



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
Fax: 716-855-7657
TDD: 855-7650
www.nfta.com

ECLEG JAN27'11 PM 3:02

January 26, 2011

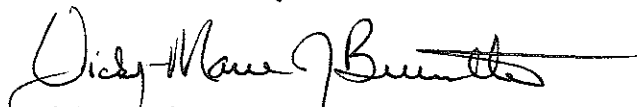
Mr. Robert M. Graber
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: NFTA Board Minutes

Dear Mr. Graber:

Enclosed, for your information and files, is a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Meeting held on December 20, 2010.

Very truly yours,


Vicky-Marie J. Brunette
Acting General Counsel

VJB/mm
Enc.

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
December 20, 2010
MINUTES**

1.
 - A. **CALL TO ORDER**
 - B. **APPROVAL OF MINUTES**
 - C. **SPECIAL BUSINESS**

2. **NFTA CORPORATE REPORT**
 - A. Executive Director's Report
 - B. Committee Reports
 - (1) Audit and Governance Committee
 - (2) Human Resources Committee
 - C. Consolidated Financial
 - D. Corporate Resolutions
 - i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. D. (1) through 2. D. (3)
 1. Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and NFTA Metro System, Inc., Fiscal Year 2011-2012
 2. Authorization for Agreement, M & T Bank, Purchasing Card Program
 3. Authorization for Site Lease Amendment Agreement, Buffalo Crushed Stone, Inc., Radio Tower Lease

3. **AVIATION BUSINESS GROUP REPORT**
 - A. Aviation Committee Report
 - B. Financial Update
 - C. Business Update
 - D. Aviation Resolutions
 - i. Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) and 3. D. (2)
 1. Authorization for Supplemental Agreement No. 2, DiDonato Associates Engineering and Architecture, P.C., Runway 6-24 Improvements, NFIA
 2. Authorization for Access Easement, Engineering & Environment, Inc., NFIA

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

- i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (6)
 1. Procurement of Sweeper Scrubber Machine, Tennant Sales and Service Company, NFT Metro
 2. Acceptance of Bid, Penn Detroit Diesel, Procurement of Detroit Diesel Engines, Engine Parts and Allison Transmission Parts
 3. Authorization for Agreement, Advanced Track Products, Inc., Rail Fastener Assemblies, LLRT
 4. Procurement of Two-Way Radio Equipment, Affiliated Computer Services, NFT Metro
 5. Authorization for Change Order No. 1, U&S Services, Inc., AW – Perimeter Security and Access Control Project, NFTA
 6. Authorization for Agreement, New Flyer Industries, Procurement of Brake Camshafts
5. **PROPERTY RISK/MANAGEMENT GROUP REPORT**
 - A. Property/Risk Management Committee Report
 - B. Financial Update
 - C. Business Update
 - Property Development Resolutions
 1. Authorization to Amend Agreement, Excalibur Leisure Skills Center., Inc., NFTA Boat Harbor
6. **GENERAL COUNSEL'S REPORT - Written**
7. **EXECUTIVE SESSION - Written**
8. **ADJOURNMENT**

1. CALL TO ORDER

A. Meeting Called to Order

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

B. Approval of Minutes of the NFTA Board Meeting held on November 22, 2010

It was moved by Commissioner Zemsky, seconded by Commissioner Grant, that the Minutes of the November 22, 2010, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANT, HELFER, HUGHES, PERRY, ZEMSKY

NOES: NONE

- 2. NFTA CORPORATE REPORT**
 - A. Executive Director's Report
 - B. Committee Reports
 - (1) Audit and Governance Committee
 - (2) Human Resources Committee
 - C. Consolidated Financial Report
 - D. Resolutions

Corporate Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. D. (1) through 2. D. (3)
1. Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Year 2011-2012
2. Authorization for Agreement, M & T Bank, Purchasing Card Program
3. Authorization for Site Lease Amendment Agreement, Buffalo Crushed Stone, Inc., Radio Tower Lease

CORPORATE:

**2. D. (i) Niagara Frontier Transportation Authority, Acceptance
of Corporate Resolutions 2. D. (1) through 2. D. (3)**

The Executive Director advised that Items 2. D. (1) through 2. 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 Lewin, seconded by Commissioner Zemsky, that the following Resolutions be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. D. (1) through 2. D. (3) and dated December 20, 2010 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER,
HUGHES, PERRY*, ZEMSKY

ABSTENSION: [*Item 2. D. (2) only]

NOES: NONE

ADOPTED

CORPORATE:

2. D. (1) Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Year 2011-2012

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board adopt the Operating and Capital Budgets for the NFTA and NFT Metro System, Inc. for the Fiscal Year ending March 31, 2012. The consolidated budget for FYE'12 is \$190.5 million. Despite the challenges in the coming year, we are able to present a balanced budget without an increase in base fare for Metro services in FYE'12.

INFORMATION: The NFTA is a public benefit corporation of the State of New York created by legislation enacted under Chapter 717 of the laws of 1967. The mission of the NFTA is to promote usage of, and deliver efficient public transit and transportation related services within the counties of Niagara and Erie in the State of New York. To that end and for such purpose, the NFTA operates the Niagara Falls International Airport, Buffalo Niagara International Airport, various non-transportation property assets as managed by our Property Group, Transportation Centers in the Cities of Buffalo and Niagara Falls, and through its subsidiary corporation, NFT Metro System, Inc., operates bus, paratransit and light rail transit systems in the two county area served by NFTA.

The NFTA adopts an annual budget covering its operations for the Fiscal Year that begins April 1 and extends through March 31 of the following calendar year. The budget for FYE'12 is balanced as required by New York State and was prepared based on a management approach integrating financial and strategic requirements necessary for the continued operation of the Authority.

As a comparison to the prior year budget, the FYE'12 budget assumes a \$2.4 million or 2.6% increase in revenues from Authority operations and a \$0.2 million, 0.2%, increase in operating assistance, this assumes New York State Operating Assistance remains at FYE'11 levels.

The budget assumes a \$2,120k increase, or 1.2%, in expenses for FYE'12, while providing for the continued efficient delivery of transportation services to the public and communities served by the NFTA and Metro.

Finally, the FYE'12 budget includes \$11.51 million for net debt service and operating reserves related to the Buffalo Niagara International Airport Improvement Program (AIP) project, \$0.09 million net debt service for the Niagara Falls International Airport Terminal Improvement Project (includes \$1.0 million in entitlements offsetting the debt service), \$1.21 million in debt service for the glycol collection project, Property Management, and equipment lease financing for energy savings initiatives, and \$4.2 million in the NFTA equity share of our capital spending total of \$71.5 million estimated for FYE'12.

Among some of the initiatives included in the budget are Authority-wide retirement incentive/staffing adjustment savings, reduced Authority-wide capital spending and full year implementation of the Erie County Service Restructuring Program.

The Surface Transportation budget includes the purchase of 30 buses and the continuation of the mid-life rebuild of the light rail cars.

In the Aviation Division, Buffalo Niagara International Airport (BNIA) is assuming a 2% increase in enplanements. Major capital projects at BNIA include continuing our noise mitigation measures in residences, community facilities and businesses where excessive noise from airport operations is present, rehabilitation of the parking garage/two tier roadway and completion of our automatic bag sort system and emergency generator ventilation system.

The Niagara Falls International Airport's capital budget includes safety area improvements for Runway 6-24.

The Property Management Division, which traditionally supports our Metro Division, will be operating at a reduced deficit due to an increase in revenues at our Boat Harbor and 247 Cayuga facilities, a reduction in expenses due to our Port Complex downsizing and lower capital spending.

The following are the budget assumptions and highlights, comparing the FYE'11 final budget to FYE'12:

- New York State Operating Assistance remains at FYE'11 levels.
- Mortgage Recording Tax is anticipated to decrease \$618k, or 8.5%.
- Erie County Sales Tax is anticipated to increase \$701k, or 4.1%.
- 88(c) operating assistance is increasing \$801K, or 9.8%, with anticipated in flow of prior period NYSDOT funds.
- Eliminating 33 positions.
- NFTA/Metro contractual/step increases of \$1,712K.
- Cost neutral contracts for those that will expire and 0% wage increases for non-represented employees.
- Decreased personnel costs of \$2,456k with early retirement/staffing adjustments.
- Pension costs are increasing \$1,079k, or 10.3%.
- BNIA is assuming a 2% increase in enplanements.
- NFTA/Metro health insurance costs are increasing \$877k, or 3.8%.
- Higher transit fuel power expenses of \$299k or 4.7%.

"RESOLVED, that the Operating and Capital Budgets of the NFTA and NFTA Metro System, Inc., for the fiscal year ending March 31, 2012, be and are hereby adopted as provided herein; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized during the course of the 2011-12 fiscal year to establish, for non-represented employees, the appropriate salary levels consistent with the merit-based system for all new hires and to adjust, on the basis of performance, the salary level of all employees; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized during the course of the 2011-12 fiscal year to establish, for represented employees, the appropriate step, within the budgeted salary grade, for all new hires and to adjust, on the basis of performance and as provided by collective bargaining agreements, the grade and step of all current employees.”

CORPORATE:

2. D. (2) Authorization for Agreement, M & T Bank, Purchasing Card Program

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize a three year agreement, with the option to extend for two additional one-year terms at the sole discretion of the NFTA, with M & T Bank, for the provision of a Purchasing Card Program.

INFORMATION: As recommended by the NYS Comptroller, we are continuing our purchasing card program that we now use throughout the NFTA. They are mainly used for small purchases replacing the need for petty cash.

Purchasing Cards are issued to properly authorized NFTA employees (see Policy attached). The Program provides controls and the flexibility to set limits in the following categories:

- Single purchase limits
- Daily spend limits
- Monthly spend limit
- Merchant Categories (specific merchant categories can be blocked to prevent purchases)
- Merchant spend limits
- Transactions per day
- Transactions per month.

All authorization controls are enforced at the point of sale. No cash advances or ATM access is allowed. The Purchasing Card Program is audited on an annual basis by the NFTA's Audit Department.

M & T's real-time on-line system provides program management functionality to NFTA Program Administrators, Managers, Accounting, Internal Auditors, and Cardholders. Each category of users has access based on their needs. For example, cardholders can access their transaction to enter the account code and a description of the purchase. They cannot change spend limits, etc. Accounting and auditors have reporting capability only.

Responses were received from Bank of America, JP Morgan Chase, Capital One, U.S. Bank, PNC Bank, Key Bank, UMB Bank, and M & T Bank. Presentations, demonstrations, and interviews were conducted with the four highest ranked banks: PNC, Key Bank, UMB and M & T.

The selection team consisting of the Chief Financial Officer, Procurement Manager, Assistant Procurement Manager, Internal Auditor, Senior Accountant, Manager MIS, and Supervisor, Metro Accounting, ranked M & T the highest based on the ease of program set-up and administration, benefits and features, controls (including fraud controls), reports available, training provided, references, qualifications and experience, costs and rebates. (See attached spreadsheet.)

M & T stood apart from the others because they offered a dedicated team with free on-site training and assistance with implementation. Implementation and training are critical to the success of the program. Reports included with the M & T program are compatible with accounting and auditing requirements. M & T also offered the most favorable rebate plan.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Agreement with M & T Bank for the provision of a Purchasing Card Program as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, his designee and/or the Chairman be and hereby are authorized to execute an Agreement with M & T Bank for a three-year period with terms and conditions as set forth above; and

BE IT FURTHER RESOLVED, that said Agreement shall include the option to extend for two additional one-year terms at the sole discretion of the Authority as set forth above and upon terms and conditions as negotiated; and

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

**RFP 4028
Purchasing Card**

12/7/2010

RFP DOCUMENTS REQUIRED (Completed by Procurement)	PNC	Key Bank	UMB	M & T
Non-Collusive Cert		X	X	X
Disclosure of Contracts Form		X	X	X
Disclosure of Prior Non-rep Determinations		X	X	X
Cover Letter	X	X	X	X
Description of services	X	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X
Resumes	X	X	X	X
References	X	X	X	X
Itemized Cost Proposal	X	X	X	X
SELECTION CRITERIA (Completed by Team)				
Ease of admin, reports, invoicing, benefits, controls, training, range of acceptance - 50%	3.5	3.0	2.5	4.5
References, qualifications - 30%	4.0	4.0	4.0	4.0
Fees - 10%	5.0	4.8	5.0	5.0
Rebates - 10%	4.5	3.5	4.0	5.0
RATING	3.9	3.53	3.35	4.45
Fees	None	\$300/logo	None	None
Rebates	up to 999 - .65	1,000 - .25, .30, .35	350 - 999 - .52	<2,000 - .70
	1,000 - 2,499 - .70	2,000 - .30, .35, .40	1,000 - 1,499 - .54	2,000 - 3,000 - .80
	2,500 - 4,999 - .80	3,000 - .35, .40, .45	1,500 - 2,999 - .60	3,000 - 5,000 - .90
	5,000 - 9,999 - .90	4,000 - .40, .45, .50	3,000 - 5,999 - .65	5,000 - 10,000 - 1.1
	>10,000 - .95	5,000 - .45, .50, .55	6,000 - 9,499 - .70	
		6,000 - .50, .55, .60		
	Based on payment	7,000 - .55, .60, .65		
	in 7 days	8,000 - .60, .65, .70		
		9,000 - .70, .75, .80		
		Based on avg trans		
		size, speed of payment		

Procurement Policy/Procedure

Effective: 1/16/06

Revised: 10/23/08

Revised: 9/9/10

Reference: Finance and Administration (Procurement)

Adopted By: Chief Financial Officer

Subject: **Purchasing Cards**

Related Policy: NFTA Procurement Guidelines, Procurement Policies and Procedures apply to the use of the Purchasing Card.

The Purchasing Visa Card program has been established to streamline the Purchasing and Accounts Payable procedures for small dollar transactions, as approved by the Cardholders' Director/General Manager, and to provide for a more efficient purchasing environment while maintaining proper controls over the use of NFTA funds. The card may be used at any merchant that accepts Visa. It may be used for in-store as well as phone, fax, Internet or mail orders.

Only those employees specified by their Director/General Manager will be authorized to participate in the program. All cards are issued through JPMorganChase at the request of the Program Administrator (the Procurement Manager). Card privileges may be rescinded at any time at the discretion of the Program Administrator and Cardholder's manager. Card usage will be audited. **The Cardholder is responsible for the use of the card and is personally liable for any unauthorized use which occurs with his/her permission.**

Cardholders will sign an agreement indicating understanding of the intent of the program and the importance of adhering to the guidelines. Cardholders are responsible for record-keeping and keeping the card in a secure place. The Cardholder is responsible for any unauthorized purchases if the Card is not kept in a secure place.

Although the card is in an individuals' name, it is the property of JPMorganChase and is only to be used for Company purchases as allowed by the program.

PROGRAM RESTRICTIONS: Each Purchasing Card will be assigned an individual limit per transaction, and may be assigned daily and monthly credit limits by the manager of each cost center. Limits may change to accommodate changing needs.

Some merchant categories have been "blocked" from usage in the Purchasing Card Program. A transaction will be declined, at the point of sale, if the merchant category is not approved for that cardholder.

Examples of Acceptable Purchases....

Books	Building maintenance items
Seminars & Conferences	Hardware
Computer Software & Hardware (MIS only)	Catering
Subscriptions	Tools
Office supplies (from designated suppliers only)	Newspaper Advertising
Travel Expenses (Executive Director and his direct reports only)	

Examples of Unacceptable Purchases....

Any purchase exceeding the user's approved limit
Inventoried items
Cash
Items for personal use
(Refer to HSEQ Chemical Control Policy)

ETHICS: NFTA expects that all employees will maintain and practice the highest possible ethical standards, professional courtesy, and competence in all purchases and business transactions. It is the responsibility of the cardholder to purchase only those items that are necessary for business purposes. Under no circumstances should personal items be purchased even if the intent is to reimburse the NFTA.

It is the responsibility of all employees to develop and maintain professional relationships between the NFTA and its suppliers and to keep in mind that personal contacts form much of the basis for the supplier's opinion of the NFTA. In this regard, the following should be observed when dealing with suppliers and their representatives:

1. Decline to take advantage of supplier's errors, and show consideration for supplier difficulties by cooperating with him/her whenever possible.
2. Avoid the perception or appearance of any impropriety in business dealings.
3. Solicitation and/or acceptance of gifts, tickets, special privileges and entertainment of any kind from a supplier, or potential supplier, is prohibited.

Refer to NFTA Procurement Guidelines, Code of Ethics.

1. HOW TO OBTAIN A PURCHASING CARD:

- a. The Applicant will read the Purchasing Card Policies/Procedures, sign the NFTA Purchasing Card Agreement and complete the Purchasing Card Cardholder Application. (Forms are attached.)
- b. The Cardholder's Manager reviews and signs the agreement and application and, with the Program Administrator, selects credit limits.

- c. The Applicant's manager forwards the application to the appropriate General Manager/Director (who has authorization to approve the credit limits), for signature.
- d. Once all approvals have been obtained, the application is mailed/faxed to the Program Administrator who will process the application. Cards will be available within approximately one week.
- e. The applicant will receive training on the use of the SMARTDATA System, at which time they will be given the card.
- f. To activate the card, the Cardholder calls JPMorganChase's Customer Service number, 800-270-7760.

2. PURCHASE PROCESS AND STATEMENT RECONCILIATION / RECEIPT RETENTION: A receipt and/or charge slip must be submitted for every purchase identified on the Cardholder's monthly statement. If a receipt is lost or destroyed, it is the responsibility of the Cardholder to obtain a duplicate copy from the supplier.

- a. The cardholder places the order with the supplier, using the Purchasing Card for payment. Be sure to request that a detailed receipt accompany the order, or in the case of an internet transaction, print a copy of the order/receipt. NFTA is exempt from sales tax. Be sure it is not included in the transaction. If tax is included in the transaction, request reimbursement from the supplier.
- b. Supplier processes the order.
- c. Supplier sends merchandise, receipt and/or charge slip to the Cardholder.
- d. The Cardholder receives the goods and the receipt and verifies accuracy of the shipment.
- e. Cardholder retains receipts and/or charge slips for use in reconciling monthly statement.
- f. JPMorganChase mails the monthly statement to the Cardholder at the business address listed on the Purchasing Card Application. If there was no activity posted to the account during the month, no statement will be sent. Cardholders will have the ability to pull up their statement on-line, at any time, using SMARTDATA. SMARTDATA training will be provided to Cardholders prior to receipt of cards.
- g. Cardholder compares the monthly statement to his/her records. Disputed items must be handled in accordance with the "Disputes or Unauthorized Charges" section of this procedure.
- h. The Cardholder attaches the receipts and/or charge slips to the statement, assigns appropriate account codes and identifies the item purchased in SMARTDATA, signs the statement, and sends it to his/her Manager for review and approval. Cardholders will

be able to access SMARTDATA at any time to assign account codes and enter 'Notes' to identify the item purchased.

i. Manager reviews the transactions. If he/she believes a transaction is inappropriate, the Manager is required to review the guidelines outlined in this procedures manual with the Cardholder and investigate and resolve any discrepancies or questions.

j. Manager signs the statement and sends it to the Program Administrator. All statements must be received by the 4th of the following month (i.e. The November 28th statement is due in by the 4th of December. The Program Administrator reviews the statements and forwards to accounting for payment. Accounting reviews the statements to be sure receipts are attached and will alert the Program Administrator of any unusual purchases. (NFTA Records Retention policies for Purchase Orders apply to credit card records.)

k. For the Procurement Department only. Purchasing Staff will be issued cards for NFTA and NFTA/Metro. Each purchase must be supported by a properly authorized requisition. Purchasing Staff will follow the procedure as outlined above except that the order will be shipped to the requisitioner. The requisitioner receives and signs the receiving report for the goods and forwards to the appropriate Procurement Staff member for processing.

3. CARDHOLDER PROFILE CHANGE:

a. Cardholder completes the Cardholder Account Maintenance Form, indicate 'type of request, describe necessary profile changes.

b. Cardholder forwards the form to their Manager for approval. If a credit limit adjustment is requested, the appropriate management signatures must be obtained.

c. The approved form is faxed to the Program Administrator for processing.

d. The Program Administrator faxes a confirmation memo to the Cardholder and the Cardholder's Manager.

4. DISPUTED/UNAUTHORIZED CHARGES:

a. TYPES OF DISCREPANCIES:

1. A purchase appears on the Cardholder's monthly statement that was not made.
2. The amount of the transaction is incorrect.
3. A transaction appears twice on the statement.
4. There is a product quality or service issue.

b. If the Cardholder does not agree with a charge posted on the monthly statement, the cardholder should first try to resolve the disputed item with the supplier. If the cardholder is unable to resolve the dispute with the supplier, the Cardholder must dispute the transaction using the JPMorganChase SMARTDATA system.

JPMorganChase will research the disputed charge and make any necessary adjustments to the account. If the Cardholder and/or Cardholders' Manager finds that the results of the dispute are not satisfactory, the Program Administrator should be notified. The Program Administrator may ask for the assistance of the Legal Department.

c. It is the Cardholder's responsibility to review the following month's statement to ensure the appropriate credit is received. All credits and adjustments must be noted on the statement.

5. CARD DEACTIVATION FOR LOST OR STOLEN CARD:

- a. The Cardholder must call JPMorganChase Customer Service, at 800-270-7760, immediately to block the use of the card. The Cardholder must record the date and the name of the Customer Service Representative with whom he/she spoke. A replacement card will be issued.
- b. The Cardholder must complete a Cardholder Account Maintenance Form, indicating 'Deactivate Card', and fax it to the Program Administrator. **NOTE:** The Cardholder must indicate the date and the Customer Service Representative's name on the form. The Cardholders must also notify their Manager.
- c. The Program Administrator will send a Deactivation Confirmation memo to the Cardholder, confirming deactivation of the card.
- d. JPMorganChase will automatically produce a replacement card and send to the Program Administrator, who will forward the card on to the Cardholder.
- e. The Cardholder is responsible for the review and reconciliation of both statements for that month.

6. CARDHOLDER COST CENTER CHANGE

- a. If a Cardholder changes cost centers, he/she must notify the Program Administrator using a Cardholder Account Maintenance Form; indicate the requested change.

7. CARD DEACTIVATION / CARD NO LONGER REQUIRED:

- a. The Cardholder and/or Cardholder's Manager determines that participation in the Purchasing Card Program is no longer necessary and completes the Cardholder Account Maintenance Form indicating 'Deactivate Card'. Fax the completed form to the Program Administrator.
- b. The Cardholder's Manager destroys the card.
- c. The Program Administrator reviews and processes the form.

- d. A Deactivation Confirmation memo is sent to the Cardholder, confirming deactivation of the card.
- e. Upon receipt of the memo, the Cardholder is responsible for submitting the statement with attached receipts for any activity since the last billing statement. The statement and receipts should be submitted to the Program Administrator.

8. CARD DEACTIVATION / EMPLOYEE SEPARATION:

- a. The Cardholder has provided notice of resignation or has been terminated. The Cardholder's Manager completes Cardholder Account Maintenance Form indicating 'Deactivate Card'. Call the Program Administrator as soon as possible and fax the form. The Manager may elect at his/her discretion to deactivate a card at any time, for example, when the Cardholder is on a leave of absence.
- b. The Cardholder's Manager obtains the card and outstanding receipts from the Cardholder. The Manager destroys the card.
- c. The Program Administrator reviews and processes the form.
- d. A Deactivation Confirmation memo is sent to the Cardholder's Manager, confirming deactivation of the card.
- e. Upon receipt of the memo, the Cardholder's Manager is responsible for submitting the statement with attached receipts for any activity since the last billing statement. If there are no receipts, please note as such and explain why. The statement and receipts should be submitted to the Program Administrator.
- f. The Manager may request a new card for another designate.

9. CARD DEACTIVATION FOR NON-COMPLIANCE OR ABUSE:

NOTE: ABUSE OF THE PURCHASING CARD WILL LEAD TO DISCIPLINARY ACTION, UP TO TERMINATION OF EMPLOYMENT AND MAY RESULT IN CRIMINAL/CIVIL PROSECUTION.

- a. It is the responsibility of all employees to bring Purchasing Card abuse to the attention of the Cardholder's Manager or the Program Administrator. Some examples of abuse are as follows:
 - The card is used for personal or unauthorized purchases.
 - The card is used to buy alcoholic beverages or any substance, material or service which violate NFTA policies.
 - The cardholder splits a purchase to circumvent the limitations of the Purchasing Card and NFTA Procurement Guidelines.
 - The Cardholder fails to comply with any of the requirements of the Procurements Guidelines, including the requirement to obtain quotes.
 - The Cardholder uses another Cardholder's card to circumvent the purchase limit assigned to either Cardholder or the limitations of the Purchasing Card.
 - The Cardholder fails to provide receipts of all transactions.

- The Cardholder accepts a cash refund in lieu of credit to the Purchasing Card account.
- The Cardholder does not adhere to all of the Purchasing Card policies and procedures and NFTA Procurement Guidelines.

b. The Cardholder's Manager completes Cardholder Account Maintenance Form indicating 'Deactivate Card'. Call the Program Administrator immediately and fax the form.

c. The Cardholder's Manager obtains the card and outstanding receipts from the Cardholder. The Manager destroys the card.

d. The Program Administrator reviews and processes the form.

e. A Deactivation Confirmation memo is sent to the Cardholder, confirming deactivation of the card.

f. Upon receipt of the memo, the Cardholder's Manager is responsible for submitting the statement with attached receipts for any activity since the last billing statement. The statement and receipts should be submitted to the Program Administrator.

g. The Manager may request a new card for another designate.

h. Appropriate disciplinary action is instituted.

Helpful Telephone Numbers

Description	Examples	Contact	Telephone/Fax
Internal Issues	New cards Limit changes Disputes	NFTA Program Administrators: Andrea Herald and Mary Gerwitz	855-7356 / 855-6676 andrea_herald@nfta.com
			855-7206 / 855-6676 mary_gerwitz@nfta.com
Cardholder Services	Card Activation Lost/Stolen Account Info	JPMorganChase Cardholder Service (24 hours)	800-270-7760

Originator(s)

Andrea Herald
Procurement Manager

Approver(s)

Deborah C. Harris
Chief Financial Officer

Ruth Keating
Senior Counsel

NFTA Purchasing Card Agreement

Incorporated by reference: NFTA Procurement Policy/Procedure for Purchasing Cards and NFTA Procurement Guidelines apply to this agreement.

The policies contained in this agreement **MUST** be followed by Cardholders when conducting company business. Policy violations will subject the Cardholder to sanctions ranging from revocation of cardholder privileges up to and including prosecution and termination of employment.

GENERAL POLICY GUIDELINES

Purchasing Cards are issued at the discretion of the NFTA, with the approval of the various cost center managers, to qualified employees for authorized business purchases only. All charges will be billed directly to NFTA. The Cardholder's credit rating will not be affected by participating in this program.

OWNERSHIP OF THE CARD

The Purchasing Card is the property of JPMorganChase. The employee (undersigned applicant) is the authorized Cardholder and is ultimately accountable for all transactions associated with the card. Although the card may be shared within the department at the discretion of the Cardholder, the Cardholder is ultimately responsible for all transactions and compliance with all requirements of the Purchasing Card Policy. The Purchasing Card Program Administrator must be notified of any changes in location, cost centers, names, etc. Upon termination of employment, and/or deactivation of the card, the card must be destroyed, all outstanding receipts must be returned, and the account must be cancelled.

SPENDING LIMITS

Your card has pre-set spending limits that may not be exceeded. The card can be used whenever and wherever possible within the parameters set forth. **NO PERSONAL EXPENSES OR PURCHASES ARE TO BE CHARGED TO THE CARD even if the intention is to reimburse the NFTA.** In addition to other potential sanctions, you are personally liable for any unauthorized expenses you permit to be charged to your card.

MISUSE

Misuse of the Card will result in revocation of the Card and appropriate disciplinary action, which may include termination and criminal/civil prosecution. The cost of unauthorized purchases may be deducted directly from the Cardholder's salary. Policy violations include, but are not limited to:

- Purchasing items for personal use.
- Failures to reconcile expenses and attach receipts by the deadline established.
- Using the Card for items clearly defined as "Not for card use."

USAGE

For specific procedures, refer to 'Purchasing Card Policy and Procedures' which is distributed with the Card and, by this reference, is made part of the Agreement.

RECEIPTS

It is the Cardholder's responsibility to obtain transaction receipts from the merchant/supplier each time the card is used. The NFTA is exempt from sales tax. Be sure it is not included on the transaction. A copy of a 'tax exempt' letter is distributed with the Agreement; additional copies are available in the Procurement Department. Each month the Cardholder will receive an activity statement. The statement information must be reviewed by the cardholder and the cost center manager. Staple all receipts to the statement.

DISPUTED ITEMS

It is the Cardholder's responsibility to follow up on any erroneous charges and to ensure that proper credit is received for returns and other adjustments.

CONFIDENTIALITY AND SECURITY

The Cardholder is responsible for protecting the Card from misuse by unauthorized parties.

Sign the Card immediately upon receipt. When the Card has expired or deactivated, cut it in half and dispose of it. Keep a record of the Card number in a separate place.

LOST OR STOLEN CARDS

If the Card is lost or stolen, immediately call JPMorganChase's 24-hour toll free customer service number, 800-270-7760. Also, contact the NFTA Program Administrator to report the loss.

The undersigned Cardholder applicant and supervisor request that a Purchasing Card be issued to the applicant. The applicant has read and understands the above Agreement and the 'Purchasing Card Policies and Procedures' document, a copy of which has been provided, and agrees to comply with its' terms and conditions.

☐ I acknowledge that I have received a copy of the 'Purchasing Card Policies and Procedures.'

Name	Department
Responsible Applicant	Date
Manager	Date

amh011606

Niagara Frontier Transportation Authority

Purchasing Card Application

EMPLOYEE INFORMATION

Department Name _____

Employee responsible for card: _____

First Name _____

Middle Initial _____

Last Name _____

Business Address _____

City _____

State _____

Zip _____

Business Phone _____

Date of Birth (month/year) _____

Mother's Maiden Name _____

Employee Number _____

COMPANY INFORMATION

NFTA / METRO (CIRCLE ONE)

Company Name _____

181 Ellicott Street

Company Address _____

Buffalo, New York 14203

City _____

State _____

Zip _____

Monthly Credit Limit _____

Single Transaction Limit _____

Department/Cost Center _____

TAX EXEMPT / DEPT

Second Line of Embossing _____

EMPLOYEE / APPROVAL SIGNATURES

Signature of Applicant / Date _____

Signature of Manager / Date _____

Signature of General Manager / Date _____

Signature of Program Administrator / Date _____

Niagara Frontier Transportation Authority

Cardholder Account Maintenance Form

ATTENTION: *Andrea Herald*

DATE OF REQUEST: _____

PLEASE COMPLETE THE FOLLOWING INFORMATION

TYPE OF REQUEST:

- | | |
|--|---|
| <input type="checkbox"/> NAME CHANGE | <input type="checkbox"/> MONTHLY LIMIT CHANGE |
| <input type="checkbox"/> ADDRESS CHANGE | <input type="checkbox"/> ACCOUNT CLOSURE |
| <input type="checkbox"/> SINGLE TRANSACTION LIMIT CHANGE | <input type="checkbox"/> DEACTIVATE CARD |

OTHER _____

NFTA / METRO (CIRCLE ONE)

ACCOUNT NUMBER: _____

CARDHOLDER NAME: _____ EMPLOYEE # _____

REASON: _____
(TERMINATED, MARRIED, ETC.)

ORIGINAL INFORMATION: _____

NEW INFORMATION: _____

SIGNATURE OF MANAGER: _____

PHONE NUMBER: _____ EMAIL: _____

SIGNATURE OF GENERAL MANAGER (FOR CREDIT LINE AND TRANSACTION LIMIT CHANGES) _____

CONFIRMED BY PROGRAM
ADMINISTRATOR _____

DATE _____

CORPORATE:

**2. D. (3) Authorization for Site Lease Amendment Agreement,
Buffalo Crushed Stone, Inc., Radio Tower Lease**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize a Site Lease Amendment Agreement with Buffalo Crushed Stone, Inc. in the amount of \$40,000 per year for the period of January 1, 2011 through December 31, 2026.

INFORMATION: The NFTA has leased space on a radio tower owned by Buffalo Crushed Stone, Inc. located at Barton Road in Lancaster since 1996. This site is one of three sites utilized by a system that provides two-radio coverage of Erie and Niagara counties. Three sites are necessary due to size of the coverage area, the way voice transmissions are managed and the types and quantities of data moved. The system is used authority wide for daily operations by Metro Bus, Metro Rail, BNIA, NFIA, TAPD and smaller business units. The renewal terms keep the rental amount the same as what the NFTA is currently paying.

FUNDING: Funding is provided for in the FYE'12 operating budget.

“RESOLVED, that the Board hereby authorize a Site Lease Amendment Agreement with Buffalo Crushed Stone, Inc. in the amount of \$40,000.00 per year for a term commencing January 1, 2011 and terminating December 31, 2026; and

BE IT FURTHER RESOLVED, that the Executive Director, his designee and/or the Chairman be and hereby are authorized to execute the Site Lease Amendment Agreement in an amount of \$40,000.00 per year with Buffalo Crushed Stone, Inc. for a radio tower lease as described hereinabove for a fifteen-year period commencing January 1, 2011 through December 31, 2026; 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 under said Agreement, upon certification by the Director, Surface Transportation, that such payments are in order.”

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) and 3. D. (2)
- 1. Authorization for Supplemental Agreement No. 2, DiDonato Associates Engineering and Architecture, P.C., Runway 6-24 Improvements, NFIA
- 2. Authorization for Access Easement, Engineering & Environment, Inc., NFIA

AVIATION:

**3. D. (i) Niagara Frontier Transportation Authority,
Acceptance of Aviation Resolutions 3. D. (1) and 3. D. (2)**

The Executive Director advised that Items 3. D. (1) and 3. D. (2) 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 Granto, seconded by Commissioner Eagan, that the following Resolutions be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) and 3. D. (2) and dated December 20, 2010 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER,
HUGHES, PERRY, ZEMSKY

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) **Authorization for Supplemental Agreement No. 2, DiDonato Associates Engineering and Architecture, P.C., Runway 6-24 Improvements, NFIA**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board award Supplement No. 2 of the subject design services contract to DiDonato Associates, Engineering and Architecture, P.C. for the lump sum amount of \$125,868. This will result in total lump sum contract amended value of \$751,683.

INFORMATION: This design services contract provides for the design of the Federal Aviation Administration mandated safety area improvements for Runway 6-24 at the Niagara Falls International Airport. The Board approved the design services contract on July 23, 2007. Design work was interrupted during the environmental permit process with the U.S. Army Corp of Engineers for the offsite mitigation necessitated due to the relocation of Cayuga Creek. The permit process culminated in October 2010 with the Corp issuing a draft permit to allow the relocation of the creek to accommodate the Runway 6-24 end safety area.

This Supplement No. 2 includes the design work required for the U.S. Army Corp of Engineers permit special conditions, provides for the revised design to accommodate the recently FAA approved elimination of the 80 foot Runway 6 end threshold displacement to provide additional runway landing length, and provides for a single construction season plan.

Negotiations are summarized as follows:

Initial Cost Proposal	\$151,683
Engineers Estimate	\$126,760
Negotiated Amount	\$125,868

The EEO office has been notified of DBE participation. DY Consultants of Roslyn Heights, New Jersey and Popli Consulting Engineers & Surveyors of Penfield, New York provide 12.7% DBE participation.

FUNDING: The funding is found in account code is 120000000-3108-2-1420. Funding is provided through an FAA grant as follows:

Source	Percentage	Amount
FAA	95%	\$119,574
NYS DOT	2.5%	\$3147
NFTA	2.5%	\$3147
TOTALS	100%	\$125,868

“RESOLVED, that the Board hereby authorizes Supplemental Agreement No. 2 with DiDonato Associates Engineering and

**Regular Meeting
December 20, 2010**

Architecture, P.C. for Runway 6-24 improvements at Niagara Falls International Airport; and

BE IT FURTHER RESOLVED, that the Executive Director, his designee and/or the Chairman, be and hereby are authorized to execute Supplemental Agreement No. 2 with DiDonato Associates Engineering and Architecture, P.C. as a \$125,868.00 increase for Runway 6-24 improvements at Niagara Falls International Airport; and

BE IT FURTHER RESOLVED, that said Supplemental 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 under said Agreement upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (2) **Authorization for Access Easement, Engineering & Environment, Inc., NFIA**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize an Access Easement to Engineering & Environment, Inc., authorizing access to a portion of Niagara Falls International Airport (NFIA) to provide for the operation, maintenance, and repair of a waste water pipe that crosses a portion of NFIA that was installed by the United States of America in conjunction with the operations of the military base.

INFORMATION: The NFTA and the United States of America (Government) each own and operate certain portions of NFIA and associated facilities at NFIA. The Air Force Reserve in conjunction with the operation of its base caused a waste water pipe to be installed on its property and had an easement to place approximately 1,900 feet of pipe across a portion of NFTA's property pursuant to a Right of Entry Agreement dated March 27, 1995. The Government has undertaken an utility privatization effort and has awarded an agreement to Engineering & Environment, Inc. (Engineering & Environment) to operate, maintain, and repair the entire waste water pipe including the portion that crosses the NFTA's property. Engineering & Environment has requested an access easement that authorizes Engineering & Environment limited access to NFIA for the operation, repair, and maintenance of the waste water pipe. The Access Easement will require Engineering & Environment to defend and indemnify the NFTA from any claims and losses that may result from their access to the property and set insurance limits for Engineering & Environment and any contractors that access the property to perform work on the waste water pipe. The Access Easement will continue for the period of time that Engineering & Environment has the obligation to operate, repair, and maintain the waste water pipe and will revert to the Government upon termination of Engineering & Environment's obligations.

FUNDING: No funding is required.

"RESOLVED, that the Board hereby authorizes an Access Easement with Engineering & Environment, Inc., to provide for the operation, maintenance, and repair of a waste water pipe at the NFIA and as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, his designee and/or the Chairman, be and hereby are authorized to execute an Access Easement with Engineering & Environment, Inc. with terms as set forth above and as negotiated; and

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

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

Surface Transportation Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (6)
1. Procurement of Sweeper Scrubber Machine, Tennant Sales and Service Company, NFT Metro
2. Acceptance of Bid, Penn Detroit Diesel, Procurement of Detroit Diesel Engines, Engine Parts and Allison Transmission Parts
3. Authorization for Agreement, Advanced Track Products, Inc., Rail Fastener Assemblies, LLRT
4. Procurement of Two-Way Radio Equipment, ACS, NFT Metro
5. Authorization for Change Order No. 1, U&S Services, Inc., AW – Perimeter Security and Access Control Project, NFTA
6. Authorization for Agreement, New Flyer Industries, Procurement of Brake Camshafts

SURFACE:

**4. D. (i) Niagara Frontier Transportation Authority, Acceptance of
Surface Transportation Resolutions 4. D. (1) through 4. D. (6)**

The Executive Director advised that Items 4. D. (1) through 4. D. (6) 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 Granto, seconded by Commissioner Hughes, that the following Resolutions be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (1) through 4. D. (6) and dated December 20, 2010 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER,
HUGHES, PERRY, ZEMSKY

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) Procurement of Sweeper Scrubber Machine, Tennant Sales and Service Company

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve the procurement of one sweeper scrubber machine for \$67,797.02 from the Tennant Sales and Service Company of Minneapolis, Minnesota.

INFORMATION: Bus Maintenance utilizes a diesel powered sweeper scrubber machine at each bus garage to clean floors in the bus storage areas. The sweeper being replaced is assigned to the Cold Spring Garage and has exceeded its useful life of ten years.

On January 25, 2010 the Board approved the purchase of a sweeper scrubber machine from Tennant Sales and Service Company for the Frontier Garage. As a condition of that procurement Tennant Sales and Service Company agreed to provide two additional sweeper scrubber machines at the same cost for the two other bus garages. This purchase falls within the scope of the original procurement.

FUNDING: This project is funded through "Acquire Miscellaneous Support Equipment, FFY10", account #1200000003209, project #23381 and as listed below:

<u>Cost</u>	<u>Source</u>
\$ 54,237.62	FTA
\$ 6,779.70	NYSDOT
<u>\$ 6,779.70</u>	NFTA
\$ 67,797.02	Total

"RESOLVED, that the Board hereby authorizes the procurement of a sweeper scrubber machine from Tennant Sales and Service Company as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to Tennant Sales and Service Company for the purchase of a sweeper scrubber machine in the amount of \$67,797.02 to be used as described hereinabove; 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:

4. D. (2) Acceptance of Bid, Penn Detroit Diesel, Procurement of Detroit Diesel Engines, Engine Parts and Allison Transmission Parts, NFT Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends the Board approve the lowest responsive bid submitted by Penn Detroit Diesel for the procurement of Detroit Diesel engines, engine parts and Allison transmission parts. The estimated annual expenditure is approximately \$475,000.00 per year for the period December 31, 2010 to December 31, 2013.

INFORMATION: This procurement provides Penn Detroit engines, Allison Transmission and replacement parts required to maintain and rebuild engines and transmissions used in various transit buses within the Authority's fleet. Bid 4035 was publicly advertised in accordance with NFTA Procurement Guidelines. Bidders were required to submit a discount percentage off the current list price of parts using the following:

Allison Transmission Parts – Price List SA-2187, January 1, 2010
2 Cycle Detroit Diesel Engine Parts – DD 2 cycle 6SP0063DDC, January 1, 2010
4 Cycle Detroit Diesel Engine Parts – DD 4 cycle 6SP0061DDC, October 1, 2010

Eighty-nine vendors downloaded the bid package and one bid was submitted and received as follows:

Name	Address	Allison Transmission Discount	2 Cycle Detroit Diesel Discount	4 Cycle Detroit Diesel Discount
Penn Detroit Diesel	350 Bailey Ave. Buffalo, NY	32%	33%	22%

Detroit Diesel and Allison parts are sold through distributors; Penn Detroit Diesel is the local authorized distributor for both Detroit Diesel and Allison. Only an authorized Detroit Diesel and Allison distributor can quote pricing from the price list mentioned above.

The Internal Audit Department has conducted a single bid audit and has determined that the price bid by Penn Detroit Diesel is fair and reasonable.

FUNDING: The funding for this procurement is in the 2010/2011 Inventory Account 2-00-0000-184-0010.

“RESOLVED, that the Board hereby authorizes acceptance of the bid from Penn Detroit Diesel for the procurement of Detroit diesel engines, engine parts and Allison transmission parts as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Penn Detroit Diesel for an estimated annual cost of \$475,000.00; and

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

SURFACE:

**4. D. (3) Authorization for Agreement, Advanced Track Products, Inc.,
Rail Fastener Assemblies, LLRT**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board award the subject the material supply contract to Advanced Track Products, Inc. for the total negotiated lump sum amount of \$386,460.00.

INFORMATION: This project provides new LLRT rail fastener assemblies for replacement of life expired LLRT rail fastener assemblies in select underground track areas of the LLRT. The system has several different types of rail fastener assemblies due to changes in design. The project goal is to provide new low maintenance rail fastener assemblies for installation in 2011.

The Request for Proposals was publicly advertised August 20, 2010 with two responsive proposers responding on September 14, 2010. Proposals were evaluated, scored, and ranked for best value by the committee comprised of the Rail Maintenance Manager, Supervisor Systems & Facilities, Assistant Supervisor, Construction Manager and Project Manager. The committee's evaluation was based on proposers' scope of supply and price. The increase in the best and final offer price reflects the addition of a performance bond requirement.

The evaluation ranking results and proposers' prices are as follows:

Proposer	Proposal Evaluation Ranking	Initial Proposal Price	Best and Final Offer Price
Advanced Track Products, Inc. Mattituck, NY John B. Stout – Director of Sales	1	\$384,500.00	\$386,460.00
L.B. Foster Company Suwanee, GA Hakan Eksi – General Manager	2	\$471,995.00	\$443,540.00

The committee recommends acceptance of the \$386,460.00 proposal to supply 3,500 new rail fastener assemblies. It has been determined that Advanced Track Products has the knowledge, understanding, and ability to successfully accomplish the project.

The NFTA Affirmative Action/EEO office has been briefed on the results and concurs with the recommendation for Board approval.

FUNDING: Funding is pending FTA grant approval.

\$386,460.00

FTA, 100%

“RESOLVED, that the Board hereby authorizes on Agreement with Advanced Track Products, Inc. for new LRRT rail fastener assemblies as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, his designee and/or the Chairman, be and hereby are authorized to execute an Agreement with Advanced Track Products, Inc. for new LRRT rail fastener assemblies for the lump sum amount of \$386,460.00 as described hereinabove; and

BE IT FURTHER RESOLVED, that the 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 under said Agreement upon certification by the Director, Engineering, that such payments are in order.”

SURFACE:

4. D. (4) Procurement of Two-Way Radio Equipment, Affiliated Computer Services, NFT Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve the purchase of radio equipment to be installed in 10 new small buses for \$55,390.70 from Affiliated Computer Services of Columbia, Maryland.

INFORMATION: On August 25, 2008 the Board authorized an Agreement with Affiliated Computer Services for the upgrade of the Computer Aided Dispatch/Automatic Vehicle Location System. Affiliated Computer Services' Agreement provided pricing for the procurement of certain vehicle-based equipment for a five-year period. This procurement is for the two-way radio equipment to be installed in 10 small buses currently on order at the pricing provided for in Affiliated Computer Services' Agreement.

FUNDING: This project is funded through "10 New Small Buses", account #1200000003205, project #23380 and as listed below:

<u>Cost</u>	<u>Source</u>
\$ 44,312.56	FTA
\$ 5,539.07	NYSDOT
\$ 5,539.07	NFTA
\$ 55,390.70	Total

"RESOLVED, that the Board hereby authorizes the procurement of two-way radio equipment from Affiliated Computer Services described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to Affiliated Computer Services for the purchase of two-way radio equipment in the amount of \$55,390.70 to be used as described hereinabove; 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:

**4. D. (5) Authorization for Change Order No. 1, U&S Services, Inc.,
AW – Perimeter Security and Access Control Project, NFTA**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve Change Order No. 1 as a \$261,643.00 increase to U&S Services, Inc.'s Contract No. 12AW0934 for the AW – Perimeter Security and Access Control Project. This increase will result in a total amended contract value to date of \$9,480,246.00.

INFORMATION: The objective of the AW – Perimeter Security project is to enhance public safety and security within the NFTA. This will be achieved through the implementation of various technologies, such as, the installation of video analytics that detect a person or object that has entered the monitored zone and immediately alerts staff of the incident.

The existing Train Control and SCADA (Supervisory Control and Data Acquisition) servers, workstations, and network components have reached the end of their useful life and have become high maintenance items. The scope of this change order includes the replacement of all Train Control and SCADA servers, workstations, network components, system diagnostics, system and database testing, and certification. The replacement will increase equipment reliability and reduce maintenance costs.

The Board awarded the subject design/build contract to the responsive best-value proposer, U&S Services, on January 25, 2010. Change Order No. 1 provides for recommended additions and will not increase the contract duration. These additions are in accordance with Section 6.6.5 of the General Conditions - Extra Work. All costs for this change order incorporate New York State Prevailing Wage Rates and Standard Material and Equipment Cost to be verified by the Authority's Engineer.

The NFTA Affirmative Action/EEO office has been briefed on the change order and concurs with the recommendation for Board approval.

FUNDING: The account code is 3209-29483 and the funding source is as follows for the total sum of \$261,643.00:

80% FTA Grant:	\$ 209,315.00
10% NYS Grant:	\$ 26,164.00
10% NFTA:	\$ 26,164.00

“RESOLVED, that the Board hereby authorizes Change Order No. 1 to the contract with U&S Services, Inc., for the AW – Perimeter Security and Access Control Project as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, his designee and/or the Chairman, be and are hereby authorized to

execute Change Order No. 1 to the contract with U&S Services, Inc., as a \$261,643.00 increase to the contract for the AW – Perimeter Security and Access Control Project as stated hereinabove and as negotiated; and

BE IT FURTHER RESOLVED, that the said Change Order 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 under said Change Order upon certification by the Director, Engineering, that such payments are in order.”

SURFACE:

4. D. (6) **Acceptance of Bid, New Flyer Industries,
Procurement of Brake Camshafts**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve the lowest responsive bid submitted by New Flyer Industries, Winnipeg, Canada for the procurement of Brake Camshafts. The total cost of such parts is \$92,487.60 for the period 1/1/11 through 12/31/13.

INFORMATION: Bus Maintenance requires brake camshafts for various heavy-duty transit buses. This procurement will provide such parts and was publicly advertised in accordance with NFTA Procurement Guidelines. A total of 102 bid packages were requested and 6 responsive bids were received.

Name	Address	Cost			
		1st Year	2nd Year	3rd Year	Total
Diamler	Oriskany, NY	\$33,244.80	\$33,244.80	\$34,908.40	\$101,398.00
New Flyer	Winnipeg, Canada	\$30,324.40	\$30,324.40	\$31,838.80	\$92,487.60
Penn Detroit	Honey Brook, PA	\$35,355.60	\$36,619.60	\$37,555.60	\$109,530.80
Neopart	Schaumburg, IL	\$31,913.37	\$31,913.37	\$33,509.04	\$97,335.79
Muncie Transit Supply	Muncie, IN	\$33,629.20	\$33,629.20	\$35,313.20	\$102,571.60
Prevost	Elgin, IL	\$33,881.20	\$33,881.20	\$33,881.20	\$101,643.60

The NFTA reserves the rights re-bid this procurement at anytime during this period.

FUNDING: Funding for this procurement is budgeted in 2010/11 Metro Inventory Account No. 2-00-0000-184-0010.

“RESOLVED, that the Board hereby accepts the bid submitted by New Flyer Industries for the procurement of brake camshafts as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to New Flyer Industries for the purchase of brake camshafts in the amount of \$92,487.60 to be used as described hereinabove; and

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

5. PROPERTY/RISK MANAGEMENT GROUP REPORT

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

Property/Risk Management Resolutions

1. Authorization to Amend Agreement, Excalibur Leisure Skills Center, Inc.,
NFTA Boat Harbor

PROPERTY:

5. D. (1) Authorization to Amend Agreement, Excalibur Leisure Skills Center, Inc., NFTA Boat Harbor

RECOMMENDATION: The Property Risk Management Committee has reviewed this item and recommends that the Board authorize an Amendment to the Agreement with Excalibur Leisure Skills Center, Inc. to extend the term for the provision of boating and fishing opportunities for disabled and disadvantaged individuals at the Boat Harbor.

INFORMATION: Excalibur Leisure Skills Center, Inc. is a private non-profit corporation that provides cost-free adaptive boating and fishing opportunities for disabled and disadvantaged individuals. From 1985 until 2004, and from 2008 until the present, Excalibur has provided these opportunities through the use of the handicapped accessible dock at the Boat Harbor, which the NFTA made available to Excalibur at no cost.

The NFTA historically has tried to accommodate requests from reputable and responsible individuals and organizations to use the Boat Harbor for community projects. The program offered by Excalibur Leisure Skills Center, Inc. has a broad range of community support, including United Way and the State Employees Federated Appeal, and a long history of success at the Boat Harbor. The Amendment to the current Agreement with Excalibur will provide the NFTA with the appropriate insurance and indemnification protections, and will be for a one-year term with two one-year renewals at Excalibur's option.

FUNDING: No funding is necessary.

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

"**RESOLVED**, that the Board hereby authorizes an Amendment to the Agreement with Excalibur Leisure Skills Center, Inc. for the provision of boating and fishing opportunities for disabled and disadvantaged individuals at the Boat Harbor as described hereinabove; and

BE IT FURTHER RESOLVED, the Executive Director, his designee and/or the Chairman be and hereby authorized to execute an Amendment to the Agreement with Excalibur Leisure Skills Center, Inc. for the provision of boating and fishing opportunities for disabled and disadvantaged individuals at the Boat Harbor with terms and conditions as set forth hereinabove and as negotiated; and

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

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO,
HELPER, HUGHES, PERRY, ZEMSKY

NOES: NONE

ADOPTED

6. General Counsel Report – Written

7. Executive Session -

At approximately 1:00 p.m., it was moved by Commissioner Granto, seconded by Commissioner Eagan, that the Commissioners convene in Executive Session.

Following discussion, at approximately 1:59 p.m., it was moved by Commissioner Granto, seconded by Commissioner Lewin, that the Executive Session be adjourned and that the Board resume the Regular Session.

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER,
HUGHES, PERRY, ZEMSKY

NOES: NONE

8. Adjournment

At approximately 1:59 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Granto, seconded by Commissioner Lewin, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER,
HUGHES, PERRY, ZEMSKY

NOES: NONE