



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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EOLEG OCT25/11 PM12:23

October 24, 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, please find a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Meeting held on September 26, 2011.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. State", written in a cursive style.

David J. State
General Counsel

DJS:lf

Enclosure

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
SEPTEMBER 26, 2011
MINUTES**

1.
 - A. **CALL TO ORDER**
 - B. **APPROVAL OF MINUTES (August 22, 2011)**
 - C. **SPECIAL BUSINESS (Service Standard/Fare Model Presentation)**
 - D. **EXECUTIVE DIRECTOR'S REPORT**

2. **NFTA CORPORATE REPORT**
 - A. Audit and Governance Committee Report (Henry Sloma)
 - B. Consolidated Financial (Debbie Leous)
 - C. Human Resources Committee Report (Adam Perry)
 - D. Corporate Resolutions (Kim Minkel)
 1. Authorization for Agreement, ECC Technologies, Inc., Telecommunication Services
 2. Authorization for Agreement, U.S. Bank National Corporation, Successor Bond Trustee, Registrar and Paying Agent

3. **AVIATION BUSINESS GROUP REPORT**
 - A. Aviation Committee Report (Carmen Granto)
 - B. Financial Update (Bill Vanecek)
 - C. Business Update (Bill Vanecek)
 - D. Aviation Resolutions (Kim Minkel)
 1. Authorization for Agreement, Advanced Wireless Group, LLC, Provision of Free Internet Wireless Access, BNIA
 2. Authorization for Adoption of ACDBE Goals for Participation of Airport Concessions and Car Rental Agencies, BNIA
 3. Acceptance of Bid, John W. Danforth Co., Tank Farm Expansion 2011, NFIA
 4. Acceptance of Bid, General Safety Equipment, LLC, Procurement of Aircraft Fire Rescue Vehicle, BNIA
 5. Procurement of Wheel Loader, George & Swede Sales & Service, Inc., BNIA
 6. Acceptance of Bid, Joe Johnson Equipment (USA), Inc., Procurement of Heavy Duty Road Sweeper, BNIA
 7. Acceptance of Bid, United Rotary Brush Corporation, Procurement of Replacement Bristles for Runway Sweepers, BNIA and NFIA
 8. Authorization for Supplemental Lease Agreement, Federal Aviation Administration, NFIA Control Tower
 9. Authorization for Agreement, Corporate Floors USA, LLC, Procurement of Replacement Carpeting, BNIA

4. **SURFACE TRANSPORTATION BUSINESS GROUP REPORT**

- A. Surface Transportation Committee Report (Eunice Lewin)
- B. Financial Update (Tom George)
- C. Business Update (Tom George)
- D. Surface Transportation Resolutions (Kim Minkel)

- 1. Authorization for Agreement, United Uniform Co., NFT Metro

5. **PROPERTY RISK/MANAGEMENT GROUP REPORT**

- A. Property/Risk Management Committee Report (Peter Demakos)
- B. Financial Update (Dave State)
- C. Business Update (Dave State)
- D. Property Development Resolutions (Kim Minkel)

- 1. Authorization for Lease Amendment, U.S. Army of Corps of Engineers, 901 Fuhrmann Boulevard
- 2. Authorization for Lease Agreement, Olson Bros. Marine, Inc., 901 Fuhrmann Boulevard
- 3. Authorization for Lease Agreement, Alessi Holsters, Inc., 247 Cayuga Road

6. **GENERAL COUNSEL'S REPORT (David State)**

7. **EXECUTIVE SESSION**

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 August 22, 2011**

It was moved by Commissioner Grant, seconded by Commissioner Hughes, that the Minutes of the August 22, 2011, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

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

NOES: NONE

C. **Special Business**

Staff conducted a Service Standard/Fare Model Presentation to the Board. Discussion ensued relative to development of measurements for service structure and evaluation guidelines. The Board requested a Special Meeting be held to further discuss Service Standards and fare restructuring.

2. **NFTA CORPORATE REPORT**

- A. Audit and Governance Committee Report (Henry Sloma)
- B. Consolidated Financial (Debbie Leous)
- C. Human Resources Committee Report (Adam Perry)
- D. Corporate Resolutions (Kim Minkel)

Corporate Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. D. (1) through 2. D. (2)
1. Authorization for Agreement, ECC Technologies, Inc., Telecommunication Services
2. Authorization for Agreement, U.S. Bank National Corporation, Successor Bond Trustee, Registrar and Paying Agent

CORPORATE:

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

The Executive Director advised that Items 2. C. (1) through 2. C. (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 Demakos, seconded by Commissioner Croce, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (1) through 2. C. (2) and dated September 26, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

CORPORATE:

2. C. (1) **Authorization for Agreement, ECC Technologies, Inc.,
Telecommunication Services**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with ECC Technologies Inc, for the provision of Telecommunication/Network Help Desk and Consulting Services (for both voice and data), for the period of October 1, 2011 – September 30, 2014 at a fixed annual cost of \$72,000 with the option to renew for two additional one - year terms, to be exercised at the discretion of the NFTA, that will be subject to a rate adjustment not to exceed 3%.

INFORMATION: ECC has NYS OGS contract CMS998A for IT Services. They have been in business since 1997. ECC's principals have 20+ years in the telecommunications and networking fields. A sample of ECC's clients include Monroe County, Auburn Enlarged City School District, Cornell University, MOOG, Inc., City of Rochester, NYS Police, Roswell Park Cancer Institute, Maxim Healthcare, SUNY at Buffalo, Syracuse University, Monroe County Sheriff, and Monroe County Public Safety.

ECC Technologies will act as NFTA's single point of contact for telecommunication services and continue to provide Telephone Administration Services including:

- Quarterly Telecommunications Steering Committee Meetings with Updated Budget Reports
- Moves, Adds & Changes Management
- Telecom DBMS Management
- Tracking and Verification of Telecom Charges
- Reconciling Telecom Billing Errors

ECC will staff a Telecom Help Desk for all NFTA related telecom service and support requests. The telecom help desk will log and track all telecom service and support requests including:

- Telephone equipment request (phone, cell phone, modem or pager)
- Telephone service requests (telephone line, cellular, pager)
- Telecom circuit requests (PTP T1, OPX, 2/4-wire data circuits)
- Internet service request
- Obtain appropriate NFTA management authorization(s) for service & support requests
- Alert appropriate telecom vendors, service providers and/or NFTA staff of the logged & authorized request
- Track authorized request for timely completion and resolution

- Document telecom database for service moves, adds and changes
- Verify billings from service & support vendors
- Track, verify and reconcile monthly telecom statements

Additional Services

ECC will provide, upon NFTA request, consulting professionals experienced in Information Technologies, Network and Telecommunications planning, design and installation management, as well as turnkey project implementation. Potential IT projects could include:

- Fiber Optic & Structured Wiring Infrastructure (Inside or Outside Cable Plant)
- Wireless Communication Infrastructure
- Telephone Systems
- Information Systems (workstation, server, printer & peripherals)
- Network Communications (LAN/WAN switches & routers)
- Organizational Planning and Analysis

Scope of work statements will be developed, as required, with not-to-exceed fee estimates for specific projects and services as identified by the NFTA. ECC is offering the above services at a rate of \$125.00 per hour to the NFTA.

FUNDING: Funding is provided in NFTA and NFTA Metro's Operating Budgets.

“RESOLVED, that the Board authorizes an Agreement with ECC Technologies, Inc. for the provision of Telecommunication and Network Help Desk and Consulting Services for the period of October 1, 2011 – September 30, 2014 at a fixed annual cost of \$72,000.00 with the option to renew for two additional 1-year terms, to be exercised at the discretion of the NFTA, that will be subject to a rate adjustment not to exceed 3%, 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 ECC Technologies, Inc. for the sum of \$72,000, 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 Manager, Procurement, that such payments are in order.”

CORPORATE:

2. C. (2) **Authorization for Agreement, U.S. Bank National Corporation, Successor Bond Trustee, Registrar and Paying Agent**

RECOMMENDATION: Staff recommends that the Board authorize U. S. Bank National Corporation as successor Trustee to HSBC for the existing bond issuances of the NFTA. The term for the Trustee expires when the bonds are paid in full.

INFORMATION: The current Trustee, HSBC Bank USA N.A., has submitted a resignation notice based on a corporate decision to exit the municipal trustee business. The Trustee will be responsible for existing bond issuances as follows:

Airport Revenue Bonds Series 1998

Airport Revenue Bonds Series 1999A and 1999B

Airport Revenue Bonds, Refunding Series 2004A Subseries 1 and 2 and 2004 C (auction rate securities).

Two financial institutions submitted proposals in response to an RFP:

M&T Bank

U. S. Bank National Corporation

The proposals were evaluated on the criteria of qualifications and experience, technical approach and cost by a team consisting of the Chief Financial Officer, Manager, Financial Planning and Analysis, Manager, Procurement, Manager, Accounting Services, and Assistant Cash Manager. U.S. Bank was rated the highest primarily due to having the lowest cost. Total annual fees are \$1,200 per issuance or \$7,200 annually based on current outstanding issuances, with no other associated fees. The rating sheet is attached.

U.S. Bank is the fifth largest commercial bank in the United States with total assets of \$321 billion. U.S. Bank Corporate Trust is one of the largest corporate trust provider in the United States with over 1,500 employees in 49 U. S cities. It is consistently ranked as either the #1 or #2 Municipal Trustee and one of the top 3 Corporate Trustees by Thomas Reuters for the last several years. They also have significant successor experience.

FUNDING: Funding is provided for in the NFTA operating budget.

“RESOLVED, that the Board authorize U.S. Bank National Corporation as successor Trustee to HSBC for the existing bond issuances of the NFTA with terms expiring when the bonds are paid in full, 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 any and all required documents to effectuate the terms and conditions as negotiated and 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.”

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) through 3. D. (9)
1. Authorization for Agreement, Advanced Wireless Group, LLC, Provision of Free Internet Wireless Access, BNIA
2. Authorization for Adoption of ACDBE Goals for Participation of Airport Concessions and Car Rental Agencies, BNIA
3. Acceptance of Bid, John W. Danforth Co., Tank Farm Expansion 2011, NFIA
4. Acceptance of Bid, General Safety Equipment, LLC, Procurement of Aircraft Fire Rescue Vehicle, BNIA
5. Procurement of Wheel Loader, George & Swede Sales & Service, Inc., BNIA
6. Acceptance of Bid, Joe Johnson Equipment (USA), Inc., Procurement of Heavy Duty Road Sweeper, BNIA
7. Acceptance of Bid, United Rotary Brush Corporation, Procurement of Replacement Bristles for Runway Sweepers, BNIA and NFIA
8. Authorization for Supplemental Lease Agreement, Federal Aviation Administration, NFIA Control Tower
9. Authorization for Agreement, Corporate Floors USA, LLC, Procurement of Replacement Carpeting, BNIA

AVIATION:

3. D. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (9)

The Executive Director advised that Items 3. D. (1) through 3. D. (9) 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 Eagan, seconded by Commissioner Lewin, 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. (9) and dated September 26, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) **Authorization for Agreement, Advanced Wireless Group, LLC,
Provision of Free Internet Wireless Access, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with Advanced Wireless Group, LLC, headquartered in Miami, Florida, for the purpose of providing free high-speed Internet service throughout the Buffalo Niagara International Airport (BNIA) for a three-year period with two one-year renewal option at the sole discretion of the NFTA.

INFORMATION: Staff seeks to replace the current “fee based” wireless internet access capabilities with “free” internet access in an effort to improve customer service to BNIA patrons. This service will be provided on a 24/7 basis with readily available customer service and technical support services.

Staff issued Request for Proposal (RFP) No. 4091 to solicit proposals in accordance with NFTA Procurement guidelines. There were four respondents to the request. An Evaluation Team, consisting of the Assistant Director of Aviation, Airport Terminal Superintendent, Manager, Procurement, Manager, MIS, Manager, Finance and Administration, evaluated each proposal taking into account:

- the financial proposal and pricing,
- experience, qualifications and project approach, and
- operational support and service.

The Team ranked Advanced Wireless the highest based on the criteria. After final evaluation of the proposals, the Evaluation Team recommends unlimited free internet access in 45 minute “log in sessions” to satisfy customer needs while controlling usage. Each “free” session requires the patron to watch an approximately 30 second advertisement prior to gaining internet capabilities.

The Advanced Wireless Group, LLC proposal includes:

- remote monitoring of network, 24/7
- customer support line, 24/7
- references from comparable airports,
- no requirement for NFTA to pay any costs including capital or maintenance or support charges, and
- participation in annual revenue sharing including:
 - years 1 to 3 – Greater of \$24,000 minimum guarantee or 30% of gross revenues,
 - years 4 and 5 – Greater of \$24,000 minimum guarantee or 45% of gross revenues.

The proposed contract is for a term of three years, starting November 1, 2011 through October 31, 2014 with the NFTA having the sole option to renew for 2 additional one-year periods. Assuming the five year contract term, the cumulative total revenue projection will range from a minimum guarantee of \$120,000 to \$261,000 depending on gross revenue projections.

FUNDING: No funding is required.

“RESOLVED, that the Board authorizes an Agreement with Advanced Wireless Group, LLC, for the purpose of providing free high-speed Internet service throughout the Buffalo Niagara International Airport for a three-year period with two one-year renewal option at the sole discretion of the NFTA, 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 Advanced Wireless Group, LLC, 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.”

RFP 4091
Wireless Internet Access

9/15/2011

RFP DOCUMENTS REQUIRED (Completed by Procurement)	BOINGO	USAT	AT & T	Advanced Wireless Group
Non-Collusive Cert	x	x	x	x
Disclosure of Prior Non-rep Determinations	x	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
	x	x	x	x
SELECTION CRITERIA (Completed by Team)	(Rate on a score of 1 -10)			
Qualifications and Experience 40%	8.00	5.00	7.00	8.00
Compliance with technical Specs, approach, implementation plan 30%	8.00	5.00	6.00	8.00
Financial Proposal and Pricing: free time offered, capital investment, revenue share 30%	6.00	3.00	3.00	10.00
Total	7.40	4.40	5.50	8.60
COST				
Fee to NFTA	\$10,000/mo	0	0	0
Revenue to NFTA (MAG of gross revenues) or (which ever is greater)	\$0 55-60%	0	0	\$24,000 30- 35%

AVIATION:

3. D. (2) **Authorization for Adoption of ACDBE Goals for Participation of Airport Concessions and Car Rental Agencies, BNIA**

RECOMMENDATION: Staff recommends that the Board of Commissioners adopt two overall Airport Concessions Disadvantaged Business Enterprises (ACDBE) goals of 10% participation by car rentals and 10% participation for airport concessions other than car rentals under its ACDBE Program for BNIA covering a three year period commencing October 1, 2011.

INFORMATION: As a condition of eligibility for FAA financial assistance the NFTA is required to have an approved ACDBE Program and adopt two separate overall goals for airport concessions. One goal is required for car rentals and another goal is required for airport concessions other than car rentals. The goal setting process must be narrowly tailored and reflect the relative availability of ready, willing, and able ACDBEs.

In establishing the goals for BNIA, an analysis of data obtained from the County Business Pattern database, the City of Buffalo and County of Erie minority business involvement programs, the Authority's directory of certified disadvantaged business enterprises and the Authority's review of existing ACDBE participation was considered. The NFTA posted the goals on its website for public comment. The NFTA did not receive any public comments. Based upon this analysis, staff has determined that a DBE goal of 10% for participation by car rentals and 10% participation for airport concessions other than car rentals is reasonable and achievable.

FUNDING: No funding is required.

"RESOLVED, that the Board authorizes the adoption of two overall Airport Concessions Disadvantaged Business Enterprises (ACDBE) goals of 10% for participation by car rentals and 10% participation for airport concessions other than car rentals under its ACDBE Program for BNIA covering a three year period commencing October 1, 2011, as described hereinabove."

AVIATION:

3. D. (3) **Acceptance of Bid, John W. Danforth Co., Tank Farm Expansion 2011, NFIA**

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to John W. Danforth Co. for a lump sum total bid amount of \$152,000.00.

INFORMATION: The objective of this project is to provide 18,000 gallons of additional storage capacity for jet-A fuel at the Niagara Falls International Airport. Two existing fuel storage tanks, one 10,000 gallons and the other 8,000 gallons, presently located at the Buffalo-Niagara International Airport, will be refurbished and placed into service at the NFIA fuel tank farm. Both tanks will be connected to the existing filling and dispensing system. The scope of work includes the installation of all necessary pipe, valves, electrical, and paint. The concrete pad for the tanks and equipment was previously installed under a separate contract.

This project was publicly advertised in accordance with NFTA Procurement Guidelines. Six (6) sets of contract documents were distributed to potential prime bidders with two (2) responding as follows:

Company	Total Bid Amount
Engineer's Estimate	\$160,540.00
John W. Danforth Co. Tonawanda, NY Patrick J. Reilly, President	\$152,000.00
Michael A. Ferrauilo Plumbing & Heating Co. Rochester, NY Michael A. Ferrauilo, President	\$314,000.00

It has been determined that the low bidder, John W. Danforth Co. has the knowledge, understanding, and ability to successfully accomplish the project work.

Follow-up interviews were held with the prime bidders who did not submit a bid. The following is a summary of their responses for not bidding:

- The company's current workload did not coincide with the project schedule.
- Due to other projects, the company was unable to commit resources required to assemble a bid.

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

**Regular Meeting
September 26, 2011**

FUNDING: Funding for construction is found in Account No. 12-0000000-3188-2-1468 as follows:

100%	BNIA Capital Reserve	\$152,000.00
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“RESOLVED, that the Board awards the subject bid to John W. Danforth, Co., for a total lump sum amount of \$152,000.00, 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 John W. Danforth, Co., for the lump sum amount of \$152,000.00, 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. (4) **Acceptance of Bid, General Safety Equipment, LLC, Procurement of Aircraft Fire Rescue Vehicle, BNIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of a Class 2 Aircraft Fire Rescue vehicle from General Safety Equipment, LLC from Wyoming, Minnesota at a cost of \$207,653.00.

INFORMATION: The BNIA Aircraft Fire and Rescue Department responds to all emergencies at the airport including fire, medical and aircraft related calls as identified in Federal Aviation Administration Part 139 - Airport Certification of Aircraft Rescue and Fire Fighting. The Rosenbauer Airwolf Class 2 Aircraft Fire Rescue vehicle is a rapid intervention truck which will respond to all emergencies and provide increased capability to respond to emergencies within the parking garage as well as functioning as the primary response vehicle to be used for medical calls. The vehicle meets the requirements of FAA 5220-10E Circular for rapid intervention vehicles and NFPA 414 2007 edition table 4.1.1d for vehicle water tank capacity to 528 gallons.

Staff issued Bid No. 4087 in accordance with NFTA procurement guidelines and the following three bid responses were received:

1. General Safety Equipment, LLC, Wyoming, Minnesota - \$207,653.00
2. Kovatch Mobile Equipment Corp., Nesquehoning, Pennsylvania - \$221,714.00
3. Oshkosh Corporation, Appleton, Wisconsin - \$226,636.00

FUNDING: Funding is 100% Passenger Facilities Charges.

“RESOLVED, that the Board awards the subject bid to General Safety Equipment, LLC, for the procurement of a Class 2 Aircraft Fire Rescue vehicle, for a total cost of \$207,653.00, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to General Safety Equipment, LLC for the purchase of a Class 2 Aircraft Fire Rescue vehicle in the amount of \$207,653.00 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 upon the terms of the Purchase Order upon certification by the Director, Aviation, that such payments are in order.”

AVIATION:

3. D. (5) **Procurement of Wheel Loader, George & Swede Sales & Service, Inc.,
BNIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of a wheel loader from George & Swede Sales & Service, Inc., Pavilion, N.Y. The loader is available under NYS Contract No. PC65308 at a cost of \$220,351.00.

INFORMATION: BNIA airfield staff is responsible for providing a safe environment for aircraft pursuant to Federal Aviation Regulation Part 139, Certification of Operation. Use of wheel loaders is an integral component to maintaining taxiways, aprons, and runways during winter operations including snow and ice removal. The FAA has authorized the addition of a wheel loader to assist with snow removal operations from the cargo and terminal aprons.

Staff recommends the procurement of a Hyundai HL770-9 wheel loader with a Cummins diesel engine with related bucket and 20 foot push block accessories. The vehicle is available under NYS Contract No. PC65308 at a cost of \$220,351.00.

FUNDING: Funding is 100% Passenger Facilities Charges.

“**RESOLVED**, that the Board hereby authorizes the procurement of a wheel loader from George & Swede Sales & Service, Inc., as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to George & Swede Sales & Service, Inc. for the purchase of a wheel loader in the amount of \$220,351.00 under NYS Contract No. PC65308 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, Aviation, that such payments are in order.”

AVIATION:

3. D. (6) **Acceptance of Bid, Joe Johnson Equipment (USA), Inc., Procurement of Heavy Duty Road Sweeper, BNIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of a heavy duty road sweeper from Joe Johnson Equipment (USA), Inc. from Rochester, N.Y. at a cost of \$173,202.00.

INFORMATION: BNIA airfield staff is responsible for maintaining and cleaning all ramps and roadways at BNIA both airside and landside. A street sweeper is used to remove grit and debris on roads and ramps which results in prolonging pavement life and also provides a safe environment for aircraft. The current street sweeper purchased in 1991 has exceeded its useful life.

Staff issued Bid No. 4100 in accordance with NFTA procurement guidelines and the following two bid responses were received:

1. Joe Johnson Equipment (USA), Inc., Rochester, N.Y. - \$173,202.00
2. J & J Equipment, LLC, Brewerton, N.Y. - \$174,604.00

FUNDING: Funding is 100% BNIA Capital Reserve.

“RESOLVED, that the Board awards the subject bid to Joe Johnson Equipment (USA), Inc., for the procurement of a heavy duty road sweeper, for a total cost of \$173,202.00, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to Joe Johnson Equipment (USA), Inc. for the purchase of a heavy duty road sweeper in the amount of \$173,202.00 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 upon the terms of the Purchase Order upon certification by the Director, Aviation, that such payments are in order.”

AVIATION:

3. D. (7) **Acceptance of Bid, United Rotary Brush Corporation, Procurement of Replacement Bristles for Runway Sweepers, BNIA and NFIA**

RECOMMENDATION: Staff recommends that the Board authorize the procurement of replacement bristles for high speed runway sweepers consisting of wire wafers and spacers for use at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA) during the upcoming winter season. United Rotary Brush Corporation from Lenexa, Kansas was the low bidder at \$102,977.50.

INFORMATION: Aviation staff is responsible for providing a safe environment for aircraft using the airfield, pursuant to Federal Aviation Regulation Part 139, Certification and Operation. The use of high speed runway sweepers to remove both snow and standing water is a key component to maintaining safe conditions on the runways and taxiways throughout the year but particularly during winter operations.

Staff issued Bid No. 4119 in accordance with NFTA procurement guidelines and the following two bid responses were received::

	M-B Companies, Inc. <u>New Holstein, Wi.</u>	United Rotary Brush Corp. <u>Lenexa, Ks.</u>
4,100 Wire wafers	\$ 98,236.00	\$ 97,047.00
4,090 spacers	\$ 6,135.00	\$ 5,930.50
Total	<u>\$104,371.00</u>	<u>\$102,977.50</u>

FUNDING: Funding is included in the BNIA operating budget.

“RESOLVED, that the Board awards the subject bid to United Rotary Brush Corporation, for the procurement of replacement bristles for high speed runway sweepers at both the BNIA and NFIA, for a total cost of \$102,977.50, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to United Rotary Brush Corporation, for the purchase of replacement bristles for high speed runway sweepers in the amount of \$102,977.50 to be used as described hereinabove; and

**Regular Meeting
September 26, 2011**

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

AVIATION:

3. D. (8) **Authorization for Supplemental Lease, Federal Aviation Administration, NFIA Control Tower**

RECOMMENDATION: Staff recommends that the Board authorize a supplemental lease agreement with the Federal Aviation Administration (FAA) providing for the continued leasing of the control tower at Niagara Falls International Airport for an additional five years commencing October 1, 2011.

INFORMATION: The FAA currently leases the control tower at NFIA and provides air traffic control services from said facility. The term of the lease expires on September 30, 2011. Federal regulations provide that the NFTA shall lease such space to the FAA at no charge, but may impose a reasonable rent to recoup the FAA's share of utilities. The FAA has requested a lease extension of five years commencing October 1, 2011. The annual rent under the supplement is \$17,000.00. The rental rate is approximately 3.5% greater than the current rental rate.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes a Supplemental Lease Agreement with the Federal Aviation Administration for the continued leasing of the control tower at Niagara Falls International Airport for an additional five years commencing on October 1, 2011, 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 Supplemental Lease Agreement with the Federal Aviation Administration 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.”

AVIATION:

3. D. (9) **Authorization for Agreement, Corporate Floors USA, LLC,
Procurement of Replacement Carpeting, BNIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of replacement carpeting in the BNIA terminal hold rooms from Corporate Floors USA, LLC from Rochester, N.Y. at a cost of \$190,317.00. Replacement will occur throughout the next two years.

INFORMATION: The BNIA terminal is used by approximately 5.2 million passengers annually as a gateway to travel destinations. Staff is requesting authorization to replace approximately 49,000 square feet of carpeting in all passenger hold rooms which had been installed during 2004 and has exceeded its useful life.

Request for Proposal (RFP) No. 4105 was developed by Aviation and NFTA Procurement staff to remove/dispose old carpeting and install high grade commercial carpeting in all the passenger hold rooms over a two year period. Installation will be restricted to hours which will not hamper airline traffic. The RFP was solicited in accordance with NFTA procurement guidelines. There were five respondents as listed:

1. Continental Flooring Company, Scottsdale, Arizona
2. Corporate Floors USA, LLC, Rochester, New York
3. Hamburg Floorcovering, Blasdell, New York
4. Heritage Contract Flooring, Buffalo, New York
5. Rayben Enterprises, Inc., Albany, New York

The Evaluation Team consisting of Assistant Manager, Procurement, Air Terminal Superintendent and Assistant Air Terminal Superintendent evaluated the proposals taking into consideration cost, technical expertise, and qualifications/experience. The team ranked Corporate Floors USA, LLC as the highest based on this criteria. This vendor also provided the lowest cost proposal. A copy of the evaluation summary is attached.

FUNDING: Funding is provided in the BNIA operating budget.

“RESOLVED, that the Board authorizes an Agreement with Corporate Floors USA, LLC, for the procurement of replacement carpeting in the terminal hold rooms at the Buffalo Niagara International Airport, for a total cost of \$190,317.00, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and she is hereby authorized to execute an Agreement with Corporate Floors USA, LLC for replacement of carpeting in the terminal hold rooms at BNIA in the amount of \$190,317.00 as described hereinabove; 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, 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

Surface Transportation Resolutions

1. Authorization for Agreement, United Uniform Co., NFT Metro

SURFACE:

4. D (1) **Authorization for Agreement, United Uniform Co., NFT Metro**

RECOMMENDATION: Staff recommends that the Board award a contract for supplying uniforms for full time Metro Bus Operators, Street Supervisors, Controllers, Rail Operators, Street Supervisors, Fare Inspectors, MetroLink Operators and ADA Controllers to United Uniform Co., of Buffalo, New York, for the period of two years, effective October 1, 2011 and ending September 30, 2013. The contract may be renewed at the NFTA's option for up to three additional one year terms. The annual cost of the uniform program, based on the ATU/Teamster contract allowances, is currently \$197,500 per year.

INFORMATION: The Agreement being recommended will enable the NFTA to meet its contractual obligations with the Amalgamated Transit Union Local 1342, as per section 12-15(a) of the current agreement and contractual obligations with the Teamsters Union Local 264, as per Article 6 section 1 and Article 17 section 17.5.

The NFTA publicly advertised and solicited "Requests for Proposals" (RFP's) for a uniform program. One proposal was received. Prospective proponents queried said they could not compete with the type of program that United provides. United's prices submitted this year were 8% lower than the previous Agreement. A selection team comprised of the Transportation Services Superintendent, Transportation Support Assistant and the Assistant Procurement Manager evaluated the proposal and found the proposal to be fair and reasonable based on the following criteria:

- 50% Cost
- 30% Technical
- 20% Qualifications.

United Uniform has satisfactorily been supplying Metro with uniforms for over twenty-five years.

FUNDING: Funding is provided in Metro's operating budget account number 248-0051.

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

"RESOLVED, that the Board hereby authorizes an Agreement with United Uniform Co., for the provision of uniforms for Full Time Metro Bus Operators, Metro Rail Operators and Fare Inspectors, Metro Bus Supervisors and Controllers, Metro Rail Supervisors, MetroLink Operators and ADA Controllers 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 United Uniform Co., Inc. for two years commencing July 1, 2011 through June 30, 2013 with an option for up to three years, 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 under said Agreement upon certification by the Director, Surface Transportation, that such payment are in order.”

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

NOES: NONE

ADOPTED

5. **PROPERTY/RISK MANAGEMENT GROUP REPORT**
 - A. Property/Risk Management Committee Report
 - B. Financial Update
 - C. Business Update
 - D. Resolutions

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 Amendment, U.S. Army of Corps of Engineers, 901 Fuhrmann Boulevard
2. Authorization for Lease Agreement, Olson Bros. Marine, Inc., 901 Fuhrmann Boulevard
3. Authorization for Lease Agreement, Alessi Holsters, Inc., 247 Cayuga Road

PROPERTY:

5. D. (i) Niagara Frontier Transportation Authority, Acceptance of Property 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 Lewin, seconded by Commissioner Grant, 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 September 26, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

ABSTENTION: [*Item 5. D. (3)]

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Lease Amendment, U.S. Army of Corps of Engineers, 901 Fuhrmann Boulevard**

RECOMMENDATION: Staff recommends that the Board authorize an amendment to the agreement with the U.S. Army Corps of Engineers for the use of outdoor storage space at 901 Fuhrmann Boulevard.

INFORMATION: On July 1, 2009 the NFTA entered into an agreement with the U.S. Army Corps of Engineers (Corps) to use approximately 8,000 square feet of space between Terminals A and B to store concrete stone for use in the maintenance of Federal Navigation Projects. That lease originally expired September 30, 2010 and was extended to September 30, 2011. Due to a delay in the project implementation, the Corps has requested another extension of the lease until July 30, 2012. All other terms of the lease will remain the same including a rental rate of \$5,000 per year.

FUNDING: No funding is necessary.

“RESOLVED, that the Board authorizes an Amendment to the current Lease Agreement with the U.S. Army Corps of Engineers for the use of outdoor storage space at 901 Fuhrmann Boulevard 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 Amendment to the current Lease Agreement with the U.S. Army Corps of Engineers, 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.”

PROPERTY:

5. D. (2) **Authorization for Lease Agreement, Olson Bros. Marine, Inc.,
901 Fuhrmann Boulevard**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Olson Bros. Marine, Inc. (Lisa Olson, Manager) for the lease of warehouse space at Port Terminal A.

INFORMATION: Olson Bros. Marine has a boat maintenance facility adjacent to the Boat Harbor at the former Freezer Queen site. They have requested the use of 10,000 square feet in Terminal A for the upcoming winter to store boats in cold storage, with the ability to rent more space if necessary. The lease would be for eight months commencing September 30, 2011 and ending May 30, 2012. The prepaid rent would be at a rate of \$1 per square foot per year or \$6,667 for the eight month period. If Olson Bros. requires more square feet, the rental rate will be \$1 per square foot, per year payable in advance of occupancy.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Olson Bros. Marine, Inc., for 901 Fuhrmann Boulevard 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 Lease Agreement with Olson Bros. Marine, 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 Lease Agreement, Alessi Holsters, Inc., 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Alessi Holsters, Inc., Tom Kulwicki, President, for space at 247 Cayuga Road.

INFORMATION: Alessi Holsters will lease 5,481 square feet of space at 247 Cayuga Road for manufacturing and office space associated with their gun holster business. The lease term will be for five years commencing on October 1, 2011 and expiring on October 31, 2016. Alessi is leasing the space as is and making the necessary upgrades to the space during the month of October 2011. These upgrades including taking down the interior walls, replacing the flooring and ceiling tiles and painting. This work would normally be performed by the NFTA for a new tenant and is estimated to cost \$20,000. Rent charges will begin on November 1, 2011 at the following rates, which are fully gross:

Year one	\$2.85 per square foot, or \$15,621 per year
Year two	\$3.50 per square foot, or \$19,184 per year
Year three	\$3.61 per square foot, or \$19,786 per year
Year four	\$3.72 per square foot, or \$20,389 per year
Year five	\$3.83 per square foot, or \$20,992 per year.

These rates represent an increase to the NFTA compared to the rent charges presented to the Board last month which had the first year starting at \$2.63 per square foot. In addition, amortizing the \$20,000 investment to be made by Alessi Holsters over the five-year lease term provides additional rent of \$.73 per square foot per year, which puts the value received by the NFTA for Year one at \$3.58 per square foot.

247 Cayuga is a multi-tenant building with 69,008 square feet of leasable space. There are currently 23 tenants in the facility with spaces ranging from 146 to 6,992 square feet, occupying 58% of the building. Rentals range from \$2.25 per square foot for warehouse space to \$12.58 square foot for office space with windows. The rent charge varies depending upon the location of the leased premises in the building, the condition of the space, the repairs necessary to make the premises fit for the intended use, the type of use and the length of the lease term. All rents are fully gross. With regard to Alessi Holsters, the space is in the back of the building, is not in good shape and has been on the market for two years. The most comparable tenant to Alessi in the building in terms of use and space, Winon USA, is also a light manufacturing company that started out paying a rent of \$3.50 per square foot for its space, which the NFTA paid to have prepared for Winon's occupancy. We do not expect Alessi Holsters' power usage to be any different from any of the other light manufacturing operations located at 247 Cayuga, including Winon.

The NFTA's costs for the building average \$3.50 per square foot. This amount includes, for fiscal year 2010/2011, utilities (\$99,484 or 40%), maintenance (\$44,909 or 18%), capital (\$88,089 or 35%) and pilot payments/district charges (\$17,243 or 7%). The majority of these costs are fixed and not attributable to any one tenancy. The NFTA currently nets a profit of \$120,721 from this building.

Staff recommends that the proposed lease be approved. The space has been on the market for two years with little or no interest and the location is broken up into spaces that are not suitable for most types of business/commercial uses. Following the Board's August 22, 2011 meeting Alessi Holsters has increased its offer to \$2.85 per square foot starting in Year one. The per square foot amount in Year one coupled with the \$.73 per square foot recovery for the \$20,000 investment puts the first year lease rate at more than the NFTA's rough average cost for the building of \$3.50 per square foot. Staff believes this is a good deal for the NFTA since the NFTA's costs to operate the building are already covered, there is a good possibility that Alessi Holsters will continue to grow and require additional space, and given the current state of the commercial real estate market in Western New York. We have consulted with the NFTA's broker for other commercial space, Hunt Commercial Real Estate, and they indicated that this is a reasonable deal for this space.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes a Lease Agreement with Alessi Holsters, Inc. for 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 Lease Agreement with Alessi Holsters, 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."

6. General Counsel Report – Written
7. Executive Session -
8. Adjournment

At approximately 2:35 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Grant, seconded by Commissioner Perry, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

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

NOES: NONE

