



# March 2024

## MTA Board Action Items



# MTA Board Meeting

2 Broadway  
20th Floor Board Room  
New York, NY 10004  
Wednesday, 3/27/2024  
9:00 AM - 12:00 PM ET

## 1. PUBLIC COMMENT PERIOD

## 2. EXECUTIVE SESSION

## 3. PRESENTATIONS

## 4. APPROVAL OF MINUTES

### **MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes for February 28, 2024**

*MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes for February 28, 2024 - Page 4*

## 5. CENTRAL BUSINESS DISTRICT TOLLING PROGRAM (CBDTP) Toll Rate Schedule

*Staff Summary - CBDTP Toll Rate Schedule - Page 12*

## 6. COMMITTEE ON CAPITAL PROGRAM

### **C&D Procurements**

*C&D Procurements - Page 21*

## 7. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL ROAD

### **LIRR Procurements**

*LIRR Procurements - Page 30*

### **MNR Procurements**

*MNR Procurement - Page 38*

## 8. COMMITTEE ON NYCT & BUS (no items)

## 9. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS (no items)

## 10. COMMITTEE ON FINANCE

### **Action Item**

#### **i. Annual Procurement Report (Report available in the Board Exhibit Book)**

*Annual Procurement Report Staff Summary (Report Available in the Exhibit Book and*

*MTA.Info) - Page 46*

**ii. HQ Procurement**

*MTAHQ Procurements - Page 47*

**Information Item**

**i. Prompt Payment Annual Report**

*MTA Prompt Payment Annual Report - Page 54*

**Real Estate Items**

**i. Real Estate Agenda and Staff Summaries**

*Real Estate Agenda and Staff Summaries - Page 56*

**11. COMMITTEE ON CORPORATE GOVERNANCE**

**Action Items**

**i. Procurement Guidelines (Guidelines available in Board Exhibit Book)**

*Staff Summary Procurement Guidelines - Page 65*

**ii. MTA Code of Ethics (Code of Ethics available in the Board Exhibit Book)**

**iii. Mission Statements and Performance Measure Report (Report available in Board Exhibit Book)**

*Staff Summary Mission Statement and Measurement Report - Page 66*

**12. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)**

**Joint Minutes of the  
Metropolitan Transportation Authority,  
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating  
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan  
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,  
the Long Island Rail Road Company, Metro-North Commuter Railroad Company,  
MTA Construction and Development Company, the MTA Bus Company and  
the First Mutual Transportation Assurance Company  
Regular Board Meeting Minutes  
Wednesday, February 28, 2024  
9:00 a.m.  
2 Broadway  
New York, NY 10004**

The following Board Members were present (*\*Attended remotely*):

**Hon. Janno Lieber, Chair & CEO**  
**Hon. Andrew Albert**  
**Hon. Jamey Barbas\***  
**Hon. Samuel Chu**  
**Hon. Michael Fleischer**  
**Hon. David Jones\***  
**Hon. Blanca Lopez**  
**Hon. David Mack**  
**Hon. Haeda B. Mihaltses**  
**Hon. Frankie Miranda**  
**Hon. Dr. John-Ross Rizzo**  
**Hon. John Samuelsen**  
**Hon. Lisa Sorin**  
**Hon. Neal Zuckerman**

The following Board Member was absent:

**Hon. Isabel Midori Valdivia Espino**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann**  
**Hon. Norman Brown**  
**Hon. Randolph Glucksman\***  
**Hon. Vincent Tessitore, Jr.**

Paige Graves, General Counsel, Lisette Camilo, Chief Administrative Officer, Kevin Willens, Chief Financial Officer, Patrick Warren, Chief Safety and Security Officer, Richard Davey, President, NYCTA, Frank Annicaro, Acting Chief Operating Officer, NYCT and Acting President, MTA Bus Company, Catherine Rinaldi, President, Metro-North Railroad, Rob Free, Acting President, LIRR, Catherine Sheridan, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Chris Pangilinan, Vice President, Paratransit, Quemuel Arroyo, Chief Accessibility Officer, Shanifah Rieara, Senior Advisor for Communications and Policy/Chief Customer Officer, Daniel Randell, Assistant Director, Government and Community Relations, also attended the meeting.

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

Chair Lieber called to order the February 2024 Board meeting.

A recorded audio public safety announcement was played.

## **1. PUBLIC SPEAKERS' SESSION.**

The MTA Moderator announced that the following public speakers will speak either live virtually or in-person.

The MTA Moderator reminded public speakers of the rules of conduct and the two-minute speaking limit. The Moderator reminded speakers of the warning beep when 30 seconds remain to conclude their remarks. The Moderator advised that the public comments will be recorded, published to the MTA website, and available for MTA Board Members' review.

The following public speakers commented (\*live virtual comments):

Christopher Greif, private citizen

Ian Mathews, private citizen\*

Charlton D'Souza, President, Passengers United\*

Jason Anthony, LIRR Accessibility Task Force

Aleta Dupree, private citizen\*

Jack Nierenberg, V.P., Passengers United

Faran Sharif, Representative for State Senator James Sander, Jr.\*

Gian Pedulla, private citizen  
Vincent Pedulla, private citizen\*  
Patrick Condren, BUS4NYC Coalition Inc.  
Andy Pollack, Passengers United\*  
Lisa Daglian, Executive Director, PCAC  
Michael Howard, private citizen  
Tashia Lerebours, Center for Independence for the Disabled of New York (CIDNY)  
Nia Rollins, private citizen\*  
Jean Ryan, President, Disabled In Action (DIA)  
Yuki Endo, Passengers United\*  
Bibi Shah, private citizen\*  
Iris Kelly, private citizen  
Bruce Hain, Rail NYC Access  
Michael Ring, Disabled In Action (DIA)

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers' statements.

Chair Lieber thanked all public speakers for their comments.

General Counsel Paige Graves announced that the Board is one member short of a quorum and no action will be taken until a quorum is confirmed.

## **2. CHAIR LIEBER'S REMARKS.**

Chair Lieber thanked the public for their attendance at the MTA monthly Board meeting.

The Chair acknowledged the MTA's Black History Month celebration featuring guest speaker Jerome Horne from the Maryland Transit Administration, who is well known in transit circles for his historical views of the role of African Americans in transit history. Chair Lieber referred to a Dr. King quote used by Jerome Horne in his speech, which stated that "urban transit systems in most American cities have become a genuine civil rights issue," and he stated that the quote is still relevant today.

Chair Lieber applauded Governor Hochul and the State Legislature for passing a historic budget that enabled the MTA to avoid the fiscal cliff and allowed the agency to maintain and increase service without service reductions or layoffs. He stated that the Governor's and State Legislature's action is a huge win for equity and for transit-dependent New Yorkers who are disproportionately middle-class, working-class, and low-income.

Chair Lieber stated that the MTA is looking ahead to the next challenge, particularly the upcoming challenge of implementing congestion pricing. The Chair stated that once congestion pricing is enacted and implemented, the Board will be asked to approve the next Capital Program by the end of the year. Chair Lieber highlighted the need to prioritize mass transit commuters and promote cleaner air and safer streets through congestion pricing. Chair Lieber stressed the

importance of funding investments for a more equitable and sustainable regional transit system in the upcoming Capital Program debate in the fall.

Chair Lieber acknowledged MTA's efforts to improve and expand services, including reductions in wait times and increases in train frequency in anticipation of congestion pricing going into effect. The Chair highlighted the investments made in the bus service redesign and expansion, particularly in areas like Queens.

Chair Lieber discussed future projects like the Metro-North Penn Station Access project and the Second Avenue Subway Phase Two project, aimed at enhancing accessibility and serving transit-dependent communities.

The Chair described safety in the subway system as a crucial equity issue, and he emphasized the need for a safe environment for riders and MTA employees. The Chair noted NYPD Transit Chief Michael Kemper's progress report on safety at Monday's committee meeting and the recent improvements in police presence and efforts to combat crime, while emphasizing the need for collaboration with the criminal justice system.

Chair Lieber thanked the Board members for their support during challenging times and he acknowledged the resignation of Board Member Frankie Miranda, pending the confirmation by the Senate of a replacement. Chair Lieber acknowledged the service of Board Member Samuel Chu and Board Member Michael Fleischer, whose terms expired and who continue to serve in a holdover status pending their reconfirmation.

Chair Lieber also acknowledged the appointment of Veronica Vanterpool, Deputy Administrator at the Federal Transit Administration ("FTA") and former MTA Board Member, to the position of Acting Administrator of the FTA.

Chair Lieber introduced Dr. Allison C. de Cerreño, Chief Operating Officer, Office of the President, MTA B&T, who leads the team preparing for the implementation of congestion pricing, and who will highlight the readiness of the infrastructure and the importance of her team's efforts.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chair Lieber's remarks.

### **3. CENTRAL BUSINESS DISTRICT TOLLING PROGRAM (CBDTP) INFRASTRUCTURE UPDATE.**

Chief Operating Officer Dr. Allison C. de Cerreño provided an update on the CBDTP infrastructure and summarized the monitoring and reporting requirements and commitments. B&T President Catherine Sheridan discussed historical toll collections at MTA. MTA C&D President Jamie Torres-Springer discussed congestion pricing and the fundamental importance to the Capital Program.

Chair Lieber thanked Dr. Allison C. de Cerreño, President Catherine Sheridan and President Jamie Torres-Springer for their presentations and invited questions and comments from the Board.

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the details of Dr. Allison C. de Cerreno's, President Catherine Sheridan's and President Jamie Torres-Springer's presentations, and Chair Lieber's remarks and Board members' comments and questions.

**4. APPROVAL OF MINUTES.**

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on January 31, 2024, as corrected.

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

General Counsel Paige Graves confirmed a quorum of the Board Members in attendance.

**5. SAFETY COMMITTEE.**

A. Action Item.

Board approved the following action item:

1. 2023 NYCT Public Transportation Agency Safety Plans for Department of Subways and Department of Buses.

Refer to the Safety Committee and the NYCT Committee minutes of this date for the details of this item.

**6. MTA BRIDGES AND TUNNELS COMMITTEE.**

Chair Lieber stated that because there had not been a quorum of the Bridges and Tunnels Committee its 2023 TBTA Operating Surplus item moved to the Finance Committee to report for Board Approval.

**7. CAPITAL PROGRAM COMMITTEE.**

Board Member Samuel Chu reported that Construction and Development has two competitive actions for Board Approval totaling \$9.3 million dollars. The Capital Program Committee recommends these items.

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



Refer to the staff summaries and Capital Program Committee minutes filed with the records of this meeting for the details on these items.

**8. JOINT LONG ISLAND RAIL ROAD/METRO-NORTH RAILROAD COMMITTEE.**

A. Long Island Rail Road Procurement Items.

Board approval was adjourned as the minimum number of members for approval was not present for two (2) procurement items.

Refer to the staff summaries and documentation filed with the records of this meeting for the details on these items.

**9. NEW YORK CITY TRANSIT AND BUS COMMITTEE.**

Board Member Haeda Mihaltses announced that there were no items to report for Board approval for the New York City Transit and Bus Committee.

**10. MTA COMMITTEE ON FINANCE.**

A. Action Item. Upon a motion duly made and seconded the Board approved the action item listed below. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

1. 2023 TBTA Operating Surplus. Approved resolutions which will:

- i. Certify and transfer \$1,289,101,743 operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York.
- ii. Transfer \$12,369,374 representing 2023 investment income to the MTA pursuant to section 569-c of the Public Authorities Law of the State of New York.
- iii. Advance the 2024 TBTA Surplus as per the resolution.

B. Information Item.

1. Mortgage Recording Tax (“MRT”) – Escalation Payments to Dutchess, Orange and Rockland Counties. The Board was informed of the statutorily required MRT-2 escalator payments to Dutchess, Orange and Rockland counties totaling \$6,423,806.34, which are expected to be made in March 2024.

C. Real Estate Items.

Upon a motion duly made and seconded the Board approved the real estate items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

**Transactional Action Items**

**Metropolitan Transportation Authority**

1. License renewal with Communications Leasing Inc. for operation and maintenance of an MTA Police Department rooftop antenna and related equipment for telecommunications located at 1 Fairchild Court, Plainview, NY.
2. License with Web Food Products, Inc. for a portion of the parking lot consisting of 26 exclusive parking spaces for MTA Police Department vehicle parking located at 143-19 94<sup>th</sup> Avenue, Jamaica, NY.

**New York City Transit Authority**

3. Lease agreement with Birrialandia Corp., or a related entity to be formed by Lessee and approved by Lessor, for the operation of a restaurant specializing in Mexican cuisine located at the Coney Island, Stillwell Avenue Station, Unit 18B, Brooklyn, NY.

**Metro-North Railroad**

4. License renewal with Jin CT LLC for apportion of the parking lot consisting of 35 exclusive employee parking spaces for MNR employee vehicle parking located at 120 Viaduct Road, Stamford, CT.

**11. ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:53 a.m.

Respectfully submitted,

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Susan Sarch  
Vice President,  
General Counsel and Secretary  
Metro-North Railroad

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Haley Stein  
Vice President,  
General Counsel and Secretary  
Long Island Rail Road Company

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Mariel A. Thompson  
Assistant Secretary  
NYCT

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Evan Eisland  
General Counsel and Secretary  
MTA C&D

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Paul Friman  
General Counsel  
and Corporate Secretary  
TBTA

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Victoria Clement  
Assistant Secretary  
MTAHQ



# Bridges and Tunnels

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## Central Business District Tolling Program Toll Rate Schedule (Action item)



# Staff Summary

<b>Subject</b>	Central Business District Tolling Program (CBDTP) Toll Rate Schedule (CBD Charge Schedule)
<b>Department</b>	Law
<b>Department Head Name</b>	Paul L. Friman
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	Allison L. C. de Cerreño

<b>Date</b>	March 27, 2024
<b>Vendor Name</b>	N/A
<b>Contract Number</b>	N/A
<b>Contract Manager Name</b>	N/A
<b>Table of Contents Ref. #</b>	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	3/27/24			

Internal Approvals			
Order	Approval	Order	Approval
4	President		VP Procurement
	General Counsel		VP Operations
3	Chief Operating Officer		VP Labor Relations
	VP Operations Support		VP & Chief Engineer

Internal Approval (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	Senior Director, Policy & Operations Analysis		Chief Security Officer		Chief Maintenance Officer	2	VP ITS & Tolling
	Chief Information Officer		Chief Health & Safety Officer		Affirmative Action		Other

**PURPOSE:** To obtain the Board’s approval of the annexed Resolution which will (i) adopt a schedule of toll rates for use of the central business district (CBD Charge Schedule) under the central business district tolling program (CBDTP) operated by the Triborough Bridge and Tunnel Authority d/b/a MTA Bridges and Tunnels (TBTA); (ii) authorize the President of TBTA or her designee to take all such steps that may be necessary and desirable to establish, implement and permanently adopt, pursuant to law, the CBD Charge Schedule; and (iii) authorize the Chairman and his designees to take such steps as may be necessary or desirable in order to complete the administrative process necessary in advance of the Board’s consideration of any necessary CBD Charge Schedule changes in 2024 as may be warranted.

**DISCUSSION:** Consistent with its goals of reducing traffic congestion within Manhattan’s Central Business District (CBD) and generating revenue to fund MTA’s transit and commuter rail system capital projects, the MTA Reform and Traffic Mobility Act requires among other things that TBTA:

- establish and operate a CBDTP;
- establish and charge variable tolls for vehicles entering or remaining in the CBD; and
- make rules and regulations for the establishment and collection of CBD tolls.

To accomplish this, on December 6, 2023 the Board authorized TBTA to take the requisite preliminary steps to implement a CBD Charge Schedule.

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

Four public hearings were conducted in which members of the public were invited to comment on a proposed CBD Charge Schedule. Information was also posted on the MTA website offering the public the opportunity to submit written comments online and by email, mail and fax, and to submit audio comments by phone by leaving a voicemail message. Notice of the proposed CBD Charge Schedule was separately published in the *State Register* on December 27, 2023, soliciting public comments. Transcripts of the hearing testimony and copies of written and recorded statements have been previously distributed to Board members for their consideration.

The attached proposed CBD Charge Schedule (Attachment 1) in summary includes the following CBD toll rates:

- Passenger vehicles and passenger-type vehicles with commercial license plates would be charged a \$15 peak period (\$3.75 overnight period) E-ZPass toll for entering the CBD, no more than once per day.
- Trucks would be charged a \$24 or \$36 peak period (\$6 or \$9 overnight period) E-ZPass toll for entering the CBD, depending on their size.
- School buses contracted with the NYC Department of Education, commuter vans licensed with the NYC Taxi and Limousine Commission, and buses providing scheduled commuter services open to the public would be exempted from the CBD toll. Other buses would be charged a \$24 or \$36 peak period (\$6 or \$9 overnight period) E-ZPass toll for entering the CBD, depending on their type.
- Motorcycles would be charged a \$7.50 peak period (\$1.75 overnight period) E-ZPass toll for entering the CBD, no more than once per day.
- Peak period toll rates would apply during the most congested times of the day – from 5am to 9pm on weekdays, and from 9am to 9pm on weekends. Toll rates would be 75% lower in the overnight period.
- A tunnel crossing credit against the peak period CBD toll rate would be provided to vehicles with E-ZPass entering through the four tolled entries that lead directly into the CBD: the Queens-Midtown, Hugh L. Carey, Holland, and Lincoln Tunnels. The E-ZPass credit would be: for passenger vehicles \$5 (if entering the CBD via the Lincoln or Holland Tunnel) or \$2.50 (if entering or exiting the CBD via the Queens-Midtown or Hugh L. Carey Tunnel); for motorcycles \$2.50 (if entering the CBD via the Lincoln or Holland Tunnel) or \$1.25 (if entering or exiting the CBD via the Queens-Midtown or Hugh L. Carey Tunnel); for buses and small trucks \$12 (if entering the CBD via the Lincoln or Holland Tunnel) or \$6 (if entering or exiting the CBD via the Queens-Midtown or Hugh L. Carey Tunnel); and for large trucks and licensed sightseeing buses \$20 (if entering the CBD via the Lincoln or Holland Tunnel) or \$10 (if entering or exiting the CBD via the Queens-Midtown or Hugh L. Carey Tunnel). No tunnel crossing credits would be in effect in the overnight period, when CBD toll rates are already 75% lower than in the peak period.
- NYC Taxi and Limousine Commission (TLC) taxis, green cabs, and for-hire vehicles (FHVs) would be exempted from the daily system toll on vehicles. Instead, a per-trip CBD toll would be added to each paid passenger trip fare for trips made to, from, within, or through the CBD at

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

the toll rate of \$1.25 per-trip for taxis, green cabs and FHV's, and \$2.50 per-trip for FHV's on trips dispatched by a high-volume for-hire service (HVFHS).

- Specialized government vehicles, including vehicles identified and agreed to by TBTA and the City of New York, would be exempted from the CBD toll.
- Qualifying authorized emergency vehicles and qualifying vehicles transporting persons with disabilities would be exempt from the CBD toll, as required by law.
- Low-income vehicle owners who qualify and register with TBTA for the Low-Income Discount Plan would receive a peak period E-ZPass toll rate that is 50% less than the passenger vehicle peak period E-ZPass toll rate, on their eligible vehicle's 11th trip and trips thereafter in a calendar month.
- Generally, CBD toll rates for vehicles using fare media other than E-ZPass, commonly referred to as Tolls by Mail, would be 50% more than their respective E-ZPass rates.

If approved, the charges contained in the CBD Charge Schedule are planned for implementation in or about June 2024.

Also, the Board is asked to delegate to the President of TBTA or her designee authority to take all necessary and desirable steps to implement and permanently adopt a new Part 1021.4 of Title 21 of the New York Codes, Rules and Regulations to reflect the CBD Charge Schedule.

Finally, the Board is asked to authorize the Chairman and his designees to take the necessary steps, including publishing any required notices and conducting any required public hearings, in order to complete the administrative process necessary in advance of the Board's consideration of any necessary CBD Charge Schedule changes in 2024 as may be warranted.

**IMPACT ON FUNDING:** Adoption of the CBD Charge Schedule will progress the accomplishment of TBTA's statutory mandate that the CBDTP, among other things, generate enough net annual revenue to fund \$15 billion for MTA's transit and commuter rail system capital projects, as required by law.

**RECOMMENDATION:** It is recommended that the Board adopt and approve the attached Resolution establishing the CBD Charge Schedule, authorizing the President or her designee to take all steps to establish, implement and permanently adopt the Schedule, and authorizing the Chairman and his designees to take all steps to complete the administrative process necessary to change the Schedule in 2024 as may be warranted, pursuant to law.

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

## RESOLUTION

**WHEREAS**, on December 6, 2023, the Board authorized the President of the Triborough Bridge and Tunnel Authority (the Authority) and her designees to take requisite preliminary steps to implement a schedule of toll rates for use of the central business district (CBD) consistent with the MTA Reform and Traffic Mobility Act requirements that the Authority, among other things, establish and operate a central business district tolling program (CBDTP); establish and charge variable tolls for vehicles entering or remaining in the CBD; and make rules and regulations for the establishment and collection of CBD tolls; and

**WHEREAS**, notices of a proposed schedule of toll rates for use of the CBD (CBD Charge Schedule) were published on January 29, 2024 in the *Connecticut Post*, *New Haven Register*, *Stamford Advocate*, *Bergen Record*, *Courier News*, *Daily Record*, *Jersey Journal*, *Newark Star-Ledger*, *Times of Trenton*, *AMMetroNY*, *Daily News*, *Journal News/Lohud*, *Newsday*, *Staten Island Advance*, *Middletown Times Herald Record*, *Poughkeepsie Journal*, *Korea Daily*, *El Diario*, and *WorldJournal/Chinese Daily News*; on January 30, 2024 in the *New Jersey Herald*; on January 31, 2024 in *Luso Americano*, *Haiti Liberte*, and *NY Carib News*; on February 1, 2024 in *La Voz Hispana CT*, *Amsterdam News*, *Harlem Community News*, *Our Time Press*, *Street Hype Newspaper*, and *Westchester County Press*; on February 2, 2024 in the *Warren Reporter*, *Der Yid weekly*, *El Sol*, *Haitian Times*, *Russkaya Reklama*, *El Especialito*, *El Hispano*, *Korean Bergen News*, and *Christian Times*; on February 3, 2024 in the *Weekley Bengalee*; and on February 15, 2024 in the *Americano Newspaper* and *The Positive Community*; and

**WHEREAS**, public hearings in which members of the public were invited to comment on the proposed schedule of toll rates for use of the CBD were conducted on February 29, 2024; on March 1, 2024; and two on March 4, 2024; and

**WHEREAS**, information was also posted on the MTA website offering the public the opportunity to submit written comments online and by email, mail and fax, and to submit audio comments by phone by leaving a voicemail message; and

**WHEREAS**, notice of the proposed schedule of toll rates for use of the CBD was published in the *New York State Register* on December 27, 2023, and the public was invited to submit comments to the Authority; and

**WHEREAS**, transcripts of the public hearing proceedings and copies of the written and recorded comments which were received from members of the public have been previously distributed to members of the Board; and

**WHEREAS**, the Board has considered the testimony of the public at the public hearings and written and recorded comments submitted to the Authority; and

**WHEREAS**, the Board has considered all of the above.



**NOW, THEREFORE**, upon motion duly made and seconded, the following resolution is adopted by the Board:

**RESOLVED**, that the CBD Charge Schedule in the new Part 1021.4 of Title 21 New York Codes, Rules and Regulations, providing the toll rate structure for the central business district tolling program of the Authority, as set forth in the attachment to this resolution, shall be and hereby is adopted to be implemented in or about June 2024; and be it further,

**RESOLVED**, that the President of the Authority or her designee is hereby fully authorized and directed to take such steps as may be necessary or desirable to establish, implement and adopt the proposed CBD Charge Schedule, annexed hereto, in the new Part 1021.4 of Title 21 of the New York Codes, Rules and Regulations, pursuant to law; and be it further,

**RESOLVED**, that the Chairman and his designees are hereby fully authorized and directed to take such steps as may be necessary or desirable, including publishing any required notices and conducting any required public hearings, in order to complete the administrative process necessary in advance of the Board's consideration of any necessary CBD Charge Schedule changes in 2024 as may be warranted, pursuant to law.

March 27, 2024  
New York, New York

# ATTACHMENT 1

## Part 1021.4 CBD Charges

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CENTRAL BUSINESS DISTRICT (CBD) CHARGES**

a E-ZPass Customers		CBD ENTRY CHARGE	TUNNEL CROSSING CREDIT
VEHICLE CLASSIFICATION			
1	Passenger and other vehicles, including sedans, sport utility vehicles, station wagons, hearses, limousines, pickup trucks with factory beds, pickup trucks with caps below the roofline and not extending over the sides, and vans without an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period for registered Low-Income Discount Plan participants using an eligible vehicle, 11th trip and trips thereafter in a calendar month (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit (maximum daily credit \$5.00) If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$15.00  \$7.50  \$3.75	\$5.00 \$2.50
2	Single-unit trucks, including non-articulated trucks, pickup trucks with modified beds, vans with modified body behind the drivers cab, pickup trucks with caps above the roofline or extending over the sides, and vans with an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$24.00  \$6.00	\$12.00 \$6.00
3	Multi-unit trucks, including articulated trucks where a power unit is carrying one or more trailers Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00  \$9.00	\$20.00 \$10.00
4	Buses, including vehicles registered with the DMV and plated as a bus, omnibus, or have other designated official plates Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends) Licensed sightseeing buses Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$24.00  \$6.00  \$36.00  \$9.00	\$12.00 \$6.00  \$20.00 \$10.00
5	Motorcycles Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit (maximum daily credit \$2.50) If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$7.50  \$1.75	\$2.50 \$1.25

*E-ZPass CBD entry charges are available subject to terms, conditions, and agreements established by the Authority.*

*The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight, or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the CBD charge for any such vehicle of unusual or unconventional design, weight, or construction. Any single unit vehicle identified as belonging to Classes 1, 2, or 5 will be up-classed to the next toll class when towing a trailer or another vehicle.*

*Daily toll cap of once per day for Class 1 and Class 5 vehicles. Caps for other vehicles are subject to change pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.*

*CBD entry charges and tunnel credits are subject to a variable percentage increase/decrease of up to 10% for up to one year after implementation pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.*

*The Low-Income Discount Plan shall continue for five years as committed to in the Final Environmental Assessment.*

*The Authority reserves the right to charge a 25% higher CBD charge during Gridlock Alert Days. Each year, the NYCDOT identifies Gridlock Alert Days during the UN General Assembly and throughout the holiday season when heavy traffic is expected in Manhattan. On Gridlock Alert Days, consider walking, biking, or taking mass transit for any trips in Manhattan.*

*Qualifying authorized emergency vehicles and qualifying vehicles transporting persons with disabilities are exempt pursuant to Vehicle and Traffic Law § 1704-a (2).*

*Qualifying authorized commuter buses and specialized government vehicles, as determined by the Authority, are exempt.*

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CENTRAL BUSINESS DISTRICT (CBD) CHARGES**

b Customers Using Fare Media Other Than E-ZPass		CBD ENTRY CHARGE	PER TRIP CHARGE PLAN* (TO/FROM/WITHIN/ THROUGH CBD)
VEHICLE CLASSIFICATION			
1	Passenger and other vehicles, including sedans, sport utility vehicles, station wagons, hearses, limousines, pickup trucks with factory beds, pickup trucks with caps below the roofline and not extending over the sides, and vans without an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$22.50 \$5.50	
2	Single-unit trucks, including non-articulated trucks, pickup trucks with modified beds, vans with modified body behind the drivers cab, pickup trucks with caps above the roofline or extending over the sides, and vans with an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00 \$9.00	
3	Multi-unit trucks, including articulated trucks where a power unit is carrying one or more trailers Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$54.00 \$13.50	
4	Buses, including vehicles registered with the DMV and plated as a bus, omnibus, or have other designated official plates Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends) Licensed sightseeing buses Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00 \$9.00 \$54.00 \$13.50	
5	Motorcycles Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$11.25 \$2.75	
	NYC TLC taxis, green cabs, for-hire vehicles (FHVs) Taxis, green cabs, and FHVs on trips FHVs on trips dispatched by high-volume for-hire services (HVFHSs)		\$1.25 \$2.50

*The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight, or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the CBD charge for any such vehicle of unusual or unconventional design, weight, or construction. Any single unit vehicle identified as belonging to Classes 1, 2, or 5 will be up-classed to the next toll class when towing a trailer or another vehicle.*

*Daily toll cap of once per day for Class 1 and Class 5 vehicles. Caps for non-passenger vehicles are subject to change pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.*

*NYC TLC taxi, green cab, and FHV tolls are to be paid by the passenger pursuant to Rules of City of NY Taxi & Limousine Commn (35 RCNY) §§ 58-26 (f), 59A-23 (b), 59D-17 (c).*

*CBD entry charges and per trip charges are subject to a variable percentage increase/decrease of up to 10% for up to one year after implementation pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.*

*The Authority reserves the right to charge a 25% higher CBD charge during Gridlock Alert Days. Each year, the NYCDOT identifies Gridlock Alert Days during the UN General Assembly and throughout the holiday season when heavy traffic is expected in Manhattan. On Gridlock Alert Days, consider walking, biking, or taking mass transit for any trips in Manhattan.*

*Qualifying authorized emergency vehicles and qualifying vehicles transporting persons with disabilities are exempt pursuant to Vehicle and Traffic Law § 1704-a (2).*

*Qualifying authorized commuter buses and specialized government vehicles, as determined by the Authority, are exempt.*

*\*Subject to full execution of and compliance with plan agreement by FHV bases and taxi technology system providers.*

## **Contracts Department**

**Evan Eisland, Executive Vice President and General Counsel**

**PROCUREMENT PACKAGE  
March 2024**

## PROCUREMENTS

The Procurement Agenda this month includes 5 actions for a proposed expenditure of \$ 19.2 M.

## Staff Summary

<b>Subject</b> Request Authorization for Several Procurement Actions					
<b>Contracts Department</b>					
Evan Eisland, Executive Vice President and General Counsel					
<b>Board Action</b>					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	3/25/24	X		
2	Board	3/27/24	X		

<b>Date:</b> March 20, 2024			
<b>Internal Approvals</b>			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel

### Purpose

To obtain the approval of the Board to award several procurement actions and to inform the Capital Program Committee of these procurement actions.

### Discussion

MTA Construction & Development proposes to ratify awards in the following category:  
Schedules Requiring Majority Vote

	# of Actions	\$	Amount
K. Ratification of Completed Procurement Actions	5	\$	19,222,801
<b>SUBTOTAL</b>	5	\$	19,222,801
<b>TOTAL</b>	<b>5</b>	<b>\$</b>	<b>19,222,801</b>

### Budget Impact

The approval of these procurement actions will obligate capital and operating funds in the amounts listed. Funds are available in the capital program and operating budget for these purposes.

### Recommendation

That the procurement actions be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

## **MTA Construction & Development**

### **BOARD RESOLUTION**

**WHEREAS**, in accordance with Sections 559, 2879, 1209 and 1265-a of the Public Authorities Law and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

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

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

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts set forth in Schedule C for which a recommendation is made to award the contract), the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.



**March 2024**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

(Staff Summaries required for all items requiring Board approval)

1. **Skanska ECCO III, JV** **\$ 5,000,000** **Staff Summary Attached**  
**Contract No. MN-81933**

MTA Construction and Development requests that the Board ratify a modification to furnish and install a new fire water tank at the Croton-Harmon Yard.

2. **DKT Contractors LLC** **\$ 310,000** **Staff Summary Attached**  
**Contract No. A37733**

MTA Construction and Development requests that the Board ratify a modification for additional steel column repairs, a new structural slab and drain at stairs P8 and P9 at the 33rd Street Station on the Lexington Line.

- 3-4. **JTTC JV** **\$ 12,743,164** **Staff Summary Attached**  
**Contract No. C48704**

MTA Construction and Development requests that the Board ratify two modifications for the repair of 157 additional sidewall columns, 34 additional roof beams and 2 struts on the Concourse Line between 161st Street and 205th Street in the Bronx.

5. **HNTB New York Engineering &** **\$ 1,169,637** **Staff Summary Attached**  
**Architecture, P.C.**  
**Contract No. PSC-21-3049A**

MTA Construction and Development requests that the Board ratify a modification for additional detailed inspection of the orthotropic deck welds at three spans of the Robert F. Kennedy Bridge.

# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Skanska-ECCO III 2, JV (East Elmhurst, NY)
<b>Description</b> Construction for Design and Construction Services for the Harmon Shop Replacement - Phase V Stage 2
<b>Contract Term (including Options, if any)</b> October 31, 2018 – April 30, 2023
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Delivery, Mark Roche, Deputy Chief Development Officer

<b>Contract Number</b> MN-81933	<b>AWO/Modification #</b> 45
<b>Original Amount:</b>	\$ 365,093,000
<b>Prior Modifications:</b>	\$ 19,895,922
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 384,988,922
<b>This Request:</b>	\$ <b>5,000,000</b>
<b>% of This Request to Current Amount:</b>	1.29%
<b>% of Modifications (including This Request) to Original Amount:</b>	6.81%

### DISCUSSION:

The Contract provides for design and construction of the new Croton-Harmon Shop and associated facilities and equipment at the Croton-Harmon Yard. MTA Construction and Development (“C&D”) requests that the Board ratify a Contract Modification to furnish and install a new 430,000-gallon fire water tank at the yard.

The existing fire water protection for the Croton-Harmon Yard is provided by two on-site fire water tanks that contain approximately 500,000 gallons of water. The Contract provided for a survey of and report on the yard’s fire water system and a report on its condition. The final report, issued in October 2020, recommended that the onsite fire water storage capacity should be increased to provide sufficient fire protection for the new facilities constructed under the Contract. It was determined that an additional 430,000-gallon fire water tank was required to meet the additional need created by the Work of this Contract.

In order to mitigate the schedule impact of fabrication and delivery, authorization was obtained from the President of C&D on July 17, 2023, to commence the Work.

The Contractor submitted a proposal in the amount of \$5,991,904. Negotiations resulted in agreement of a lump sum price of \$5,000,000 which is considered fair and reasonable.

# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions

Item Number: **2**

<b>Vendor Name (&amp; Location)</b> DKT Contractors LLC (Port Washington, NY)
<b>Description</b> Stair Repairs S8, P8, P9 at 33rd Street Station on the Lexington Line (IRT) in the Borough of Manhattan
<b>Contract Term (including Options, if any)</b> December 27, 2022 – August 26, 2023
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Delivery, Mark Roche, Deputy Chief Development Officer

<b>Contract Number</b> A37733	<b>AWO/Modification #</b> 1
<b>Original Amount:</b>	\$ 750,000
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 750,000
<b>This Request:</b>	\$ <b>310,000</b>
<b>% of This Request to Current Amount:</b>	41.3%
<b>% of Modifications (including This Request) to Original Amount:</b>	41.3%

### DISCUSSION:

The Contract provides for the repair of stairs S8, P8 and P9 at the 33rd Street Station on the Lexington Line (IRT) in the Borough of Manhattan. MTA Construction and Development Company (“C&D”) requests that the Board ratify Modification No. 1 to the Contract for additional steel column repairs, a new structural slab and drain at stairs P8 and P9.

The Contract required removal of the concrete risers of the stairs, leaving the structural slab. The combined thickness of the concrete risers and structural slab for a concrete stair is typically 12-14 inches. Upon the start of demolition of the topping slab for Stairs P8 and P9, the Contractor pierced through the structural slab at 5-6 inches. The Contractor was instructed to cease demolition and probe the slab, revealing that it was approximately 2.5 to 3.5 inches thick. Further investigation by MTA representatives, revealed that the slab thickness was notably thinner than anticipated, prompting a review of the supporting structure for the stair. This review revealed deteriorated steel columns and beams supporting the stair which appear to have been exposed to long-term water infiltration. These conditions weren’t discovered until after the start of the work.

This modification includes installing temporary structural support and providing additional steel column repairs, a new structural slab and drain at stairs P8 and P9 at the 33rd Street Station.

The Contractor submitted a proposal in the amount of \$377,395.20. Negotiations resulted in agreement of a lump sum price of \$310,000 which is considered fair and reasonable. Agreement was also reached on an extension of time of 143 excusable and non-compensable calendar days, extending the Substantial Completion date from August 26, 2023, to January 16, 2024.

# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions

Item Number: **3-4**

<b>Vendor Name (&amp; Location)</b> JTTC, JV (Great Neck, NY)
<b>Description</b> Line Structure Component Repair Concourse, Line (IND) in the Borough of the Bronx
<b>Contract Term (including Options, if any)</b> December 17, 2021 – March 16, 2024
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Delivery, Mark Roche, Deputy Chief Development Officer

<b>Contract Number</b> C48704	<b>AWO/Modification #</b> 06 & 12
<b>Original Amount:</b>	\$ 68,188,000
<b>Prior Modifications:</b>	\$ 5,659,068
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 73,847,068
Modification No. 06	\$ 10,600,000
Modification No. 12	\$ 2,143,164
<b>This Request:</b>	<b>\$ 12,743,164</b>
<b>% of This Request to Current Amount:</b>	17.26%
<b>% of Modifications (including This Request) to Original Amount:</b>	26.99%

### DISCUSSION:

This Contract provides structural component repairs on the Concourse Line between 161st Street and 205th Street in the Bronx. MTA Construction and Development (“C&D”) requests that the Board ratify two modifications which provide for the repair of an additional 157 sidewall columns (Modification No. 06) and for the repair of an additional 34 roof beams and 2 struts (Modification No. 12).

#### Modification No. 06

The Contract calls for the repair of 286 steel sidewall columns on a unit price basis. The Contractor was instructed early in the Contract to remove the concrete encasement from additional suspect columns and survey the steel. Following removal of the concrete encasement from the suspect columns, field surveys were performed which identified 157 additional sidewall columns requiring immediate repair. This field condition could not have been known until after removal of the concrete encasement. Additionally, as Contract work for the repair of steel sidewall columns was being performed pursuant to the Contract unit price items, it became apparent that the unit price items, which were based solely on tonnage of steel installed, and the typical details provided by MTA in the Contract for the repair work, did not fully reflect the extent of the concrete encasement demolition and restoration work required to repair the sidewall columns.

This modification consists of a credit for the remaining quantities associated with two Contract unit price items for full-length sidewall column repair and partial-length sidewall column repair and replaces the unit price item with a negotiated lump sum amount, based on the Work necessary as reflected in actual field conditions revealed by the post award survey, for the repair of the remaining sidewall columns called for in the Contract and the repair of the additional repair of the 157 sidewall columns identified as needing repair during the post award survey.

The Contractor submitted a proposal in the amount of \$12,129,220.05. Negotiations were held and agreement was reached on a lump sum cost of \$10,600,000 which is considered fair and reasonable.

#### Modification No. 12

The contract calls for the repair of 30 roof beams and 2 struts on a unit price basis. During the structural steel repair work, an additional 34 roof beams and 2 additional struts were identified as exhibiting corrosion levels that required immediate attention. This modification addresses those repairs.

The Contractor submitted a cost proposal in the amount of \$2,797,040.17. Negotiations were held and agreement was reached on a total cost of \$2,143,164, which is considered fair and reasonable.

# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions

Item Number: **5**

<b>Vendor Name (&amp; Location)</b> HNTB New York Engineering & Architecture, P.C.
<b>Description</b> 2022 Biennial Inspections and Design of Miscellaneous Structural Repairs at the Robert F. Kennedy Bridge: Main Line
<b>Contract Term (including Options, if any)</b> May 1, 2022 – December 31, 2024
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> B&T Business Unit, VP & Chief Engineer, Joe Keane

<b>Contract Number</b> PSC-21-3049A	<b>AWO/Modification #</b> 2
<b>Original Amount:</b>	\$ 3,204,086.28
<b>Prior Modifications:</b>	\$ 216,336.02
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 3,420,422.30
<b>This Request:</b>	\$ <b>1,169,636.92</b>
<b>% of This Request to Current Amount:</b>	34.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	43.3%

### DISCUSSION:

This Contract requires the consultant HNTB New York Engineering and Architecture, P.C. (“HNTB”) to perform Biennial Inspections and Design of Miscellaneous Structural Repairs at the Robert F. Kennedy Bridge: Main Line (the “Contract”). MTA Construction and Development (“C&D”) requests that the Board ratify a modification in the amount of \$1,169,636.92 for additional detailed inspection of the orthotropic deck welds at three spans of the Robert F. Kennedy Bridge.

Under this Contract, HNTB performs mandated biennial bridge inspections. The mandated inspections assist in keeping bridge assets in a state of good repair as required by the New York State Department of Transportation and the Federal Highway Administration. The contract award includes an allowance for related services; specifically, interim or special inspections, additional inspections and testing, auxiliary design, auxiliary testing, scoping studies, and scour evaluations.

While performing the biennial inspection for calendar year 2022, HNTB uncovered cracks in the orthotropic deck welds and an additional inspection and testing of the entire orthotropic deck was necessary to promptly investigate and address the cracks/deck condition. HNTB was instructed to commence work on three task orders for the detailed inspection of orthotropic deck welds at Span 49, Span 50 and Span 51. The deterioration found as a result of these work orders were included in the contract scope for the design-build contract RK-19A, which was awarded in December 2023

Negotiations yielded an agreed upon amount of \$1,169,636.92 (broken down as follows: \$442,000.35; \$416,008.54; and \$311,628.03 for Spans 49, 50 and 51, respectively), which was deemed to be fair and reasonable.



# Long Island Rail Road Procurements

**Richard Mack**, MTA Assistant Deputy Chief Contracts Officer – LIRR Procurements

## PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed estimated expenditure of \$732.0M.

## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

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

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


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

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

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



<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> LIRR Procurement					
<b>Department Head Name</b> Richard Mack					
<b>Department Head Signature</b>					
<b>Project Manager Name</b> Rose Davis					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	03/26/23			
2	Board	03/28/23			

March 21, 2024			
<b>Department</b>			
<b>Department Head Name</b>			
<b>Department Head Signature</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
1	Acting President		
2	Acting SVP Operations		
3			

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

**PURPOSE**

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

**DISCUSSION**

**LIRR proposes to award Noncompetitive procurements in the following categories: None**

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

**LIRR proposes to award Ratifications in the following categories:**

Schedules Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule D: Ratification of Completed Procurement Actions	2	\$ 732.0 M
<b>SUBTOTAL</b>		<b>\$ M</b>
<b>TOTAL</b>	<b>2</b>	<b>\$ 732.0 M</b>

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

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

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

**MARCH 2024**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

***Procurements Requiring Two-Thirds Vote:***

**D. Ratification of Completed Procurement Actions**

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

1. **Mitsubishi Electric Power Products, Inc.**                      \$589,651,280 (est.)                      *Staff Summary Attached*  
10 years  
Contract # 0000015994  
Ratification of an Immediate Operating Need for the purchase agreement for M7 Propulsion System Equipment Upgrade Overhaul and Bench Test Equipment.
  
2. **Mitsubishi Electric Power Products, Inc.**                      \$142,325,007 (est.)                      *Staff Summary Attached*  
5 years  
Contract # 0000016001  
Ratification of an Immediate Operating Need for the purchase agreement for the OEM Purchase Agreements for Replacement Parts.

Item Number: 1

<b>Vendor Name (Location)</b> Mitsubishi Electric Power Products, Inc. (Warrendale, Pennsylvania)
<b>Description</b> M7 Propulsion System Equipment Upgrade Overhaul
<b>Contract Term (including Options, if any)</b> 10 Years (March 1, 2024–March 1, 2034)
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need

<b>Contact Number</b> 0000015994	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$589,651,280 (Est.)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Department:</b> Maintenance of Equipment, Brad Jenkins	
<b>Contract Manager:</b> Marlon Torres	

**Discussion:**

It is requested that the Board formally ratify the declaration of an Immediate Operating Need (“ION”) approved by the Deputy Chief Procurement Officer, MTA Procurement, waiving competitive bidding pursuant to Article III, Paragraph A, of the All-Agency Procurement Guidelines and Public Authorities Law 1209, subsection 9(a) and approve the award of a purchase agreement for M7 Propulsion System Equipment Upgrade Overhaul and Bench Test Equipment (“BTE”) to Mitsubishi Electric Power Products, Inc. (“MEPPI”).

Due to the urgency to continue to support the Railroads, an ION was declared to purchase components for the M7 Propulsion System upgrade and BTEs. This action is warranted due to the lack of the required number of voting members in attendance at the February 2024 MTA Board meeting. It is noteworthy that this item was approved by both the MTA Joint Railroads subcommittee and MTA Board Finance subcommittee during meetings held on February 26, 2024. It is for this reason that this item is presented for Ratification. Utilizing the ION procedure, a purchase agreement for the M7 Propulsion System Equipment Upgrade Overhaul and Bench Test Equipment was issued on March 8, 2024.

MEPPI is the sole responsible source for the M7 Propulsion System Equipment and BTEs for the M7 Propulsion System Equipment Upgrade Overhaul and BTE’s provided under this contract. No other vendors have access to the proprietary designs, specifications, and drawings for the system and therefore cannot readily provide these components.

The propulsion components covered in the M-7 Propulsion System Upgrade Overhaul and BTE are approaching 20 years of service, which is past the industry standard of 15 years of service life. Long Island Rail Road (“LIRR”) and Metro-North Railroad (“MNR”) are at risk of exponential failure of the propulsion system once the components pass their useful life expectancy. Any failure of an Insulated Gate Bipolar Transistor (“IGBT”) and High Voltage Distribution Box (“HVDB”) will require the pair to be taken out of service. This will result in delays, canceled trains, and cars unavailable for service on both Railroads.

Both Railroads have received a Last Time Buy (“LTB”) notification from MEPPI, for the Insulated Gate Bipolar Transistor (“IGBT”) and High Voltage Distribution Box (“HVDB”) Diode, critical components of the M-7 Propulsion System. Without the procurement of an LTB for the M-7 propulsion overhaul; LIRR and MNR are at risk of a cost prohibitive redesign of the propulsion inverter components necessary to keep the M-7 fleets in service.

Due to the obsolescence and the continuous risk of failures without remedy of the existing system, an ION was declared to purchase the M-7 Propulsion System Equipment Upgrade to keep the M-7 fleets in service.

The initial price proposal submitted was \$681,404,003. Negotiations resulted in the final price of \$589,651,280. A savings of \$91,752,723 or 13 percent reduction or cost savings was achieved. The MTA reviewed and evaluated the pricing to determine cost reasonableness against comparative data from supporting documentation and historical data from past MEPPI purchases.

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

MEPPI has certified that pursuant to EO 16 it is not doing business in Russia.

**M/W/SVDOB Information**

MTA Department of Diversity and Civil Rights assigned zero goals for this procurement.

**Impact on Funding**

This contract is funded by the respective railroad's Operating Budgets.

Item Number: 2

<b>Vendor Name (Location)</b> Mitsubishi Electric Power Products, Inc. (Warrendale, Pennsylvania)
<b>Description</b> OEM Purchase Agreements for Replacement Parts
<b>Contract Term (including Options, if any)</b> Five Years (March 1, 2024–March 1, 2029)
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need

<b>Contact Number</b> 0000016001	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$142,325,007 (Est.)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Department:</b> Maintenance of Equipment, Brad Jenkins	
<b>Contract Manager:</b> Marlon Torres	

**Discussion:**

It is requested that the Board formally ratify the declaration of an Immediate Operating Need (“ION”) approved by the Deputy Chief Procurement Officer, MTA Procurement, waiving competitive bidding pursuant to Article III, Paragraph A, of the All-Agency Procurement Guidelines and Public Authorities Law 1209 subsection 9(a) and approve the award of a five-year contract for replacement parts to Mitsubishi Electric Power Products, Inc. (“MEPPI”).

Due to the urgency to continue to support the Railroads and NYC Transit Life Cycle Maintenance and Reliability Centered Maintenance programs, an ION was declared to purchase replacement Parts for HVAC and propulsion replacement parts utilized on the LIRR’s M-7 electric railcars, MNR’s M-7 and M-8 electric railcars, and NYC Transit subway cars. This action is warranted due to the lack of the required number of voting members in attendance at the February 2024 MTA Board meeting. It is noteworthy that this item was approved by both the MTA Joint Railroads subcommittee and MTA Board Finance subcommittee during meetings held on February 26, 2024. It is for this reason that this item is presented for Ratification. Utilizing the ION procedure, a purchase agreement for replacement parts was issued on March 14, 2024.

MEPPI is the sole responsible source for the components that will be provided under this contract. No other vendors have access to the proprietary designs, specifications, and drawings for the Propulsion System or materials and therefore cannot readily provide these parts and services. Long Island Rail Road (“LIRR”), Metro-North Railroad (“MNR”) (collectively the “Railroads”), and NYC Transit will continue to support its Life Cycle Maintenance and Reliability Centered Maintenance programs, which maintain high car reliability, improve customer service through on-time performance, and provide replacement parts at prescribed intervals. Additionally, parts required to perform unscheduled maintenance and repairs on rail and subway cars are needed to ensure safe, reliable, and maintainable operation.

The initial price proposal submitted was \$151,936,550. Negotiations resulted in the final price of \$142,325,007. A savings of \$9,611,543 or 7 percent reduction or cost savings was achieved. LIRR was able to obtain one-year fixed base pricing and annual adjustments in years 2, 3, 4, and 5 of the contracts. A Producer Price Index adjustment will be applied on each consequent anniversary for each year of the contract thereafter. Any additional items not identified and /or additions will be established on an as-required basis, and each item will be subject to a cost and/or price analysis as well as the most-favored customer pricing clause. Where applicable, MEPPI will provide redacted invoices from other customers’ purchases to support fair and reasonable pricing. For the fixed-price items, the MTA Cost Price Analysis Unit has reviewed a compilation of various metrics and based on those metrics, determined the pricing to be fair and reasonable.

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

MEPPI has certified that pursuant to EO 16 it is not doing business in Russia.

**M/W/SVDOB Information**

MTA Department of Diversity and Civil Rights assigned zero goals for this procurement.

**Impact on Funding**

This contract is funded by the respective railroad’s Operating Budget.



## **Metro-North Railroad Procurements**

**Omar Messado**, Acting Assistant Deputy Chief Procurement Officer – MTA Office of the Chief Procurement Officer



## PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$55M.

<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> MTA Procurement					
<b>Department Head Name</b> Lisette Camilo					
<b>Department Head Signature</b>					
<b>Project Manager Name</b> Rose Davis					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	03/25/24			
2	Board	03/27/24			

March 20, 2024			
<b>Department</b>			
<b>Department Head Name</b>			
<b>Department Head Signature</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President		<i>CAR</i>
	SVP Operations Support	X	
	VP & General Counsel	X	<i>RD</i>

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

**PURPOSE**

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

**DISCUSSION**

**Metro-North proposes to award Noncompetitive procurements in the following categories: None**

**Metro-North proposes to award Competitive procurements in the following categories:**

Procurements Requiring Majority Vote:	# of Actions	\$ Amount
Schedule G: Miscellaneous Service Contracts	1	\$ 55 M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 55 M</b>

**Metro-North proposes to award Ratifications in the following categories: None**

<b>TOTAL</b>	<b>1</b>	<b>\$ 55 M</b>
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**COMPETITIVE BIDDING REQUIREMENTS:** The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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



## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

**MARCH 2024**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

***Procurements Requiring Majority Vote:***

**G. Miscellaneous Service Contracts**

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

- |                                 |                                 |                                      |
|---------------------------------|---------------------------------|--------------------------------------|
| <b>1. Various Bus Companies</b> | <b>\$55,000,000 (estimated)</b> | <b><i>Staff Summary Attached</i></b> |
| <b>5 years</b>                  |                                 |                                      |
| <b>Contract #426684</b>         |                                 |                                      |

Award of zero-dollar contracts to retain qualified vendors to provide emergency and scheduled bus services on an as-needed basis for railroad passengers and/or crews between stations throughout the Railroads' New York and Connecticut operating territories.

**Schedule G: Miscellaneous Service Contracts**

Item Number: 1

<b>Vendor Name(s) (Locations)</b> Various Bus Companies	<b>Contract Number</b> 426684	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description</b> Emergency and Scheduled Bus Services	<b>Total Amount:</b> <b>\$55,000,000</b> (est.) MNR: \$30,000,000 (aggregate) LIRR: \$25,000,000 (aggregate)	
<b>Contract Term (including Options, if any):</b> Five years	<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: State of CT	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	<b>Requesting Departments</b> <b>MNR:</b> Station Operations, Philip Diaz, Chief Stations Operations Officer <b>LIRR:</b> Stations, Theresa Dorsey, Chief Stations Officer. Service Planning, Charles McKiernan, General Manager	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive		
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Sole Source		

**Discussion:**

Metro-North Railroad (“MNR”), on behalf of itself and Long Island Rail Road (“LIRR”) (collectively, the “Railroads”), requests Board approval to award competitively solicited and negotiated miscellaneous service contracts to furnish emergency and scheduled bus services on an as-needed basis for railroad passengers and/or crews between stations throughout the Railroads’ New York and Connecticut operating territories during scheduled and emergency track outages and service disruptions.

These contracts are for a period of five years; the estimated aggregate budget is \$55 million (MNR \$30 million; LIRR \$25 million). Zero-dollar contracts will be awarded to qualified firms with no guarantee of spend amount.

The Railroads are continually evaluating the way bus services are provided with the intent of leveraging private resources to achieve better responses within geographic zones and contain overall costs. The Railroads sought proposals from third-party vendors for both emergency and scheduled bus operations. Emergency busing is defined as the need for immediate service due to a sudden and unanticipated disruption. Scheduled busing is a request for service to supplement a planned disruption in scheduled train service because of capital and operating projects.

The qualified vendors will provide emergency and scheduled bus services in the zones defined below for MNR and at various station locations in the specified New York counties for LIRR.

<b>MNR</b>	Zone 1 (CT)	New Haven to Bridgeport (Waterbury Branch)
<b>MNR</b>	Zone 2 (CT)	Bridgeport to State line (Danbury and New Canaan Branches)
<b>MNR</b>	Zone 3 (NY)	Hudson line north of Croton Harmon to Poughkeepsie, Harlem line north of White Plains to Wassaic
<b>MNR</b>	Zone 4 (NY)	Hudson line from Croton Harmon and south, Harlem line from White Plains and South
<b>MNR</b>	Zone 5 (NY)	West of Hudson, Rockland, and Orange Counties
<b>LIRR</b>	Long Island	Nassau, Western Suffolk, Eastern Suffolk, Queens, King, and New York Counties

The Request for Proposal (“RFP”) was publicly advertised in the *New York State Contract Reporter* and *Journal News* and posted on MNR’s website on June 13, 2023. The RFP was also formally issued to 19 bus companies. The RFP established minimum vendor requirements and requested supporting information that would demonstrate the vendors’ capabilities to meet the requirements on an ongoing basis. In an effort to increase the pool of qualified vendors, proposers were given the opportunity to propose on one or more of the locations based on zones and counties as specified in the RFP.

Thirteen proposals were received on July 24, 2023. The Selection Committee (“SC”), comprised of representatives from the Railroads’ Passenger Services, Station Operations, Safety & Environmental Compliance, Train Operations, Service Planning, and Procurement departments, evaluated the proposals using the following established selection criteria set forth in the RFP: (1) Demonstrated understanding of the Workslope requirements, including but not limited to the quality and completeness of any required submissions; (2) confidence level of the proposer concerning the project, commitment of relevant resources to the project including the qualifications of key personnel and reliability to perform the Services including Subconsultant/Subcontractor Services; (3) project plan (detailed description of how the Services will be performed); (4) past experience on similar projects; and (5) cost.

## Schedule G: Miscellaneous Service Contracts

Thirteen proposals were received on July 24, 2023. The Selection Committee (“SC”), comprised of representatives from the Railroads’ Passenger Services, Station Operations, Safety & Environmental Compliance, Train Operations, Service Planning, and Procurement departments, evaluated the proposals using the following established selection criteria set forth in the RFP: (1) Demonstrated understanding of the Workslope requirements, including but not limited to the quality and completeness of any required submissions; (2) confidence level of the proposer concerning the project, commitment of relevant resources to the project including the qualifications of key personnel and reliability to perform the Services including Subconsultant/Subcontractor Services; (3) project plan (detailed description of how the Services will be performed); (4) past experience on similar projects; and (5) cost.

The SC unanimously agreed to recommend 13 participating firms for contract award. The actual distribution of services among the vendors will be based upon geographical zone, operational requirement, vendor capacity, and proposed cost with the goal of meeting service requirements. The recommended firms are:

TERRITORY COVERED	BUS COMPANY
MNR	Leprechaun Lines, Inc.
MNR	Peter Pan Bus Lines, Inc.
MNR / LIRR	Academy Express, LLC
MNR / LIRR	Charter Bus Pros Inc d/b/a Charter Linkz
MNR / LIRR	Community Coach
MNR / LIRR	DPV Transportation, Inc.
MNR / LIRR	J&F Tours Transportation
MNR / LIRR	Red Carpet Coach Ltd.
LIRR	Bus Around Town Corp. d/b/a Coachman Luxury Transport
LIRR	D&J Service, Inc.
LIRR	Huntington Coach Corp.
LIRR	M&V Corporate Transportation
LIRR	Suffolk Transportation Services, Inc.

The agencies performed a Cost Price Analysis, in conjunction with the NYC Transit Cost Price Analysis Unit, on the proposed hourly rates using comparative and historical data of previous rates and determined the rates to be fair and reasonable for the services to be provided. The price schedule is fixed for the five-year term.

These agreements will provide bus services within five defined MNR zones and six defined LIRR counties, back-up services for scheduled work, and hourly rate structures based on a four-hour minimum service block. The Railroads will utilize these bus company agreements to provide a comprehensive plan for emergency and scheduled bus services throughout each Railroad’s territory in the most responsive and cost-effective manner.

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

All Bus Companies participating in this contract have certified pursuant to EO 16 that they are not doing business in Russia.

In connection with the review of Academy’s responsibility pursuant to the All-Agency Responsibility Guidelines, Academy was found to be responsible notwithstanding Significant Adverse Information (“SAI”) and the award of the contract is subject to the approval of such responsibility finding by the MTA Chief Administrative Officer in consultation with the MTA General Counsel.

In connection with a previous contract awarded to Community Coach, Community Coach was found to be responsible notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MNR Acting President in consultation with the MNR General Counsel in January 2018. No new SAI has been found relating to Community Coach and Community Coach has been found to be responsible.

### **M/W/DBE Information**

The MTA Department of Diversity and Civil Rights has established a zero percent DBE goal on this contract due to the lack of subcontracting opportunities and DBE firms in the marketplace.

## Schedule G: Miscellaneous Service Contracts

### Impact on Funding

This procurement will be funded by each Railroad's respective Operating Budget, Capital Budget, the Connecticut Department of Transportation ("CDOT") and/or FTA Funds, as the case may be. CDOT will reimburse MNR 100 percent for the costs of bus service on the New Canaan, Danbury, and Waterbury branches.

### Alternatives

None. The Railroads do not have the resources to provide these services in-house.

# Staff Summary

<b>Subject</b> 2023 Annual Procurement Report
<b>Department</b> MTA Procurement
<b>Department Head Name</b> Lisette Camilo
<b>Department Head Signature</b>
<b>Division Head Name</b> James McBride

<b>Date</b> March 15, 2024
<b>Vendor Name</b> Various
<b>Contract Number</b> Various
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/25/24	X		
2	Board	3/27/24	X		

Internal Approvals			
Order	Approver	Approval	Date
1	Chief Compliance Officer		
2	General Counsel		
3	CFO		
4	Chief of Staff		

**Purpose:**

To authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2023- December 31, 2023, as required under Section 2879 of the Public Authorities Law ("PAL").

The report, with data prepared by each agency, includes the information required, specifically, contracts for which payments were made in 2023 by any MTA agency.

The report, which is being submitted separately in the Committee Exhibits, conforms to the format/content requirements of both PAL Section 2879 as well as the Public Authorities Reporting Information System (PARIS) overseen by the New York State Independent Authorities Budget Office. The Board-approved All-Agency Procurement Guidelines will be attached to the report prior to filing, as required by PAL Section 2879.

Many of the contracts on this list came before the Board during the course of the calendar year. The active contracts that were awarded prior to this calendar year were also included in the prior years' annual procurement reports, which have previously been reviewed by the Board.



# MTA Headquarters Procurements

**Lisette Camilo**, Chief Administrative Officer/Interim Chief Procurement Officer

## PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$19.4M.



<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> MTA Procurement					
<b>Department Head Name</b> Lisette Camilo					
<b>Department Head Signature</b> <i>Lisette Camilo</i>					
<b>Project Manager Name</b> Rose Davis					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	03/25/24			
2	Board	03/27/24			

March 22, 2024			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	CAO		
	Legal		
	CFO		

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

**PURPOSE**

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

**DISCUSSION**

**MTA Headquarters proposes to award Noncompetitive procurements in the following categories: None**

**MTA Headquarters proposes to award Competitive procurements in the following categories:**

<u>Procurements Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 19.4 M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 19.4 M</b>

**MTA Headquarters proposes to award Ratifications in the following categories: None**

<b>TOTAL</b>	<b>1</b>	<b>\$ 19.4 M</b>
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**COMPETITIVE BIDDING REQUIREMENTS:** The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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

## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

**MARCH 2024**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

***Procurements Requiring Majority Vote:***

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

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

1. **Action Carting Environmental Services, Inc.     \$19,353,002** *Staff Summary Attached*  
5 years  
Contract # 60000000022916 Supplemental Agreement #2  
Modification to the miscellaneous service contract for Transit-Wide Refuse Removal and Recycling in order to add a two-year extension for continued refuse removal and recycling services.

Item Number: 1

<b>Vendor Name (Location)</b> Action Carting Environmental Services Inc (Teaneck, New Jersey)
<b>Description:</b> Transit-Wide Refuse Removal and Recycling
<b>Contract Term (including Options, if any)</b> February 1, 2019–April 30, 2024
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Department:</b> MTA Supplier Management, Paul Dvoskin

<b>Contract Number</b> 60000000022916	<b>Supplemental Agreement #</b> 2
<b>Original Amount:</b>	\$ 39,170,973
<b>Prior Modifications:</b>	\$ 995,000
<b>Current Amount:</b>	\$ 40,165,973
<b>This Request:</b>	\$19,353,002
<b>% of This Request to Current Amount:</b>	48%
<b>% of Modifications (including This Request) to Original Amount:</b>	52%

**Discussion:**

MTA Headquarters is seeking Board approval to extend the miscellaneous service contract awarded to Action Carting Environmental Services Inc (“Action Carting”) to continue Refuse Removal and Recycling Services for New York City Transit, MTA Bus, and Staten Island Railway stations, yards, barns, depots, and administrative facilities for a two-year period (May 1, 2024–April 30, 2026) in the amount of \$19,353,002.

The base contract was awarded in February 2019 for \$39,170,973. To date, there has been one change order to increase the contract by \$995,000 (from \$39,170,973 to \$40,165,973) and extend the period of performance by three months (February 1, 2024–April 30, 2024).

The purpose of this extension is to (1) facilitate the time needed to allow the MTA’s objective of consolidation of services through a category management approach that will aggregate requirements across the Agencies in common geographic regions and potentially generate cost savings associated with awarding multiple contracts based on geographical territories; (2) allow time for the NYC Commercial Waste Zone (“CWZ”) program to fully implement; and (3) allow Project Management time to prepare and execute a third-party audit of the waste stream (the complete flow of waste from its source through recovery, recycling or final disposal), which will assist in shaping the scope of work for the new consolidated solicitation and provide a guideline for the credit percentage to be received for the recyclables.

On November 20, 2019, Local Law 199 of 2019 requiring the establishment of CWZs throughout New York City was signed into law by the city’s mayor. The CWZ program divided the city into 20 zones, each served by up to three carting companies selected through a competitive process. Five citywide contracts will also be awarded for the collection of containerized waste and compactors. This approach is intended to reduce truck traffic associated with commercial waste collection by 50 percent, eliminating millions of heavy-duty truck miles from NY City streets each year while strengthening service standards and allowing for customer choice. While it has been determined that the MTA is exempt from this program<sup>1</sup>, the full impact is unknown at this time as its implementation is not expected to be completed until the end of 2024. This could affect the quantity and quality of vendors available to contract with the MTA, which may influence the procurement approach.

MTA Procurement was able to negotiate and maintain zero percent increases for the following line items: (1) as-needed hauling and disposal of track debris; (2) office trailers and Conex Boxes; (3) bulk subway station refuse; (4) recyclables; (5) document destruction; (6) transfer station charges for Sunday operations; and (7) emergency services. Due to industry-wide regulated increases, extension pricing for the following contract line items were increased in line with Producer Price Index escalation: (1) pickup and disposal of compacted/uncompact subway/non-subway refuse, (2) disposal of construction and demolition debris, and (3) hauling of open-top containers. Pricing will remain firm for the two-year extension period. The total cost for the two-year extension is \$19,353,002. The pricing for this extension is deemed fair and reasonable.

It is recommended that the MTA proceed with a two-year extension for the reasons outlined above.

<sup>1</sup>The exemption status of B&T is currently under review.

Action Carting has certified that pursuant to EO 16, it is not doing business in Russia.

This contract has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included.

**Impact on Funding**

This contract is funded by the MTA NYC Transit operating budget.

**Alternatives**

None. A lapse in these services will be detrimental to operations. The extension will allow sufficient time for MTA Procurement to solicit a new contract that will address current and anticipated future needs.

# Staff Summary

Subject MTA Prompt Payment Annual Report 2023
Department Finance Tower – Financial Operations
Department Head Name Kevin Willens
Department Head Signature
Project Manager/Division Head Roy Grey-Stewart

Date February 7, 2024
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	3/25/24		X	
2	Board	3/27/24		X	

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief of Staff		

**Purpose:**

To report to the Board the compliance by the MTA Business Service Center with the New York State Prompt Payment Legislation.

**Discussion:**

The Prompt Payment Legislation, implemented in April 1988 requires that the Authority must pay amounts due under its contracts within 30 days of the receipt of a proper invoice or the receipt of the goods or services, whichever is later. When payment of a proper invoice is delayed beyond the allotted time, the agency must pay interest at the rate set forth by the New York State Commission of Taxation and Finance which is currently at 11%, if such interest payment exceeds a ten dollars threshold.

Additionally, the Prompt Payment Legislation requires that the MTA issue an annual report within ninety days after each fiscal year and such report shall be filed with the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance committee, and the Chairman of the Assembly Ways and Means Committee as required.

Interest payments in the amount of \$58,324 was made in 2023 for the period of January 2023 – July 2023. Interest payments in the aggregate amount of \$118,920 will be made in 2024 for the period from August 2023 through December 2023.

Enclosed is a copy of the Annual Prompt Payment Report for 2023, which will be filed by the MTA in accordance with the legislation requirement.

**MTA AND CONSTITUENT AGENCIES  
ANALYSIS OF 2023 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	65,716	752,492,849.10	-	-	0.0000%	0.0000%
MNCRR	44,026	708,011,533.20	-	-	0.0000%	0.0000%
MTA	44,624	6,321,731,421.00	51	177,245	0.1143%	0.0028%
LIB	745	5,274,771.14	-	-	0.0000%	0.0000%
NYCTA	201,014	3,751,240,741.00	-	-	0.0000%	0.0000%
MABST	25,404	90,866,399.65	-	-	0.0000%	0.0000%
SIRTOA	1,761	15,302,917.32	-	-	0.0000%	0.0000%
BRTUN	6,616	184,620,148.80	-	-	0.0000%	0.0000%
BUS	55,597	232,412,515.40	-	-	0.0000%	0.0000%
GCMCO	36	57,962,945.11	-	-	0.0000%	0.0000%
<b>TOTALS</b>	<b>445,539</b>	<b>12,119,916,241.72</b>	<b>51</b>	<b>177,245</b>	<b>0.0114%</b>	<b>0.001462%</b>

**MTA AND CONSTITUENT AGENCIES  
ANALYSIS OF 2022 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	63,575	712,386,834.30	-	-	0.0000%	0.0000%
MNCRR	46,933	661,963,040.00	-	-	0.0000%	0.0000%
MTA	37,852	5,950,828,051.60	37	85,336	0.0977%	0.0014%
LIB	742	5,425,129.26	-	-	0.0000%	0.0000%
NYCTA	198,938	3,498,707,988.00	-	-	0.0000%	0.0000%
MABST	23,567	89,802,409.86	-	-	0.0000%	0.0000%
SIRTOA	1,594	14,749,071.85	-	-	0.0000%	0.0000%
BRTUN	6,656	179,050,396.20	-	-	0.0000%	0.0000%
BUS	54,209	249,848,229.60	-	-	0.0000%	0.0000%
GCMCO	1	1,357,461.55	-	-	0.0000%	0.0000%
<b>TOTALS</b>	<b>434,067</b>	<b>11,364,118,612.22</b>	<b>37</b>	<b>85,336</b>	<b>0.0085%</b>	<b>0.000751%</b>

**MARCH 2024**  
**MTA REAL ESTATE**  
**ACTION ITEMS FOR BOARD APPROVAL**

**ADMINISTRATIVE ACTION ITEMS**

Metropolitan Transportation Authority

All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-289

**TRANSACTIONAL ACTION ITEMS**

Metropolitan Transportation Authority

Lease with 3030 Equities, LLC for an MTA Police Department training space at 30-30 Northern Boulevard, Queens NY

MTA Grand Central Madison

Lease with Trackback LLC for a bar/café in Grand Central Madison, New York, NY



# **METROPOLITAN TRANSPORTATION AUTHORITY**

# Staff Summary

Subject <b>PROPERTY DISPOSITION GUIDELINES</b>
Department <b>REAL ESTATE / CORPORATE COMPLIANCE</b>
Department Head Name <b>DAVID FLORIO</b>
Department Head Signature
Project Manager Name <b>NEIL MASTROPIETRO / LINDSAY BEEDIAHRAM/ JULIE VASADY-KOVACS</b>

Date <b>MARCH 27, 2024</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/25/24	X		
2	Board	03/27/24	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		
4	Chief Compliance Officer		

**Purpose:**

To obtain MTA Board approval of (i) revised and updated MTA Real Estate Department’s Real Property Disposition Guidelines (the “2024 Real Property Disposition Guidelines”) and (ii) updated MTA’s All-Agency Guidelines for the Disposal of Personal Property (the “2024 Personal Property Disposition Guidelines”), and the appointment of the MTA staff persons designated as the Personal Property Disposition Contracting Officers listed on Attachment C, each promulgated in accordance with Section 2895-2897 of the Public Authorities Law.

**Discussion:**

Section 2896 of the Public Authorities Law, enacted in 2005, requires that public authorities annually review and approve “comprehensive guidelines” adopted by resolution that detail its “operative policy and instructions” regarding disposals of real and personal property, and designate a contracting officer responsible for complying with and enforcing the guidelines. Each year the statute requires each public authority’s governing board to review and approve its guidelines by March 31<sup>st</sup> and to file a copy of the Guidelines with the State Comptroller. The proposed 2024 Real Property Disposition Guidelines prepared by the MTA Real Estate Department are annexed as Attachment A to this Staff Summary. The proposed 2024 Personal Property Disposition Guidelines, prepared by MTA Corporate Compliance in consultation with MTA Agency procurement departments, are annexed as Attachment B to this Staff Summary. A list of the MTA staff persons designated as the Personal Property Disposition Contracting Officers is annexed as Attachment C to this staff summary. The attachments are available for review by the MTA Board members in the Director’s Desk Exhibit Book and on MTA.INFO.

**Real Property Disposition Guidelines:**

In March 2023, the MTA Board approved the MTA Real Estate Department’s current real property disposition guidelines, which detailed MTA Real Estate’s policies and procedures for the disposal of real property.

The proposed 2024 Real Property Disposition Guidelines (see Attachment A) are substantially the same as those approved last year except for those minor changes as shown redlined in Attachment A, most of which have been made to reflect organizational updates and revisions to the administrative processes.

# Staff Summary

## FINANCE COMMITTEE MEETING PROPERTY DISPOSITION GUIDELINES (Cont'd.)

### **Personal Property Disposition Guidelines:**

In March 2023, the MTA Board approved the current All-Agency Guidelines for the Disposal of Personal Property to provide a consistent set of personal property disposal policies and practice, across the MTA agencies.

The proposed 2024 Personal Property Disposition Guidelines (see Attachment B) have a non-substantive title change; therefore, are substantially the same as the 2023 guidelines.

### **Recommendation:**

It is recommended that the Board adopt the resolution attached to this Staff Summary approving the 2024 Real Property Guidelines and the 2024 Personal Property Guidelines and designating the MTA and MTA agency staff members listed on Attachment C of the Real Property Disposition Guidelines as the Contracting Officers for the MTA and MTA Agencies as the officers responsible for disposition of real property.

# Staff Summary

<b>Subject</b> <b>LEASE WITH 3030 EQUITIES, LLC FOR AN MTA POLICE DEPARTMENT ACADEMY TRAINING SPACE AT 30-30 NORTHERN BOULEVARD, QUEENS, NY</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>ANDREW D GREENBERG</b>

<b>Date</b> <b>MARCH 27, 2024</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/25/24	X		
2	Board	03/27/24	X		

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

**AGENCY:** Metropolitan Transportation Authority (“MTA”)

**LESSOR:** 3030 Equities, LLC

**LOCATION:** 30-30 Northern Boulevard, Queens, New York

**PREMISES:** Entire Sixth (6<sup>th</sup>) Floor – 27,413 Rentable Sq. Ft.  
Entire Seventh (7<sup>h</sup>) Floor – 25,968 Rentable Sq. Ft.  
 Total: 53,381 Rentable Sq. Ft.

**USE:** MTA Police Department (“MTAPD”) academy and training facility for new recruits and service training with reality based situational training.

**ACTION REQUESTED:** Authorization to enter into a lease in support of MTAPD operations.

**TERM:** Fifteen (15) years

**REAL ESTATE TAXES:** MTA pays its proportionate share over a 2023/2024 base year with no increases until the first anniversary following Rent Commencement. Lessor will create a condominium within 1 year following Rent Commencement, and upon the creation of a separate tax lot for the Premises, (i) the MTA will become responsible for 100% of all real estate taxes on its tax lot, and (ii) the MTA’s base rent will be reduced by the amount of real estate taxes initially assessed to the MTA’s exclusive tax lot estimated at approximately \$6.54 per square foot per year. The MTA will reimburse the Lessor for up to a maximum of \$175,000 towards Lessor’s cost to create the condominium based on invoices supported by reasonable back-up documentation.

**OPERATING EXPENSES:** 2.5% increases in base rent per year.

**UTILITIES:** Electricity is directly metered to the public utility. Lessor provides heat and air conditioning, and the MTA pays for its proportionate share of heating costs annually.

**LESSOR WORK:** Lessor will be required to provide turn-key alterations and improvements at Lessor’s cost and expense. The MTA will be required to reimburse Lessor for the cost of furniture and IT, data and telecom installation with a maximum cost not to exceed \$1,648,839 (“Lessor’s Tenant Improvement Contribution”).

# Staff Summary

## FINANCE COMMITTEE MEETING

### LEASE WITH 3030 EQUITIES, LLC FOR AN MTA POLICE DEPARTMENT ACADEMY TRAINING SPACE 30-30 NORTHERN BOULEVARD, QUEENS, NY (Cont'd)

Page 2 of 2

**RENT COMMENCEMENT:** Four (4) months following possession, which is upon Lessor substantial completion of all Lessor Work.

**BASE RENT:**

	Rent/RSF	Annual Rent
Rent Commencement – Year 5	\$36.25	\$1,935,061.25
Year 6 – Year 10	\$38.25	\$2,041,823.25
Year 11 – Lease Expiration	\$40.25	\$2,148,585.25

**RENEWAL OPTIONS:** Two five (5) year renewal options upon 12 months prior written notice at a rent calculated at 95% of the fair market value

**TERMINATION OPTION:** The MTA has an option to terminate the lease on the 10<sup>th</sup> anniversary of the Rent Commencement Date with 12 months prior written notice and a penalty equal to the unamortized balance of the Lessor's Tenant Improvement Contribution to the initial improvements and alterations, and real estate commission.

**MAINTENANCE AND REPAIRS:** Lessor is responsible for all exterior and structural repairs except if caused by the MTA negligence.

**CLEANING:** Lessor shall provide daily cleaning at an additional charge of \$2.50/sf per annum. The MTA may choose to provide their own cleaning.

**PARKING:** Lessor will provide 20 complimentary automobile parking spaces.

**SECURITY DEPOSIT:** None.

#### COMMENTS:

The MTAPD is seeking approximately 56,000 square feet to create a centralized facility which will serve as a police academy to provide in-service training with reality-based simulators, classrooms, practical training, and exercises for new recruits, including supervisors and commanding officers.

CBRE, the MTA's real estate broker, identified 5 locations for this requirement, all of which the MTAPD toured. MTAPD selected 95-25 Queens Boulevard, Rego Park, Queens and 30-30 Northern Blvd, Long Island City, Queens as the only locations that could potentially satisfy their requirements. CBRE engaged CSA Architects to commence preparation of layout drawings and a detailed scope of work for each short-list location in conjunction with MTA Real Estate's Project Management team and stakeholders from MTAPD to address IT, data, and telecommunications requirements. The two selected sites were instructed to provide a Not to Exceed ("NTE") cost for the alterations and improvements. CBRE prepared a comparative financial analysis and determined that the MTAPD's preferred choice at 30-30 Northern Blvd. requires a smaller footprint and is a significantly lower cost than the Rego Park location in the aggregate and on a net present value basis. In addition, the Lessor for the 30-30 Northern Boulevard location will be providing a complete "turnkey" installation at its cost and expense and the MTAPD is only responsible to reimburse the costs for IT, data, telecommunications, furniture, fixtures, and equipment. CBRE also provided a comparative market summary which compares this transaction against nine (9) other recent (or concluding) market transactions and shows that the economics of this transaction compares favorably in the marketplace (see attached).

Based on the foregoing, MTA Real Estate requests authorization for the MTA to enter into a lease with 3030 Equities, LLC for use of the leased premises by the MTAPD under the above-described terms and conditions.

# **MTA GRAND CENTRAL MADISON**

# Staff Summary

<b>Subject</b> <b>LEASE WITH TRACKBACK LLC FOR GRAND CENTRAL MADISON RETAIL SPACE</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>KIM TREVISAN</b>

<b>Date</b> <b>MARCH 27, 2024</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	03/25/24	X		
2	Board	03/27/24	X		

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

**AGENCY:** MTA Grand Central Madison Concourse Operating Company (“GCMC”)  
**LESSEE:** Trackback LLC (d/b/a Tracks Raw Bar & Grill)  
**LOCATION:** Grand Central Madison Concourse  
**PREMISES:** Prep Area: Approximately 850 sq. ft.  
 Dining and Bar Area: Approximately 1,852 sq. ft.  
 Total Area: Approximately 2702 sq. ft.  
**USE:** Operation of a full-service bar and café  
**ACTION REQUESTED:** Authorization to enter into a lease agreement  
**TERM:** 10 years  
**COMMON AREA MAINTENANCE:** \$89,166.00 with 3% annual escalations  
**BASE RENT:**

<u>Year</u>	<u>Guaranteed Annual Minimum Rent</u>	<u>Percentage Rent</u>
1	\$216,000.00	12% of gross sales over breakpoint of \$2,500,000
2	\$222,480.00	12% of gross sales over breakpoint of \$2,618,293
3	\$229,154.40	12% of gross sales over breakpoint of \$2,696,843
4	\$236,029.03	12% of gross sales over breakpoint of \$2,777,748
5	\$243,109.90	12% of gross sales over breakpoint of \$2,861,086
6	\$250,403.20	12% of gross sales over breakpoint of \$2,946,913
7	\$257,915.30	12% of gross sales over breakpoint of \$3,035,320
8	\$265,652.75	12% of gross sales over breakpoint of \$3,126,380
9	\$273,622.34	12% of gross sales over breakpoint of \$3,220,171
10	\$281,831.01	12% of gross sales over breakpoint of \$3,316,776

# Staff Summary

## FINANCE COMMITTEE MEETING

### LEASE WITH TRACKBACK LLC FOR GRAND CENTRAL MADISON RETAIL SPACE (Cont'd.)

#### COMMENTS:

A request for proposals (“RFP”) was issued in July 2023 seeking offers for the operation of a high-quality, full-service bar and café (“bar/café”) located between 46th and 47th streets on the Grand Central Madison Concourse. The bar/café is centrally located in Grand Central Madison, proximate to the LIRR ticketing, customer service, and waiting room areas and adjacent to the iconic art installation by artist Yayoi Kusama. The bar/café activation will establish a new and dynamic and gathering spot that contributes to the aesthetics of Grand Central Madison, helps to define the overall sense of place, and enlivens the customer experience.

In response to the RFP, a single proposal was received from Tracks Raw Bar & Grill.

After initial review and consideration, the Tracks Raw Bar & Grill proposal was deemed complete and responsive and was additionally evaluated by MTA Real Estate’s third-party real estate service providers CBRE and JLL against the selection criteria listed in the RFP. The net present value of the rent proposed is \$2,084,951 (calculated at 6%) which is in line with the appraised value of the Premises, as estimated by an independent appraiser.

The owner/operator of Tracks Raw Bar & Grill, Bruce Caulfield, has a long-standing relationship with the MTA and LIRR customers, having been a tenant in good standing on the LIRR Concourse in Penn Station for 17 years and only ceasing operations due to the Penn Station concourse improvements. Tracks Raw Bar & Grill boasts a recognizable presence among LIRR commuters, arriving at Grand Central Madison with a known brand, dedicated clientele, and a history of successful operation within transit settings.

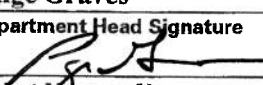
The proposed lessee is committed to undertaking the required improvements for design and build-out of the space, investing approximately \$1,000,000.

Separate from this offering, an RFP will be issued April 2, 2024, soliciting a master lessee who will be tasked with delivering a high-quality, curated retail offering throughout all of Grand Central Madison. As a condition of that master lease, the Tracks Raw Bar & Grill agreement will be assigned to the future master lessee.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease, on behalf of GCMC, with Tracks Raw Bar & Grill under the above-described terms and conditions.

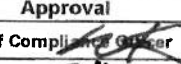



# Staff Summary

<b>Subject</b> All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services
<b>Department</b> MTA Office of the General Counsel
<b>Department Head Name</b> Paige Graves
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Paige Graves

<b>Date</b> March 27, 2024
<b>Vendor Name</b> N/A
<b>Contract Number</b> N/A
<b>Contract Manager Name</b> N/A
<b>Table of Contents Ref #</b> N/A

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	03/25/24			
	Board	03/27/24			

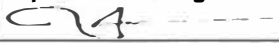
Internal Approvals			
Order	Approval	Order	Approval
1	Chief Compliance Officer 		
2	Legal 		

**Purpose:**  
To obtain Board approval of the MTA's All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

**Discussion:**  
Public Authorities Law Section 2879 requires the MTA to annually review and approve its All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services. The All Agency General Contract Procurement Guidelines and the All Agency Guidelines for Procurement of Services were last approved by the Board on March 29, 2023.  
  
There are no proposed revisions to either guidelines.



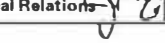
**Recommendation:**  
It is recommended that the MTA Board approve the annexed All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

# Staff Summary

<b>Subject</b> Mission Statement, Measurements, and Performance Indicators Report
<b>Department</b> Chief Strategic Initiatives
<b>Department Head Name</b> Jon Kaufman
<b>Department Head Signature</b> 
<b>Project Manager Name</b> N/A

<b>Date</b> March 27, 2024
<b>Vendor Name</b> N/A
<b>Contract Number</b> N/A
<b>Contract Manager Name</b> N/A
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	3/25/24			
	Board	3/27/24			

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Compliance Officer 		
2	Legal 		
3	External Relations 		

**Purpose:**

To obtain Board approval of the MTA’s Mission Statement and to authorize submission of the annexed 2023 Mission Statement, Measurements, and Performance Indicators Report (the “Report”) to the Independent Authorities Budget Office (“ABO”).

**Discussion:**

Sections 2800, 1269-f, and 2824-a of the Public Authorities Law require MTA to annually reexamine its mission statement, reassess its stakeholders and list the MTA’s goals and associated key performance measurements used to evaluate and monitor the attainment of those goals.

The MTA and its Board engage in oversight of agency operating performance throughout the year. The Board, through its transit, rail and bridge/tunnel operating committees, closely monitors agency operating performance. Each operating agency reports its most recent performance data in posted monthly reports and in committee books distributed in advance of public MTA operating committee meetings, which are conducted at least eleven times a year. At these public meetings, operating agency performance results are reviewed and discussed by Board members and agency senior staff. In addition, presentations focused on particular areas of performance are made by the agency staff to the Board operating committees periodically through the year, in accordance with the work plan schedule of each operating committee. The MTA also maintains a public data dashboard at metrics.mta.info for each of the MTA operating agencies, updated monthly, summarizing the agencies’ leading performance measurements. This data is also routinely published to the New York State Open Data Portal at data.ny.gov.

The Report compiles the MTA Mission Statement, Stakeholder Assessment, and the MTA goals and associated performance measurements from 2023.

**Recommendation:**

It is recommended that the MTA Board approve the annexed Report and authorize submission of such Report as required by Section 2800, Section 1269-f, and Section 2824-a of the Public Authorities Law to the ABO.