorized Sale of Certain Transportation Services".

DISCUSSION: Part T of Chapter 57 of the Laws of 2005 amended the New York Penal Law by adding a new §165.16. This section establishes a new crime: "Unauthorized Sale of Certain Transportation Services," a Class B Misdemeanor. This crime applies to persons who, with intent to facilitate another's avoidance of payment of fares, exchange for value or sell access to transportation services provided by the MTA, NYCT, MaBSTOA, SIRTOA, MNRR or LIRR without authorization through the use of an unlimited or "doctored" farecard. The law only applies to sales that occur in a "transportation facility" as defined in subdivision 2 of §240.00 of the Penal Law. That section defines "transportation facility" as "any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, railroad, motor vehicle or any other method. It includes aircraft, watercraft, railroad cars, buses, school buses as defined in section one hundred forty-two of the vehicle and traffic law, and air, boat, railroad and bus terminals and stations and all appurtenances thereto."

The new law addresses, among other things, the practice whereby "swipers" tamper with expired MetroCards, adding ride swipes to the expired cards and then loitering near subway turnstiles to sell the "swipes" to prospective passengers.

It is estimated that illegal swipes cost the MTA as much as \$10 million per year in lost revenue. In addition, the practice of swiping is estimated to have added an additional \$6 million a year to MetroCard vending machine maintenance costs, as swipers commonly disable vending machines in order to encourage the purchase of their product.

Prior to this amendment of the Penal Law, the sale of swipes was classified as a Violation under Penal Law §240.35. As noted above, the new law designates this conduct as a Class B Misdemeanor.

Section 2 of this new law requires that MTA promulgate and publish rules and regulations providing additional public notice of the types of sales that are prohibited by the act.

DESCRIPTION OF THE PROPOSED CHANGES:

I. New York City Transit Rules of Conduct (NYCT and MaBSTOA) : Add new Section 1050.13 (Annexed hereto as Attachment A)

II Staten Island Rapid Transit Operating Authority : Add new Section 1040.13 (Annexed hereto as Attachment B.)

III Metro-North Commuter Railroad Company : Add new Section 1085.16 9 (Annexed hereto as Attachment C.)

IV. Long Island Rail Road Company Add new Section 1097.16 (Annexed hereto as Attachment D.)

SUMMARY OF PUBLIC COMMENTS RECEIVED:

Only one comment relevant as to the proposed rule was received. A transit rider commented in support of the rule.

RECOMMENDATION:

It is recommended that the Board authorize the adoption of the rule revisions proposed and the completion of the rule-making process for the proposed amendments to the Rules of Conduct for NYCT, MaBSTOA and SIRTOA, in accordance with SAPA.

ATTACHMENT A
NEW YORK CITY TRANSIT RULES OF CONDUCT (NYCT and MaBSTOA)

1050.13 Public Notice of the Provisions of New York Penal Law §165.16 (as added by Chapter 57 of the Laws of 2005).

The following notice of the provisions of New York Penal Law §165.16 is provided pursuant to Section 2, part T, Chapter 57 of the Laws of 2005. New York Penal Law §165.16 states:

§165.16 Unauthorized sale of certain transportation services.

1. A person is guilty of unauthorized sale of certain transportation services when, with intent to avoid payment by another person to the metropolitan transportation Authority, New York city transit authority or a subsidiary or affiliate of either such authority of the lawful charge for transportation services on a railroad, subway, bus or mass transit service operated by either such authority or a subsidiary or affiliate thereof, he or she, in exchange for value, sells access to such transportation services to such person, without authorization, through the use of an unlimited farecard or doctored farecard. This section shall apply only to such sales that occur in a transportation facility, as such term is defined in subdivision two of section 240.00 of this chapter, operated by such metropolitan transportation authority, New York city transit authority or subsidiary or affiliate of such authority, when public notice of the prohibitions of its section and the exemptions thereto appears on the face of the farecard or is conspicuously posted in transportation facilities operated by such metropolitan transportation authority, New York city transit authority or such subsidiary or affiliate of such authority.

2. It shall be a defense to a prosecution under this section that a person, firm, partnership, corporation, or association: (a) selling a farecard containing value, other than a doctored farecard, relinquished all rights and privileges thereto upon consummation of the sale; or (b) sold access to transportation services through the use of a farecard, other than a doctored farecard, when such sale was made at the request of the purchaser as an accommodation to the purchaser at a time when a farecard was not immediately available to the purchaser, provided, however, that the seller lawfully acquired the farecard and did not, by means of an unlawful act, contribute to the circumstances that caused the purchaser to make such request.

3. For purposes of this section:

- (a) "farecard" means a value-based, magnetically encoded card contain-ing stored monetary value from which a specified amount of value is deducted as payment of a fare;
- (b) "unlimited farecard" means a farecard that is time-based, magnetically encoded and which permits entrance an unlimited number of times into facilities and conveyances for a specified period of time; and
- (c) "doctored farecard" means a farecard that has been bent or manipulated or altered so as to facilitate a person's access to transportation services without paying the lawful charge.

Unauthorized sale of transportation service is a class B misdemeanor.

ATTACHMENT B
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY

1040.13 Public Notice of the Provisions of New York Penal Law §165.16 (as added by Chapter 57 of the Laws of 2005).

The following notice of the provisions of New York Penal Law is provided pursuant to Part T, Section 2 of Chapter 57 of the Laws of 2005. New York Penal Law §165.16 states:

165.16 Unauthorized sale of certain transportation services.

1. A person is guilty of unauthorized sale of certain transportation services when, with intent to avoid payment by another person to the metropolitan transportation Authority, New York city transit authority or a subsidiary or affiliate of either such authority of the lawful charge for transportation services on a railroad, subway, bus or mass transit service operated by either such authority or a subsidiary or affiliate thereof, he or she, in exchange for value, sells access to such transportation services to such person, without authorization, through the use of an unlimited farecard or doctored farecard. This section shall apply only to such sales that occur in a transportation facility, as such term is defined in subdivision two of section 240.00 of this chapter, operated by such metropolitan transportation authority, New York city transit authority or subsidiary or affiliate of such authority, when public notice of the prohibitions of its section and the exemptions thereto appears on the face of the farecard or is conspicuously posted in transportation facilities operated by such metropolitan transportation authority, New York city transit authority or such subsidiary or affiliate of such authority.

2. It shall be a defense to a prosecution under this section that a person, firm, partnership, corporation, or association: (a) selling a farecard containing value, other than a doctored farecard, relinquished all rights and privileges thereto upon consummation of the sale; or (b) sold access to transportation services through the use of a farecard, other than a doctored farecard, when such sale was made at the request of the purchaser as an accommodation to the purchaser at a time when a farecard was not immediately available to the purchaser, provided, however, that the seller lawfully acquired the farecard and did not, by means of an unlawful act, contribute to the circumstances that caused the purchaser to make such request.

3. For purposes of this section:

- (a) "farecard" means a value-based, magnetically encoded card contain-ing stored monetary value from which a specified amount of value is deducted as payment of a fare;
- (b) "unlimited farecard" means a farecard that is time-based, magnetically encoded and which permits entrance an unlimited number of times into facilities and conveyances for a specified period of time; and
- (c) "doctored farecard" means a farecard that has been bent or manipulated or altered so as to facilitate a person's access to transportation services without paying the lawful charge.

Unauthorized sale of transportation service is a class B misdemeanor.

ATTACHMENT C
METRO-NORTH COMMUTER RAILROAD COMPANY

1085.16 Public Notice of the Provisions of New York Penal Law §165.16 (as added by Chapter 57 of the Laws of 2005).

The following notice of the provisions of New York Penal Law §165.16 is provided pursuant to Part T, Section 2 of Chapter 57 of the Laws of 2005. New York Penal Law §165.16 states:

165.16 Unauthorized sale of certain transportation services.

1. A person is guilty of unauthorized sale of certain transportation services when, with intent to avoid payment by another person to the metropolitan transportation Authority, New York city transit authority or a subsidiary or affiliate of either such authority of the lawful charge for transportation services on a railroad, subway, bus or mass transit service operated by either such authority or a subsidiary or affiliate thereof, he or she, in exchange for value, sells access to such transportation services to such person, without authorization, through the use of an unlimited farecard or doctored farecard. This section shall apply only to such sales that occur in a transportation facility, as such term is defined in subdivision two of section 240.00 of this chapter, operated by such metropolitan transportation authority, New York city transit authority or subsidiary or affiliate of such authority, when public notice of the prohibitions of its section and the exemptions thereto appears on the face of the farecard or is conspicuously posted in transportation facilities operated by such metropolitan transportation authority, New York city transit authority or such subsidiary or affiliate of such authority.

2. It shall be a defense to a prosecution under this section that a person, firm, partnership, corporation, or association: (a) selling a farecard containing value, other than a doctored farecard, relinquished all rights and privileges thereto upon consummation of the sale; or (b) sold access to transportation services through the use of a farecard, other than a doctored farecard, when such sale was made at the request of the purchaser as an accommodation to the purchaser at a time when a farecard was not immediately available to the purchaser, provided, however, that the seller lawfully acquired the farecard and did not, by means of an unlawful act, contribute to the circumstances that caused the purchaser to make such request.

3. For purposes of this section:

- (a) "farecard" means a value-based, magnetically encoded card contain-ing stored monetary value from which a specified amount of value is deducted as payment of a fare;
- (b) "unlimited farecard" means a farecard that is time-based, magnetically encoded and which permits entrance an unlimited number of times into facilities and conveyances for a specified period of time; and
- (c) "doctored farecard" means a farecard that has been bent or manipu lated or altered so as to facilitate a person's access to transportation services without paying the lawful charge.

Unauthorized sale of transportation service is a class B misdemeanor.

ATTACHMENT D
LONG ISLAND RAIL ROAD COMPANY

1097.16 Public Notice of the Provisions of New York Penal Law §165.16 (as added by Chapter 57 of the Laws of 2005).

The following notice of the provisions of New York Penal Law §165.16 is provided pursuant to Part T, Section 2 of Chapter 57 of the Laws of 2005. New York Penal Law §165.16 states:

165.16 Unauthorized sale of certain transportation services.

1. A person is guilty of unauthorized sale of certain transportation services when, with intent to avoid payment by another person to the metropolitan transportation Authority, New York city transit authority or a subsidiary or affiliate of either such authority of the lawful charge for transportation services on a railroad, subway, bus or mass transit service operated by either such authority or a subsidiary or affiliate thereof, he or she, in exchange for value, sells access to such transportation services to such person, without authorization, through the use of an unlimited farecard or doctored farecard. This section shall apply only to such sales that occur in a transportation facility, as such term is defined in subdivision two of section 240.00 of this chapter, operated by such metropolitan transportation authority, New York city transit authority or subsidiary or affiliate of such authority, when public notice of the prohibitions of its section and the exemptions thereto appears on the face of the farecard or is conspicuously posted in transportation facilities operated by such metropolitan transportation authority, New York city transit authority or such subsidiary or affiliate of such authority.

2. It shall be a defense to a prosecution under this section that a person, firm, partnership, corporation, or association: (a) selling a farecard containing value, other than a doctored farecard, relinquished all rights and privileges thereto upon consummation of the sale; or (b) sold access to transportation services through the use of a farecard, other than a doctored farecard, when such sale was made at the request of the purchaser as an accommodation to the purchaser at a time when a farecard was not immediately available to the purchaser, provided, however, that the seller lawfully acquired the farecard and did not, by means of an unlawful act, contribute to the circumstances that caused the purchaser to make such request.

3. For purposes of this section:

- (a) "farecard" means a value-based, magnetically encoded card contain-ing stored monetary value from which a specified amount of value is deducted as payment of a fare;
- (b) "unlimited farecard" means a farecard that is time-based, magnetically encoded and which permits entrance an unlimited number of times into facilities and conveyances for a specified period of time; and
- (c) "doctored farecard" means a farecard that has been bent or manipulated or altered so as to facilitate a person's access to transportation services without paying the lawful charge.

Unauthorized sale of transportation service is a class B misdemeanor.

RESOLUTION

NYCTA, MaBSTOA, SIRTOA, MNRR and LIRR Rule-making Procedures

WHEREAS, the New York City Transit Authority ("NYCTA"), the Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA"), Staten Island Rapid Transit Operating Authority ("SIRTOA"), Long Island Rail Road ("LIRR") and Metro-North Railroad ("MNRR") maintain rules governing the conduct and safety of the public in the use of transit facilities; and

WHEREAS, the Board previously approved the commencement of rulemaking so as to amend 21 NYCRR Parts 1050, 1040, 1085, and 1097 relating to the modification of such rules to conform to the requirements of Part T of Ch. 57 of the Laws of 2005; and

WHEREAS, NYCTA, MaBSTOA, SIRTOA, LIRR and MNRR are desirous of concluding a process relating to the modification of such rules; and

WHEREAS, NYCTA, MaBSTOA, SIRTOA, LIRR and MNRR have, accordingly, prepared changes to such rules as set forth in a Staff Summary dated May 16, 2005 and attachments thereto; and

WHEREAS, the necessary public notice and comment period was provided and comments received prior to and during such comment period have been reviewed and considered pursuant to the requirements of the New York State Administrative Procedure Act ("SAPA") and

WHEREAS, SAPA required the publication of a Notice of Adoption of proposed rule changes in the New York State Register;

NOW, THEREFORE, upon motion duly made and seconded, the following resolutions were adopted by the Boards of NYCTA, MaBSTOA, SIRTOA, LIRR and MNRR:

RESOLVED, the boards of NYCTA, MaBSTOA, SIRTOA, LIRR and MNRR hereby authorize the conclusion of the process for amendment relating to the series of proposed rule changes referred to above and the Presidents of NYCTA, LIRR and MNRR and/or their designee are hereby authorized to take all steps necessary to adopt the proposed rule changes by filing a Notice of Adoption with the New York State Department of State and to comply with all other requirements of SAPA in order to adopt such amendments.

