Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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ECLEG JUL02'12 PM 1:45

June 25, 2012

Mr. Robert M. Graber
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: NFTA Board Minutes

Dear Mr. Graber:

Enclosed, for your information and files, please find a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Meeting held on May 21, 2012.

Very truly yours,

David J. State
General Counsel

DJS:lf

Enclosure

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
MAY 21, 2012 12:30 PM
MINUTES

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1. CALL TO ORDER

A. Meeting Called to Order

Chairman Zemsky called the meeting to order at approximately 12:30 p.m.

B. Special Business

Chairman Zemsky expressed his gratitude to Vice Chairman Sloma for his commitment and leadership as Acting Chairman during a very difficult and challenging period. He also acknowledged the dedication and commitment to the Authority of Commissioner Kevin Helfer whose tenure on the Board has ended. At 12:45 pm Congressman Brian Higgins addressed the Board and stressed the importance of turning the waterfront property over to the Erie Canal Harbor Development Corporation for waterfront development and funding.

C. Approval of Minutes of the NFTA Annual Board Meeting held on April 23, 2012

It was moved by Commissioner Perry, seconded by Commissioner Demakos, that the Minutes of the April 23, 2012, Annual Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, HUGHES, PERRY

NOES: NONE

D. Executive Director's Report:

Executive Director Kimberley Minkel presented a brief synopsis of the Triennial Review report and apprised the Board that it is the best Triennial Review report the Authority has received to date. The report was very positive and complimentary to staff and she will provide the Board with a copy of the final report. She also complimented staff on the implementation of the fare increase and service restructuring program. The Board was notified that representatives from UB are scheduled to make a presentation regarding the Allen Street Station at the Surface Transportation Committee meeting on June 21, 2012.

2. NFTA CORPORATE REPORT

A. Audit and Governance Committee Report (Howard Zemsky)
B. Consolidated Financial (Debbie Leous)
C. Corporate Resolutions (Kim Minkel)

Corporate Resolutions

1. Authorization for NYSDOT Consolidated Funding Application Number 5103 PIN 5913.01 for Long Term Parking Lot B Expansion Project, BNIA

CORPORATE:

2. C. (1) **Authorization for NYSDOT Consolidated Funding Application Number 5103 PIN 5913.01 for Long Term Parking Lot B Expansion Project, BNIA**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize the Executive Director to execute New York State Department of Transportation (NYSDOT) Consolidated Funding Application No. 5103 Agreement for the Airport Infrastructure Investment Program for $6,000,000 for the Long Term Parking Lot B Expansion Project at Buffalo Niagara International Airport.

INFORMATION: NYSDOT Consolidated Funding Application No. 5103 Agreement consists of PIN No. 5913.01, which was chosen on the basis of a competitive scoring system and will provide $6,000,000 for the Long Term Parking Lot B Expansion Project at BNIA.

FUNDING: Funding for the above cited project is structured as follows:

PIN	*Project Description*	*Total Amount*	*NYSDOT Share*	*Empire State Development Share*	*ADF Share*
5913.01	Long Term Parking Lot B Expansion Project, BNIA	$ 8,094,231	$ 6,000,000	$ 880,000	$ 1,214,231

Whereupon, it was moved by Commissioner Hughes, seconded by Commissioner Eagan, that the following Resolutions be adopted:

"**RESOLVED,** that the Board authorizes the acceptance of New York State Department of Transportation (NYSDOT) Consolidated Funding Application Number 5103 PIN 5913.01 for Long Term Parking Lot B Expansion Project at the Buffalo Niagara International Airport in the amount of $6,000,000; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be authorized to execute New York State Department of Transportation (NYSDOT) Consolidated Funding Application Number 5103 PIN 5913.01 as described above; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, EAGAN, HUGHES, PERRY

NOES: NONE

ADOPTED

3. AVIATION BUSINESS GROUP REPORT

A. Aviation Committee Report
B. Financial Update
C. Business Update
D. Resolutions

C. **Aviation Business Update:**

Aviation Director William Vanecek updated the Board on the runway project at Niagara Falls International Airport and informed them that Allegiant Airlines will resume operations with ten departures weekly on June 29, 2012. Spirit Airlines is scheduled to resume service with bi-weekly flights on June 21, 2012. Chief Financial Officer Deborah Leous updated the Board on the status of the Bond swap.

Aviation Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (5)

1. Authorization for Agreement, C&S Engineers, Inc., Long Term Parking Lot B Expansion, Design Services, BNIA

2. Acceptance of Bid, Accadia Site Contracting, Inc., Airside Pavement Maintenance 2012, NFIA

3. Authorization for Airport Joint Use Agreement, United States Government, NFIA

4. Authorization for Agreement, Command Security Corporation, Unarmed Security Guard Services, BNIA and NFIA

5. Authorization for Contract Extension, Diamond Detective Agency, Inc., Unarmed Security Guard Services, BNIA and NFIA

AVIATION:

3. D. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (5)

The Executive Director advised that Items 3. D. (1) through 3. D. (5) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Sloma, seconded by Commissioner Eagan that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) through 3. D. (5) and dated May 21, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, EAGAN, HUGHES, PERRY

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Agreement, C&S Engineers, Inc., Long Term Parking Lot B Expansion, Design Services, BNIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board award the subject design services contract to the term consultant, C & S Engineers, Inc., for a lump sum cost of $63,083.

INFORMATION: The scope of work for this project is to provide approximately 1,000 additional parking spaces at the existing Holtz Road Lot B at Buffalo Niagara International Airport. The project also includes demolition, paving, lighting, drainage, fencing, and security.

This design service contract is for the asbestos abatement and demolition of the following three authority owned structures located on the site:

- Holtz 195A
- Holtz 195B
- Concrete Bunker

A summary of the design services negotiations is given below:

Engineers Estimate	$75,304
Initial Proposal	$67,442
Negotiated Contract	$63,083

MS Analytical and Creekside Boundary will provide 25% MWBE participation. The EEO/Diversity office concurs with the proposed participation.

FUNDING: Funding is provided through an Empire State Development grant, New York State Consolidated Fund grant, and the Airport Development Fund. The account code is pending.

Funding is distributed as follows:

New York State Consolidated Fund	$52,359
Airport Development Fund	$9,462
Empire State Development Fund	$1,262
Total	$63,083

"**RESOLVED**, that the Board hereby authorizes an Agreement with C&S Engineers, Inc. for design services as described above, for lump sum cost of $63,083.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with C&S Engineers, Inc., for a lump sum amount of $63,083.00 as described above; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (2) Acceptance of Bid, Accadia Site Contracting, Inc., Airside Pavement Maintenance 2012, NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board award the subject construction contract to Accadia Site Contracting, Inc. for the total bid amount of $138,581.76.

INFORMATION: Foreign Object Debris (FOD) poses a safety hazard to aircraft. This project corrects pavement deterioration areas that produce FOD. The pavement deterioration occurs at joints, drainage structures, and manholes. The project provides for repairs to selected areas of concrete pavements on Taxiways 'C' and 'K' at the NFIA.

The project was publicly advertised in accordance with NFTA Procurement Guidelines. Eleven sets of contract documents were distributed to potential prime bidders with ten responding as follows:

Company	Total Bid Amount
Accadia Site Contracting, Inc. Depew, NY Paul Marinaccio, President	$138,581.76
Yarussi Construction, Inc. Niagara Falls, NY Nicholas Yarussi, President	$148,855.92
Sealand Contractors Corp. Rush, NY Daniel Bree, President	$178,471.17
Surianello General Concrete Contractor, Inc. Buffalo, NY Frank D. Surianello, President	$187,209.30
Thomann Asphalt Paving Lancaster, NY John D. Thomann, President	$196,553.44
Nichols, Long & Moore Construction Lancaster, NY David A. Hohl, President	$212,246.00
Edbaurer Construction West Seneca, NY Bill Bauer, President	$220,134.40
Paul J. Gallo Contracting, Inc. Amherst, NY Paul J. Gallo, President	$221,972.08

AVIATION RESOLUTION 3. D. (2)

Hunting Valley Construction, Inc. Cheektowaga, NY Michail Kouimanis, President	$319,229.66
Oddo Construction Services, LLC. E. Amherst, NY Yongmi Oddo, President	$347,347.20

It has been determined that the low bidder, Accadia Site Contracting, Inc., has the knowledge, understanding, and ability to successfully accomplish the project work.

The NFTA Affirmative Action/EEO office has been briefed on the bid results.

FUNDING: Funding is available in NFIA Operating Account No. 03-0219-520-5600.

"**RESOLVED**, that the Board accepts the bid submitted by Acadia Site Contracting, Inc. for the lump sum amount of $138,581.76, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute an Agreement with Accadia Site Contracting, Inc. for the lump sum amount of $138,581.76, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and she is hereby authorized to make payments upon the terms of the Agreement upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (3) Authorization for Airport Joint Use Agreement, United States Government, NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize an Airport Joint Use Agreement (AJUA) with the United States of America (Government) providing for the joint use of certain facilities at Niagara Falls International Airport for a term of five years commencing on July 1, 2012 and terminating June 30, 2017.

INFORMATION: The NFTA and the Government each own and operate certain portions and facilities located at Niagara Falls International Airport (NFIA). The Air Force Reserve in conjunction with the operation of its base requires the use of certain runways and taxiways owned and operated by the NFTA at NFIA. The NFTA is agreeable to the use of NFIA facilities by the Air Force Reserve and the Government is agreeable to the use of certain Government facilities by the NFTA and its tenants and patrons. The AJUA provides for the delineation of responsibility for operation and maintenance of the jointly used facilities. The Government will not be charged for the use of NFTA's facilities in recognition and consideration of the Government's provision of Aircraft Fire and Rescue services at NFIA and the snow removal from runway 10L-28R and taxiways A, A1, A2, and A3 during certain hours. The provision of these services by the Government results in a significant savings to the NFTA and justifies the waiver of the use fee. The continued presence of the Government and the base at NFIA is beneficial to the NFTA and the Western New York region.

FUNDING: No funding is required.

> **"RESOLVED,** that the Board hereby authorizes an Airport Joint Use Agreement with the United States Government, providing for the joint use of designated facilities at the Niagara Falls International Airport; as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Airport Joint Use Agreement with the United States Government for the use of designated facilities at the Niagara Falls International Airport commencing on July 1, 2012 and terminating June 30, 2017 with terms described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that said Airport Joint Use Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

AVIATION:

3. D. (4) **Authorization for Agreement, Command Security Corporation, Unarmed Security Guard Services, BNIA and NFIA**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize an Agreement with Command Security Corporation, Parsippany, New Jersey to provide unarmed security guard services at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA).

INFORMATION: Unarmed security guards provide vehicle access control and inspection services at controlled access points at each of the two gates on the BNIA airfield leading to the aircraft operations area as well as pedestrian / traffic control for both BNIA and NFIA in front of the terminal for arrivals and departures. The current scope of work requires security services for approximately 46,200 hours annually.

In accordance with NFTA Procurement guidelines, Request for Proposal No. 4197 was developed for security services including requirements for airport and TSA regulations, training and re-training, customer service, supervision, physical appearance, and communication device standards. Proponents were requested to provide fixed yearly hourly rates encompassing current and estimated NYS Prevailing Wage Rates with fringe benefits in addition to overhead costs for management and equipment needs. Eleven proposals were received including five responses which were deemed to be non-responsive due to the failure to identify all encompassing fixed yearly hourly rates as requested. The six remaining proposals were evaluated based upon:

- Qualifications and experience,
- Technical criteria including project approach, and
- Cost.

The NFTA review team comprised of members from the NFTA Authority Police, BNIA Administration and Terminal Operations Departments, and the NFTA Procurement Department evaluated the proposals. The team determined that Command Security Corporation (CSC) was rated the highest pursuant to the evaluation criteria and possesses the experience and resources required to provide high quality, customer service oriented security services at BNIA and NFIA. Further, CSC submitted the lowest cost proposal. CSC has been in business in excess of 30 years and currently services 26 airports throughout the United States. CSC is headquartered in Parsippany, New Jersey but has an established Buffalo operations office.

The Agreement with CSC shall be for the period of three years commencing July 1, 2012 with the NFTA having the right to renew the Agreement for up to 2 additional one-year terms. The annual cost of the service for each of the first three years is $941,065 and increases to $970,170 annually during each of the two renewal years. The total cost during the 5 year contract term is $4,763,535.

FUNDING: Funding is included in the annual BNIA and NFIA operating budgets.

"RESOLVED, that the Board hereby authorizes an Agreement with Command Security Corporation for unarmed security guard services at the Buffalo Niagara International Airport and the Niagara Falls International Airport for an annual cost of $941,065 during the first three years and $970,170 annually for the two renewal years as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Command Security Corporation, for an annual cost of $941,065 during the first three years and $970,170 annually for the two renewal years as described above; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Director, Aviation, that such payments are in order."

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Jess Security Bronx, NY	Command Security Buffalo, NY	Global Security Garden City, NJ	U S Security Buffalo, NY	Securitas Security Parsippany, NJ	Allied Barton Buffalo, NY	Morris Protective Buffalo, NY	Amherst Security Amherst, NY	Diamond Cheektowaga NY	FJC Security Floral Park, NY	PEC Mahopac NY
Non-Collusive Cert	x	x	x	x	x			x	x		x
Disclosure of Prior Non-rep Determinations	x	x	x	x	x			x	x		x
ST 220	x	x		x	x			x			x
Cover Letter	x	x	x	x	x			x	x		x
Description of services		x	x	x	x			x	x		x
Firm, Mgmt & Staff Qualifications	x	x	x	x	x			x	x		x
Resumes	x	x	x	x	x			x	x		x
References	x	x	x	x	x			x	x		x
Licenses / NYS Certified		x		x	x			x	x		x
Itemized Cost Proposal	x	x	x	x	not responsive	not responsive	not responsive	x	x	not responsive	x
SELECTION CRITERIA (Completed by Team)	Rate on a score of 1 -10, with 10 being the highest										
Qualifications and experience - demonstrated ability in the industry, references, past performance, personnel, management 40%	3.00	9.00	7.00					5.00	8.50		5.00
Technical Criteria - Project approach, methods, compliance with technical specs. 30%	3.00	8.00	6.00					8.00	8.50		6.00
Cost 30%	9.48	10.00	6.56					9.00	9.50		8.75
TOTAL	4.94	9.00	6.57					7.10	8.80		8.43
Cost Proposals											
Hourley Rates											
Area A BNIA (336 hrs/wk) YR 1	$20.43	$20.37	$27.59	$19.73	$20.45	$6.67	$20.61	$21.92	$20.58	$25.99	$22.64
YR 2	$21.00	$20.37	$29.10	$19.73	$21.20	$6.87	$20.61	$22.33	$21.13	$25.99	$23.09
YR 3	$21.75	$20.37	$31.20	$19.73	$21.98	$7.08	$20.61	$22.87	$21.69	$25.99	$23.55
YR 4	$22.50	$21.00	$33.38	$19.73	$22.79	$7.29	$20.61	$23.40	$22.26	$25.99	$24.02
YR 5	$23.00	$21.00	$35.72	$19.73	$23.63	$7.51	$20.61	$23.93	$22.85	$25.99	$24.50
Five Yr Total based on estimated hrs	$1,904,074	$1,806,487	$2,750,465	$1,728,348				$2,005,164	$1,901,095		$2,063,856
Area B BNIA (505 hrs/wk) YR 1	$20.43	$20.37	$27.59	$19.73	$20.45	$6.67	$20.61	$21.92	$20.58	$25.99	$22.64
YR 2	$21.00	$20.37	$29.10	$19.73	$21.20	$6.87	$20.61	$22.33	$21.13	$25.99	$23.09
YR 3	$21.75	$20.37	$31.20	$19.73	$21.98	$7.08	$20.61	$22.87	$21.69	$25.99	$23.55
YR 4	$22.50	$21.00	$33.38	$19.73	$22.79	$7.29	$20.61	$23.40	$22.26	$25.99	$24.02
YR 5	$23.00	$21.00	$35.72	$19.73	$23.63	$7.51	$20.61	$23.93	$22.85	$25.99	$24.50
Five Yr Total based on estimated hrs	$2,861,777	$2,715,107	$4,133,883	$2,597,666				$3,013,714	$2,857,301		$3,101,926
Area C NFIA (45 Hrs/wk) YR1	$20.43	$20.37	$27.59	$19.73	$20.45	$6.67	$20.61	$21.92	$20.58	$25.99	$22.64
YR 2	$21.00	$20.37	$29.10	$19.73	$21.20	$6.87	$20.61	$22.33	$21.13	$25.99	$23.09
YR 3	$21.75	$20.37	$31.20	$19.73	$21.98	$7.08	$20.61	$22.87	$21.69	$25.99	$23.55
YR 4	$22.50	$21.00	$33.38	$19.73	$22.79	$7.29	$20.61	$23.40	$22.26	$25.99	$24.02
YR 5	$23.00	$21.00	$35.72	$19.73	$23.63	$7.51	$20.61	$23.93	$22.85	$25.99	$24.50
Five Yr Total based on estimated hrs	$255,010	$241,940	$368,136	$231,475				$268,549	$254,611		$276,409
GRAND TOTAL	$6,020,861	$4,763,536	$7,282,484	not responsiv	not responsive	not responsive	not responsive	$6,287,427	$6,013,007	not responsive	$6,442,191
				will not hold	will not hold	will not hold	will not hold			will not hold	
				cost	cost	cost	cost			cost	

AVIATION:

3. D. (5) **Authorization for Contract Extension, Diamond Detective Agency, Inc., Unarmed Security Guard Services, BNIA and NFIA**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize an Agreement with Diamond Detective Agency, Inc., Chicago Heights, Illinois, to extend the term of their existing contract to provide unarmed security guard services at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA) for one additional month.

INFORMATION: Diamond Detective Agency, Inc. currently provides unarmed security services at BNIA and NFIA. Their current contract expires on May 31, 2012. A Request for Proposals was issued to solicit security service providers upon the expiration of the security service contract. The RFP evaluation process was prolonged due to the analysis of revisions of NYS Prevailing Wages since the last contract award. To accomplish a smooth transition between the incumbent provider and the new provider, staff requests authorization to extend the incumbent provider contract for one additional month at an estimated cost of $61,000. The monthly cost has been adjusted to accommodate current NYS Prevailing Wage rates. Diamond Detective Agency, Inc. has been the incumbent security service provider for the past ten years.

FUNDING: Funding is included in the annual BNIA and NFIA operating budgets.

"**RESOLVED,** that the Board hereby authorizes an extension to the current Agreement with Diamond Detective Agency, Inc. for a period of one month for a cost of $61,000.00 as described above; and

IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an extension to the current Agreement with Diamond Detective Agency, Inc., as described above; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Director, Aviation, that such payments are in order."

4. **SURFACE TRANSPORTATION BUSINESS GROUP REPORT**
   - A. Surface Transportation Committee Report
   - B. Financial Update
   - C. Business Update
   - D. Resolutions

C. **Surface Transportation Business Update:**

Surface Transportation Director Thomas George advised the Board that the NFTA is prepared to initiate the Citizens Advisory Committee.

Surface Transportation Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (5)

1. Authorization for Agreement, IBI Group, Technology Enhancement Services, NITTEC

2. Authorization for Agreement, C&S Engineers, Inc., Fastener & Pad Replacement, LRRT

3. Authorization for Procurement, Superior Lubricants, Bulk Diesel Exhaust Fluid, Metro

4. Authorization for Procurement, Nature's Way, Bulk Diesel Exhaust Fluid Storage Tanks, Metro

5. Authorization to Establish NFTA Metro Citizens Advisory Committee, Metro

SURFACE:

4. D. (i) Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (5)

The Executive Director advised that Items 4. D. (1) through 4. D. (5) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Lewin, seconded by Commissioner Eagan that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (1) through 4. D. (5) and dated May 21, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, EAGAN, HUGHES, PERRY

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) Authorization for Agreement, IBI Group, Technology Enhancement Services, NITTEC

RECOMMENDATION: The Surface Committee has reviewed this item and recommends that the Board authorize an agreement with IBI Group to provide services to enhance the Niagara International Transportation Technology Coalition (NITTEC) Advanced Traffic Management System (ATMS) for an amount not-to-exceed $125,000.

INFORMATION: The NITTEC ATMS is used to improve traffic safety on the roadway network by reducing the number of incidents, increase the capacity of the roadway network by managing traffic congestion, and minimize the motorist frustration by providing them with traffic information. The ATMS is comprised of a variety of field devices used to continuously gather roadway/traffic information, software to receive information from the roadside devices, and a Graphical User Interface (GUI) used by the operators to interface with the system. The GUI is used to display traffic information and to manage and monitor roadway events. Traffic information is entered and maintained in the GUI for dissemination of information to the public and other agencies. The information from the GUI is also used to populate the traveler information on the NITTEC website.

The consultant will be responsible for enhancements to the Crossroads system, including Crossroads Support and Maintenance, NYSDOT ITS Phase 4B Project Integration, Configuration Table Audit, Database Backup, Display Format Review, Roads and Reflocs Configuration and Modification, and CHARMS Integration for Expansion Support. Additional tasks may be identified during the term of the contract.

IBI Group installed the NITTEC ATMS under a contract with the New York State Department of Transportation. The system that IBI installed includes proprietary software. In accordance with the NFTA Procurement Guidelines, this qualifies as a single source procurement. The use of IBI Group for this effort is critical because of the propriety nature of the software and their knowledge of the system configurations and operations.

It is appropriate for the NFTA to enter into an agreement on behalf of NITTEC since it serves as the Host agent for all types of NITTEC monies. The term of the Agreement shall be from execution through March 31, 2013.

FUNDING: Funding is available in the NITTEC SFY 2012-2013 budget. The contract period shall be from Notice to Proceed until March 31, 2013.

> **"RESOLVED,** that the Board hereby authorizes an Agreement with IBI Group to provide NITTEC with services to enhance the Advanced Traffic Management System, as described above, for an amount not-to-exceed $125,000.00; and

SURFACE RESOLUTION 4. D. (1)

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with IBI Group, for an amount not-to-exceed $125,000.00; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Executive Director. NITTEC, that such payments are in order."

SURFACE RESOLUTION 4. D. (1)

SURFACE:

4. D. (2) Authorization for Agreement, C&S Engineers, Inc., Fastener & Pad Replacement, LRRT

RECOMMENDATION: The Surface Committee has reviewed this item and recommends that the Board approve an Agreement with term consultant C&S Engineers, for the cost plus fixed fee not-to-exceed amount of $125,228.95 to provide inspection and inventory control services for the LRRT – Fastener & Pad Replacement project.

INFORMATION: The scope of work provides for full time inspection and inventory control services for the replacement of fastener and pad assemblies for the LRRT-Fastener & Pad Replacement, Phase 7 Project. The total construction duration for the project is 294 calendar days.

In response to the Authority's request, C&S Engineers submitted a proposal to perform the inspection and inventory control services. A detailed manpower plan and direct costs were reviewed by the Authority's Engineer. The final cost of the Agreement represents the negotiated costs for the items and incorporates the acceptable direct labor rates, overhead and fixed fee.

Engineer's Estimate	$ 178,244.62
Initial Proposal	$ 125,228.95
Negotiated Cost	$ 125,228.95

FUNDING: Funding is found in the Capital Budget Account No. 1200000003113-29304 as follows:

80%	FTA	$ 100,183.15
10%	NYSDOT	$ 12,522.90
10%	NFTA	$ 12,522.90
	Total	$ 125,228.95

"**RESOLVED**, that the Board hereby authorizes an Agreement with C&S Engineers, Inc. for inspection and inventory control services in an amount not-to-exceed $125,228.95, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute an Agreement with C&S Engineers, Inc., as stated hereinabove and as negotiated; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering, that such payments are in order."

SURFACE RESOLUTION 4. D. (2)

SURFACE:

4. D. (3) Authorization for Procurement, Superior Lubricants, Bulk Diesel Exhaust Fluid, Metro

RECOMMENDATION: The Surface Committee has reviewed this item and recommends that the NFTA procure its requirements for bulk diesel exhaust fluid from Superior Lubricants of North Tonawanda, New York, for the initial period of June 1, 2012 through May 31, 2015, with the option to extend the agreement for up to two additional one year periods, at the discretion of the NFTA. The estimated annual cost is $15,000.

INFORMATION: Diesel Exhaust Fluid (DEF) is used to treat engine exhaust from eighty-six of Metro's buses meeting 2010 EPA emissions requirements. Currently, each month, approximately 800 gallons of DEF is dispensed to the buses from drums and totes. This contract will provide for bulk deliveries of DEF saving about $2 per gallon.

The selection team included the Equipment Engineer, Senior Buyer and Maintenance Coordinator. Only one responsive proposal was received but of the three proposals submitted it contained the lowest unit price. The unit price is the cost differential added to, or subtracted from, the average published price weekly (New Orleans) granular urea barge price (average of the range) in the "Green Markets" ™ by Pike & Fischer to arrive at a delivered price. The price was evaluated based on the differential only.

FUNDING: Funding is included in the operating budgets of the Bus Maintenance Department.

> **"RESOLVED,** that the Board hereby authorizes the procurement of bulk diesel exhaust fluid from Superior Lubricants for the initial period of June 1, 2012 through May 31, 2015, with the option to extend the agreement for up to two additional one-year periods for an annual cost of $15,000, as described above; and
>
> **BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Superior Lubricants for the procurement of bulk exhaust fluid to be used as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that said Purchase Orders shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and
>
> **BE IT FURTHER RESOLVED,** that the Chief Financial Officer, be and she is hereby authorized to make payments under said Purchase Order upon certification by the Director, Surface Transportation, that such payments are in order."

SURFACE RESOLUTION 4. D. (3)

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Superior Lubricants North Tonawanda, NY	Emerson Oil Co. Rochester, NY	Hunter Buffalo Peterbilt Buffalo, NY
Non-Collusive Proposal Certification	X	X	X
Disclosure of Prior Non-responsibility Determinations	X	X	X
Itemized Cost Proposal	X	X	X
Cover Letter	X	Not Responsive	X
Description of products/services	X	X	X
Firm, Management and Staff Qualifications	X	Not Responsive	Not Responsive
Resumes	X	Not Responsive	Not Responsive
References	X	X	Not Responsive
Material Safety Data Sheets	X	Not Responsive	Not Responsive
Technical Specifications	X	Not Responsive	X

SELECTION CRITERIA (Completed by Team)	(Score 1-10, with 10 being the highest score)		
Price 40%	10.0		
Compliance with Technical Specification 40%	10.0		
Qualifications and Experience 20%	8.0		
Total	9.6		
COST Estimated Usage is 100,000 gallons per year	Differential Cost Per Gallon		
Year 1	+$.74	+$1.10	+1.06
Year 2	+$.74	+$1.10	+1.06
Year 3	+$.74	+$1.10	+1.06
Year 4	+$.74	+$1.10	+1.06
Year 5	+$.74	+$1.10	+1.06

SURFACE:

4. D. (4) Authorization for Procurement, Nature's Way, Bulk Diesel Exhaust Fluid Storage Tanks, Metro

RECOMMENDATION: The Surface Committee has reviewed this item and recommends that the Board approve the purchase of diesel exhaust fluid bulk storage tanks from Nature's Way Environmental Consultants and Contractors of Alden, New York at a cost of $64,775.00.

INFORMATION: Diesel Exhaust Fluid (DEF) is used to treat engine exhaust from eighty-six of Metro's buses meeting 2010 EPA emissions requirements. Each month, approximately 800 gallons of DEF is dispensed to the subject vehicles from drums and totes. This contract will provide a bulk storage tank that will be installed adjacent to the fuel islands at each bus garage thus providing the means to accept bulk deliveries of DEF. This will result in a savings of approximately $2.00 per gallon. The tanks will be equipped with all the required appurtenances in order to comply with environmental regulations and to be fully integrated into the NFTA's bulk storage policies and inventory systems.

Proposals were solicited in accordance with Procurement Guidelines. The selection team included the Equipment Engineer, Senior Buyer and Environmental Engineer. One proposal was received and evaluated. Other potential suppliers declined to propose because they could not provide a tank that met the specification or they could not provide the installation. Nature's Way met all the requirements for qualification and technical compliance. The price was deemed fair and reasonable based on a cost comparison of similar tank sizes.

FUNDING: Funding for this procurement is included in Account Code 1200000003216. These funds are shared on an 80% FTA, 10% NYS and 10% NFTA basis.

FTA	$51,820.00
NYSDOT	$ 6,477.50
NFTA	$ 6,477.50
Total	$64,775.00

"**RESOLVED**, that the Board hereby authorizes the procurement of bulk diesel exhaust fluid storage tanks from Nature's Way as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Nature's Way for the procurement of bulk exhaust fluid storage tanks to be used as described hereinabove; and

BE IT FURTHER RESOLVED, that said Purchase Orders shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Purchase Order upon certification by the Director, Surface Transportation, that such payments are in order."

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Nature's Way Alden, NY
Non-Collusive Proposal Certification	X
Disclosure of Prior Non-responsibility Determinations	X
Itemized Cost Proposal	X
Cover Letter	X
Description of products/services	X
Firm, Management and Staff Qualifications	X
Resumes	X
References	X
Vehicle & Equipment Specifications	X

SELECTION CRITERIA	(Score 1-10, with 10 being the highest score)
(Completed by Team)	
Price 40%	10.00
Compliance with Technical Specifications 40%	9.00
Qualifications and Experience 20%	9.00
Total	9.40
COST	$64,775.00

SURFACE:

4. D. (5) Authorization to Establish NFTA Metro Citizens Advisory Committee, Metro

RECOMMENDATION: Staff recommends that the Board authorize establishing an NFTA Metro Citizens Advisory Committee for public transit.

INFORMATION: As a result of comments obtained during the recent public hearing process the Board asked that staff develop a mechanism to formalize a process by which staff and Board could receive comments on Metro's service on an ongoing basis. Staff recommends establishing an NFTA Metro Citizens Advisory Committee to make recommendations and provide input to Metro staff on a broad range of community public transit related issues, regularly scheduled service changes and impacts on riders. It is anticipated that the Committee would also review, monitor and recommend service and program improvements or expansion projects to Metro.

The Committee will be composed of not more than twenty-five members representatives who are current users of the Metro system and represent of the diversity of the area and people that Metro serves. The Committee will function under the direction of the Director, Surface Transportation.

FUNDING: No funding is required.

> **"RESOLVED,** that the Board hereby authorizes staff to establish an NFTA Metro Citizens Advisory Committee."

5. PROPERTY/RISK MANAGEMENT GROUP REPORT

A. Property/Risk Management Committee Report
B. Financial Update
C. Business Update
D. Resolutions

C. **Property Development Business Update:**

General Counsel David State updated the Board on capital improvements at the Boat Harbor.

Property/Risk Management Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (3)

1. Authorization for Lease Agreement, Turning Point Solutions, LLC, 485 Cayuga Road

2. Authorization for Lease Amendment, Cornerstone Resolution Group, Inc., 247 Cayuga Road

3. Authorization for License Agreement, Wellness Institute of Buffalo, NFTA Outer Harbor

PROPERTY:

5. D. (i) Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (3)

The Executive Director advised that Items 5. D. (1) through 5. D. (3) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Sloma, seconded by Commissioner Eagan that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 5. D. (1) through 5. D. (3) and dated May 21, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, EAGAN, HUGHES, PERRY*

ABSTENTION: [Item 5. D. (2) only]

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) Authorization for Lease Agreement, Turning Point Solutions, LLC, 485 Cayuga Road

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with Turning Point Solutions LLC (Paul L. Sims, Managing Partner) for office space at 485 Cayuga Road.

INFORMATION: Turning Point Solutions is a local collection agency, affiliated with two companies currently based out of the NFTA's 247 Cayuga Road location, which is expanding and needs additional space for a call center. This lease is for 2,873 square feet of office space at an initial rental rate of $8.85 per square foot, or $25,426 per year. In year three of the five-year term, the rent increases to $9.35 per square foot, or $26,862.55 per year. Turning Point will be required to pay utility costs for the leased premises. The five-year term will commence on July 1, 2012 and terminate on June 30, 2017. As part of the lease agreement, the NFTA is committing to perform certain improvements to the premises, such as new carpeting, painting, installation of ceiling grid, and minor structural changes for an estimated cost of $23,100.

As per the NFTA's Agreement with Hunt Real Estate for services at 485 Cayuga Road, a 5% real estate commission will be paid.

FUNDING: Funding for the improvements are contained in operating budget account number 0808185205000.

> **"RESOLVED**, that the Board hereby authorizes a Lease Agreement with Turning Point Solutions, LLC, for use of space at 485 Cayuga Road as described hereinabove; and
>
> **BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Turning Point Solutions, LLC, with terms and conditions as set forth above and as negotiated; and
>
> **BE IT FURTHER RESOLVED,** that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (2) Authorization for Lease Amendment, Cornerstone Resolution Group, Inc., 247 Cayuga Road

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease amendment with Cornerstone Resolution Group, Inc. (Richard Cerrone, Vice President) for their leased space at 247 Cayuga Road.

INFORMATION: Cornerstone currently leases 2,483 square feet of space for a call center at 247 Cayuga Road. They are expanding their business at this facility as of June 1, 2012. The amendment adds 646 square feet of class B space for $12 per square foot, or $7,752 per year; and 1,328 square feet of class C space at $9 per square foot, or $11,952 per year. The space is being leased as-is and the rental rate is fully gross. All other terms and conditions of the current lease will remain the same, including a termination date of September 30, 2013, with the tenant having the right to renew for three additional three-year periods. If they choose to renew, the rental rates will increase by 3% annually beginning October 1, 2013.

FUNDING: No funding is necessary.

"**RESOLVED**, that the Board hereby authorizes a Lease Amendment with Cornerstone Resolution Group, Inc., for an additional 646 square feet of leased space at 247 Cayuga Road as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Amendment with Cornerstone Resolution Group, Inc., with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (3) Authorization for License Agreement, Wellness Institute of Buffalo, NFTA Outer Harbor

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a License Agreement with Wellness Institute of Buffalo, a not-for-profit corporation, (Lora B. Winkler, Chair, Hot Air Balloon Events) for the use of approximately seven acres of land located on the Outer Harbor in the vicinity of the former Pier Restaurant.

INFORMATION: Buffalo Citybration is a festival that showcases Buffalo's assets and successes in order to attract individuals and businesses to our community. In 2012 Citybration will take place on June 22-25. Similar to the event that the Board approved last year, Citybration has proposed conducting hot air balloon rides on the NFTA's property on Friday, June 22, 2012. Three professional hot air balloon companies will be retained by Wellness Institute of Buffalo to provide rides from 6:00 to 9:00 p.m. Food, beverages and entertainment will also be provided with licensed vendors. Citybration estimates that approximately 500 people may attend.

Wellness Institute of Buffalo will pay for all the costs for the event and will provide the appropriate insurance coverages. Parking will be made available on the existing asphalt surfaces in addition to the parking available along Fuhrmann Boulevard. Security will be provided through Shamrock Security. Shamrock will provide a security plan to the NFTA's Chief of Police for review one week prior to the event. An ambulance will be parked on site, equipped with medical equipment and professional emergency response personnel.

Citybration will be charging ticket prices for the balloon rides of $15.00 for adults and $10 for children 12 and under. All of the net proceeds from the event will be donated to the Western New York Chapter of the Cystic Fibrosis Foundation. Wellness Institute of Buffalo has requested that the NFTA provide the use of the property at no cost, but has offered to provide the NFTA with the highest level of sponsorship benefits.

FUNDING: No funding is necessary.

> **"RESOLVED**, that the Board hereby authorizes a License Agreement with Wellness Institute of Buffalo for use of the NFTA's Outer Harbor property as described hereinabove; and
>
> **BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a License Agreement with Wellness Institute of Buffalo with terms and conditions as set forth above and as negotiated; and
>
> **BE IT FURTHER RESOLVED,** that said License Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY RESOLUTION 5. D. (3)

6. General Counsel Report – Written

7. Executive Session - None

8. Adjournment

At approximately 1:12 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Lewin, seconded by Commissioner Sloma, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, EAGAN, HUGHES, PERRY

NOES: NONE