MEETING AGENDA  
METROPOLITAN TRANSPORTATION AUTHORITY BOARD  
January 26, 2011  9:30 a.m.  

347 Madison Avenue  
Fifth Floor Board Room  
New York, NY  

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9. PRESENTATION – WINTER WEATHER RESPONSE

10. EXECUTIVE SESSION

Date of next MTA Board meeting: Wednesday, February 17, 2011 at 9:30 a.m.
Metropolitan Transportation Authority
Minutes of
Regular Board Meeting
347 Madison Avenue
New York, NY 10017

Wednesday, December 15, 2010
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Patrick J. Foye
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. James F. Blair
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Railroad, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, 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 (LI Bus), and the First Mutual Transportation Assurance Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

Chairman Walder called the meeting to order.

1. **PUBLIC SPEAKERS.** The following speakers addressed agenda items. Refer to the video recording of the December 15, 2010 meeting for the contents of these speakers' statements.

   Pat Bowden, President TWU Local 252 - Budget  
   Bill Henderson, PCAC - Budget  
   Matthew Shotkin, Private Citizen - Budget  
   Diane Rivera, Private Citizen - Budget  
   Kate Slevin, Tri-State Campaign - Budget  
   Marty Goodman, Member of TWU Local 100 - Budget

2. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of regular Board meeting held on November 17, 2010.

3. **CHAIRMAN'S REMARKS.**

   Chairman Walder welcomed new Board member Charles G. Moerdler, replacing former Board member Norman Seabrook, expressing thanks to Mr. Seabrook for his years of dedicated service to the Board.

   Chairman Walder recognized Christopher Boylan, Deputy Executive Director of Corporate and Community Affairs, who is retiring at the end of the year. The Chairman commended Mr. Boylan for his twenty-one years of service to the MTA and his commitment and dedication to New York.

4. **MTA 2011 BUDGET ADOPTION.**

   Chairman Walder called upon MTA Chief Financial Officer Robert Foran to introduce the proposed MTA 2011 Budget adoption materials.

   Mr. Foran presented an overview of the MTA 2011 Budget Adoption materials, following which the Chairman invited Board discussion concerning the proposed budget.

   Following an extensive discussion by Board members on the budget and related issues facing MTA, Chairman Walder asked for a vote on the proposed budget actions.
Upon motion duly made and seconded, the Board by a vote of 13 to 1 approved the following actions as set forth in the MTA 2011 Operating Budget staff summary, with Board member Patrick Foye casting the vote in opposition:

(i) Adopted the 2011 Final Proposed Budget and November Financial Plan 2011-2014, which includes the 2010 November Forecast, the General Reserve, and all Plan Adjustments (items below the baseline), with approval of the Plan superseding prior Board Plan Approvals for this period;
(ii) authorized staff, under the direction of the Chair/CEO, to take actions to implement the subsidy and other technical adjustments set forth in the Plan;
(iii) authorized technical adjustments to Agency Budgets and forecasts of a non-material nature in the February Plan;
(iv) authorized adjustment of Agency 2011 Budgets and forecasts to reflect labor settlements approved from time-to-time by the Board;
(v) authorized staff, under the direction of the Chair/CEO, to take actions in furtherance of ending subsidization of the Long Island Bus deficit, as set forth in the November Plan. Such actions in the discretion of the MTA and LI Bus Chair/CEO may include, without limitation, continuing negotiations with Nassau County to achieve a new agreement providing a secure and sufficient flow of funds from the County to maintain the existing bus system; facilitating Nassau County’s efforts to assume responsibility for bus operations in Nassau County, including through the County’s proposed privatization of local bus operations; giving notice of termination of the existing Lease & Operating Agreement between Nassau County and LI Bus; and scheduling and conducting a public hearing on the reduction or termination of LI Bus services provided under the existing Lease & Operating Agreement; and
(vi) approved additional budget and cash management actions as set forth in the staff summary.

The details of Board members’ comments with respect to the above matter are included in the video tape of the meeting produced by the MTA and maintained in MTA records.

5. COMMITTEE ON FINANCE.

A. Action Items. Upon motion duly made and seconded, the Board approved the following action items, described in further detail in the attached staff summaries. Board member Charles Moerdler recused himself from the vote on item #1 below.

1. Selection of Bond Underwriters and Swap Counterparties. Approved the selection of Bond Underwriter firms and Swap Counterparties, including designation of firms as senior managers, co-managers, variable rate remarketing agents and dealers, and qualified swap counterparties.

2. Authorization to Enter into Fuel Hedges. Approved the execution of up to $100 million of future fuel price agreements to establish stability in budgeting for the future price of revenue fleet fuels for MTA and its agencies and affiliates.
3. **Authorization to Issue Transportation Revenue Bonds, Series 2010E.** Approved issuance of new money bonds as Build America Bonds to provide net proceeds of up to $750 million to fund capital projects contained in the approved capital programs of the transit and commuter systems, including MTA Bus.

**B. Procurement Items.** Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the attached staff summaries and documentation.

1. **Day Engineering P.C. - Multi-Agency Environmental Consulting Services – No. 10096-0100.** Approved a competitive contract to perform as-needed environmental consulting services including site assessments, exposure assessments, compliance inspections; review of environmental regulations; and research and preparation of environmental position papers.

2. **Royal Properties, Inc. – Real Estate Brokerage Services – No. 10083-0100.** Approved a competitive contract to provide real estate brokerage services for twelve MNR station buildings which are no longer needed for passenger services due to recent station rehabilitations.


4. **Various Contractors - Routine Preventative Maintenance Services for MTAPD Vehicles – Nos. 10051-0100 thru 1500.** Approved competitive contracts to provide preventative maintenance and repair services on an as-needed basis for the MTA Police Department fleet of vehicles.

5. **John W. Bernet – Costing Services for MTA Labor Relations Department – No. 10238-0100.** Approved a non-competitive contract to provide as-needed consulting services to cost labor contract proposals for the Labor Relations Department.

6. **Public Financial Management – Research Analysis and Presentation Services for the MTA Labor Relations Department – No. 10239-0100.** Approved a non-competitive contract to provide as-needed consulting services for the Labor Relations Department.

**C. Real Estate Items.** Upon motion duly made and seconded, the Board approved the following real estate items. The specifics are set forth in the attached staff summaries and documentation.
New York City Transportation Authority

1. Acquisition from Esplanade Gardens, Inc. of temporary and permanent easements located at 148th Street and Lenox Boulevard, adjacent to MTA New York City Transit’s 148th Street Yard (Block 1744, lot 1), to facilitate construction of a flood mitigation wall, Manhattan, N.Y.

MTA Capital Construction

2. Lease with ELK 1614 Second, LLC for commercial space required for relocation of building utilities to allow underpinning associated with new entrance for Second Avenue Subway’s 86th Street Station and other project-related activities, located at 1614 2nd Avenue, Manhattan, N.Y.

Metro North Railroad:

3. Lease with ELC Beauty LLC d/b/a Origins for Retail Space MC-62 and storage space MC-9C for the retail sale of tenant-branded cosmetics, health, skin and body care products, Grand Central Terminal, N.Y.

4. Lease with Jo Malone Inc. d/b/a Jo Malone for Retail Space MC-67 and storage space MCS-9 for the retail sale of Jo Malone branded fragrances and skin care products, Grand Central Terminal, N.Y.

5. Lease with Camuto Group d/b/a Vince Camuto for Retail Space MC-26 for the retail sale of tenant-branded women’s fashion footwear, handbags, and accessories, Grand Central Terminal, N.Y.

6. Lease with Azor Bake Shop Inc. d/b/a Zaro’s Bread Basket for Retail Space MKT-20 and storage space LPS-1E for the retail sale of high-quality tenant-produced fresh artisan bread, fine pastries and other bakery products, Grand Central Terminal, N.Y.

Long Island Railroad:

7. Sale of LIRR property to Nalex International Development Corporation of property located at District 903, Section 2, Block 2, Sag Harbor, N.Y.

6. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session to consider collective bargaining matters. The Board unanimously approved a contract between the MTA Bus Company and Amalgamated Transit Unit, Local, 1181 covering approximately 240 hourly employees for 42 months from January 1, 2006 through June 30, 2009. The Board also approved the ratification of an initial Memorandum of Understanding and contract, covering the period of January 1, 2011 to March 31, 2015 (51 months), between the MTA Business Service Center and
TCU, creating a separate bargaining unit, with Board members John Banks, Jeffrey Kay, Mark Lebow, and Mark Page abstaining and Board member Moerdler voting nay.

7. **ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to resume proceedings in public session and thereupon, upon motion duly made and seconded, voted to adjourn the meeting at 11:05 a.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary
Minutes of the
Regular Board Meeting
for the New York City Transit Authority,
Manhattan and Bronx Surface Transit Operating Authority,
Staten Island Rapid Transit Operating Authority and
MTA Bus Company

347 Madison Avenue
New York, NY 10017

Wednesday, December 15, 2010
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Patrick J. Foye
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. James F. Blair
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Rail Road, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Douglas Sussman, Director, Community Affairs, also attended the meeting.
1. **CHAIRMAN JAY WALDER CALLED THE MEETING TO ORDER**

2. **PUBLIC COMMENT PERIOD**

Four public speakers addressed NYC Transit/MTA Bus issues:

Matthew Shotkin commented on the materials handed out at the Board meeting.

Bill Henderson, PCAC, urged against further reductions in service and stressed the importance of state and local assistance.

Diane Rivera discussed the impact of Atlantic Express service cuts on the South and West Shores of Staten Island.

Marty Goodman, TWU Local 100, spoke against the recent layoffs.

3. **CHAIRMAN JAY WALDER’S COMMENTS**

Details of Chairman Walder’s comments are set forth in minutes recorded by the MTA, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

4. **MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular board meeting of MTA New York City Transit, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Railway Transit Operating Authority, and MTA Bus Company held on November 17, 2010.

5. **MTA 2011 BUDGET ADOPTION MATERIALS**

Details of this item are set forth in minutes recorded by the MTA, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

6. **COMMITTEE ON FINANCE**

**Action Item(s)**

Selection of Bond Underwriters and Swap Counterparties: Upon motion duly made and seconded, the Board voted to qualify firms for underwriting assignments on MTA (including affiliate and subsidiary) bond and note issues in connection with the MTA financed portion of approved capital programs as well as for financing of special projects outside of approved capital programs.

Authorization to Enter into Fuel Hedges: Upon motion duly made and seconded, the Board voted to approve the execution of up to $100 million of future fuel price agreements to establish
stability in budgeting for the future price of revenue fleet fuels for MTA and its agencies and affiliates.

7. **COMMITTEE ON TRANSIT OPERATIONS**  
NYC Transit

**Procurements**

*Non-Competitive Procurements:* Upon motion duly made and seconded, the Board approved the non-competitive procurements requiring a majority vote (Schedules G and H in the Agenda) and those requiring two-thirds of the vote (Schedule A in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

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

*Procurement Ratifications:* Upon motion duly made and seconded, the Board approved the ratifications requiring a majority vote (Schedule K in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

8. **EXECUTIVE SESSION**

Upon motion duly made and seconded, the Board voted to convene an executive session to consider collective bargaining matters, at which the Board approved a contract between the MTA Bus Company and Amalgamated Transit Unit, Local, 1181, covering approximately 240 hourly employees, from January 1, 2006 through June 30, 2009. Board member Charles G. Moerdler voted in opposition. Board members John Banks, Jeffrey Kay, Mark Lebow, and Mark Page abstained from the vote.

9. **ADJOURMENT**

Upon motion duly made and seconded, the Board voted to resume public session whereupon, upon motion duly made and second, the meeting was adjourned at 11:05 a.m.

Respectfully submitted,

Mariel Tanne  
Assistant Secretary

-9-
Minutes of the Regular Meeting
Metro-North Commuter Railroad Company
Wednesday, December 15, 2010
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Patrick J. Foye
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. James F. Blair
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Railroad, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Douglas Sussman, Director, Community Affairs, also attended the meeting.

1. **Public Comment:**

   There were six public speakers. None of the speakers specifically commented on issues regarding Metro-North. The subject matter of the public comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

2. **Approval of Minutes** – Upon motion duly made and seconded, the minutes of the Regular Board Meeting of November 17, 2010 meeting were unanimously approved.

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3. Chairman’s Comments: The details of Chairman Walder’s comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

4. MTA Consolidated 2011 Budget

Robert Foran, Chief Financial Officer, MTA presented the MTA Consolidated 2011 Budget. Thereafter, upon motion duly made and seconded, the Board approved the 2011 Final Proposed Budget and November Financial Plan 2011-2014, which included approval of the 2010 November Forecast, the General Reserve, and All Plan Adjustments (items below the baseline). Board Member Foye voted in opposition. The details of Mr. Foran’s presentation and Board Member comments with respect to that presentation are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day and the staff summaries and reports filed with those minutes.

5. Committee on Finance

Action Items:

Upon motion duly made and seconded, the Board approved the following Action Items recommended to it by the Committee on Finance. Board Member Moerdler recused himself from the vote on the first item below.

- Board approval to qualify firms for underwriting assignments on MTA (including affiliate and subsidiary) bond and note issues in connection with the MTA financed portion of approved capital programs as well as for financing of special projects outside of approved capital programs, including (1) a pool of 10 bond underwriters to serve as senior managers, (2) a pool of 16 bond underwriters to serve as co-managers, (3) a pool of 12 bond underwriters to serve as variable rate dealers and remarketing agents, and (4) a pool of 12 firms to serve as swap counterparties for derivative transactions.

- Authorization to Enter into Fuel Hedges – Board approval for the execution of up to $100 million of future fuel price agreements to establish stability in budgeting for the future price of revenue fleet fuels for MTA and its agencies and affiliates (collectively “MTA”).

- Authorization to Issue Transportation Revenue Bonds, Series 2010E – Board authorization and approval of the necessary documentation to issue new money bonds, notes or other obligations to provide net proceeds (exclusive of premiums) sufficient to fund up to $750 million of capital projects contained in approved capital programs of the transit and commuter systems (including MTA Bus).

The details of the above items are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day and the staff summaries and reports filed with those minutes.
MTA HQ Procurements

Upon motion duly made and seconded, the Board approved MTA HQ procurements recommended to it by the Committee on Finance. Among the items approved are (1) a personal service contract requiring majority vote to enter into a multi-agency agreement with Day Engineering to perform as-needed environmental consulting services and (2) a personal service contract requiring majority vote with Royal Properties to provide real estate brokerage services for twelve (12) MNR station buildings which are no longer needed for passenger services due to recent station rehabilitations. The details of the above items are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day and the staff summaries and reports filed with those minutes.

Real Estate Action Items:

Upon motion duly made and seconded, the Board, among other items, approved the following real estate items recommended to it by the Committee on Finance.

- Lease with ELC Beauty, LLC d/b/a Origins, for retail sale of tenant-branded cosmetics, health, skin and body care products in Retail Space MC-62 at Grand Central Terminal.
- Lease with Jo Malone Inc d/b/a Jo Malone, for retail sale of tenant-branded fragrances and skin care products in Retail Space MC-67 at Grand Central Terminal.
- Lease with Camuto Group d/b/a Vince Camuto, for retail sale of tenant-branded women's fashion footwear, handbags, and accessories in Retail Space MC-26 at Grand Central Terminal.
- Lease with Azor Bake Shop Inc. d/b/a Zaro's, for retail sale of tenant-produced fresh artisan bread, fine pastries, and other bakery products in Retail Space MKT-20 at Grand Central Terminal.

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

6. Committee on Metro-North Railroad and Long Island Rail Road Operations:

Board Member Sedore reported that the November 2010 combined on-time performance of Metro-North Railroad and Long Island Rail Road was 95.45%.

MTA Capital Construction Action Items:

The Board voted on MTA Capital Construction action items. Among the items approved is a project to construct an ADA elevator between the LIRR Concourse that will be part of MTA's East Side Access project and GCT's 45th Street cross passage. The details of this item are contained in the minutes of the Long Island Rail Road held this day and the staff summaries and reports filed with those minutes.
Long Island Rail Road Procurements:

The Board voted on Long Island Rail Road items. Among the items approved is a non-competitive procurement requiring two-thirds vote to award a non-competitive purchase and public work contract to Progress Rail, Kershaw Division, to provide various replacement parts required by the railroads to maintain their fleet of Kershaw track equipment. The details of this item are contained in the minutes of the Long Island Rail Road held this day and the staff summaries and reports filed with those minutes.

MTA Metro-North Railroad Procurements:

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

Non-Competitive Purchases and Public Work Contracts

- General Electric Transportation Parts LLC (GETP) – Purchase agreement for MNR and LIRR and sole source authorization for NYCTA for various OEM replacement parts for the MNR, LIRR and NYCTA fleets.
- Empire Crane Company, LLC – Purchase of one 130-ton wreck crane.

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

Miscellaneous Service Contracts

- East Coast Railroad Services (MNR) and Ecology Sanitation (LIRR) – MNR/LIRR joint procurement initiative to award a three-year contract for the removal, re-punch and return of railroad tie plates.

Modifications to Personal/Miscellaneous Service Contracts

- Port Imperial Ferry Corp. d/b/a New York Waterway – Exercise of two-year options for the Operation of Trans-Hudson River Ferry and Ancillary Services.

Upon motion duly made and seconded, the Board approved the following ratification of completed procurement action requiring majority vote by the Board.

Ratification of Completed Procurement Action

- ORX – Purchase of twelve wheel sets for MNR BL-20 (switcher/shuttle) locomotives.

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

7. **Executive Session:** Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss collective negotiations. Upon
motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.

8. **Next Meeting** — January 26, 2010 at 9:30 a.m.

9. Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 11:05 a.m.

Respectfully submitted,

Linda Montanino  
Assistant Secretary
MINUTES OF MEETING OF THE BOARD OF
THE LONG ISLAND RAIL ROAD COMPANY

Meeting Held At
347 Madison Avenue
New York, NY 10017

Wednesday, December 15, 2010
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Patrick J. Foye
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. James F. Blair
Hon. Carl V. Wortendyke

Diana Jones Ritter, Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Rail Road, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President and Senior Vice-President of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, 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 SPEAKERS**

   There were six public speakers, none of whom addressed issues specific to the Long Island Rail Road.

2. **APPROVAL OF MINUTES**

   Upon motion duly made and seconded, the Board unanimously approved the minutes of the Board meeting held on November 17, 2010.

3. **CHAIRMAN’S REMARKS**

   The Chairman welcomed new Board Member Charles G. Moerdler and thanked outgoing Board Member Norman Seabrook for his service. The Chairman also thanked retiring Deputy Executive Director for Corporate Affairs and Communications Christopher P. Boylan for his 21 years of service. Refer to the minutes of the Metropolitan Transportation Authority for details regarding these remarks.

4. **MTA 2011 FINAL PROPOSED BUDGET AND NOVEMBER FINANCIAL PLAN 2011-2014**

   MTA Chief Financial Officer Robert E. Foran discussed the staff summary seeking MTA Board approval of the 2011 Final Proposed Budget and November Financial Plan 2011-2014. The Board Members commented extensively on the proposed budget and financial plan.

   Upon motion duly made and seconded, the Board approved the 2011 Final Proposed Budget and November Financial Plan 2011-2014, including the 2010 November forecast, the General Reserve and all Plan Adjustments. Board Member Foye voted in opposition. Refer to the minutes of the Metropolitan Transportation Authority for details regarding Mr. Foran’s remarks and the Board members’ comments.

5. **COMMITEE ON FINANCE**

   Upon motion duly made and seconded, the Board approved items from the Committee on Finance. Included among these items were: (1) a multi-agency contract with Day Engineering P.C. for as-needed environmental consulting services; (2) ratification of a personal services contract with John W. Bernet to cost labor contract proposals for the MTA Labor Relations Department, to assist in upcoming collective bargaining negotiations; and (3) ratification of a contract for consulting services with Public Financial Management for compensation analysis for the MTA Labor Relations Department, to assist in upcoming collective bargaining negotiations. Details of these items are contained in the minutes of the Metropolitan Transportation Authority held this day and the staff summaries and materials filed with those minutes.

   In addition, the Board approved the following LIRR real estate item:

   - Sale of LIRR property located at District 903, Section 2, Block 2, west of and adjacent to State Road 114 in Sag Harbor, New York, to Nalex International Development Corporation.

6. **COMMITTEE ON NEW YORK CITY TRANSIT AUTHORITY OPERATIONS**

   Upon motion duly made and seconded, the Board approved items from the Committee on New York City Transit Authority Operations. Included among those items was a multi-agency miscellaneous services contract for garment and footwear testing services, garment consulting and social compliance
auditing with SGS U.S. Testing Company, Inc. Details of this item are contained in the minutes of the New York City Transit Authority held this day and the staff summaries and materials filed with those minutes.

7. **LONG ISLAND COMMITTEE/METRO-NORTH COMMITTEE**

Upon motion duly made and seconded, the Board approved an action item submitted by MTA CC to add a project entitled “Additional Elevator for East Side Access Concourse” and the $2.24 million in federal funding for this project to the Regional Investment portion of the MTA’s 2010-2014 Capital Program.

In addition, upon motion duly made and seconded, the Board approved the following procurement items recommended by the Long Island Committee:

### Non-Competitive Procurements

1. **Progress Rail, Kershaw Division**
   - **Contract No. IT05886**
   - **Total:** $290,000 — LIRR
   - **Total:** $150,000 — MNR

Sole Source contracts, on behalf of LIRR and Metro-North, with Progress Rail, Kershaw Division, to provide various replacement parts required by the Railroads to maintain their fleet of Kershaw track equipment.

### Competitive Procurements

2. **Analytical Chemists Laboratory, LLC**
   - **Contract No. TBD**
   - **Total:** $178,253.91 — LIRR
   - **Total:** $14,120.00 — MTA BC

Competitively-bid contract, on behalf of LIRR and MTA BC, to Analytical Chemists Laboratory, LLC, for as-needed environmental testing services.

3. **White Tool & Supply, Inc.**
   - **Contract No. BP03780**
   - **Total:** $89,500

Competitively-bid miscellaneous service contract for maintenance and repair of gas and electric power tools.

In addition, included among the items recommended by the Metro-North Committee and approved by the Board were the following: (1) a multi-agency purchase agreement with General Electric Transportation Parts LLC for various OEM replacement parts for MNR’s M2, 3, 4, and 6 rail car fleets and Genesis locomotive fleet; LIRR’s M3 rail car fleet; and NYCT’s R32, R42, R46 and R62 subway car fleets; and (2) competitively solicited miscellaneous service contracts with East Coast Railroad Services (MNR) and Ecology Sanitation (LIRR) for on-going pick up, re-punching and return of palletized tie plates.

Details of the above items are on file with the records of this meeting.

Board Member Foye addressed the MTA’s customer satisfaction survey and noted that although customers were generally satisfied, he was skeptical about high approval rating from LIRR customers at Penn Station. He also indicated that he would have liked for information regarding the customers’ satisfaction with the value of services provided to have been included in the presentation. Chairman Walden indicated that he would look into whether certain information had not been captured, noting that it was the MTA’s intent to be open and transparent.
8. EXECUTIVE SESSION

Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss an issue related to collective bargaining. Upon motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.

9. ADJOURNMENT

Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting. The meeting was adjourned at 11:05 AM.

Respectfully submitted,

[Signature]
Catherine A. Rinaldi
Secretary
Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
December 15, 2010

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

9:30 A.M.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Patrick J. Foye
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. LeBow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. James E. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

Not Present:

Hon. James F. Blair
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director; Frederick Cuenca, Chief of Staff; James B. Henly, General Counsel, MTA; Board Member Andrew Albert; Board Member Norman Brown; Board Member Ira Greenberg; James Ferrara, President, MTA Bridges and Tunnels; Michael F. Horodniceanu, President MTA Capital Construction Company; Howard R. Permut, President,
Metro-North Commuter Railroad; Thomas Prendergast, President, New York City Transit; Darryl Irick, President & Senior Vice President, MTA Bus Operations; Helena E. Williams, President, Long Island Rail Road; and Douglas R. Sussman, Director, Community Affairs, MTA also attended the meeting.

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

1. **Public Speakers**
   
   There were six public speakers. None of the speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority. The subject matter of the public comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

2. **Approval of the Minutes of the Regular Meeting November 17, 2010**
   
   Upon a motion duly made and seconded, the minutes of the Meeting held November 17, 2010 were unanimously approved.

3. **Chairman’s Comments**
   
   On behalf of the Board, Chairman Walder welcomed Commissioner Charles G. Moerdler to the Board. Chairman Walder stated that Commissioner Moerdler replaces Commissioner Norman Seabrook. Chairman Walder thanked Commissioner Seabrook for his service on the Board and stated that Commissioner Seabrook would be honored at a later Board Meeting.

   Chairman Walder stated that Deputy Executive Director-MTA Corporate and Community Affairs, Christopher P. Boylan, was retiring after 21 years of service. On behalf of the Board Chairman Walder thanked Mr. Boylan for his dedication and years of service.

   The details of Chairman Walder’s comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

4. **MTA Consolidated 2011 Budget**
   
   Upon a motion duly made and seconded, the Board approved:

   - The adoption of the 2011 Final Proposed Budget and November Financial Plan 2011-2014, which included approval of the 2010 November Forecast, the General Reserve, and All Plan Adjustments (items below the baseline);
• The Advancement by Bridges and Tunnels to the MTA and NYC Transit, to the extent that funds are available, all or part of the estimated operating surplus for the year 2011, when and as directed by the Chair/CEO or his designee; and


Commissioner Foye voted in opposition.

The details of the MTA Chief Financial Officer, Robert E. Foran’s presentation on the MTA Consolidated 2011 Budget and Board Member comments with respect to that presentation, are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

A copy of the staff summary and details of the above items are contained in the minutes of the Board of the Metropolitan Transportation Authority and filed with the minutes of that meeting.

5. **Committee on Finance**

Upon a motion duly made and seconded, the Board approved:

• The qualification of firms for underwriting assignments on MTA (including affiliate and subsidiary) bond and note issues in connection with the MTA financed portion of approved capital programs as well as for financing of special projects outside of approved capital programs, including (1) a pool of 10 bond underwriters to serve as senior managers, (2) a pool of 16 bond underwriters to serve as co-managers, (3) a pool of 12 bond underwriters to serve as variable rate dealers and remarketing agents, and (4) a pool of 12 firms to serve as swap counterparties for derivative transactions. Commissioner Moerdler recused himself from the vote.

A copy of the staff summary and details of the above item are filed with the minutes of the Board of the Metropolitan Transportation Authority.

Commissioner Pally stated that last week the New York State Legislature renamed the Brooklyn Battery Tunnel for Governor Hugh L. Carey. The last time the Legislature renamed the Triborough Bridge for Robert F. Kennedy, there was significant discussion as to the actual cost of replacing the signs. There was a cost estimate of $4 million included in newspaper articles that was not accurate. Commissioner Pally stated that at the recent Bridges and Tunnels Committee Meeting, B&T President James Ferrara stated that the cost to replace the Triborough Bridge signs was $32,000 inclusive of materials and labor. Commissioner Pally stated that B&T has estimated that the cost to replace the signs at the Brooklyn Battery Tunnel will be less than that. Commissioner Lebow stated that the cost has been estimated at approximately $25,000.

6. **Committee for MTA Bridges and Tunnels Operations**

**Procurements**

Commissioner Lebow stated that there are no non-competitive procurements or ratifications this month. There are seven procurements which total $14.551 million.
**Competitive Procurements**

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

### Personal Service Contracts

<table>
<thead>
<tr>
<th>Company</th>
<th>Contract No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>HAKS Engineers, Architects and Land Surveyors, P.C.</td>
<td>PSC-10-2873</td>
<td>Provide construction management and inspection services for Project BB-45, Replacement of Switchgear and Power Distributions System at the Brooklyn Battery Tunnel.</td>
<td>$4,704,931.00</td>
</tr>
<tr>
<td>Hardesty &amp; Hanover, LLP</td>
<td>PSC-10-2864</td>
<td>Provide construction management and inspection services for Project HH-10, Replacement of the Upper Level Curb Stringers &amp; Roadway Lighting at the Henry Hudson Bridge.</td>
<td>$2,920,365.00</td>
</tr>
<tr>
<td>HNTB Corporation</td>
<td>PSC-10-2875</td>
<td>Provide design and construction support services for Project MP-06, Substructure and Underwater Work at the Gil Hodges Memorial Marine Parkway Bridge.</td>
<td>$2,034,545.00</td>
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### Miscellaneous Service Contracts

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<th>Company</th>
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<tbody>
<tr>
<td>Long Life Truck &amp; Auto Spring Co., Inc.</td>
<td>10-MNT-2865</td>
<td>Contractor to provide for scheduled and unscheduled maintenance, repairs and inspections for approximately 187 Authority light duty vehicles. The contract will provide services not available or cost effective to be performed in-house. This includes transmission rebuilding and emissions inspections which require special equipment.</td>
<td>$70,400.00</td>
</tr>
<tr>
<td>NPA Computers Inc.</td>
<td>10-TD-2866</td>
<td>Contractor to provide all necessary labor, materials and equipment to maintain and repair printers and digital</td>
<td>$40,250.00</td>
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scanners.

**Modifications to Purchase & Public Works Contracts**

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<th>Additional Details</th>
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<tr>
<td>Ahern Painting Contractors, Inc.</td>
<td>Contract Nos. GFM-474 A – G</td>
<td>Additional funding for miscellaneous construction on an as-needed basis at various Authority facilities.</td>
<td>$4,000,000.00 (aggregate not to exceed amount for the seven contracts is $4,000,000.00)</td>
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<tr>
<td>Anjac Enterprises, Inc.</td>
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<tr>
<td>E. Daskal Corp.</td>
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<td>El Sol Contracting &amp; Construction, Corp.</td>
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<tr>
<td>Maracap Construction Industries, Inc.</td>
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<tr>
<td>Navillus Contracting</td>
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<tr>
<td>Unicorn Construction Enterprises, Inc.</td>
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<tr>
<td>American Bridge Company</td>
<td>Contract No. TBB Task 39/C52077</td>
<td>Additional work under Contract TBB Task 39/C52077, Miscellaneous Structural Improvements at the Triborough Bridge (now RFK Bridge).</td>
<td>$780,397.00</td>
</tr>
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</table>

**Other Items**

Upon a motion duly made and seconded, the Board unanimously approved a NYCT multi-agency non-competitive miscellaneous service contract for hardware and software maintenance of IBM mid-range computer systems, including MQ-Series software. B&T was also included in NYCT’s multi-agency competitively bid miscellaneous service contract for garment and footwear testing services, garment consulting and social compliance auditing. An award was rendered to SGS U.S. Testing Company to conduct on site audits to review social compliance performance of suppliers. Finally B&T was identified in NYCT’s Staff Summary to extend its ‘Call Agreement for General Construction’ for six months. NYCT’s extension under its ‘Call Agreement’ was required while B&T solicits and awards its new multi-agency as-needed miscellaneous construction contract.

7. **Executive Session**

Upon a motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss collective bargaining negotiations.

8. **Public Session**

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

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 11:05 a.m.

Respectfully submitted,

[Signature]

Cindy L. Dugan
Assistant Secretary
The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Patrick J. Foye
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. James L. Sedere, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. James F. Blair
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Railroad, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Joseph A. Smith, President, LI Bus, MTA Bus Company, and Sr. V.P. NYCT Department of Buses, Michael Horodniceanu, President of MTA Capital Construction; 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.

**Chairman Walder called the meeting to order.**

**Public Comment Period**

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

**Approval of Minutes**

Upon motion duly made and seconded, the MTA Board unanimously approved the minutes of the regular Board meeting held on November 17, 2010.

**MTA Capital Construction Action Items**

Upon motion duly made and seconded, the MTA Capital Construction Committee approved the following action item:

- Addition of a project titled “Additional Elevator for East Side Access Concourse” and federal funding of $2.24 million for this project to the Regional Investment portion of the 2010-2014 Capital Program.

**MTA Capital Construction Procurements**

Upon motion duly made and seconded, the MTA board approved the following procurement items:

- The modification of a contract with Access Control Technologies procured through a non-competitive procurement process for support and maintenance of software
- The modification of a competitively procured contract with URS Corporation to continue East Side Access program and construction management services as well general conditions work as required
- The modification of a competitively procured contract with Perini Corporation for work on the East Side Access project
- The modification of a competitively procured contract with Granite-Traylor-Frontier, JV for work on the East Side Access project
- The modification of a competitively procured contract with Schiavone/Kiewit, JV for work on the East Side Access project
- The ratification of a modification of a contract with Alstom Signaling, Inc., for New South Ferry Terminal Station project work.
- The ratification of a modification of a contract with E.E. Cruz and Tully Construction Company, JV, LLC, for Second Avenue Subway project work.
- The ratification of a modification of a contract with S3 Tunnel Constructors, JV, for Second Avenue Subway project work. This modification has a value of $18.7 million and is for scope transferred from a different Second Avenue Subway project contract package.
Adjournment

Upon motion duly made and seconded, the MTA Board voted to adjourn the public meeting at 11:05 a.m.

Respectfully submitted,

Patrick Killackey
Secretary
Staff Summary

Subject: LIPA Traction Power Agreement and LIPA Right of Way Occupancy Agreement

Department
LIRR Management and Finance Unit
MTA Real Estate Department

Department Head Name
Mark Young - LIRR Vice President - Management & Finance
Jeff Rosen, MTA Real Estate Director

Department Head Signature

Project Manager Name
Mark Young - LIRR Vice President, Management & Finance
Claretha Fennick - MTA Deputy Director Leases & Acquisitions

Date: January 13, 2011

Vendor Name
Long Island Power Authority

Contract Number

Contract Manager Name

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NARRATIVE

I. PURPOSE

The MTA Long Island Rail Road (LIRR) requests MTA Board approval to execute two new agreements with the Long Island Power Authority (LIPA) – one for Traction Power Service and one for Right of Way Occupancy. The proposed agreements will be submitted for State Comptroller review prior to becoming binding. Each agreement would be for a 10-year term (1/1/09 – 12/31/18) with two successive five-year renewal periods subject to the mutual consent of both parties.

The Traction Power Agreement, which succeeds a 30-year agreement that expired in June 2004, governs the provision of electricity required to provide power to the LIRR’s rail fleet in the LIPA service area (Nassau and Suffolk counties). Under provisions of the Agreement, LIPA will return the LIRR to the prior transmission rate that it had received under the agreement that expired in 2004 and freeze that rate for the initial 10-year period.

The Right of Way Occupancy Agreement (ROW Agreement) grants a license to LIPA permitting its use and occupancy of specific LIRR right of way (ROW) property for LIPA electrical facilities. For the initial 10-year term, the annual base rental payment is $7.6 million for all existing longitudinal occupancies (i.e., those that are parallel to the ROW (typically transmission poles, wires and related appurtenances)). For any new longitudinal occupancies, the price will be based on MTA’s appraisal methodology as reflected in the document. LIPA will also pay approximately $34,000 for LIPA’s existing crossing occupancies (i.e., those occupancies that are typically perpendicular to the ROW). New crossing occupancies will be priced at an amount equal to the prevailing standard LIRR charge for such type of crossing. This single ROW Agreement succeeds and harmonizes numerous individual agreements that had been entered into between LIPA and MTA/LIRR over the past 50 years and brings the pricing of such occupancies up to fair market value.
II. DISCUSSION

Traction Power Agreement: Though the parties were engaged in negotiations over a new Traction Power Agreement as the prior one approached expiration on June 30, 2004, no agreement was reached at that time. Consequently, LIPA revised its billing rates and metering methodology in two key ways and began sending invoices to LIRR reflecting these changes. First, LIPA moved the LIRR from the transmission rate that had been previously offered to the LIRR to the higher primary rate offered to other major commercial customers. It also began to assess charges using 60-minute peak demand readings of independent meters. One year later, LIPA began basing its usage charges on independently metered 15-minute peak demand readings. Taken together, the changes resulted in a roughly 28% increase in LIPA’s utility charges to the LIRR. For example, the LIRR estimated that in 2005 the Traction Power charge would have been approximately $25.4 million under the old agreement, but under the new methodology it rose to approximately $32.8 million. The LIRR has not paid the higher invoice amounts since June 2005.

After extensive negotiations to resolve these disputes, the parties reached an agreement addressing the traction power issues starting as of January 1, 2009 that is now before the Board for approval. The key provisions of the Traction Power Agreement are as follows:

- A 10-year term (1/1/09 – 12/31/18) with two five-year renewal periods subject to mutual consent of both parties.
- LIPA will return the LIRR to the prior transmission rate and will not increase this rate for the initial 10-year term of the Agreement.
- LIPA will base its traction power billing on 30-minute peak demand readings of independent meters instead of 15-minute peak demand readings.
- The parties will establish a working group whose mission will be to identify opportunities for improving and/or simplifying the billing process. The working group will issue a joint document summarizing its recommendations within 90 days of the effective date of the Agreement.

The net financial impact of the proposed Traction Power Agreement is that the LIRR’s traction power charges will drop by approximately $6.5 million annually compared to LIPA’s billings post expiration of the prior agreement.

ROW Agreement: In 2005, the MTA, on behalf of the LIRR, retained an independent appraisal firm to conduct an appraisal of the fair market value of longitudinal occupancies along the LIRR ROW. That appraisal study developed a matrix of fair market values depending upon location (e.g., urban, suburban, etc.) and type of facility (e.g., number of circuits, voltage, etc.). The study also recommended that the rental rate be increased from 8% of property value to 10%. The net effect of these recommendations was that the MTA began charging LIPA approximately $14 million per year for LIPA’s ROW occupancies, as compared to $1.2 million previously. LIPA disputed the revised methodology and refused to pay the increased amount. They engaged their own appraisal firm, which valued the property at $5.5 million per year.

After extensive negotiations to resolve these disputes, the parties reached an agreement addressing the ROW occupancy issues starting as of January 1, 2009 that is now before the Board for approval. The key provisions of the Right of Way Occupancy Agreement are as follows:

- A 10-year term (1/1/09 – 12/31/18) with two five-year renewal options subject to mutual consent of both parties.
- LIPA will pay the MTA/LIRR the fixed amount of $7.6 million annually for existing longitudinal occupancies for the initial 10-year term of the Agreement. LIPA will pay approximately $34,000 annually for all known existing crossings.
- LIPA will accept the MTA’s appraisal methodology for all future occupancies.

The net financial impact of the proposed Right of Way Occupancy Agreement is that the LIRR’s annual revenue from LIPA’s longitudinal occupancy will rise from $1.2 million to $7.6 million. Should LIPA complete other installations, its payments will reflect the revised length/width measurements, rental rates and market values for these locations.
Staff Summary

**Retroactive Settlement:** As previously noted in this staff summary, LIPA and the MTA/LIRR have been engaged in negotiations since 2004 to settle these disputes. During this time each party billed the other at its revised rate, though neither accepted the other’s methodology nor paid the full billed amounts. The parties have also resolved all retroactive disputes through 12/31/08 per the pattern of the proposed agreements.

While the MTA has billed LIPA $39.6 million for this retroactive period, pursuant to the terms of the ROW Agreement, LIPA owes $22 million. LIPA has already paid $3.7 million, leaving $18.3 million now due.

While LIPA has billed the LIRR $162.9 million since the expiration of the prior agreement, pursuant to the terms of the Traction Power Agreement, the LIRR owes $144.7 million. Given that the LIRR already paid $125.7 million, $19.0 million is due.

Therefore, all prior billing disputes would be resolved after the LIRR makes a net payment of $899,000.

**III. FINANCIAL IMPACT**

In February 2006 the MTA included a $12 million Right of Way Occupancy revenue enhancement initiative (PEG) in the Financial Plan, which corresponded to the difference between what LIPA had previously been paying and the MTA/LIRR’s revised demand.

If the new Traction Power and ROW agreements are approved, the LIRR will achieve the $12 million annual PEG target by increasing Right of Way rental revenues by $6.4 million annually and reducing Traction Power expenses by $6.5 million annually.

**IV. ALTERNATIVES**

Failure to approve this agreement could produce two outcomes. At the very least, it would result in continued protracted negotiations on both Right of Way Occupancy and Traction Power billings, and in the interim the amount of outstanding receivables and payables would grow. The LIRR would expose itself to increased utility costs and would not generate additional cash from the occupancy agreement. In addition, this would damage the positive working relationship that exists between these two governmental partners. Should an agreement ultimately not be reached, LIRR would face the higher primary rate charges.

**V. RECOMMENDATION**

The LIRR and MTA request that the MTA Board approve this action for the following primary reasons:

- The proposed agreements are fair and equitable to both governmental partners and foster continued collaboration on numerous issues of mutual interest/concern;
- LIRR will benefit from the reliable and efficient supply and delivery of electricity to support its train movements in the LIPA service area;
- The transparency of LIPA traction power billing will be improved;
- The transaction would commit LIPA to an appropriate appraisal methodology;
- The LIRR achieves its $12 million financial plan target and adds stability/predictability to its financial plan;
- The shorter duration of these agreements as compared to the prior ones allows the MTA/LIRR to re-assess market conditions in 2018.
Staff Summary

Subject
Request for Authorization to Award Various Procurements

Department
Managing Director

Department Head Name
Diana Jones Ritter

Board Action

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Date
December 29, 2010

Vendor Name
Various

Contract Number
Various

Contract Manager Name
Various

Table of Contents Ref #

Internal Approvals

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

DISCUSSION:
MTAHQ proposes to award Non-competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contract

  • Smith Detection, Inc. = $42,750

  SUBTOTAL 1 $ 42,750

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts

  4 $6,440,525

Schedule H: Modifications to Personal Service Contract

  1 $ 10,800

SUBTOTAL 5 $6,451,325

MTAHQ presents the following procurement actions for Ratification:

None $ -0-

TOTAL 6 $6,494,075

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.)
LIST OF PROCUREMENTS FOR BOARD APPROVAL, JANUARY 2011
NON-COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

E. Miscellaneous Procurement Contracts
   (Staff Summaries required for all items greater than $100K Sole Source; $250K Other Non-Competitive)

1. Smiths Detection, Inc. $42,750
   HazMatID Units Maintenance Service (Total)
   Contract No. 10279-0100 – 36 months
   In 2006 MTA purchased three (3) HazMatID units for the detection and identification of unknown liquids, powders and solids. These units are able to identify the unknown substance in seconds. The current maintenance for these three (3) units expires on February 10, 2011. In order for these units to operate effectively and efficiently, ongoing maintenance services are required. Because the HazMatID system is proprietary, Smiths Detection is the only company who can perform maintenance on this system. Maintenance services include: i) software updates; ii) all parts and labor for repairs and upgrades; iii) free loaner system delivered overnight if system must be returned to factory; iv) annual one-day on-site refresher training; and v) 24/7/365 technical support. The maintenance cost of $42,750 for the three-year period represents a discount of $2,250 or 5% off of the list price of $45,000. This 5% discount is the same discount that is offered to federal and New York State agencies and is thus deemed fair and reasonable.
F. Personal Service Contracts

Staff Summaries required for items greater than: $100k Sole Source; $250 other Non-Competitive, $1 million Competitive

1. LAZ Parking NY/NJ LLC
   Parking Management Services for the Battery Parking Garage
   Contract No. 09125-0100
   $3,200,000  \( \text{Staff Summary Attached} \)
   (not-to-exceed)
   Competitively negotiated – 2 Proposals – 48 months
   The Contractor will provide parking management services and conduct all day-to-day operations at the Battery Parking Garage (BPG) that will consist of: (i) collection of parking fees; (ii) developing strategies to increase parking revenue at the garage; (iii) developing a staffing plan, including hiring and managing on-site personnel; (iv) paying all operating expenses of the garage; (v) managing and billing the tenants, etc. As a result of negotiations, LAZ’s total management fee of $196,000 for the four-year period is 63% lower than the $531,600 fee proposed by the incumbent. LAZ will receive a negotiated incentive fee of 4.8% if they exceed the battery parking garage estimated net income of $7,750,000 for 2011; this represents an increase of $184,029 or 2% of the net income forecasted for 2010. The incentive fee of 4.8% is 1.2% less than the 6% incentive fee proposed by the incumbent. Based on the negotiated savings, the total cost of $3,200,000, including a 10% contingency, for the four-year period is considered fair and reasonable.

2. All-Agency As-Needed Qualitative Market Research Services
   Contract Nos.: 09249-0100 thru 0600
   a. Global Strategy Group, LLC
   b. Lieberman Research East Long Island, Inc.
   c. MACRO International, Inc.
   d. Perspectives Resources, Inc.
   e. Resource Systems Group, Inc
   f. Zebra Strategies, Inc.
   $1,478,525  \( \text{Staff Summary Attached} \)
   (Combined Total)
   Competitively negotiated – 6 proposals – 48 months
   Consultants to provide market research services, on an as-needed basis, to assist MTA and its operating agencies in becoming more customer-driven and cost-effective organizations. This comprehensive, all-agency, market research program is designed to: 1) provide actionable information to MTA and the agencies, 2) support marketing and corporate programs to increase ridership, and 3) provide direction for strategic business development, capital investments and improvements, service planning, marketing and policy making. The rates per focus group for the six awardees were negotiated down from a high range of $102.60 to
$750 to a low range of $81.80 to $500. This represents a reduction ranging from 20.27% to 33.33% per focus group. These negotiated rates are the same as negotiated under the previous 4-year contract and will remain the same for this 4-year contract.

*The $1,478,525 figure is the combined budgets for all market research contracts in Year 2011, which include qualitative and quantitative. Funding for the subsequent three years will be based on Board-approved budgets for MTA Headquarters and the operating agencies.

3. AFT Project – AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below.
   Competitively negotiated – 103 proposals – 24 months
   Holly Sears, Tarrytown Station-MNR (Contract No. 10295-0100 - $270,000)

4. Multi-Agency Freelance Graphic Design Production and Printing Services
   Contract Nos.: 09016-0100 thru 0500
   a. Creative Source, Inc.
   b. Elizabeth Shechan Graphic Design
   c. Emily Stedman
   d. Laurie Douglas Graphic Design
   e. L.J. Gonzer Associates
   Competitively negotiated – 18 proposals – 48 months
   This is a multi-agency award for freelance graphic design, production and printing services on an as needed basis effective from February 1, 2011 to January 31, 2015. The MTA and its operating agencies require freelance graphic design artist, production and printing services to assist the in-house creative design staff of their Marketing and Corporate Communications Departments to design print and electronic media materials that convey information to the public and define the MTA's corporate image. The type of assistance ranges from on-premises assistance of specific individuals and temporary assistance to off-site full service design, production and printing services. The fully negotiated hourly rates ranging from $36.10 to $100 are 0% to 69.2% lower than the rates under current MTA and agencies contracts for these services. These rates will remain unchanged for the forty-eight (48) month contract term.

Staff Summary Attached
(Combined Total) $1,492,000
Staff Summary

Schedule F: Personal Service Contracts

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| 2 | Board | 1/26/11 | | | |

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| Order | Approval | Order | Approval |
| 1 | Procurement | 4 | DDCR |
| 2 | Real Estate | 5 | Legal |
| 3 | Managing Director | 6 | CFO |

Narrative

I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of a competitively-negotiated personal services contract to LAZ Parking NY / NJ LLC ("LAZ") to provide parking management services for the Battery Parking Garage for a four-year period from March 1, 2011 thru February 28, 2015, in an amount not to exceed $3,200,000, which includes a 10% contingency.

II. DISCUSSION

The Battery Parking Garage ("BPG") is a 2,100 space self-park parking garage in lower Manhattan, adjacent to the entrance and exit plaza of the Brooklyn Battery Tunnel. It is comprised of two separate, but fully integrated, physical structures referred to as the "Original Garage" and the "Addition", which total roughly 790,000 square feet in size. In addition to self-parking, commercial tenants at the BPG include a Hertz car rental location, the 3-Legged Dog Art and Technology Center, and a garage space rented to the Alliance for Downtown New York. MTA B&T receives all revenue for this garage. Gross revenues in 2010 are estimated at $11,560,700.

The MTA requires the services of a parking operations firm to manage the BPG. The firm will handle all day-to-day operations and functions, including the collection of parking fees; developing strategies to increase parking revenue; developing a staffing plan, hiring and managing on-site personnel; paying all operating expenses; managing and billing the tenants, and entering into agreements on MTA’s behalf with service contractors to maintain and repair the garage as needed, etc.

In order to secure a new contract for management services, a Request for Proposals ("RFP") was publicly advertised and letters advising potential proposers of the RFP's availability were mailed to thirty-six major parking management firms and four D/M/WBE firms.
Two proposals were received, once from LAZ, and the other from the incumbent, Central Parking System of New York, Inc. ("Central Parking"). The Selection Committee, consisting of representatives from MTA Real Estate and B&T's Planning and Budget and Engineering Divisions evaluated the two proposals and determined that LAZ's proposal best satisfied the technical requirements of the RFP. Since only two proposals were received, MTA contacted non-proposing firms to determine why they did not propose. Most indicated that they did not have the resources to dedicate to this project.

LAZ is a full-service, parking management firm and is a wholly-owned subsidiary of LAZ Karp Associates, LLC ("LAZ Parking"), one of the largest national parking companies in the United States, operating over 1,350 parking facilities in 21 states and 99 cities, managing in excess of 400,000 parking spaces, 4,700 people and $550 million in parking revenues. LAZ Parking's management portfolio includes some of the region's premier parking garage facilities, such as the Port Authority Bus Terminal Garage, facilities owned by the Capital City Economic Development Authority in Hartford CT, the City of Norwalk, CT (Norwalk Parking Authority), and the City of Chicago (the Millennium Garages and Chicago Meter System), and commuter parking lots owned by MTA Metro-North, among many others.

As a result of negotiations, LAZ's total management fee of $196,000 for the four-year period is 63% lower than the $531,600 fee that Central Parking proposed, and 35% lower than Central Parking's current fee of $300,000 under Central Parking's current contract. To induce LAZ to increase net income from operations, LAZ will receive a negotiated incentive fee of 4.8% of net income above 2011's projected net income of $7,750,000. Such incentive fee is 1.2% lower than the incentive fee of 6% of net income above $7,750,000 that Central Parking proposed. The aggregate not-to-exceed amount of $3,200,000 for the four-year contract term, including LAZ's reimbursable expenses, LAZ's base management fee, LAZ's anticipated incentive management fee and a 10% contingency, is considered to be fair and reasonable.

III. D/M/WBE INFORMATION

No D/M/WBE goals were established by the MTA's Department of Diversity and Civil Rights for this contract.

IV. IMPACT ON FUNDING

The total cost of the contract will be paid directly from BPG revenues.

V. ALTERNATIVES

1. Do not Approve Award of the Contract. This alternative is not feasible. Not approving the award of this contract would force MTA to retain Central Parking's management services on a month-to-month basis. This would cost significantly more than what LAZ has proposed.

2. Perform the Services In-house. This is not a feasible alternative. MTA and B&T do not possess the internal resources available to provide the required parking management services.
I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of the following six (6) competitively negotiated all-agency personal services contracts for Qualitative Market Research Services on an as-needed basis for a period of forty-eight (48) months from February 1, 2011 thru January 31, 2015. The combined cost for all market research contracts (including qualitative and quantitative) will not exceed the total Year 2011 Market Research Budget of $1,478,525 for the MTA and the operating agencies. Funding for subsequent years will be based on the Board approved budgets for MTA headquarters and the operating agencies for those years and will not exceed limits approved by the Board.

1. Global Strategy Group, LLC
2. Lieberman Research East Long Island, Inc.
3. MACRO International, Inc.
4. Perspectives Resources, Inc.
5. Resource Systems Group, Inc

II. DISCUSSION

The current all-agency contracts for qualitative research services have expired. The MTA and its operating agencies require the services of qualitative market research firms to conduct one-on-one interviews, focus groups, and mini-groups on an ad hoc basis to support capital investments and improvements, service planning, strategic business initiatives and marketing. In order to continue these services, a Request for Proposals (RFP) was publicly advertised and letters advising potential proposers of the RFP’s availability were mailed to ninety-four (94) vendors, thirteen (13) of which were D/M/WBE firms. Nine (9) proposals were received. The Selection Committee, consisting of representatives from MTA Headquarters, Operations Support and Marketing & Corporate Communications Division, MTA New York City Transit, MTA Metro-North Railroad, MTA Long Island Rail Road, MTA Bridges and Tunnels and MTA Long Island Bus, evaluated the proposals and determined that the six firms listed above were the most technically qualified and best suited to perform the services identified by the RFP. MTA has conducted a responsibility review and other due diligence on these firms and has deemed them to be responsible for award.

The purpose of entering into these retainer contracts is to facilitate the implementation of a comprehensive market research program designed to: 1) to provide actionable information that will assist MTA and its operating agencies; 2) support initiatives and programs that improve service, increase ridership and revenue, and reduce costs; and 3) identify priorities and strategies for decision and policy making. The net impact of the research is to assist the MTA and its operating agencies in becoming more cost-effective and customer-driven organizations.
Examples of projects planned for the next four years include: studies about new technologies including new payment systems (e.g. the Smart Card); research on new electronic signage and interactive voice response system; customer communication research including website evaluation and pre-tests of advertising copy; evaluation of subway station projects; and targeted service studies for specific railroad and subway lines, etc.

The rates per focus group for the six awardees were negotiated down from a high range of $102.60 to $750 to a low range of $81.80 to $500. This represents a reduction ranging from 20.27% to 33.33% per focus group. These negotiated rates are the same as negotiated under the previous 4-year contract and will remain the same for this 4-year contract.

III. D/M/WBE INFORMATION

The MTA's Department of Diversity and Civil Rights established no D/M/WBE goals for these contracts.

IV. IMPACT ON FUNDING

The total cost for these qualitative market research all-agency contracts combined with quantitative services will not exceed the total Year 2011 Market Research Budget of $1,478,525 for the MTA and the operating agencies. Subsequent years' estimates will be determined by the programs planned for those years and Board approval of agencies' budgets for those years. Actual expenditures for Year 2011 are dependent upon approval of projects in development by the MTA and the operating agencies. Any expenditure incurred will be apportioned to the operating agencies in accordance with the cost of projects actually implemented by an agency.

V. ALTERNATIVES

1. Perform all services in-house. This alternative is not feasible since performing these specialized functions in-house would require full- and part-time employees, including associated overhead costs, which would not be cost effective. These projects are managed better by independent outside firms monitored closely by MTA staff.

2. Do not approve award of the contracts. This would severely curtail MTA's ability to implement a comprehensive research program to support capital investments and improve customer service.
I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of the following five (5) competitively negotiated multi-agency (MNR and B&T do not require this service) personal services contracts for Freelance Graphic, Production, and Printing Services on an as-needed basis for a period of forty-eight (48) months from February 1, 2011 to January 31, 2015 for a not-to-exceed amount of $1,492,000.

1. Creative Source, Inc.
2. Elizabeth Sheehan Graphic Design
3. Emily Stedman
4. Laurie Douglas Graphic Design
5. L.J. Gonzer Associates

II. DISCUSSION

The MTA and its operating agencies require freelance graphic design artist, production and printing services to assist the in-house creative design staff of their Marketing and Corporate Communications Departments to design print and electronic media materials that convey information to the public and define the MTA's corporate image. The services range from on-premises assistance of specific individuals and temporary assistance to off-site full service design, production and printing services.

In order to continue these services, a Request for Proposals (RFP) was publicly advertised and letters advising potential proposers of the RFP's availability were mailed to sixty-two (62) vendors, twenty-five (25) of which were D/M/WBE firms. Eighteen (18) proposals were received. The Selection Committee, consisting of representatives from MTA Headquarters' Marketing & Corporate Communications, MTA New York City Transit, MTA Long Island Rail Road, MTA Bridges and Tunnels, MTA Long Island Bus, and MTA Bus Company, evaluated the proposals and determined that the five firms listed above were the most technically qualified and best suited to perform these services. MTA has conducted a responsibility review and other due diligence on these firms and has deemed them to be responsible for award.
As the result of negotiations, the proposed hourly rates ranging from $43.50 to $100 were negotiated down to a range of $36.10 to $100. This represents a negotiated savings of 0% to 69.2% lower than the rates under the current contracts for these services. These rates will remain unchanged for the forty-eight (48) month contract term. Based on the above, the negotiated rates are considered fair and reasonable.

III. D/M/WBE INFORMATION

The MTA’s Department of Diversity and Civil Rights established mandatory goals of 10% MBE and 5% WBE and 17% DBE (applicable to LIB only.)

IV. IMPACT ON FUNDING

The total not-to-exceed cost of $1,492,000 for this contract for the four-year period is chargeable to each operating agencies respective budget.

V. ALTERNATIVES

1. Perform all services in-house. This alternative is not feasible since performing these specialized functions in-house would require full- or part-time employees, which would not be cost effective.

2. Do not approve award of the contracts. This would severely curtail MTA’s ability to effective provide and promote customer service and information.
METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

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.)

5. Daidone Electric, Inc. $10,800
As-Needed Maintenance Service for the Bus (Not-to-exceed)
Customer Information Pilot Project
Contract No 10203-0100, C/O # 1

Base Amount = $25,000
Increase funding to extend the contract with Daidone Electric, Inc. for six months, from February 1, 2011 through July 31, 2011 to provide as-needed, on-call, in-depot maintenance services of equipment that is installed and in use on MTA’s buses for MTA’s real-time Bus Customer Information System (CIS) pilot project. This pilot seeks to prove the concept that the equipment used for its Phase 2 Smart Card pilot (3G wireless modem, GPS, and contactless card reader/terminal) can be used to provide accurate bus location information to MTA and its customers by using off-the-shelf equipment as opposed to specific equipment from one vendor or a single source. As a result of negotiations, the proposed hourly rate of $160.73 was negotiated down to a range of $103.31 to $155.00 (straight time or overtime), for an average savings of 19.64%. Based on the above, the negotiated hourly rates are deemed fair and reasonable.
JANUARY 2011
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

MTA NEW YORK CITY TRANSIT
License Agreement with Danny Shui Mo Tung for the operation of one concession space at the Coney Island-Stillwell Avenue Subway Station Complex, Brooklyn, NY

MTA METRO-NORTH RAILROAD
License Agreement with the City of Peekskill for use of property on the Hudson Line in connection with development of the Lincoln Depot Plaza and Museum in Peekskill, NY

METROPOLITAN TRANSPORTATION AUTHORITY
All-Agency policy on short-term use of facilities by commercial entities in connection with special events, promotions, or other functions
**Subject**
LICENSE AGREEMENT

**Department**
REAL ESTATE

**Department Head Name**
JEFFREY B. ROSEN

**Department Head Signature**

**Project Manager Name**
IAN SALSBERRY

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**Board Action**

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**Agency:**
New York City Transit ("NYCT")

**Licensee:**
Danny Shui Mo Tung

**Location:**
Concession B (a/k/a Unit 22) at the Coney Island-Stillwell Avenue Subway Station Complex, Brooklyn, NY

**Activity:**
Operation of a retail concession

**Action Requested:**
Approval of terms

**Term:**
Ten years, subject to termination on 60 days notice

**Space:**
Approximately 132 sq. ft. (plus 47 sq. ft. of connected storage)

**Compensation:**

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**Comments:**

The subject location was publicly offered via a Request for Proposals ("RFP"). Mr. Tung submitted the only timely, complete and responsive proposal.

Mr. Tung proposes to use the subject space to sell gifts and dry goods with an Asian theme, including origami decorations, decals and stickers, toys, stuffed animals and figurines. This use will not compete with any of the existing stores in the Stillwell Subway Station Complex. The present value of the proposed annual compensation over the ten-year period is $46,791.46.
FINANCE COMMITTEE MEETING
Danny Shui Mo Tung (Cont'd)

COMMENTS: (Cont'd)

Mr. Tung currently owns and operates O'Sake Japanese Restaurant on 116th Street in Far Rockaway, NY. The credit score reported in Mr. Tung's credit report was considered excellent, and he has the funds and experience to successfully fit out and operate the proposed concession.

Based on the foregoing, MTA Real Estate requests authorization to enter into a license with Mr. Tung on the above-described terms and conditions.
**License Agreement**

**Subject**
License Agreement

**Department**
REAL ESTATE

**Department Head Name**
JEFFREY B. ROSEN

**Department Head Signature**

**Project Manager Name**
P A U L M . F I T Z P A T R I C K

**Board Action**

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**Agency:**
Metro-North Commuter Railroad ("Metro-North")

**Licensor:**
Metropolitan Transportation Authority ("MTA")

**Location:**
Adjacent to Block 1, Lot 2 Map 32.12, City of Peekskill, County of Westchester, State of New York

**Activity:**
License with the City of Peekskill ("the City") to allow use of land in support of the development of the Lincoln Depot Plaza and Museum

**Action Requested:**
Approval of terms

**Term:**
20 years, subject to termination on 60 days notice

**Premises:**
Approximately 6,800 square feet of land east of Metro-North's Hudson Line tracks between mileposts 41 and 42

**Compensation:**
$1.00, payment waived

**Comments:**
The City has requested permission to use a sliver of Metro-North's property, which has negligible if any commercial value, to accommodate the development of a rail museum on the adjoining, City-owned site of a former freight depot known as the "Lincoln Depot" (so named because on February 19, 1861 newly elected President Abraham Lincoln's inaugural train stopped at the depot, where he gave a speech). Use of the parcel will allow the City, and its partner, the Lincoln Depot Foundation, to create a pathway, reconstruct a depot platform and, for exhibit purposes only, install a short length of track and a freight car.

An existing fence protects Metro-North's tracks from the subject parcel.

Metro-North has required that the following conditions, among others, must be met by the City:

- A five-foot (5') buffer must be maintained on either side of Metro-North's underground communication and signal cable, which runs underground through the area to be licensed. The City will not be permitted to make any excavations or operate any heavy equipment within this buffer.
FINANCE COMMITTEE MEETING
Metropolitan Transportation Authority ("MTA") (Cont'd)

COMMENTS: (Cont'd)

- The existing fence line is to remain and be maintained by the City.
- All design and construction plans are to be reviewed and approved by Metro-North.
- Hudson Line train service must not be impeded.

MTA has agreed in advance to the sublicensing of the subject parcel by the City to the Lincoln Depot Foundation.

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with the City on the above-described terms and conditions.
Memorandum

Metropolitan Transportation Authority
State of New York

Date: January 24, 2011
To: Members of the MTA Finance Committee
From: Jeffrey B. Rosen, Director, Real Estate
Re: Proposed all-agency policy on short-term use of agency property by commercial entities

From time to time, MTA Real Estate receives requests from for-profit corporations to allow them to make temporary use of MTA parking facilities or similar property in connection with short-term commercial activities. These generally involve the use, not impacting core parking availability for commuters utilizing rail services, of a portion of an MTA agency parking facility for special events, promotions, or other functions during periods when these facilities are not used by commuters or are underutilized.

The agreements covering these activities are typically permits or licenses, and for a term equal to the duration of the event or promotion, which is generally for a few hours and not more than a weekend or an extended weekend period. These agreements are uncomplicated ones in which liability protection and insurance coverages are the primary issues to be addressed. Actual costs to the MTA are minimal. The fees associated with these agreements will typically be $2.75 per parking space per diem, with 3-5% increases per year beginning in 2012. Entering into these agreements allows MTA Real Estate to generate revenue from property for which there is otherwise no demand.

A policy authorizing Real Estate to enter such agreements directly was approved in September of 2005 but was limited to MTA Metro-North Railroad facilities. MTA Real Estate requests that authorization to negotiate and enter into such agreements without prior notification to or approval from the Finance Committee and Board be broadened to apply to all the MTA agencies, not just Metro-North. MTA Real Estate further requests authorization to amend parking agreements with municipalities as needed to permit the short-term commercial uses contemplated herein.

Any agreements entered into pursuant to this policy will be reported to the Committee the following month as information items. No agreement may be entered into that would authorize activities having more than a negligible impact on the environment absent an environmental review required under the State Environmental Quality Review Act (SEQRA) and compliance with SEQRA's requirements.
Staff Summary

BE IT RESOLVED that the Board hereby authorizes the MTA Director of Real Estate to negotiate and enter into agreements on behalf of each MTA agency that would provide commercial entities with short-term use rights with respect to agency parking facilities, in connection with special events, promotions or other functions, in exchange for payment of user fees. The permitted use will not impact core parking availability for commuters utilizing rail services and generally will be during periods when these facilities are not used by commuters or are underutilized.

These types of agreements may be entered into either for one-time use or for periodic short-term use. The Board further hereby authorizes the MTA Director of Real Estate to amend parking agreements with municipalities as needed to permit such short-term commercial use.

Each agreement shall:

1. be in a form approved by MTA Legal;
2. comply with MTA agency operating requirements;
3. provide for compensation commensurate with the activity, use, and duration of the event or function, typically $2.75 per parking space per diem, subject to increases of 3% to 5% per annum commencing in January 2012 to match percentage increases in commuter parking fees;
4. provide for appropriate indemnifications and insurance protections;
5. provide for a term (or periodic terms) not to exceed 72 hours;
6. provide for cleanup of the affected area by the permittee or licensee after the event.

No agreement may be entered into that would authorize activities having more than a negligible impact on the environment absent an environmental review required under the State Environmental Quality Review Act (SEQRA) and compliance with SEQRA's requirements.

This resolution shall take effect immediately upon its adoption.
Memorandum

MTA 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 Krasulic – Director, Real Estate
Re Proposed policy on short-term parking facilities and agreements for commercial and business entities to enter Metro-North Right-of-Way.

From time to time, MTA Real Estate receives requests from for-profit corporations for temporary access to Metro-North Right-of-Way facilities in connection with short-term commercial activities. These agreements may involve the use of 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 herein above 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

Date: SEPTEMBER 27, 2005

Vendor Name

Contract Number

Contract Manager Name

Table of Contents Ref #

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FOR REFERENCE PURPOSES ONLY

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.
The Procurement Agenda this month includes 5 actions for a proposed expenditure of $30.7M.
Subject: Request for Authorization to Award Various Procurements

Department: Materiel Division – NYCT

Department Head Name: Stephen M. Plocovich

Department Head Signature: [Signature]

Project Manager Name: Rose Davis

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<tr>
<td>Law</td>
<td>X Off. Of Civil Rights</td>
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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:

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts
- NYS Industries for the Disabled $3.3 M

Schedule H: Modifications to Personal/Miscellaneous Service Contracts
- CUBIC Transportation $20.0 M Systems

Schedule L: Budget Adjustments to Estimated Quantity Contracts
- Siemens Industry, Inc. $4.9 M

SUBTOTAL 3 $28.2 M

MTA Capital Construction proposes to award Non-Competitive procurements in the following categories:

Schedule I: Modification to Purchase and Public Work Contracts
- Sloanaka USA Civil Northeast, Inc. $1.0 M

SUBTOTAL 1 $1.0 M

January 6, 2011

Department: Law and Procurement - MTACC

Department Head Name: Jayne Czik

Department Head Signature: [Signature]
NYC Transit proposes to award Competitive procurements in the following categories: NONE

MTA Capital Construction proposes to award Competitive procurements in the following categories: NONE

NYC Transit proposes to award Ratifications in the following categories: NONE

MTA Capital Construction proposes to award Ratifications in the following categories:

<table>
<thead>
<tr>
<th>Schedules Requiring Majority Vote:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule K: Ratification of Completed Procurement Actions</td>
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<tr>
<td>SUBTOTAL</td>
</tr>
<tr>
<td>TOTAL</td>
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</table>

BUDGET IMPACT: The purchases/contracts will result in obligating NYC Transit and MTA Capital Construction Co. 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, 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.
JANUARY 2011

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

1. NYS Industries for the Disabled Preferred Source - Five-year contract Contract # 09C00869
   $3,347,742.00 (Est.) Staff Summary Attached 6.9
   Provide inventory counting services at various NYC Transit and MTABC storerooms.

H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services
(Approvals/Staff Summaries required for substantial change orders and change orders that cause the original contract to equal or exceed the monetary or durational threshold required for Board approval.)

2. CUBIC Transportation Systems Contract #s A-33778/05F9210.6
   $20,000,000.00 (Est.) Staff Summary Attached 6.10
   Modification to the contracts for software and maintenance support of the Automated Fare Collection System, in order to extend the term of the contract.
JANUARY 2011

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

I. 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.)

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Discussion

This contract was awarded to Siemens Transportation Systems, Inc. (Siemens) to provide software, hardware, and system maintenance services in support of the Automatic Train Supervision System (ATS-A) that was originally procured under contract S-32333. The ATS-A system provides centralized train traffic control, real-time train tracking, integrated voice communications, automated vehicle identification, and computer aided automatic routing and dispatching for the A-Division, IRT line.

This contract is comprised of two parts. Operating funded maintenance services ($13,092,582) consist of on-site, on-call and/or remote access coverage to perform corrective measures related to ATS-A software, hardware and systems problems. Support services/task orders ($1,259,000, non-capital and $6,000,000, capital) consist of upgrades to the ATS-A system to be made on an as-needed task order basis. The contract also provides for hardware, tools and equipment ($105,000). The contract contains two one-year options to extend both maintenance and support services beyond the base contract term which expires on March 28, 2011. These options were approved by the Board at the time of the original award and NYC Transit intends to exercise these options.

This budget adjustment will cover additional maintenance services activities representing a total of $358,584 in operating funds; capital funded task orders estimated at $4,200,000 and operating funded task orders representing $341,000.

Maintenance Services: Additional operating funds are required to cover the final two months of the base contract term. A shortfall occurred because the monthly maintenance payments began utilizing Year 2 rates due to the extended time frame for the achievement of Beneficial Use under contract S-32333. The maintenance portion of this contract became effective on March 28, 2008, upon declaration of Beneficial Use.

Support Services/Task Orders: The amount above is for two capital funded task orders that will be negotiated prior to March 28, 2011. Task Order #6A for East 180th Street, Phase II is needed to complete the monitored territory for the ATS-A system. Task Order #17, Times Square Shuttle, is needed to enable customer information signs (CIS) at Times Square and Grand Central Stations to display train arrival messages. Neither of these locations were included in the original ATS-A Contract because the signal system had not been upgraded for ATS at that time. Both task orders will provide train location data for the PACIS II Project. Operating funds of $341,000 will cover anticipated non-capital task orders and will be used to pay for modifications to the train register dialog (TRD), dialogs and scripts that Siemens has already begun to implement to expedite updates to the ATS-A system and other changes to reports that are required.
JANUARY 2011

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

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.)

1. Skanska USA Civil Northeast, Inc. $998,000.00 Staff Summary Attached 6.11
   Contract # C-10464.2
   Modification to the contract for IESS Facilities Work, in order to fabricate and install a pre-engineered building for the NYPD Transit Bureau's new kennel facility.
JANUARY 2011

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procedures Requiring Majority Vote:

K. Ratification of Completed Procurement Actions (Involving Schedule E-J)
   (Staff Summaries required for items requiring Board approval.)

1. DMJM+Harris*Arup (JV)  
   Contract # CM-1188.61  
   $1,540,030.00  
   Staff Summary Attached  6.12
   Modification to the contract to provide engineering services for the Second Avenue Subway in order to perform remediation design of buildings within the survey area of the 72nd Street Station construction site.
Schedule G: Miscellaneous Service Contracts

Vendor Name & Location
New York State Industries for the Disabled, Inc. (NYSID)

Description
Inventory Counting Services

Contract Term (including Options, if any)
72 months

Option(s) included in Total Amount?  Yes  No  n/a

Procurement Type
☐ Competitive  ☒ Non-competitive

Solicitation Type
☐ RFP  ☐ Bid  ☐ Other: Preferred Source

Contract Number
09C0069  Renewal?
☒ Yes  ☐ No

NYCT Portion  $1,787,820
MTABC Portion  $1,559,922

Total Amount (including options): $3,347,742 (Est.)

Funding Source
☒ Operating  ☐ Capital  ☐ Federal  ☐ Other:

Requesting Dep/Div & Dept/Div Head Name:
Division of Materials, Stephen M. Plachochi

Discussion:

This miscellaneous service contract with NYSID will provide inventory counting services at various NYC Transit, LI Bus and MTABC storerooms for five years in the estimated amount of $2,789,785 (NYCT - $1,439,830 and MTABC - $1,299,935) with an option to extend the term for one year in the amount of $557,957 (NYCT - $297,970 and MTABC - $259,987) for a combined total estimated amount of $3,347,742. This award is made pursuant to Section 162 of the New York State Finance Law to NYSID, a preferred source. Preferred sources take precedence over all other sources of supply and competitive procurement statutes and procedures for various procurements, including inventory services.

The services to be provided under this contract include all labor and materials required to conduct cycle counts and wall-to-wall inventories for NYC Transit, LI Bus and MTABC. NYC Transit has contracted for inventory counting services for nearly 25 years. As stock keeping practices have improved over the years, the extent of counting, and resultant costs, have declined. For NYC Transit, the contractor will conduct approximately 225 cycle counts annually at NYC Transit's 19 main storerooms, 39 satellite storeroom locations and three track yards. This amount also includes eight cycle counts to be performed at two LI Bus storerooms under the supervision of NYC Transit, for which LI Bus will reimburse NYC Transit. For MTABC, the contractor will conduct approximately 60 cycle counts and 11 wall to wall inventory counts annually at 10 storerooms. In addition, periodic counts may be scheduled at maintenance locations, new locations and other sites where NYC Transit, LI Bus and MTABC materials are stored.

NYSID’s price proposed for performing this work was $3,639,136. Prior to conducting negotiations with NYSID, MTA Audit reviewed the proposed rates and a market survey of industry rates was conducted. After reviewing NYSID’s proposal and prices received from other firms, negotiations with NYSID were conducted whereby NYSID agreed to reduce their price by $291,394 or 8% to $3,347,742. The negotiated rates for all labor titles average 6.4% lower than the rates under the current contract that have remained the same since 2007. These new rates will remain fixed for the contract term, including the option, and are within the acceptable range for these services, as required by the New York State Finance Law for preferred source procurements. The final price has been found to be fair and reasonable.
Schedule H: Modifications to Personal Service & Miscellaneous Contracts

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<td>Vendor Name (6 Location)</td>
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<td>Description</td>
<td>Software Programming and Maintenance Support for the MetroCard/Automated Fare Collection System</td>
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<td>Option(s) included in Total Amount?</td>
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**Discussion:**

This modification will extend the contract term for three years from March 1, 2011 through February 28, 2014, with an option to extend for up to an additional two years. Award of the option will be subject to Board Approval.

Under this indefinite quantity task order contract, Cubic provides software programming and maintenance support for NYC Transit’s MetroCard/Automated Fare Collection (AFC) System on an as-needed basis. This work can include computer programming and software development; furnishing and delivering automated fare collection equipment; and providing engineering services for updating AFC equipment configurations. All work performed during the extension period will be initiated via negotiated Task Orders (TOs) on an as-needed basis. TOs are issued only after Cubic’s proposed costs for the work to be performed are deemed fair and reasonable.

To ensure continued, uninterrupted support of the AFC System past the expiration date of August 31, 2010, and to allow NYC Transit’s Department of Subways/EMD sufficient time to complete an in-depth analysis to determine the appropriate level of funding required to maintain the reliability of the AFC System, Modification No. 5 was issued on September 1, 2010 for a six-month extension period through February 28, 2011. Due to the estimated $6M remaining under the base contract at that time, no additional funding was required for the six-month extension period.

In November 2010, Subways/EMD completed its analysis and made a recommendation for a strategic, measured level of investment needed to sustain the efficiency and reliability of the AFC System through the implementation and transition to a new fare payment system. Based on this recommendation, the estimated expenditure for the three-year extension period is $20M. It is anticipated that $17.9M will be used to maintain the AFC system in a State of Good Repair, while the remaining $2.1M will fund any projects that may become necessary during that time. This contract does not obligate NYC Transit to expend the full contract amount since all work performed during the extension period will be initiated via negotiated TOs on an as-needed basis.

Labor rates for this modification, which were determined to be fair and reasonable, are based on an audit of Cubic’s actual labor rates, overhead rates, and general and administration fees conducted by MTA Audit Services.
Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 1
Vendor Name (& Location)
Skanska USA Civil Northeast, Inc.

Description
IESS Facilities Work
Contract Term (including Options, if any)
Six Months

Option(s) included in Total Amount? ☐ Yes ☒ No ☐ n/a

Procurement Type ☐ Competitive ☒ Non-competitive

Solicitation Type ☐ RFP ☐ Bid ☐ Other: Modification

Funding Source ☐ Operating ☐ Capital ☐ Federal ☒ Other: NYPD

Requesting Dept/Div & Dept/Div Head Name: Security Program, R. Miras

Contract Number
C-10464 (10-0464)

AWO/Modification #
4

Original Amount: $1,250,000
Prior Modifications: $448,000
Prior Budgetary Increases: $0
Current Amount: $1,698,000

This Request $998,000

% of This Request to Current Amount: 58.7%
% of Modifications (including This Request) to Original Amount: 115.7%

Discussion:

This modification is for the construction of a facility for the New York City Police Department’s Transit Bureau Unit at a cost of $998,000.

The New York City Police Department’s Transit Bureau has an urgent need of a replacement facility for its K-9 Unit which is currently located at 370 Jay St. They must evacuate their current inadequate location as it is not appropriate for the operations of this unit. The planned site for the facility is centrally located and provides close access to public transportation that will facilitate the immediate deployment of K-9 units to respond to urgent situations. The proposed facility for the unit will serve as a base for 50 police officers, police vehicles and 36 police dogs. The facility will include offices, restrooms, locker rooms, kennels, a medical facility for the canines and a parking area. The work shall include but is not limited to furnishing three new modular trailers (modified to make their interior water resistant), rehabilitation of seven existing trailers, assemble and attach the new trailers to the seven existing trailers, site preparation (grading, paving, clearing of all vegetation, trash and other debris), fencing, demolition and removal of existing raised platforms, construct utility trenches, furnish and install plumbing (including interior and exterior drainage) and electrical lines and fixtures and, painting.

In order to expedite this work, it was determined that Skanska, who is currently mobilized at the command center site and has the required experience, could perform the work. Under this modification, Skanska will furnish and install all materials, equipment and perform all operations for the fabrication, installation, site-preparation and assembly of a facility. The Contractor’s proposal was for $1,229,870 while the in-house estimate was for $920,803. Negotiations were held and the parties agreed to a lump sum cost of $998,000 which is considered to be fair and reasonable as it is within 10% of the estimate. Funding for this work is available in New York City Transit’s operating budget. By agreement with the Transit Police Bureau, the cost of the project was offset during 2007-2010 by reduced spending on Transit funded police overtime.
Schedule K: Ratification of Completed Procurement Actions

<table>
<thead>
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<th>Item Number: 1</th>
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<tbody>
<tr>
<td>Vendor Name (Location)</td>
</tr>
<tr>
<td>DMJM + Harris*Arup (New York, NY)</td>
</tr>
<tr>
<td>Description</td>
</tr>
<tr>
<td>Preliminary and Final Engineering Services for Second Avenue Subway</td>
</tr>
<tr>
<td>Contract Term (including Options, if any)</td>
</tr>
<tr>
<td>December 20, 2001 – December 19, 2013</td>
</tr>
<tr>
<td>Option(s) Included in Total Amount?</td>
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<td>Procurement Type</td>
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<td>Solicitation Type</td>
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<td>☐ RFP ☐ Bid ☒ Other: Modification</td>
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<td>Funding Source</td>
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<td>☐ Operating ☒ Capital ☐ Federal ☐ Other:</td>
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<td>Requesting Dep/Div &amp; Dep/Div Head Name:</td>
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<tr>
<td>MTA Capital Construction, Michael Horodniceanu, President</td>
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<tr>
<td>Contract Number</td>
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<td>% of Modifications (Including This Request) to Original Amount:</td>
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<td>86.7%</td>
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Discussion:

This retroactive modification is for the remediation design for 35 buildings in need of temporary protection/repairs within the area of the 72nd Street Station construction site.

This contract is for design services for the Second Avenue Subway. The base contract provided for preliminary engineering (PE) of the segment running from 125th Street to Midtown, PE of the segment running from Midtown to Lower Manhattan, and support services during the construction phase for tunnel boring machine (TBM) activities. The contract also included three options for final design and construction support services for civil/structural elements, systems, and stations.

Based upon a Memorandum of Understanding between MTACC and the Department of Buildings relating to buildings along the 2nd Avenue Subway line construction, Modification No. 51 was issued, effective January 4, 2010, for $603,945 to survey 87 buildings adjacent to the 72nd Street Station construction site and to evaluate their potential structural responses to construction activities related to the blasting and mining effort. Modification No. 51 included the initial surveys and preparation of a Pre-Construction Survey Report only.

This Modification No. 61 is for DHA to perform the remediation design for 35 buildings identified in the Pre-Construction Survey Report as requiring temporary protection/repairs. Work includes providing criteria and specifying temporary protection systems to be designed and constructed by the contractor for the 72nd Street Station Construction; review of the Pre-Construction Survey Reports to determine required remediation work for each building; field surveys as required to create existing condition drawings of areas where remedial work is required; testing and analysis to design the remediation work; preparation of construction documents (drawings and specifications) defining the remedial work including permissible response values for vibration and movement and methods and levels of monitoring; and design support during construction.

In order to avoid any adverse impacts to the 72nd Street Station (C:26007) construction schedule, it was necessary that DHA commence the remediation design work as soon as possible. A Retroactive Variance, effective July 28, 2010, was approved by the MTACC President and the consultant was directed to proceed. The construction contract for the 72nd Street Station was awarded on October 1, 2010.

The remediation work is prioritized based on the location of the buildings in closest proximity to the construction work zones and the construction start dates. Implementation of the various remediation design packages will be accomplished through the issuance of Work Requests against the Building Protection and Remediation Allowance that was established as part of the base contract bid under construction Contract C:26007.

The consultant’s initial proposal was $1,829,236. MTACC’s revised estimate was $1,419,777. Following negotiations, the not to exceed amount of $1,540,030 was agreed upon and found to be fair and reasonable. The hourly rates and overhead will remain the same as the current contract. Savings of $409,459 were achieved.
PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed expenditure of $50,000.
Staff Summary

Subject
Requests for Authorization to Award Various Procurements

Department
MTA Bus Company/Long Island Bus/NYCT Department of Buses

Department Head Name
Thomas Del Sordo

Department Head Signature
[Signature]

Project Manager Name
James P. Curry

January 6, 2011

Vendor Name
N/A

Contract Number
N/A

Contract Manager Name
N/A

Table of Contents Ref #

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PURPOSE:
To obtain (i) approval of the Board to award various contracts/contract modifications and purchase orders, as reviewed by the MTA Bus Operations Committee, and (ii) ratification of the procurements listed below.

DISCUSSION:

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

None

Long Island Bus proposes to award Non-Competitive procurements in the following categories:

Procurements Requiring Two-Thirds Vote
Schedule E: Miscellaneous Procurement Contracts

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NYC Transit Department of Buses proposes to award Non-Competitive procurements in the following categories:

None

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-64-
MTA Bus Company proposes to award Competitive procurements in the following categories:

None

Long Island Bus proposes to award Competitive procurements in the following categories:

None

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

None

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MTA Bus Company proposes seeks Ratifications in the following categories:

None

Long Island Bus proposes to award Ratifications in the following categories:

None

NYC Transit Department of Buses seeks Ratifications the following categories:

None

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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 requests 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, the Board resolves as follows:

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

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

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

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

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

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

7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.
LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

JANUARY 2011

Procurements Requiring Two-Thirds Vote:

E. Miscellaneous Procurement Contracts
   (Staff Summaries required for all items greater than: $100K Sole Source; $250K Other Non-Competitive.)

1. ACS, Inc.
   Technical Support for Orbital System
   Contract #E-3855, Sole Source
   $50,000 (NTE)

LIB requests MTA Board approval to award a sole source, non-competitive, miscellaneous procurement contract to ACS, Inc. (ACS), (formerly ‘Orbital Sciences Corporation’) for support services for the Orbital Computer Aided Dispatch (CAD)/Automatic Vehicle Location (AVL) System used in its fixed route buses. The system, in place since the mid-1990’s, allows LIB to effectively monitor and improve the schedule performance of its fixed-route fleet, manage bus location functions and is integral to the control of bus radio communications systems. This system includes a Communications System that utilizes Nassau County’s communications system to meet LI Bus’s current real-time fleet management requirements. The Orbital CAD/AVL system is fully integrated into the bus radio system, which provides direct radio communication between bus operators and Bus Command Center (BCC). In an attempt to reduce maintenance costs, a reassessment of required services was performed due to the limited number of critical failures experienced over the past three years with the system. The reassessment also took into account experience gained by LIB technical personnel in correcting failures.

To date, LIB has not identified another vendor qualified to provide this system support. There are no recommended alternatives as LIB does not possess the proprietary source code and cannot support the system software with in-house resources, since the software is proprietary to ACS and was modified and designed specifically for LIB use. The current annual contract price is $322,481 and expires on March 5, 2011. This agreement has a base cost of $35,000 to cover the Sun Microsystems hardware and Oracle Support for one year with $15,000 to cover ACS’s time and material for responses to service calls based on a $195 hourly labor rate. The contract will be funded from LIB’s Operating Budget.
METRO-NORTH/LONG ISLAND

COMMITTEE

PROCUREMENTS

FOR

BOARD ACTION

January 26, 2011

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<table>
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<th>Order</th>
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**PURPOSE:**
To obtain approval of the Board to award various contracts and purchase orders, and to inform the Metro-North/Long Island Committee of these procurement actions.

**DISCUSSION:**
LIRR proposes to award Non-Competitive procurements in the following categories:

**Schedules Requiring Majority Vote**

Schedule G: Miscellaneous Service Contract

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**Schedules Requiring Two-Thirds Vote**

Schedule A: Non-Competitive Purchase and Public Works Contracts

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<tr>
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<td>$1.318M</td>
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MNR proposes to award Non-Competitive procurements in the following categories:

MTACC proposes to award Non-Competitive procurements in the following categories: NONE.
LIRR proposes to award Competitive procurements in the following categories:

<table>
<thead>
<tr>
<th>Schedules Requiring Majority Vote</th>
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<tr>
<td>Schedule J: Modifications to Miscellaneous Procurement Contracts</td>
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SUBTOTAL: 1 $1.539M

MNR proposes to award Competitive Procurements in the following categories:

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<td>Schedule G: Miscellaneous Service Contracts</td>
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<td>Schedule H: Modifications to Personal / Miscellaneous Contracts</td>
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SUBTOTAL: 4 $13.879M

MTACC proposes to award Competitive Procurements in the following categories:

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SUBTOTAL: 1 $TBD

LIRR proposes to award Ratifications in the following categories:

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<tr>
<td>Schedule D: Ratification of Completed Procurement Actions</td>
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SUBTOTAL: 1 $0.872M

MNR proposes to award Ratifications in the following categories: NONE

MTACC proposes to award Ratifications in the following categories: NONE

TOTAL: 9 $18.101M
BUDGET IMPACT:

The purchases/contracts will result in obligating Long Island Rail Road, Metro-North Railroad and MTA Capital Construction operating and capital funds in the amount listed. Funds are available in the current operating/capital budgets for this purpose.

RECOMMENDATION:

That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)
WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

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

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

NOW, the Board resolves as follows:

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

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.

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

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

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

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.
JANUARY 2011

MTA LONG ISLAND RAIL ROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts
(Staff Summaries required for all items greater than: $100K Sole Source; $250K Other Non-Competitive; $1M RFP)

1. ARINC Incorporated
   Miscellaneous Service Contract
   Contract No. IT05944-GS57
   $248,600 – LIRR
   $244,276 – MNR
   $492,877 – Aggregate Amount
   LIRR, on behalf of itself and MNR, requests MTA Board approval to award a twenty-three month, sole source, miscellaneous services contract to ARINC Incorporated ("ARINC") in the aggregate amount of $492,877 ($248,600 – LIRR; $244,276 – MNR) for software and hardware maintenance services in support of LIRR's Port Washington Branch Control System (PWBCS) and MNR’s Supervisory Control and Data Acquisition System (SCADA).

Staff Summary Attached
Schedule G - Miscellaneous Service Contract

Staff Summary

Item Number: G
Vendor Name (& Location)
ARINC Incorporated

Description
SCADA System Maintenance & Support Services

Contract Term (including Options, if any)
February 1, 2011 – December 31, 2012

Option(s) Included in Total Amount? □ Yes ☒ No

Procurement Type
☐ Competitive ☒ Non-Competitive

Solicitation Type
☐ RFP ☐ Bid ☒ Other:

Contact Number
IT05944-GS57

Renewal?
☒ Yes ☐ No

Total Amount:
$492,877
LIRR = $248,600
MNR = $244,276

Funding Source
☒ Operating ☐ Capital ☐ Federal ☐ Other:

Requesting Dept./Div. & Dept.Div Head Name:
Robert Puciloski – Chief Engineer

Contract Manager:
Cliff De Risi – Sr. Manager, IT Procurements

Discussion:

LIRR, on behalf of itself and Metro-North ("the Railroads"), requests MTA Board approval to award a twenty-three month, sole source, miscellaneous services contract to ARINC Incorporated ("ARINC") in the aggregate amount of $492,877 ($248,600 – LIRR; $244,276 – MNR) for software and hardware maintenance services in support of LIRR's Port Washington Branch Control System (PWBCS) and MNR's Supervisory Control and Data Acquisition System (SCADA).

The PWBCS and SCADA systems ("the systems") provide the Railroads with the ability to monitor and remotely control the application and removal of all traction power for trains, including both third rail and overhead catenary equipment. The systems monitor and control power distribution by collecting data from field devices through remote terminal units, processing and displaying data on work stations, and issuing operator and/or system initiated controls that are relayed to the field. The systems also provide for various display signals, throw switches and DC circuit breaker houses and track circuit occupancy. ARINC is the OEM and only source capable of providing and maintaining the SCADA proprietary software/system. The SCADA software and hardware were designed specifically to meet LIRR and MNR environments and remains proprietary to ARINC.

A financial audit of ARINC’s overhead rates was performed by MTA Audit Services and deemed acceptable. ARINC proposed an annual escalation factor of 2.6%, which is less than the current Consumer Price Index (CPI), established by the US Bureau of Labor Statistics and, therefore, is deemed fair and reasonable.

Services will include 24/7 unlimited emergency/remedial software maintenance, unlimited services calls, unlimited telephone consultations, software engineering, an annual site visit and monthly system health checks. Services shall commence in February 2011. The total cost for the twenty-three (23) month period is not-to-exceed $492,876.

This procurement is to be funded by each Agency's Operating Budget.
JANUARY 2011

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

A. Non-Competitive Purchases and Public Work Contracts
(Staff Summaries required for all items greater than: $100K; $250K Other Non-Competitive)

1. Loram Maintenance of Way, Inc.  
   Shoulder Ballast Cleaning  $700,000 (not-to-exceed) 
   Rail Grinding  $618,000 (not-to-exceed)

   Request to award a consolidated agreement covering two separate services (Shoulder Ballast Cleaning and Rail Grinding Services) provided by the firm, Loram Maintenance of Way, Inc. (Loram), totaling $1.318M. The consolidated agreement with Loram (the sole provider of these services over the past five years) will eliminate separate contracts and standardize terms and conditions and payment provisions.

   a) Shoulder Ballast Cleaning - Shoulder Ballast Cleaning is an on-going track/maintenance of way program throughout MNR’s Operating Territory. It is vital for proper track performance as it opens mud pockets and releases trapped water to restore proper drainage and helps to eliminate subsurface saturation problems, both of which can severely impact track condition and ride quality. Ballast cleaning supports both the regular on-going operations needs of the Track Dept. as well as specific projects such as concrete tie replacement. As part of the consolidated agreement, MNR will add funding and extend the existing contract period of performance by nine months through December 2011. MNR Procurement negotiated the same rates with Loram for the extension period. Loram will continue to furnish all operating and supervisory personnel, equipment, material and supplies (fuel, lubricants and hydraulic fluids) necessary to perform this service. The total not-to-exceed amount for services during the contract extension is $700,000, and is to be funded by MNR Operating Budget.

   b) Rail Grinding Services - Rail Grinding is also an on-going program that extends rail life by reducing rail surface defects. For the past five (5) years, this service has been provided to both MNR & LIRR by Loram, who is the major provider of rail grinding services to RRs on the east coast of the U.S. (rail grinding employs a very unique piece of equipment that is owned, operated and transported by Loram from Minnesota). MNR has negotiated with Loram to deploy available rail grinding equipment in 2011 based on a mutually agreed upon schedule, resulting in pricing that is 5% higher when compared to the fixed pricing paid by both MNR & LIRR under the last program (‘05-’10). As part of the consolidated agreement with Loram, the cost of services for MNR’s 2011 rail grinding program totals a not-to-exceed $618,000 and is to be funded by the MNR Operating Budget.

During this extension period, MNR in conjunction with LIRR and NYCT, will continue to review and analyze the various options, best practices and inter-agency initiatives to perform the required track and rail services. The best approach will then be implemented in 2012.
Schedule A: Non-Competitive Purchases and Public Work Contracts

Item Number: A

Vendor Name (& Location)
Loram Maintenance of Way, Inc

Description
Ballast Cleaning and Rail Grinding

Contract Term (including Options, if any)
11 months

Option(s) Included in Total Amount? □ Yes X No

Procurement Type
□ Competitive X Non-competitive

Solicitation Type
□ RFP □ Bid X Other: Negotiated

Contract Number
80228

Renewal?
□ Yes X No

Total Amount:
$1,318,000 (not-to-exceed)

Funding Source
X Operating □ Capital □ Federal □ Other:

Requesting Dept. & Div/Head Name:
Procurement & Material Management, Anthony J. Bombace, Jr.

Contract Manager
C. Sefolk

Discussion:
Request to award a consolidated agreement covering two separate services (Shoulder Ballast Cleaning and Rail Grinding Services) provided by the firm, Loram Maintenance of Way, Inc. (Loram), totaling $1.318M. The consolidated agreement with Loram (the sole provider of these services over the past five years) will eliminate separate contracts and standardize terms and conditions and payment provisions.

a) Shoulder Ballast Cleaning - Shoulder Ballast Cleaning is an on-going track/maintenance of way program throughout MNR’s Operating Territory. It is vital for proper track performance as it opens mud pockets and releases trapped water to restore proper drainage and helps to eliminate subsurface saturation problems, both of which can severely impact track condition and ride quality. Ballast cleaning supports both the regular on-going operations needs of the Track Dept. as well as specific projects such as concrete tie replacement. As part of the consolidated agreement, MNR will add funding and extend the existing contract period of performance by nine months though December 2011. MNR Procurement negotiated the same rates with Loram for the extension period. Loram will continue to furnish all operating and supervisory personnel, equipment, material and supplies (fuel, lubricants and hydraulic fluids) necessary to perform this service. The total not-to-exceed amount for services during the contract extension is $700,000, and is to be funded by MNR Operating Budget.

b) Rail Grinding Services - Rail Grinding is also an on-going program that extends rail life by reducing rail surface defects. For the past five (5) years, this service has been provided to both MNR & LIRR by Loram, who is the major provider of rail grinding services to RRs on the east coast of the U.S. (rail grinding employs a very unique piece of equipment that is owned, operated and transported by Loram from Minnesota). MNR has negotiated with Loram to deploy available rail grinding equipment in 2011 based on a mutually agreed upon schedule, resulting in pricing that is 5% higher when compared to the fixed pricing paid by both MNR & LIRR under the last program (‘05-’10). As part of the consolidated agreement with Loram, the cost of services for MNR’s 2011 rail grinding program totals a not-to-exceed $618,000 and is to be funded by the MNR Operating Budget.

During this extension period, MNR in conjunction with LIRR and NYCT, will continue to review and analyze the various options, best practices and inter-agency initiatives to perform the required track and rail services. The best approach will then be implemented in 2012.
**JANUARY 2011**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

_Procurements Requiring Majority Vote_

Schedule J: Modifications to Miscellaneous Procurement 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)

<table>
<thead>
<tr>
<th></th>
<th>PS Technology</th>
<th>$ 975,000 — LIRR</th>
<th></th>
<th>PS Technology</th>
<th>$ 564,000 — MNR</th>
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<tr>
<td></td>
<td>Contract Modification</td>
<td>$1,539,000 — Aggregate Amount</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contract No. P020722 / POH8206</td>
<td></td>
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</tbody>
</table>

LIRR, on behalf of itself and MNR (the “Railroads”), requests MTA Board approval to award a contract modification in the aggregate amount of $1,539,000 to PS Technologies (PST) for upgrade of the LIRR’s existing Resource Processing & Control System (RPCS) to a web-based system and the upgrade of MNR’s Crew Management System (CMS) mainframe version to the current release level. In addition, PST will incorporate federally mandated features to meet the requirements of HR2095, a regulation that modifies hours of service and other requirements pertaining to certain operational and non-operational employees, with a goal of improving operational safety. These modifications must be incorporated by November 2011.
Schedule J: Modifications to Miscellaneous Procurement Contracts

Staff Summary

Item Number: 2
Vendor Name (& Location): PS Technology
4801 N. 63rd Street, suite 200, Boulder, CO 80301
Description – Design, Implementation and Maintenance of Resource Process & Control System

Contract Term (including Options, if any)
April 1999 – April 2012

Option(s) Included in Total Amount? □ Yes □ No

Procurement Type □ Competitive □ Non-Competitive

Solicitation Type □ RFP □ Bid □ Other:

Funding Source □ Operating □ Capital □ Federal □ Other:

Requesting Dept/Div & Dept/Div Head Name: Information Technology, Scott M. Dieterich, CIO

Contact Number
P020722 / POH8206

Original Amount:
LIRR $1,393,281.56 MNR $232,000

Prior Modifications: $673,654.31 $0

Prior Budgetary Increases:

Current Amount: $2,066,935.87 $232,000

This Request: $975,000 $564,000

% of This Request to Current Amount: 47% 243%

% of Modifications (Including This Request) to Original Amount: 118% 243%

Discussion:

LIRR, on behalf of itself and MNR (the “Railroads”), requests MTA Board approval to award contract modifications in the aggregate amount of $1,539,000 ($975,000 (LIRR) and $564,000 (MNR)) to PS Technologies (PST) for upgrade of the LIRR’s existing Resource Processing & Control System (RPCS) to a web-based system and upgrade of MNR’s Crew Management System (CMS) mainframe version to the current release level. In addition, PST will incorporate federally mandated features to meet the requirements of HR2095, a regulation that modifies hours of service and other requirements pertaining to certain operational and non-operational employees, with a goal of improving operational safety. These modifications must be incorporated by November 2011.

The RPCS supports the Transportation’s Crew Management Services group in their day to day manpower management of Train and Engine and Non-Ops staff. The RPCS is comprised of two modules, crew dispatching and timekeeping. A comprehensive technical scope of work (TSOW) was developed and issued to PST in July 2010, containing the IT services and Transportation operational requirements. The TSOW established minimum system requirements and requested supporting information that provided evidence of their capability to meet the new system upgrade requirements and federal regulations. PST’s proposed price included rates within the competitive rate range found for similar IT consulting services. PST’s fully burdened labor rates have not changed since inception of its initial contract with LIRR in 1999. Further negotiations resulted in discounts from the original proposed prices for software license fees. Based on the above, all pricing is deemed fair and reasonable.

Pursuant to reviewing this need with LIRR IT Governance, a make/buy analysis was performed, the results of which concluded that using PST to perform this work was the most technically superior and cost-effective solution to fulfill these requirements by the established federal deadline. In addition, LIRR presented and reviewed this plan with the MTA Enterprise Architecture group, MTA IT Governance and with Metro-North Railroad (MNR). MTA Enterprise Architecture agrees the plan is sound from the MTA-wide business and technology perspectives; both Railroads have very similar crew management requirements and both also use PS Technology software, albeit different versions on different operating platforms. PS Technologies is the OEM and sole source for system maintenance for both Railroads at this time.

Due to the tight timeline and the fact that Metro-North’s Crew Management System is on a mainframe platform, it is not practical to follow the same upgrade path for both Railroads. After the HR2095 deadline is met, Metro-North plans to move to a web-based version. Both Railroads will participate in defining the requirements for HR2095 that PST will incorporate, and the Railroads will continue to work closely to ensure that Metro-North can leverage LIRR’s experience and lessons learned when moving toward the web-based solution in 2012.
JANUARY 2011

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

E. Miscellaneous Procurement Contracts
(Staff Summaries required for all items greater than: $100K Sole Source; $250K Other Non-Competitive)

1. Sportworks Northwest, Inc.  $85,000 (not-to-exceed)
   Design, Fabrication and Delivery of Railcar Bicycle Racks
   Competitively solicited and negotiated (2 proposals received; Sportworks' proposal was the lowest cost),
   miscellaneous service contract with the firm, Sportworks Northwest, Inc., to design, fabricate and deliver
   two (2) prototype bicycle rack designs. Under the contract, these design concepts will be installed on an
   M-8 married pair to acquire feedback from the riding public. Sportworks shall provide a total of four
   bicycle racks for this evaluation period. The contract duration is for ten months inclusive of design
   review, FAI, fabrication, installation and testing, and the unit prices to be paid are fixed. The total cost is
   not-to-exceed $85,000. At the conclusion of the design and test period, MNR and CDOT shall retain an
   option to procure the approved bike racks for the M8 fleet. Further, MNR and LIRR shall also retain the
   right to procure the approved bike racks for the M7 Fleets. MTA Board approval will be required to elect
   the option(s).

   The total cost of this procurement is a total amount not-to-exceed $85,000 to design, fabricate and deliver
   test bicycle racks (Pilot Program) in partnership with Connecticut Department of Transportation (CDOT)
   and it is to be funded 100% by CDOT.

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.)

2. CR Quality Services, Inc.
   Inspection Services for Steel and Specialty Track Work
   Metro-North Railroad  $300,000 (not-to-exceed)
   Long Island Rail Road  $160,000 (not-to-exceed)

   In conjunction with the MNR/LIRR Joint Procurement Initiative (JPI), MNR, on behalf of itself and
   Long Island Rail Road (LIRR), proposes to award a competitively solicited (3 bids received), five-year
   miscellaneous service agreement to the firm, CR Quality Services, Inc. (CRQS), for inspection services
   of steel and specialty track material manufactured for Metro-North and Long Island Rail Road both at
   manufacturers' site(s) and at the RR's facilities.

   MNR and LIRR require inspection services of various manufactured steel material such as track,
   turnouts, switches, switch points & protectors, frogs, guard rails, miter rails, crossover diamonds, and
   other steel materials critical to rail operations. Services under this contract include quality control
   testing and evaluation of steel material at the manufacturer's plant during actual production points/
intervals to ensure that American Railway Engineering and Maintenance of Way (A.R.E.M.A.) and MNR specifications are being met. Under the contract, CRQS is required to review the manufacturing process to confirm material and dimensional quality, provide final inspection reports detailing any rework, and record dates of shipment to MNR and/or LIRR.

Services under this contract are based on an all inclusive daily inspection rate which shall remain fixed for the five (5) year period of the contract. CRQS, the incumbent firm for these services has submitted pricing consistent with inspection prices recently paid by the Railroads. The all-inclusive low bid price of $420/per inspection will remain fixed for the new five-year period (2011-2014); this is an increase over the previous contract of 1% per year and the pricing is deemed fair and reasonable. Each agency’s estimated five-year contract value (MNR $300,000 & LIRR $160,000) is funded by federal (LIRR) and operating (MNR) sources.

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)

3. Louis T. Klauder and Associates (LTK) $12,250,000 (not-to-exceed)  
Construction Inspection & Engineering support for the M-8 Railcar

Request to award a contract change for seven months with additional funding ($12.25M) to the firm, Louis T. Klauder (LTK) for the continuation of construction inspection and engineering services in support of the M-8 Railcar manufacture.

In September 2006, the MTA Board approved the award to the firm, Louis T. Klauder and Associates (LTK), in the total amount not-to-exceed $15,000,000 to provide Construction Inspection and Engineering Services to support the M-8 Rail Car manufacture. In specific, the scope of work includes: detailed design reviews of all the Manufacturer’s submittals, inspection, quality assurance, quality control, progress monitoring and testing at the Manufacturer’s plants and at test sites, post M-8 construction performance monitoring and general administration. Subsequently, a contract was awarded in December 2006 in the amount of $9,399,278. This amount represented only those funds that were available in the MNR 2005-2009 Capital program at that time. As additional funding became available within the ‘05-‘09 program, the contract was amended in the additional amounts of $3,999,981 and $1,600,000 for continuation of the inspection and engineering services up to the original MTA Board authorized amount of $15M.

At this time, as the production advances on the M-8 railcars, MNR requests MTA Board approval to extend the time and increase the funding for the LTK contract so that they can continue to provide the required Inspection and Engineering services noted above, for the initial three hundred (300) M-8 car order. There are three primary reasons for this request. First, the manufacturer is approximately 12 months late thereby extending the duration and amount of the needed inspection services. Secondly, it was initially projected that Metro-North would have adequate internal resources to minimize the third-party engineering required to support this program. However, this was not possible due to the competing demands of other projects. Finally, the M-8s have had significant technical challenges in a number of systems: Central Diagnostic System; Auxiliary Power Supply, and Automatic Train Control. These have generated a significant amount of required additional documentation, meetings and oversight that were not anticipated by either the manufacturer or Metro-North. As many of the additional efforts performed by MNR and LTK are directly associated with the technical issues, delays and inefficiencies solely attributable to the M-8 Car manufacturer, MNR anticipates recouping these costs through the prospective negotiation and assessment of liquidated damages (the Capital Program...
and CDOT costs shall be reconciled at the conclusion of the project, when the full extent of the contractor’s delay is calculated).

The total cost of the contract change is not-to-exceed $12,250,000 and shall be funded on an interim basis by the 2010-2014 MNR Capital Program and by CDOT, and is allocated as required by the CDOT Project Agreement (MNR = 35%, CDOT = 65%). The completion date of the construction supervision and inspection services shall be extended seven months to July 31, 2013.

In addition to the above request, it is noted that MNR expects to exercise its final option to purchase 80 additional M-8 cars in 2011 (when all of CDOT’s funding is in place); and that MNR and CDOT also are currently evaluating the benefits of ordering additional M-8 Cars beyond the currently authorized total of 380 cars. In the event of such additional work, MNR will submit for MTA Board approval a subsequent contract modification for continuation of construction inspection and engineering services in the LTK contract.

4. Various Bus Companies  $1,084,000 (not-to-exceed)  Staff Summary Attached

Emergency and Scheduled Bus Service
Request for a contract change representing a time extension with funding to miscellaneous service agreements for emergency and scheduled bus service for transporting railroad passengers and/or crews between stations and various Metro-North (MNR) locations. Four (4) separate contracts were awarded in 2006 to the firms, CT Transit, Greater Bridgeport Transit, Chappaqua Transportation and Leprechaun Lines Inc., to cover MNR operating territories in Connecticut and New York in a total Board-approved amount of $3,500,000 for the period until 2010. The original funding was based on the best-available estimate for both Capital Projects and emergency/as-needed/replace bus service. The actual costs for both the scheduled bus services associated with capital projects and the non-scheduled bus services over the life of the contract have exceeded the estimates approved by the MTA Board.

At this time, MNR requests a contract change in two parts: a) to pay for bus services ($514K) not originally anticipated that incurred in late 2010 in support of the renewal of grade crossings in Connecticut; the Danbury signal project; West of Hudson track work, brush cutting and unscheduled bus service charges due to operational problems, such as storms and a derailment; and b) to extend all current contracts for six months with additional funds ($570K). This will provide monies for their entire services until a new solicitation is completed.

In anticipation of the new solicitation being made by June 2011, MNR will review and analyze the scope of work and best practices for bus services on a scheduled and non-scheduled basis including performance-based methodologies, defined zones with hourly rate structure, and inter-agency cooperation and coordination.

This contract change totals a not-to-exceed $1,084,000 and it is to be funded by the MNR Operating, MNR Capital Budgets and CDOT.
Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts

<table>
<thead>
<tr>
<th>Item Number:</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendor Name (&amp; Location)</td>
<td>Louis T. Klauder and Associates (LTK)</td>
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<tr>
<td>Description</td>
<td>Construction Inspection and Engineering Support for the M-8 Railcar Manufacture</td>
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<tr>
<td>Solicitation Type</td>
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<td>Funding Source</td>
<td>Operating [ ] Capital [X] Federal [ ] Other: CDOT</td>
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<td>Procurement &amp; Material Management, Anthony J. Bombace, Jr.</td>
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<td>% of This Request to Current Amount</td>
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<td>% of Modifications (Including This Request) to Original Amount</td>
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</table>

I. PURPOSE/RECOMMENDATION:

To award a contract change for seven months with additional funding ($12.25M) to the firm, Louis T. Klauder (LTK) for the continuation of construction inspection and engineering services in support of the M-8 Railcar manufacture.

II. DISCUSSION:

In September 2006, the MTA Board approved the award to the firm, Louis T. Klauder and Associates (LTK), in the total amount not-to-exceed $15,000,000 to provide Construction Inspection and Engineering Services to support the M-8 Rail Car manufacture. In specific, the scope of work includes: detailed design reviews of all the Manufacturer’s submittals, inspection, quality assurance, quality control, progress monitoring and testing at the Manufacturer’s plants and at test sites, post M-8 construction performance monitoring and general administration. Subsequently, a contract was awarded in December 2006 in the amount of $9,399,278. This amount represented only those funds that were available in the MNR 2005-2009 Capital program at that time. As additional funding became available within the ‘05-‘09 program, the contract was amended in the additional amounts of $3,999,981 and $1,600,000 for continuation of the inspection and engineering services up to the original MTA Board authorized amount of $15M.

At this time, as the production advances on the M-8 railcars, MNR requests MTA Board approval to extend the time and increase the funding for the LTK contract so that they can continue to provide the required Inspection and Engineering services noted above, for the initial three hundred (300) M-8 car order. There are three primary reasons for this request. First, the manufacturer is approximately 12 months late thereby extending the duration and amount of the needed inspection services. Secondly, it was initially projected that Metro-North would have adequate internal resources to minimize the third-party engineering required to support this program. However, this was not possible due to the competing demands of other projects. Finally, the M-8s have had significant technical challenges in a number of systems: Central Diagnostic System; Auxiliary Power Supply, and Automatic Train Control. These have generated a significant amount of required additional documentation, meetings and oversight that were not anticipated by either the manufacturer or Metro-North. As many of the additional efforts performed by MNR and LTK are directly associated with the technical issues, delays and inefficiencies solely attributable to the M-8 Car manufacturer, MNR anticipates recouping these costs through the prospective negotiation and assessment of liquidated damages (the Capital Program and CDOT costs shall be reconciled at the conclusion of the project, when the full extent of the contractor’s delay is calculated).
The total cost of the contract change is not-to-exceed $12,250,000 and shall be funded on an interim basis by the 2010-2014 MNR Capital Program and by CDOT, and is allocated as required by the CDOT Project Agreement (MNR = 35%, CDOT = 65%). The completion date of the construction supervision and inspection services shall be extended seven months to July 31, 2013.

In addition to the above request, it is noted that MNR expects to exercise its final option to purchase 80 additional M-8 cars in 2011 (when all of CDOT’s funding is in place); and that MNR and CDOT also are currently evaluating the benefits of ordering additional M-8 Cars beyond the currently authorized total of 380 cars. In the event of such additional work, MNR will submit for MTA Board approval a subsequent contract modification for continuation of construction inspection and engineering services in the LTK contract.
Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts

<table>
<thead>
<tr>
<th>Item Number</th>
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<tbody>
<tr>
<td>Vendor Name &amp; Location</td>
<td>Various – CT Transit, Chappaqua, Leprechaun</td>
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<tr>
<td>Description</td>
<td>Emergency and Scheduled Bus Service</td>
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<td>Contract Term (including Options, if any)</td>
<td>5 year (3 yr base + 2 yr option)</td>
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<td>Option(s) Included in Total Amount?</td>
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<td>Current Amount:</td>
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<td>% of This Request to Current Amount:</td>
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<td>% of Modifications (Including This Request) to Original Amount:</td>
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Discussion:

Request for a contract change representing a time extension with funding to miscellaneous service agreements for emergency and scheduled bus service for transporting railroad passengers and/or crews between stations and various Metro-North (MNR) locations. Four (4) separate contracts were awarded in 2006 to the firms, CT Transit, Greater Bridgeport Transit, Chappaqua Transportation and Leprechaun Lines Inc., to cover MNR operating territories in Connecticut and New York in a total Board-approved amount of $3,500,000 for the period until 2010. The original funding was based on the best-available estimate for both Capital Projects and emergency/as-needed/substitute bus service. The actual costs for both the scheduled bus services associated with capital projects and the non-scheduled bus services over the life of the contract have exceeded the estimates approved by the MTA Board.

At this time, MNR requests a contract change in two parts: a) to pay for bus services ($514K) not originally anticipated that incurred in late 2010 in support of the renewal of grade crossings in Connecticut; the Danbury signal project; West of Hudson track work and unscheduled bus service charges due to operational problems, the brush cutting program, storms and a derailment; and b) to extend all current contracts for six months with additional funds ($570K). This will provide monies for their entire services until a new solicitation is completed.

In anticipation of the new solicitation being made by June 2011, MNR will review and analyze the scope of work and best practices for bus services on a scheduled and non-scheduled basis including performance-based methodologies, defined zones with hourly rate structure, and inter-agency cooperation and coordination.

This contract change totals a not-to-exceed $1,084,000 and it is to be funded by the MNR Operating, MNR Capital Budgets and CDOT.
JANUARY 2011

MTA CAPITAL CONSTRUCTION

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

*Procurements Requiring Two-Thirds Vote*

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

<table>
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<tr>
<th></th>
<th>Contractor To Be Determined</th>
<th>Cost To Be Determined</th>
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<td>1.</td>
<td>Contract Term To Be Determined</td>
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<tr>
<td></td>
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I. PURPOSE/RECOMMENDATION
To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article III of the All Agency Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposal ("RFP"), Systems Package 1- Facilities, Communication, Controls, Security, Fire Detection, Tunnel Ventilation and Facility Power for the East Side Access Project.

II. DISCUSSION
Package 1 is the first of two system package installation contracts for the East Side Access Project. The work under this contract is for the LIRR Grand Central Terminal (GCT) terminus station and right of way communication, public address variable message signage, LIRR and emergency services radio systems, ESA control rooms and systems, SCADA (Supervisory Controls and Data Acquisition) systems, security CCTV and access control, fire detection, tunnel ventilation, and tunnel facility power systems of the new East Side Access Facilities. A critical element of work is the complete systems integration and interface responsibilities across several contract packages (Contracts CS084, Tunnel Systems Package 2, CM012 Manhattan Structures Part II and Facilities Fit-Out, CM014 GCT Concourse and Facilities Fit-Out and CQ032, Plaza Substation and Queens Structures) in support of the commencement of revenue service. Much of the work requires not only specific technical expertise but also a highly skilled labor force.

Many of the system specifications are written in terms of requirements in meeting industry standards, criteria and performance. As such, utilizing the RFP process is the best way to solicit this contract. While cost will remain the most important criteria, given the complex nature of this contract, it is in the best interest of MTACC to be able to consider other factors, such as technical approaches to the work, in order to determine which proposal offers the best overall value. The RFP process will also allow MTACC greater flexibility than would a low bid process to negotiate alternative approaches to the work, or schedule, as well as contract terms and conditions that could potentially result in a lower overall cost for the project while still achieving the requirements.

The RFP process will require the interested firms to submit a technical proposal, which will include their technical approach, qualifications, experience and schedule, along with a separate cost proposal. The proposals will be reviewed against the MTACC established criteria with the technical being reviewed first followed by the cost. Under a traditional low bid procurement, the risk associated with this highly technical and skilled work would likely result in a high level of contingency which would be reflected in the bid price. The RFP process also permits MTACC to evaluate the relative benefits of alternative technical proposals and weigh alternatives that are in the best interest of the MTA.
III. **D/M/WBE**  
The DBE goals for this contract have not been determined at this time.

IV. **IMPACT ON FUNDING**  
Funding for this Contract will be from the Capital Program.

V. **ALTERNATIVES**  
The use of a sealed bid process in which factors other than cost cannot be considered is not recommended as it does not provide a means to evaluate different technical matters or to consider or negotiate alternative proposals to achieve the overall best value to the MTA.
JANUARY 2011

MTA LONG ISLAND RAIL ROAD

RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

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. Brook Valley Incorporated $871,810 Staff Summary Attached
   Ratification Not-to-Exceed
   Contract No. BP03814

   LIRR requests MTA Board ratification of a five-month miscellaneous services contract to Brook Valley Incorporated for on-call snow removal at fourteen train yards located throughout the LIRR’s territory. This contract was issued on an emergency basis in order to ensure that these critical services will be performed as needed during the December 2010 - April 2011 winter season.
Schedule D: Ratification of Completed Procurement Actions

Staff Summary

<table>
<thead>
<tr>
<th>Item Number:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendor Name (&amp; Location)</td>
<td>Brook Valley Incorporated, Merrick, NY 11566</td>
</tr>
<tr>
<td>Description</td>
<td>On-Call Snow Removal at LIRR’s 14 Train Yards</td>
</tr>
<tr>
<td>Contract Term (including Options, if any)</td>
<td>December 10, 2010 – April 30, 2011</td>
</tr>
<tr>
<td>Option(s) Included in Total Amount?</td>
<td>Yes  No</td>
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<tr>
<td>Procurement Type</td>
<td>Competitive  Non-Competitive</td>
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<tr>
<td>Solicitation Type</td>
<td>RFP  Bid  Other: Negotiated</td>
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<td>Contact Number</td>
<td>BP03814</td>
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<tr>
<td>Renewal?</td>
<td>Yes  No</td>
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<tr>
<td>Total Amount:</td>
<td>$871,810 NTE</td>
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<tr>
<td>Funding Source</td>
<td></td>
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<tr>
<td>Requesting Dept/Div &amp; Dept/Div Head Name:</td>
<td>Michael Gelormino - Chief Mech. Officer</td>
</tr>
<tr>
<td>Contract Manager:</td>
<td>Donald Riker - Manager, Eng’g &amp; Gen’l Services Contracts</td>
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Discussion:

LIRR requests MTA Board ratification of a five-month miscellaneous services contract to Brook Valley Incorporated (Brook Valley) for on-call snow removal at fourteen train yards located throughout the LIRR’s territory. This contract was issued on an emergency basis in order to ensure that these critical services will be performed as needed during the December 2010 - April 2011 winter season.

In July 2010, a competitive bid solicitation was advertised for these services for a period of three years, from December 2010 through November 2013. Six firms submitted bids on August 25, 2010. Only Brook Valley bid on all fourteen yards and in each case their bids were significantly lower than the next low bidder. Brook Valley’s total three-year bid for all fourteen yards was $1,274,370, which is $5,604,368, or 81.5% less than the total of $6,878,737 for the three (3) separate awards to the next  low bidders which would have been required to cover all fourteen yards. Due to the disparity in prices, a meeting was held with Brook Valley, the LIRR Procurement and User Departments. The requirements of the contract were discussed at length, with emphasis on confirming Brook Valley’s understanding of the scope of work, equipment, and manpower availability as well as security and insurance requirements. At this meeting, Brook Valley demonstrated its understanding of the work by providing similarities with its other existing current contracts for snow removal and assured the LIRR that it had reviewed the terms of the contract thoroughly and confirmed compliance with all requirements. The MTA Board approved the award to Brook Valley at the October meeting and a Notice of Award was issued. As Brook Valley sought to obtain the required insurance certificates, its broker advised that the insurance rates that had been quoted prior to submitting its bid had substantially increased. Brook Valley demonstrated good faith attempts to procure insurance from other providers, however, were unable to secure more economical rates that would have enabled it to hold its bid price. Brook Valley then requested to withdraw its bid. Faced with time constraints and the alternative of issuing three (3) separate contracts to the next lowest bidders to cover all 14 yards, in the aggregate amount of $6,878,737, LIRR elected to cancel all bids and re-bid the contract. However, since a new bid process would not be completed in time to cover the 2010-2011 winter season, LIRR opted to declare an emergency, and to negotiate a revised bid submission with Brook Valley for one winter season (December 2010 through April 2011) in the not-to-exceed amount of $871,810. The LIRR will re-solicit for snow removal services to cover three (3) seasons to commence in December 2011. Brook Valley’s bid, adjusted to a one-season term and revised insurance premiums is 61% less than the total of the next lowest bidders when adjusted for the same period and is considered fair and reasonable. Funding for this contract is included in LIRR’s operating budget.
Staff Summary

Subject: Request for Authorization to Award Various Procurements

Date: January 10, 2011

Vendor Name

Contract Number

Contract Manager Name

Table of Contents Ref #

Board Action

<table>
<thead>
<tr>
<th>Order</th>
<th>To</th>
<th>Date</th>
<th>Approval</th>
<th>Info</th>
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<td>2</td>
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<td>1/26/11</td>
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Internal Approvals

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<td>VP Operations</td>
<td>President</td>
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<td></td>
<td>Chief Procurement Officer</td>
<td>Executive Vice President</td>
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<td>Chief Engineer</td>
<td>VP Staff Services/COS</td>
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<td>VP Labor Relations</td>
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Internal Approvals (cont.)

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<td>Chief Financial Officer</td>
<td>Chief Technology Officer</td>
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<td></td>
<td>Chief Security Officer</td>
<td>Chief Maintenance Officer</td>
<td>MTA Office of Civil Rights</td>
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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: None

MTA B&T proposes to award Competitive procurements in the following categories:

<table>
<thead>
<tr>
<th>Schedules Requiring Majority Vote</th>
<th># of Actions</th>
<th>$ Amount</th>
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</thead>
<tbody>
<tr>
<td>Schedule E Miscellaneous Procurement Contracts</td>
<td>1</td>
<td>$ .154M</td>
</tr>
<tr>
<td>Schedule F Personal Service Contracts</td>
<td>1</td>
<td>$2.762M</td>
</tr>
<tr>
<td>Schedule G Miscellaneous Service Contracts</td>
<td>1</td>
<td>$ .018M</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>3</td>
<td>$2.934M</td>
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MTA B&T presents the following procurement actions for Ratification:

| Schedule K | Ratification of Completed Procurement Actions (Involving Schedule E-J) | 1 | $ .153M |
| SUBTOTAL | 1 | $ .153M |
| TOTAL | 4 | $3.087M |

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.)

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.
WHEREAS, in accordance with §559 and §2879 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 §2879 of the Public Authorities Law and 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, 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 COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JANUARY 2011

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

E: Miscellaneous Procurement Contracts
(Staff Summaries required for items greater than: $100K Sole Source; $250K Other Non-Competitive)

1. WebHouse, Inc. $154,172.43
Contract No. 101103
1 yr. contract – Competitive Bid – Low Bid/ 2 Bids
On November 9, 2010, B&T issued a solicitation to furnish and install NetApps Network Manager for a period of 12 months in accordance with New York State Office of General Services (OGS) Contract PT 60947. The OGS Contract identifies NetApps, Inc. as the licensed developer of NetApps Network Manager software and hardware which is proprietary to this entity and enables authorized resellers to provide the required support and upgrades, as necessary. This contract will enable B&T to improve monitoring and management of the systems that reside at 2 Broadway and Randall’s Island and will provide enhanced data protection and recovery as data continues to expand while simultaneously consolidating the information accumulated in its various servers. The solicitation notice was sent to seven authorized OGS value added resellers under contract PT 60947. On November 18, 2010, two bids were submitted. After evaluation of the bids, it was determined that WebHouse, Inc. is the lowest responsive, responsible bidder. The bid price is fixed for the term of the contract. The bid is 3.6% or $5,739.57 lower than the user’s estimate of $159,912. Based on competition, the price is considered fair and reasonable. Funding is available in the Operating Budget chargeable to G.L. 07030.

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

2. LiRo Engineers, Inc. $2,762,151.00 Staff Summary Attached
Contract No. PSC-10-2858
2 yr. 7 mo. contract – Competitive RFP – 4 Proposals
Provide construction management and inspection services for Project RK-65D, Existing Utility Relocation at the RFK Bridge and Randall’s Island.
LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JANUARY 2011

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)

3. Deluxe Delivery Systems, Inc
   Contract No. 10-STS-2874
   $17,548.00
   3 yr. contract - Competitive Bid - Low Bid/3 Bids
   The services of a contractor are required to provide on-call, scheduled pickup and
delivery via motor and messenger services on an as needed basis to send and receive
information, packages and other documents throughout New York City, including
express deliveries within one hour of the agency’s request. These include certain original
documents, paychecks, civil service and pension documents. B&T withdrew from a
multi-agency joint procurement in 2010 to re-evaluate and reduce the estimated
quantities of various line items required for these services. The service requirements
were publicly advertised. The solicitation notice was sent to 44 firms. Six firms
requested copies of the solicitation. On October 1, three bids were submitted. The scope
of work has remained the same with the exception of one item that was deleted from the
prospective contract. The prices are fixed for a three year period. The unit price for foot
messenger services, which represents approximately 84% of the estimated trips under
the prospective contract, is (i) 15.4% less than the price under the current contract and
(ii) 21% less than the bid price under the 2010 multi-agency joint procurement. The
prices for the balance of items, except for surcharges, are on average 8.3% higher
compared with those under the current contract. The surcharges for such items as
holiday and expedited delivery and excess weights increased for three items and
decreased for three items. The bid prices for other delivery services under the
prospective contract are the same as those under the 2010 multi-agency joint
procurement, excluding one item that increased. The bid amount under the prospective
contract with Deluxe Delivery Systems, Inc. is 27.6% less than the user’s estimate of
$24,255.34. After evaluation of the bids, it was determined that Deluxe Delivery
Systems, Inc. is the lowest responsive, responsible bidder. Based on competition, the
price is considered fair and reasonable. Funding is available in the Operating Budget
chargeable to G.L. 68060.
Staff Summary

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<tbody>
<tr>
<td>Dept &amp; Dept Head Name:</td>
<td>Engineering and Construction, Joe Keane, P.E.</td>
<td></td>
</tr>
<tr>
<td>Division &amp; Division Head Name:</td>
<td>Engineering and Construction, Vincent Montanti, P.E.</td>
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### SUMMARY INFORMATION

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<thead>
<tr>
<th>Vendor Name</th>
<th>LiRo Engineers, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Number</td>
<td>PSC-10-2858</td>
</tr>
<tr>
<td>Description:</td>
<td>Construction Management and Inspection Services for Project RK-65D, Existing Utility Relocation at the RFK Bridge and Randall’s Island</td>
</tr>
<tr>
<td>Total Amount</td>
<td>$2,762,151</td>
</tr>
<tr>
<td>Contract Term (Including Options, if any)</td>
<td>Two years, seven months</td>
</tr>
<tr>
<td>Option(s) Included in Total Amount?</td>
<td>☐ Yes ☒ No</td>
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<tr>
<td>Renewal?</td>
<td>☐ Yes ☒ No</td>
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### Board Reviews

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<td>Chief Financial Officer</td>
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<td>5</td>
<td>Executive Vice President</td>
</tr>
<tr>
<td>3</td>
<td>Chief Procurement Officer</td>
<td>6</td>
<td>President</td>
</tr>
</tbody>
</table>

### Narrative

I. **PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Construction Management and Inspection Services for Project RK-65D, Existing Utility Relocation at the RFK Bridge and Randall's Island to LiRo Engineers, Inc. (LiRo) for a period of two years, seven months at a cost of $2,762,151.

II. **DISCUSSION**

B&T requires the services of a consultant to provide construction management and inspection services to support utility relocation at the RFK Bridge and Randall's Island. The construction activities under this project include, but are not limited to: reconstruction of the electrical distribution system, relocation of existing underground utilities such as communication lines, construction of new 5kV switchgear room, field testing commissioning of newly installed electrical equipment, and performing incidental lead abatement.

The service requirements were publicly advertised; ten firms submitted qualification information. Four firms were chosen to receive the RFP based on a review of those qualifications and all four firms submitted proposals: Gibbons, Esposito, & Boyce Engineers, PC (GEB), Henningson Durham & Richardson Architecture and Engineering, PC (HDR), LiRo Engineers, Inc. and STV Incorporated (STV). The proposals were evaluated against established criteria set forth in the
Staff Summary

the RFP, including an understanding of the technical requirements, technical expertise, proposed personnel, oral presentations and cost. The Selection Committee unanimously selected LiRo on the basis that its proposal included: (i) a highly qualified team with prior working knowledge of the RFK facility and Randall’s Island; (ii) a resident engineer with 25 years of infrastructure construction experience; and (iii) man-hours and proposed cost that are lower than B&T’s estimate. STV’s proposed resident engineer had less electrical experience than LiRo’s resident engineer and a cost proposal significantly higher than B&T’s estimate. GEB did not demonstrate an understanding of the project based on: the lack of detail in its technical proposal; inadequate answers provided by its proposed resident engineer at oral presentations; and, its excessively low proposed cost. HDR was not invited to give an oral presentation based on its lack of project understanding as demonstrated by its significantly low proposed number of man-hours and its proposed resident engineer that had no experience working on an electrical project.

LiRo submitted a cost proposal in the amount of $2,815,964. The Engineer’s estimate is $3,351,527. Negotiations were conducted and the parties agreed to the negotiated amount of $2,762,151. The negotiated amount is 18% lower than the Engineer’s estimate and is considered fair and reasonable. LiRo is deemed to be a responsible consultant.

III. D/M/WBE INFORMATION
The MTA Department of Diversity and Civil Rights (“MTA DDCR”) has established goals of 10% MBE and 5% WBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR.

IV. IMPACT ON FUNDING
Funding is available under Project RK-65D in the 2010-14 Capital Budget.

V. ALTERNATIVES
There are no recommended alternatives. The Authority does not possess the resources required to perform these services.
LIST OF RATIFICATIONS FOR BOARD APPROVAL
JANUARY 2011

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

K: Ratification of Completed Procurement Actions (Involving Schedule E-1)
   (Staff Summaries required for unusually large or complex items which otherwise would require Board approval)

1. E Global Solutions, Inc. $ 152,565.00
   Contract No. 10-OPR-2862X(A)
   On November 1, 2010 Contract No. 10-OPR-2862X (A) was awarded to E Global Solutions, Inc. to retrofit B&T's heavy duty vehicles with Best Available Retrofit Technology (BART) as required by the Diesel Emissions Reduction Act (DERA) enacted by New York State in 2006. The contract is for a period of two years in the amount of $518,155. DERA reflects New York State's efforts to reduce emissions of particulate matter from heavy duty diesel engine vehicles. After award of the contract, it was determined that: (i) four additional vehicles needed to be retrofitted under the current contract since they have 350 horsepower (hp) engines. These vehicles had been inadvertently identified as having been equipped with 450 hp engines which would have exempted them from the emissions reduction act.; and (ii) three vehicles are being retrofitted with active diesel particulate filters, which have replaced diesel oxidation catalysts, as the best available retrofit technology. In order to complete its retrofit program by December 31, 2010 as prescribed by DERA, on December 6th B&T authorized the Contractor to retrofit these seven vehicles. If the diesel emission retrofit installations were not completed by December 31, 2010, B&T would be required to remove these vehicles from service in accordance with New York State Department of Environmental Conservation regulations until such time as retrofits were completed. Given that the Contractor shall be compensated based on the rates of the existing contract, the proposed amendment is considered fair and reasonable. Funding in the total amount of $152,565 for the additional work performed is available in the Operating Budget under G.L. 59220.