



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

SOLE AGENT FOR THE STATE OF NEW YORK

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

December 23, 2013

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 Regular Meeting held on November 21, 2013.

Very truly yours,

A handwritten signature in black ink, appearing to read "David J. State", written over a horizontal line.

David J. State
General Counsel

DJS:lf

Enclosure

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
 NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
 REGULAR BOARD MEETING
 NOVEMBER 21, 2013 12:30 PM
 MINUTES**

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1. **CALL TO ORDER**

A. **Meeting Called to Order**

Vice Chairman Sloma called the meeting to order at approximately 12:38 p.m.

B. **Approval of Minutes of the NFTA Regular Board Meeting held on October 24, 2013**

It was moved by Commissioner Perry, seconded by Commissioner Hughes, that the Minutes of the October 24, 2013, Regular Board Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: SLOMA, GURNEY, ANSARI, BAYNES, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

C. Executive Director's Report:

After 25 years of service Deb Leous is electing to retire from the NFTA at the end of this year. She started at the Authority as an auditor and worked her way up to the CFO position where she remained for 15 years. With her help and unwavering devotion the Authority accomplished many great things, particularly the construction of two new Aviation terminals, a transportation center and Bond swaps! She survived numerous audits and has always been instrumental in identifying creative ways to do things better. We wish her well with much success, health and happiness in the future and I personally wish to thank her for her tremendous service and support here at the NFTA.

Debbie's last day on the job will be Friday, November 22, 2013. Last month I recommended that the Board appoint Pat Dalton to serve as Acting CFO until a new CFO is appointed by the Board. As the Director Internal Audit since 1992 he has significant experience in all areas within the NFTA. As part of the Sarbanes Oxley requirement he has spent significant time looking at processes and internal controls within the CFO's area of responsibility. Pat is a Certified Public Accountant with a B.S. in Accounting.

During the time that Pat is Acting CFO I would also recommend that Christine D'Aloise be responsible for the Audit department. As a Certified Internal Auditor, Christine has previous experience with auditing particularly with the NFTA and will do an excellent job in helping to execute the audit plan that will be presented to the Board next month.

John Oborn is the NFTA's first Chief Information Officer. John comes to us with over 20 years' experience as a business executive and CIO. He previously worked as CIO for CRIF Lending Solutions, BC/BS Illinois, OK, TX and NM and extensive coaching and advising to CIOs in the US and Canada while working for Gartner. He has a BS in Mathematics and a MS in Systems Management.

There was a motion by Commissioner Hughes, seconded by Commissioner Perry, and unanimously approved, to appoint Patrick Dalton as the Acting Chief Financial Officer and have Christine D'Aloise responsible for overseeing the Audit Department, until a new Chief Financial Officer is appointed by the Board.

- 2. NFTA CORPORATE REPORT**
 - A. Audit and Governance Committee Report
 - B. Consolidated Financial
 - C. Corporate Resolutions

Corporate Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (2)
1. Authorization for Agreement, Lumsden & McCormick, LLP, Independent Auditing Services, NFTA
2. Authorization of NYSDOT Aviation Capital Project, Contract T, BNIA

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 Hughes, seconded by Commissioner Baynes, 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 November 21, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, GURNEY, ANSARI, BAYNES, HICKS, HUGHES, PERRY*, WILCOX

ABSTENTION: PERRY [*Item 2. C. 1 only]

NOES: NONE

ADOPTED

CORPORATE:

2. C. (1) **Authorization for Agreement, Lumsden & McCormick, LLP
Independent Auditing Services, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Lumsden & McCormick to serve as independent accountant for the three fiscal periods ending March 31, 2014, 2015 and 2016 at the respective annual fees of \$81,500, \$82,500 and \$83,500. This includes a fee for the attestation requirement mandated by the Model Governance Principles. The proposed agreement includes an option, exercisable by the Authority, providing for accountant's services for the two one-year fiscal periods ending March 31, 2017 and 2018 at the respective annual fees of \$84,500 and \$85,500.

INFORMATION: A request for proposal (RFP) was prepared with six firms responding to the RFP. They are as follows:

- Amoto Fox
- The Bonadio Group
- Drescher & Malecki LLP
- FreedMaxick
- Lumsden & McCormick, LLP
- Toski & Co., P.C.

The selection committee, comprised of the Chief Financial Officer, Director of Internal Audit, Manager of Procurement, and the Manager of Accounting Services, reviewed the proposals based on the following criteria:

	<u>Percent (%)</u>
Expertise and Experience	40
Audit Approach	30
Price	<u>30</u>
	100

The total score (100 maximum percentage) was used to determine the firms selected for further consideration. The selection committee recommended two firms, The Bonadio Group, and Lumsden & McCormick, LLP to the Audit and Governance Committee.

These firms were invited to the Audit and Governance Committee meeting held on October 24, 2013 for a short presentation of their respective proposals. Upon review of the proposals and the presentations by the proposers, the Audit and Governance Committee recommends Lumsden & McCormick, LLP to the full Board.

FUNDING: Funding is included in the NFTA's annual operating budget under account numbers 1-39-0015-519-2000 and 2-39-0032-571-0367.

“RESOLVED, that the Board hereby approves the selection of Lumsden & McCormick, LLP to serve as independent accountant for the Authority as described hereinabove for three fiscal periods beginning April 1, 2013 through March 31, 2016; 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 Lumsden & McCormick, LLP for the provision of independent auditing and accounting services to the Authority for three fiscal periods beginning April 1, 2013 through March 31, 2016 at the respective annual fees of \$81,500, \$82,500 and \$83,500; and

BE IT FURTHER RESOLVED, that upon satisfactory performance of services by Lumsden & McCormick, LLP, and continued need for such services, said Agreement shall contain two one-year renewal options at the sole discretion of the Authority as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Agreement and any renewal Agreements 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, Internal Auditing, that such payments are in order.”

RFP 4331
Independent Accountant

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Lumsden & McCormick Buffalo	Bonadio Group Williamsville	Drescher & Malecki Cheetowaga	Fred Maxick & Battaglia Buffalo	Amato Fox Tonawanda	Toski & Co. EPF Rotenburg Williamsville
Non-Collusive Cert	x	x	x	x	x	x
Disclosure of Contracts Form	x	x	x	x	x	x
Disclosure of Prior Non-rep Determinations	x	x	x	x	x	x
Cover Letter	x	x	x	x	x	x
Description of services	x	x	x	x	x	x
Firm, Mgmt & Staff Qualifications	x	x	x	x	x	x
Resumes	x	x	x	x	x	x
References	x	x	x	x	x	x
Itemized Cost Proposal	x	x	x	x	x	x
Contractor Cert Form ST-220	x	x	x	x	x	x
MANDATORY (Y or N)						
Independent & Licensed in NYS	y	y	y	y	y	y
Personnel received adequate education in past 2 yrs.	y	y	y	y	y	y
No conflict of interest	y	y	y	y	y	y
Copy of most recent external QC review, record of quality audit work	y	y	y	y	y	y
Adheres to instructions in the RFP	y	y	y	y	y	y
COMPETITIVE RANGE						
SELECTION CRITERIA (Rate on a scale of 1 - 10, with 10 being the highest)						
(Completed by Team)						
Team Consensus						
Qualifications & Experience: past experience & performance on similar engagements, quality of personnel assigned and mgmt support - 40%	10.00	9.00	7.00	7.00	6	3.00
Audit approach: methods, compliance with requirements - 30%	10.00	9.00	9.00	9.00	6	4.00
Price - 30%	8.90	9.20	10.00	7.00	9.30	9.30
RATING	1	2	3	4	5	6
RANK	1	2	3	4	5	6
Annual All Inclusive Fee						
2014	\$81,500	\$80,000	\$74,500	\$88,000	\$78,000	\$78,500
2015	\$82,500	\$80,000	\$74,500	\$90,500	\$79,500	\$78,500
2016	\$83,500	\$80,000	\$74,500	\$92,400	\$81,000	\$78,500
2017	\$84,500	\$81,300	\$74,500	\$94,300	\$81,000	\$80,500
2018	\$85,500	\$81,300	\$74,500	\$96,200	\$81,000	\$80,500
Five Year Total	\$417,500	\$402,600	\$372,500	\$461,400	\$400,500	\$396,500

CORPORATE:

2. C. (2) **Authorization of NYSDOT Aviation Capital Project, Contract T, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize acceptance and execution of Contract T with the New York State Department of Transportation PIN 5A00.05 in the amount of \$23,812 and PIN 5A00.06 in the amount of \$11,679 for projects at the Buffalo Niagara International Airport.

INFORMATION: Contract T for PIN 5A00.05 provides the NYSDOT match of \$23,812 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0009-084-2013 with the Federal Aviation Administration. This project is to remove obstructions on recently acquired property within Runway 14 Approach. Contract T for PIN 5A00.06 provides the NYSDOT match of \$11,679 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0009-085-2013 with the Federal Aviation Administration. This project is for the design of the Water Line Replacement on the West Side of BNIA.

FUNDING: Funding associated with the projects and the NYS share provided by PIN 5A00.05 and PIN 5A00.06 is as follows:

<u>PIN</u>	<u>Project</u>	<u>Total Cost</u>	<u>FAA Share</u>	<u>NYSDOT Share</u>	<u>Local/PFC Share</u>
5A00.05	Remove Obstructions (Demo and Restoration) on acquired property within the Runway 14 Approach Runway Protection Zone, BNIA AIP 3-36-0009-084-2013	\$190,492	\$142,869	\$23,812	\$23,811
5A00.06	Design, Replace Existing Water Line on West Side of Airfield, BNIA AIP 3-36-0009-085-2013	\$93,428	\$70,071	\$11,679	\$11,678

“RESOLVED, that the Board authorizes the New York State Department of Transportation Aviation Capital Project, Contract T for projects as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be authorized to execute the New York State Department of Transportation Aviation Capital Projects Contract T as described above; and

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

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. (4)
1. Authorization for Agreement, Independent Taxi Association, Taxi Cab Services, BNIA
2. Authorization for Agreement, Victor Liberator Time System, Inc., Revenue Control Equipment and Maintenance Services, BNIA
3. Authorization for Procurement, Wausau Equipment Company, Inc., Chemical Application Truck, BNIA
4. Authorization for Agreement, Closure of Groundwater Collection/Treatment System, Former Westinghouse Site

AVIATION:

3. D. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (4)

The Executive Director advised that Items 3. D. (1) through 3. D. (4) 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 Wilcox, seconded by Commissioner Gurney, 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. (4) and dated November 21, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, GURNEY, ANSARI, BAYNES, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Agreement, Independent Taxi Association, Taxi Cab Services, BNIA

RECOMMENDATION: Staff recommends that the Board enter into a five-year agreement with the Independent Taxi Association to provide exclusive taxi services at the Buffalo Niagara International Airport (BNIA) and the leasing of the taxicab administration building adjacent to the terminal. The estimated compensation to the NFTA over the five-year term for fees and commissions is \$3,215,030 in addition to \$1,210 monthly building rent adjusted annually for inflation based on the consumer price index.

INFORMATION: BNIA serves as the primary airport in Western New York accommodating approximately 5.2 million annual passengers. Taxi services provide an important role in transporting patrons to desired destinations. Aviation staff, together with the NFTA Procurement Department, issued Request for Proposal 4349 for exclusive taxi services at BNIA commencing January 1, 2014 through December 31, 2018. Proponents were required to meet certain minimum standards including vehicle availability, vehicle age/condition, starter and driver services, and a minimum goal of 10% DBE participation.

The NFTA evaluation team consisting of members from BNIA Administration, BNIA Marketing, BNIA Customer Service, NFTA Legal, and NFTA Procurement Departments evaluated all proposals taking into consideration:

- Compensation to the NFTA,
- Compliance with requirements, and
- Qualifications and experience.

The team ranked Independent Taxi Association (ITA) as the highest of the proposals submitted. ITA is the incumbent taxi service provider at BNIA and they have provided superior / reliable service throughout their tenure.

Summary of Concession Fees:

ITA will provide guaranteed minimum annual payments totaling \$2,750,000 as well as estimated escalating "per deplanement fees" totaling \$465,030. The cumulative estimated fees and commissions is \$3,215,030 throughout the five-year term.

Summary of Taxicab Administration Building Rent:

ITA will provide \$1,210 monthly rent for the use of the Taxicab Administration Building located adjacent to the terminal. The rental rate is subject to annual increases based on the consumer price index.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Agreement with Independent Taxi Association for taxi cab services at the Buffalo Niagara International Airport as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Independent Taxi Association for taxi cab services at the Buffalo Niagara International Airport as described above; and

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

RFP 4349
BNIA Taxi Concession

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Checker Airport Taxi		Buffalo Niagara Transport		Buffalo Transportation		Independent Taxi Assoc.	
	Silver Spring, MD		Cheektowaga, NY		Buffalo, NY		Buffalo, NY	
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
SELECTION CRITERIA								
(Score 1 - 10, with 10 being the highest score)								
Compensation to NFTA. 50%		2.00		5.80		7.60		10.00
Compliance with requirements. 30%		5.00		3.00		9.00		7.00
Qualifications and experience, demonstrated ability, references, management. 20%		9.00		4.00		7.00		9.00
Total		4.30		4.60		7.90		8.90
COMPENSATION								
Annual Fee								
1st year		\$50,000		\$350,000		\$370,000		\$500,000
2nd year		\$50,000		\$350,000		\$382,000		\$525,000
3rd year		\$50,000		\$350,000		\$395,000		\$550,000
4th year		\$50,000		\$350,000		\$405,000		\$575,000
5th year		\$50,000		\$350,000		\$405,000		\$600,000
TOTAL		\$250,000		\$1,750,000		\$1,957,000		\$2,750,000
Projected Deplanements								
1st year	2,601,000	\$0.03		\$0.01		\$0.0375		\$0.03000
2nd year	2,627,010	\$0.03		\$0.01		\$0.0375		\$0.03250
3rd year	2,653,280	\$0.03		\$0.01		\$0.0400		\$0.03500
4th year	2,679,812	\$0.03		\$0.01		\$0.0400		\$0.03750
5th year	2,706,611	\$0.03		\$0.01		\$0.0400		\$0.04000
TOTAL		\$398,031		\$132,677		\$517,639		\$465,030
GRAND TOTAL		\$648,031		\$1,882,677		\$2,474,639		\$3,215,030

AVIATION:

3. D. (2) Authorization for Agreement, Victor Liberator Time System, Inc., Revenue Control Equipment and Maintenance Services, BNIA

RECOMMENDATION: Staff recommends that the Board approve the replacement of revenue control equipment used in the parking operations of the Daily Hourly Garage and the Preferred Parking Lot at the Buffalo Niagara International Airport (BNIA) from Victor Liberator Time System Inc. at a cost of \$315,400. Additionally, staff recommends continuation of a scheduled maintenance program for all revenue control equipment within all the BNIA parking lots for a three-year period totaling \$108,592. The total cost of the replacement revenue control equipment and scheduled maintenance program is \$423,992. Victor Liberator Time System, Inc. is the exclusive distributor for McGann software and Amano equipment within Western New York.

INFORMATION: BNIA parking operations generate approximately \$18 million in revenues annually. BNIA utilizes McGann software and Amano equipment to control, calculate, and record parking revenues. The current equipment was installed during the opening of the BNIA terminal in 1997. The majority of the equipment has exceeded its useful life due to age, use and weather elements. Standard Parking, Incorporated (the BNIA Parking Manager) provided consulting services with staff to identify and formulate a plan for the replacement of the parking revenue control equipment. Based upon consultation with corporate staff from Standard Parking, Incorporated who has a significant presence and experience in over 60 airports across the country, it was decided to maintain the current McGann software and Amano equipment due to:

- Past reliability and durability of the product;
- Ability to salvage recently replaced equipment and hardware including fee computers, PCI (credit card) compliance equipment, frequent parker software, and recently installed software/hardware located in the Economy Lot. This will result in the avoidance of replacing 50% of the required equipment;
- No significant fluctuations in price compared to other manufacturers;
- Easier and more seamless replacement which can be scheduled in phases without compromising operations had the entire system had to be replaced simultaneously; and
- All revenue/control software and hardware is proprietary regardless of the manufacturer selected.

Staff is planning replacement of the entire revenue control system in all areas during separate phases over the next three years excluding salvageable equipment. Staff recommends approval for the first phase representing the complete replacement of revenue control equipment in the Daily Hourly Garage and the Preferred Parking lot including ticket dispensers, gates, fee computers, and AVI readers at a cost of \$315,400. Standard Parking staff was successful in negotiating a \$60,000 cost savings for BNIA during this phase of equipment replacement.

Additionally, the revenue control equipment in all lots requires continuation of a scheduled preventative maintenance program. The cost of these services for a three-year period is \$108,592 including \$35,348 during the first year, \$36,192 during the second year, and \$37,052 during the third year.

The equipment and scheduled maintenance services will be provided by Victor Liberator Time System, Inc. who is the exclusive distributor of this equipment in Western New York. The NFTA Internal Audit Department concurs with the decision to not change hardware/software vendors (including McGann software and Amano equipment together with local distributorship Victor Liberator Time System, Inc.) based upon their review of sole source procurement guidelines.

FUNDING: Funding is provided with 100% Airport Development funds.

“RESOLVED, that the Board hereby authorizes an Agreement with Victor Liberator Time Systems, Inc. for the replacement of revenue control equipment and maintenance services at the Buffalo Niagara International Airport at a cost as described above ; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Victor Liberator Time Systems, Inc. for the replacement of revenue control equipment and maintenance services at the Buffalo Niagara International Airport at a cost as described above; and

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

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

AVIATION:

3. D. (3) **Authorization for Procurement, Wausau Equipment Company, Inc.,
Chemical Application Truck, BNIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of a chemical application truck from Wausau Equipment Co., Inc., New Berlin, Wisconsin at a cost of \$209,839.00.

INFORMATION: BNIA airfield staff is responsible for snow and ice removal for all ramps, runways, and roadways during winter operations. Staff requests authorization to purchase a chemical application truck which will utilize liquid chemicals for anti-icing and de-icing of airfield pavement. The chemical will act more effectively and efficiently than grit or sodium formate especially during windy conditions. The chemical is anticipated to cause less damage to pavement and structural bridges. Other airports have been surveyed and are very satisfied with the effectiveness of the chemical use. This truck will supplement the current winter fleet which will continue to include the traditional grit spreaders.

Staff issued Request for Proposal 4311 for the chemical application truck. The NFTA evaluation team consisting of members from the BNIA Airfield Department and the NFTA Procurement Department evaluated all proposals taking into consideration:

- Compliance with technical specifications,
- Vehicle cost, and
- Manufacturer qualifications and experience.

The team ranked Wausau Equipment Co., Inc. as the highest of the proposals submitted. The cost of the vehicle is \$209,839.00.

FUNDING: Funding is provided with 100% Passenger Facility funds.

“RESOLVED, that the Board hereby authorizes the procurement of a chemical application truck to be used at the Buffalo Niagara International Airport from Wausau Equipment Company, Inc. at a cost of \$209,839.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Order to Wausau Equipment Company, Inc. for the procurement of a chemical application truck to be used as described hereinabove; and

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

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

RFP # 4311 - TRUCK MOUNTED LIQUID DE-ICER TANK AND SPRAY UNIT

RFP DOCUMENTS REQUIRED (Completed by Procurement)	SMART MANUFACTURING INC. Lebanon, IN	WAUSAU EQUIPMENT CO. INC. New Berlin, WI
Cover Letter	X	X
Description of services	X	X
Firm, Mgmt & Staff Qualifications	X	X
References	X	X
Itemized Cost Proposal	X	X
Non-Collusive Cert	X	X
Disclosure of Prior Non-Rep Determinatins	X	X
Bidder's/Proposer's Affirmation & Certification	X	X
ST220 Form (if over 100k)	X	X
Warranty	X	X
Technical Specifications	X	X
SELECTION CRITERIA (Completed by Team)		
Compliance with technical specifications 50%	9.00	9.50
Cost 30%	9.88	10.00
Qualifications & Experience 20%	9.00	9.50
TOTAL	9.26	9.65
COST		
Truck Mounted Liquid De-Icer Tank and Spray Unit with Radios	\$212,490.00	\$209,839.00
TOTAL	\$212,490.00	\$209,839.00

AVIATION:

3. D. (4) **Authorization for Agreement, Closure of Groundwater Collection/Treatment System, Former Westinghouse Site**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with CBS Corporation providing for the partial funding of the closure of the groundwater collection and treatment system at Inactive Hazardous Waste Disposal Site No. 9-15-066 and payment of outstanding invoices associated with the maintenance, operation and monitoring of such treatment system in the amount of \$180,000.

INFORMATION: The NFTA and CBS Corporation (“CBS”) are parties to an Agreement dated December 16, 1998 For Cost Sharing, Joint Performance and Joint Defense related to a Remedial Design and Remedial Action for NYSDEC Inactive Hazardous Waste Disposal Site No. 9-15-066, Cheektowaga, New York relating to the former Westinghouse property (the “Site”). The parties also entered into as of January 6, 1999 an Order on Consent and Settlement Agreement (the “Consent Order”) and a Group Trust Agreement dated as of January 6, 1999 (“Group Trust Agreement”). These combined agreements provided for the design and implementation of a remediation plan consistent with selected remedies identified in the Record of Decisions addressing soil and groundwater contamination at the Site and the respective financial responsibilities of the parties. CBS undertook responsibility for completing the work required by the Order including operation, maintenance and monitoring of the groundwater collection and treatment system. In accordance with the Group Trust Agreement, funds were deposited into the Trust Fund and CBS began administering the remedial program in 1999.

CBS presented a rationale for closing the Site groundwater collection and treatment system in a recent report to the NYSDEC. The NYSDEC expressed its concurrence with CBS’ request to close the groundwater collection and treatment system subject to the approval of a final Work Plan by the NYSDEC. CBS has prepared a Work Plan for the closure of the groundwater collection and treatment system for the NYSDEC’s approval.

The original Cost Sharing Agreement and Group Trust Agreement did not specifically address the closure of the groundwater collection and treatment system and post closure monitoring. The NFTA and CBS negotiated a cost allocation for the closure of the groundwater collection and treatment system and the payment of outstanding invoices for the operation, maintenance and monitoring of the system. The NFTA’s negotiated share is \$180,000 of which \$45,000 will be held in an escrow account to ensure that CBS completes the closure of the system in accordance with the Work Plan approved by the NYSDEC, which includes post closure monitoring. The NFTA’s allocation is approximately 45% of the projected closure costs and outstanding invoices. The funds will be paid into the Group Trust Fund.

FUNDING: Funding is provided in Airport Development Fund Account No. 0202195275000.

“RESOLVED, that the Board hereby authorizes an Agreement with CBS Corporation for partial funding of the closure of the groundwater collection and treatment system at Inactive Hazardous Waste Disposal Site No. 9-15-066 as described above in the amount of \$180,000.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with CBS Corporation for partial funding of the closure of the groundwater collection and treatment system at Inactive Hazardous Waste Disposal Site No. 9-15-066 as described above in the amount of \$180,000.00; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the 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

- i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (4)
1. Authorization for Agreement, Trapeze Group, Interactive Voice Response System, Metro
2. Authorization for Lease Agreement, Niagara Mohawk Power Corporation, Installation of Electric Vehicle Charging Station, Athol Springs Park & Ride
3. Authorization for Agreement, Lakestone Development, Inc., Snow Removal, Metro
4. Authorization for License Agreement, Friends of the Edward M. Cotter, Installation of Way Finding Signage, Metro Yards and Shops

SURFACE:

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

The Executive Director advised that Items 4. D. (1) through 4. D. (4) 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 Perry, seconded by Commissioner Wilcox, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (1) through 4. D. (4) and dated November 21, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, GURNEY, ANSARI, BAYNES, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) Authorization for Agreement, Trapeze Group, Interactive Voice Response System, Metro

RECOMMENDATION: Staff recommends that the Board award the subject contract to Trapeze Group for the lump sum amount of \$548,883.00.

INFORMATION: Metro is replacing its existing Fixed Route and Paratransit departments' interactive voice response (IVR) systems. The current systems have exceeded their useful life, are obsolete and need repair. To provide the most accurate real time information the new IVR system will integrate with the NFTA's Passenger Information System's Transit Data Cloud. The IVR will allow NFTA customer to easily obtain real time bus route information and schedule Paratransit pickups. The system will allow customers to interact with the NFTA's host system via a telephone keypad for the purpose of servicing their inquiries by following the IVR dialogue. The IVR system will respond with prerecorded or dynamically generated audio to provide the requested information or further direct users on how to proceed.

Requests for proposals were publically advertised on May 27, 2013 pursuant to FTA/NFTA procurement guidelines. On July 2, 2013 the NFTA received proposals from seven companies.

The interactive voice response system selection committee, consisting of Sr. Project Manager, MIS Manager, Manager Customer Care, Operations Manager of Special Services, Superintendent of Special Services and Traffic Data Administrator evaluated the proposals. The proposals were evaluated based on experience, cost and technical criteria. The committee ranked the respondents in the following descending order of selection:

- Trapeze Group
- Unified Dispatch
- Enghouse Transportation
- Logic Tree
- DiRad Technologies
- Windstream Communications
- MAC Source Communications

The results of negotiations are shown below:

	Initial Proposal	Negotiated Cost
Engineer's Estimate	\$563,448.00	\$563,448.00
Trapeze Group	\$717,986.00	\$548,883.00

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

FUNDING: Funding for this project is pending rescheduling of existing FTA grant funds.

FTA 80%	NYS DOT 10%	NFTA 10%	TOTAL
\$439,106.40	\$54,888.30	\$54,888.30	\$548,883.00

“RESOLVED, that the Board hereby authorizes an Agreement with Trapeze Group, for the replacement of the existing interactive voice response systems as described above and for a cost of \$548,883.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Trapeze Group as described above, for the total amount of \$548,883.00; and

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

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

SURFACE:

4. D. (2) **Authorization for Lease Agreement, Niagara Mohawk Power Corporation, Installation of Electric Vehicle Charging Station, Athol Springs Park & Ride**

RECOMMENDATION: Staff recommends that the Board authorize execution of a lease agreement between Niagara Mohawk Power Corporation (National Grid) and the Niagara Frontier Transportation Authority for installation of an Electric Vehicle Charging Station at the NFTA's Athol Springs Park & Ride.

INFORMATION: The project will install an Electric Vehicle Charging Station at the NFTA's Athol Springs Park & Ride. The charging station will allow two plug-in hybrids and electric vehicles to connect to the Charging Station. Installation of the Charging Station provides an additional service to our customers and has environmental benefits.

NFTA Engineering will be responsible for construction monitoring. The contractor, DK Power, was selected by National Grid. NFTA will be responsible for ongoing utility (electric) costs. National Grid currently has 150 dual stations installed across their territory from Boston to Buffalo. The average annual utility cost of a two plug Electric Vehicle Charging Station is \$100 to \$200 per year.

FUNDING: Grant funding from NYSEDA through National Grid will support the purchase of the Charging Station. Funding for the installation is as follows:

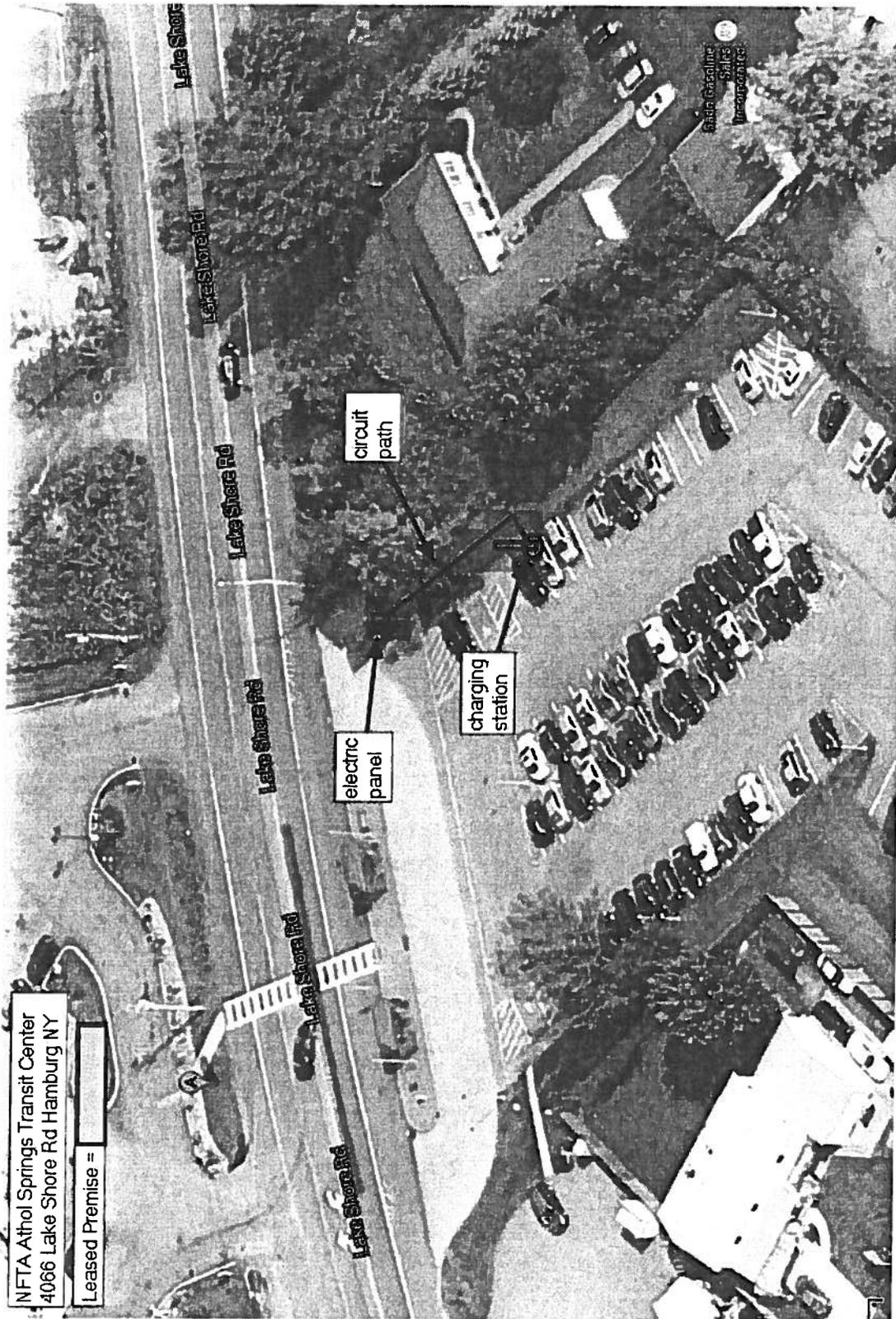
ChargePoint	\$4,550
National Grid	\$1,300
NFTA	\$2,350
	\$7,200

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Niagara Mohawk Power Corporation, for the installation of an electric vehicle charging station at the NFTA's Athol Springs Park & Ride as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute a Lease Agreement with Niagara Mohawk Power Corporation as described above; and

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

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



SURFACE:

4. D. (3) **Authorization for Agreement, Lakestone Development, Inc., Snow Removal, Metro**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Lakeshore Development, Inc. for a three-year period commencing December 1, 2013 through April 15, 2016 with the option for two one-year renewals at the discretion of the NFTA.

INFORMATION: NFTA/Metro require snow removal services on the pedestrian mall located from Erie Canal Harbor Station to the Portal Entrance at Main & Tupper. The NFTA formally advertised and solicited a "Request for Proposals" No. 4356. There were four respondents to the RFP (see attached). The proposals were evaluated based on the criteria of qualifications and experience, compliance with technical specifications and cost based on an estimate of 300 hours of High Lift operations and 750 hours of Tandem Dump Truck operation annually. Invoices will be submitted and paid for only the actual amount of hours used for the snow removal. The total cost for the five year agreement with Lakestone Development, Inc. is as follows:

Year One	Year Two	Year Three	Year Four	Year Five	Total Cost
121,500.00	125,145.00	128,905.50	132,766.50	136,753.50	\$645,070.50

FUNDING: Funding is provided by Metro's Operating Budget under account number 4040-0050-520-0205.

"RESOLVED, that the Board hereby authorizes an Agreement with Lakestone Development, Inc. for snow removal services as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Lakestone Development, Inc. for snow removal services as described above; and

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

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

RFP # 4356 - SNOW REMOVAL ON NFTA/METRO PEDESTRIAN MALL

RFP DOCUMENTS REQUIRED (Completed by Procurement)	EMPIRE LANDSCAPING Tonawanda, NY	LAKESTONE DEVELOPMENT, INC. Williamsville, NY	LANDSCAPING & SNOWPLOWING MAINTENANCE OF BUFFALO, LLC. Cheektowaga, NY	ZOLADZ CONSTRUCTION CO., INC. Alden, NY
Cover Letter	X	X	X	X
Description of services	X	X	X	X
Firm, Mgmt & Staff				
Qualifications	X	X	X	X
References	X	X	X	X
Itemized Cost Proposal	X	X	X	X
Non-Collusive Cert	X	X	X	X
Disclosure of Prior Non-Rep				
Determinatins	X	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X	X
ST220 Form (if over 100k)	X	X	X	X
Buy America Certificate	X	X	X	X
SELECTION CRITERIA (Completed by Team)				
Qualifications & Experience 40%	8.00	9.00	8.00	9.00
Compliance with technical specifications 30%	5.00	9.00	5.00	9.00
Cost 30%	10.00	8.89	3.91	3.97
TOTAL	7.70	8.97	5.87	7.49
COST				
YEAR 1	\$114,750.00	\$121,500.00	\$293,250.00	\$261,750.00
YEAR 2	\$114,750.00	\$125,145.00	\$293,250.00	\$274,275.00
YEAR 3	\$114,750.00	\$128,905.50	\$293,250.00	\$288,582.00
YEAR 4	\$114,750.00	\$132,766.50	\$293,250.00	\$303,010.50
YEAR 5	\$114,750.00	\$136,753.50	\$293,250.00	\$318,154.50
GRAND TOTAL	\$573,750.00	\$645,070.50	\$1,466,250.00	\$1,445,772.00

SURFACE:

4. D. (4) **Authorization for License Agreement, Friends of the Edward M. Cotter, Installation of Way Finding Signage, Metro Yards and Shops**

RECOMMENDATION: Staff recommends that the Board authorize execution of a License Agreement between the Niagara Frontier Transportation Authority and the Friends of the Edward M. Cotter for installation of way finding signage at Metro's Yards & Shops (Y&S) facility.

INFORMATION: Friends of the Edward M. Cotter is a not-for-profit corporation established to support the Edward M. Cotter fireboat. The corporation has received grant funding to establish way finding signage, and has requested that Metro permit the signage to be installed at Metro's Yards & Shop facility in the area set forth on the attached map. The designated location is public and outside the Y&S security fence. The signage is planned to be designed in the shape of a lighthouse, and will have an electronic component. It is planned to provide direction to various near-by attractions, including the Edward M. Cotter.

The signage will be constructed, installed and maintained by the Friends of the Edward M. Cotter. NFTA Engineering will have the opportunity to review the design documents. NFTA/Metro will be entitled to have appropriate identity placement on the signage. The License Agreement will provide for insurance and indemnification.

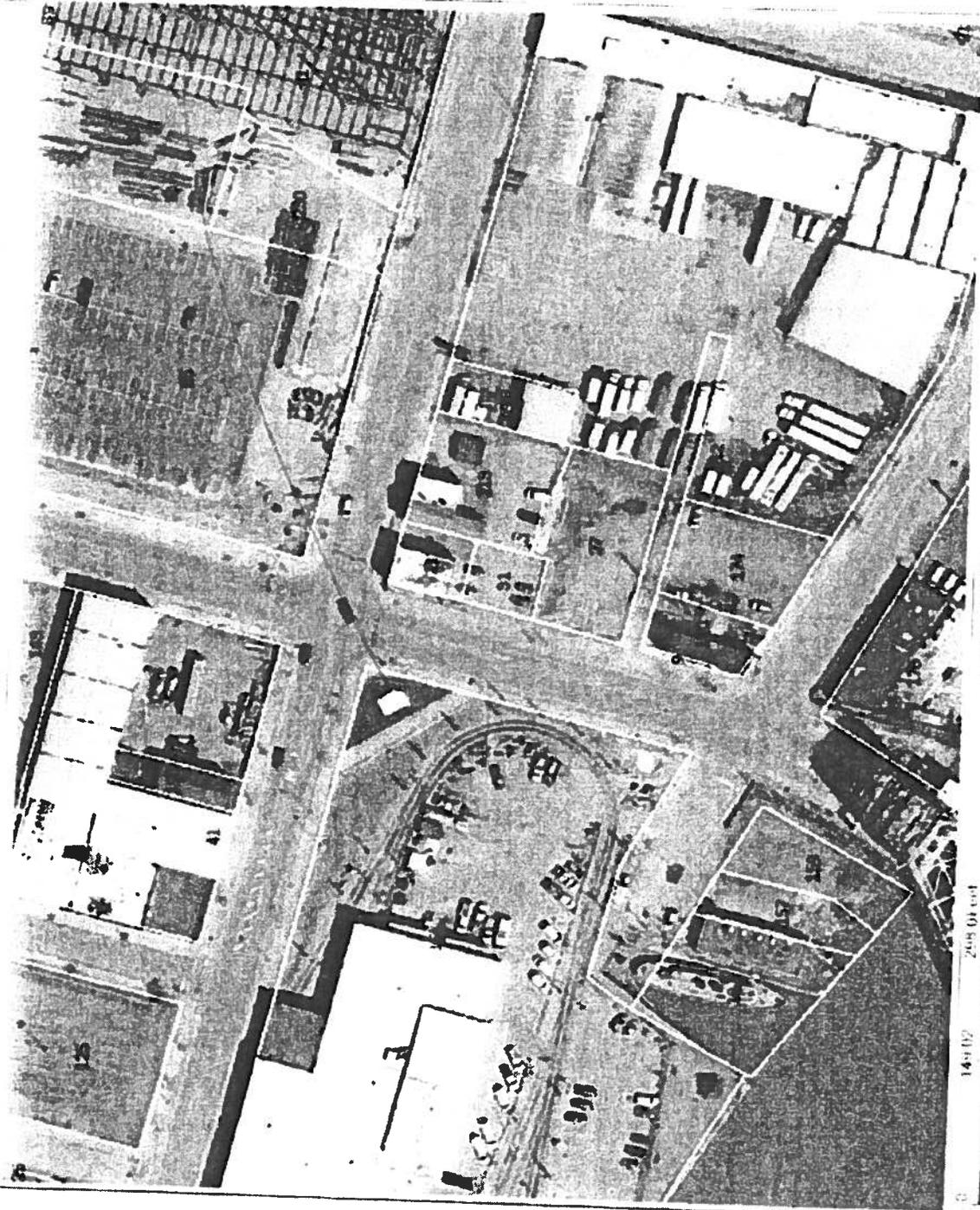
FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes a License Agreement with Friends of the Edward M. Cotter for the installation of way finding signage at Metro's Yards & Shops facility as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute a License Agreement with Friends of the Edward M. Cotter as described above; and

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

Erie County On-Line Mapping Application



Legend

-  Parcel
-  Municipal Boundary 2011

This map is a view of the public domain and is not intended to be used for any other purpose. The user assumes all liability for any use of this map.

**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

148102 208.01 feet

Map data: 2011 Municipal Boundary, 2011 Parcel Boundary, 2011 Parcel Boundary

1 1 / 88



- 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. (2)
1. Authorization to Execute Memorandum of Understanding, Sale of Outer Harbor and Boat Harbor to Erie Canal Harbor Development Corporation
2. Authorization for Modification to Pricing Schedule for Slips at the NFTA Boat Harbor

PROPERTY:

5. D. (i) Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (2)

The Executive Director advised that Items 5. D. (1) through 5. 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 Hughes, seconded by Commissioner Wilcox, 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. (2) and dated November 21, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, GURNEY, ANSARI, BAYNES, HICKS*, HUGHES, PERRY, WILCOX

ABSTENTION: HICKS [*Item 5. D. 1 only]

NOES: NONE

ADOPTED

PROPERTY 5. D. (i) • PAGE -i-

PROPERTY:

5. D. (1) **Authorization to Execute Memorandum of Understanding, Sale of Outer Harbor and Boat Harbor to Erie Canal Harbor Development Corporation**

RECOMMENDATION: Staff recommends that the Board authorize the execution of a Memorandum of Understanding with the Erie Canal Harbor Development Corporation (ECHDC) and New York State, Office of Parks, Recreation and Historic Preservation (“Parks”) concerning ECHDC’s acquisition of the NFTA’s Outer Harbor and Boat Harbor properties and Parks’ agreement to operate the Boat Harbor.

INFORMATION: ECHDC is an Empire State Development (“ESD”) subsidiary that was created to develop Buffalo’s waterfront. ECHDC is making significant progress in developing Buffalo’s Inner Harbor and intends to create a master plan integrating the development of the Outer Harbor with the achievements at the Inner Harbor. The NFTA would like to transfer its waterfront properties to an entity whose focus is development, so that the NFTA can concentrate on its core mission of public transportation.

The key terms of the Memorandum of Understanding are as follows:

1. ESD and ECHDC shall be responsible for all liabilities related to the presence or disposal of hazardous substances on the properties except for any such liabilities which ESD and ECHDC demonstrate were caused by the NFTA's active and knowing unlawful disposal of hazardous substances upon the properties during the period of ownership by the NFTA. The exact nature, precise terms, scope and extent of the environmental indemnification will be the subject of the agreement between the NFTA, ESD and ECHDC to be executed prior to the transfer of title of the Property.
2. ECHDC will be responsible for the payment of all costs of the transaction, including the survey and title work.
3. Parks will operate the Boat Harbor as a State Park pursuant to an agreement with ECHDC.
4. The NFTA will operate the Boat Harbor at the NFTA’s sole cost and expense until November 15, 2014 pursuant to an agreement with Parks.

The Memorandum of Understanding is a non-binding document. A definitive agreement between the parties shall be accomplished only upon obtaining all necessary approvals and the execution and delivery of definitive documents.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes entering into a Memorandum of Understanding with the Erie Canal Harbor Development Corporation concerning the sale of of the Outer Harbor and Boat Harbor property; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee, and/or the Chairman is hereby authorized to execute a Memorandum of Understanding with the Erie Canal Harbor Development Corporation, upon the terms and conditions set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Memorandum of Understanding contain such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel.”

PROPERTY:

5. D. (2) **Authorization for Modification to Pricing Schedule for Slips
at the NFTA Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize a modification to the present pricing schedule for slips at the NFTA Boat Harbor, 1111 Fuhrmann Boulevard, Buffalo, New York.

INFORMATION: The current rates for slip rentals at the Boat Harbor, which were placed into effect by the Board on December 19, 2011, are reflected in the attached chart. Staff recommends that the slip rates be amended as also set forth on the attached chart. These changes were calculated to be consistent with the various slip sizes but minimize the impact upon the slips that are traditionally slow to sell. The overall increase is approximately three percent.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a modification to the present pricing schedule for slips at the Niagara Frontier Transportation Authority’s Boat Harbor, as generally described hereinabove and as set forth in the attachment hereto.”

CURRENT RATE 2013

# OF DOCKS	SLIP SIZE	TYPE	BASE RATE	RATE PER FOOT PLUS WATER AND POWER	OVERAGE
9	Charters	(no water no power)	\$1,170	Permanent	
2	Charters	(no water no power)	\$500	Other	
16	Jet Skis	(no water no power)	\$450		
434	20' Slips	(no water no power)	\$720	or \$36.00 per ft	21'-23' add \$100/ft over 20'
12	20' Slips	(no water, w/power)	\$870	or \$36 per ft. + \$150 power	21'-23' add \$100/ft over 20'
120	30' Slips	(w/water, no power)	\$1,170	or \$38 per ft + \$30 water	31'-33' add \$80/ft over 30'
357	30' Slips	(w/water & w/power)	\$1,320	or \$38 per ft + \$30 water + \$150 power	31'-33' add \$90/ft over 30'
90	40' Slips	(w/water & w/power)	\$1,840	or \$40 per ft + \$40 water + \$200 power	41'-43' add \$70/ft over 40'
4	50' Slips	(w/water & w/power)	\$2,400	or \$42 per ft + \$50 water + \$250 power	51'+ add \$60/ft over 50'

Total income from dock fees including prorate and overage is **\$1,116,661**

SUGGESTED RATE INCREASE 2014

# OF DOCKS	SLIP SIZE	TYPE	BASE RATE	RATE PER FOOT PLUS WATER AND POWER	OVERAGE	RATE INCREASE	% INCREASE	Estimated Revenue After Slip Fee Increase
9	Charters	(no water no power)	\$1,200			\$30	2.56%	\$10,800
2	Charters	(no water no power)	\$550			\$50	10.00%	\$1,100
16	Jet Skis	(no water no power)	\$475			\$25	5.56%	\$7,600
435	20' Slips	(no water no power)	\$760	or \$38.00 per ft X 20	21'-23' add \$100/ft over 20'	\$40	5.56%	\$330,600
12	20' Slips	(no water, w/power)	\$910	or \$38.00 per ft.X 20 + \$150 power	21'-23' add \$100/ft over 20'	\$40	4.60%	\$10,920
122	30' Slips	(w/water, no power)	\$1,200	or \$39.00 per ft X 30+ \$30 water	31'-33' add \$80/ft over 30'	\$30	2.56%	\$146,400
362	30' Slips	(w/water & w/power)	\$1,350	or \$39 per ft X 30 + \$30 water + \$150 pwr	31'-33' add \$90/ft over 30'	\$30	2.27%	\$488,700
81	35' Slips	(w/water & w/power)	\$1,675	or \$41 per ft X 35 + \$40 water + \$200 pwr	36'-43' add \$70/ft over 35'			\$142,085
6	50' Slips	(w/water & w/power)	\$2,400	or \$42 per ft X 50 + \$50 water + \$250 pwr	51'+ add \$70/ft over 50'	\$0	0.00%	\$14,400

Overall
3.05%

Total income from dock fees not including prorate and overage for 20's and 30's is **\$1,152,605**

6. General Counsel Report - Written
7. Executive Session - None
8. Adjournment

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

**AYES: SLOMA, GURNEY, ANSARI, BAYNES, HICKS, HUGHES,
PERRY, WILCOX**

NOES: NONE

