



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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February 27, 2014

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 January 23, 2014.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. State", is 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
 JANUARY 23, 2014 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 12:36 p.m.

B. Approval of Minutes of the NFTA Regular Board Meeting held on December 19, 2013

It was moved by Commissioner Hughes, seconded by Commissioner Gurney, that the Minutes of the December 19, 2013, Regular Board Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: ZEMSKY, SLOMA, DEMAKOS, GURNEY, ANSARI,
DURAND, HUGHES, PERRY

NOES: NONE

C. Executive Director's Report:

Executive Director Kimberley Minkel stated she received confirmation that the proposed Executive Budget included a 1.3% increase to NFTA for FYE 15. She was grateful to the Governor and his staff and appreciates how difficult it is to provide funding especially with declining revenue to support transit across the state. This 1.3% results in a \$605,000 increase compared to 0% last year but leaves NFTA in a difficult financial situation with a deficit of approximately 2.5 million. Staff will go back and refresh the numbers and continue to work with the WNY Delegation to secure additional funding. The budget will be modified and a balanced budget with a five year operating plan will be brought to the Board in March.

She also updated the Board that the screening application process for the CFO position is in progress and that interviews with Board members would be scheduled.

She also apprised the Board that Escalator #1 is up and running at University Station and this warranty work was performed at no cost to the NFTA. Contractor DCB paid for an independent Quality Evaluation inspector and all repairs with a one year warranty to January 23, 2015.

The impact of the recent blizzard resulted in overtime, loss of revenue and higher utility and fuel costs. The Executive Director commended staff for their incredible efforts in keeping systems up and running during the blizzard with the exception of BNIA runways which were open but then temporarily shut down because of visibility. She stated people used our system to shelter and keep warm from the elements.

Thirty year veteran Metro bus operator Don Deperto was commended for his intervention in assisting in the rescue of an unconscious man lying in the snow who turned out to be one of his regular daily passengers. The man apparently suffered a seizure on the way to catch the bus and may not have survived the elements without operator Deperto's intervention. Congratulations to Don Deperto for his life saving response.

- 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. (3)
 1. Approval of Amendment to Smoking Regulation, NFTA and NFT Metro
 2. Authorization for Agreement, Modern Disposal Service, Recycling and Non-Recyclable Waste Services, NFTA and NFT Metro
 3. Authorization for Collective Bargaining Agreement, International Longshoremen's Association Local 1949

CORPORATE:

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

The Executive Director advised that Items 2. C. (1) through 2. C. (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 Gurney, seconded by Commissioner Hughes, 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. (3) and dated January 23, 2014 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, DEMAKOS, GURNEY, ANSARI, DURAND, HICKS, HUGHES, PERRY

NOES: NONE

ADOPTED

CORPORATE:

2. C. (1) **Approval of Amendment to Smoking Regulation for NFTA and NFTA Metro**

RECOMMENDATION: Staff recommends that the Board approve the attached amendment to the current smoking regulation for the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.

INFORMATION: Electronic cigarettes have emerged as an alternative to smoking burned tobacco products. However, electronic cigarettes are neither approved nor regulated by the Food and Drug Administration (FDA). Most devices contain nicotine, a highly addictive substance. While the long-term effects of electronic cigarettes require further study, the FDA has expressed concerns about their safety noting that some devices contain toxins and carcinogens. Further, many of these electronic cigarettes closely resemble cigarettes that are explicitly banned under the Clean Indoor Air Act and could confuse patrons on whether we enforce the Clean Indoor Air Act at our facilities. And importantly, the NFTA is committed to protecting youth from observing behaviors that could encourage them to smoke. The amendment to the current smoking regulation will clarify that use of electronic cigarettes at our facilities will be prohibited similarly to burned tobacco products.

Signs bearing the message "Smoke Free Facility" are posted in each NFTA-owned vehicle and at the main entrance for each transportation facility. For passenger comfort, designated smoking areas are clearly identified and isolated away from the smoke free zones. Notices will be posted for our employees noting that electronic cigarettes are prohibited under our no smoking policy.

FUNDING: No funding is required.

"RESOLVED, that the Board hereby authorizes the amendments to the Authority's smoking regulation as described hereinabove, and authorizes staff to implement the revised smoking regulations on an interim basis pending compliance with the state administrative procedures act; and

BE IT FURTHER RESOLVED, that the General Counsel is authorized to undertake promulgation of the revised smoking regulation in accordance with the agency rulemaking procedures set forth in the state administrative rulemaking procedures act."

Section 1151.9 is amended to read as follows:

1151.9 Smoking.

No person shall smoke, carry or possess a lighted cigarette, cigar, pipe, match or other lighted equipment capable of causing naked flame inside any transportation facility or transportation vehicle. No person shall use any electronic or battery operated device that is capable of delivering vapor for inhalation, with or without nicotine, inside any transportation facility or transportation vehicle. No person shall smoke, carry or possess a lighted cigarette, cigar, pipe, match or other lighted equipment capable of causing naked flame, or use any electronic or battery operated device that is capable of delivering vapor for inhalation, with or without nicotine:

- (a) within 20 feet of the main entrance to any transportation facility;
- (b) inside any covered parking area that is physically part of or connected to a transportation facility;
- (c) within 20 feet of building air intake ducts; and
- (d) within 20 feet of the storage of flammable and combustible materials.

CORPORATE:

2. C. (2) Authorization for Agreement, Modern Disposal Services, Recycling and Non-Recyclable Waste Services, NFTA and Metro

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Modern Disposal Services, Inc. for recycling and non-recyclable waste services at NFTA and NFTA Metro facilities for an estimated annual cost of \$ 164,001.11 for year one, \$164,001.01 for year two, \$168,609.33 for year three, \$173,457.82 for year four, and \$176,964.21 for year five. The Agreement is for a one-year period renewable at the option of the Authority for four subsequent one-year terms.

INFORMATION: Recycling services of mixed office paper, cardboard, plastic and glass bottles as single source recycling shall be performed at all NFTA and NFTA Metro facilities. Additional recycling shall include corrugated cardboard. The NFTA is responsible for complying with Executive Order No. 4 which requires the implementation of effective recycling and waste reduction programs.

The NFTA developed and issued a Request for Proposal (RFP) No. 4359 in accordance with the Procurement Guidelines. Proposals were received from Modern Disposal Services, Inc., Allied Waste Services of North America, LLC, and Waste Management of New York, LLC and evaluated by a selection committee comprised of representatives that included members from Health, Safety & Environmental Quality, Procurement, BNIA Staff, and Metro Staff. The evaluation criteria included performance, experience, qualifications, and cost.

FUNDING: Funding for this service contract is provided in the FYE '14 operating budget.

“RESOLVED, that the Board hereby authorizes an Agreement with Modern Disposal Services, for recycling and non-recyclable waste services at the costs 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 Modern Disposal 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 he/she is hereby authorized to make payments under said Agreement upon certification by the Chief Financial Officer, that such payments are in order.”

RFP # 4359 - RECYCLING AND NON-RECYCLABLE WASTE REMOVAL SERVICES

RFP DOCUMENTS REQUIRED (Completed by Procurement)	MODERN DISPOSAL SERVICES, INC. Model City, NY	WASTE MANAGEMENT OF NEW YORK, LLC. West Seneca, NY	ALLIED WASTE SERVICES Buffalo, NY
Cover Letter	X	X	X
Description of services	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X
References	X	X	X
Itemized Cost Proposal	X	X	X
Non-Collusive Cert	X	X	X
Disclosure of Prior Non-Rep Determinations	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X
ST220 Form (if over 100k)	X	X	X
SELECTION CRITERIA (Completed by Team)			
Rate on a score of 1 - 10 with 10 being the highest			
NON-AVIATION LOCATIONS			
Qualifications & Experience 40%	7.60	7.40	7.10
Compliance with technical specifications 30%	9.00	7.50	6.50
Cost 30%	10.00	7.44	8.85
TOTAL	8.74	7.44	7.45
AVIATION LOCATIONS			
Qualifications & Experience 40%	7.60	7.40	
Compliance with technical specifications 30%	9.00	7.50	
Cost 30%	10.00	8.12	
TOTAL	8.74	7.65	NON-RESPONSIVE
ESTIMATED COST			
NON-AVIATION LOCATIONS			
RECYCLING			
Year 1	\$8,743.73	\$12,554.20	\$6,676.74
Year 2	\$8,743.73	\$12,772.96	\$6,832.76
Year 3	\$8,873.54	\$13,023.59	\$7,027.05
Year 4	\$9,091.39	\$13,343.17	\$7,253.38
Year 5	\$9,118.39	\$13,670.77	\$7,538.22
TOTAL	\$44,570.78	\$65,364.69	\$35,328.15
NON-RECYCLABLES			
Year 1	\$43,461.00	\$54,686.99	\$49,647.02
Year 2	\$43,461.00	\$55,780.76	\$51,633.34
Year 3	\$44,710.83	\$56,896.31	\$53,698.38
Year 4	\$45,999.02	\$69,368.11	\$55,834.24
Year 5	\$47,103.91	\$59,776.66	\$58,056.36
TOTAL	\$224,735.76	\$296,508.83	\$268,869.34
GRAND TOTAL	\$269,306.54	\$361,873.52	\$304,197.49
ESTIMATED COST			
AVIATION LOCATIONS			

RFP # 4359 - RECYCLING AND NON-RECYCLABLE WASTE REMOVAL SERVICES

1/24/2014

RECYCLING			
Year 1	\$11,462.34	\$10,082.08	
Year 2	\$11,462.34	\$10,200.93	
Year 3	\$11,680.66	\$10,322.14	
Year 4	\$11,922.00	\$10,476.69	
Year 5	\$12,061.00	\$10,635.12	
TOTAL	\$58,588.34	\$51,716.96	
NON-RECYCLABLES			
Year 1	\$100,334.04	\$126,330.72	
Year 2	\$100,334.04	\$128,857.32	
Year 3	\$103,344.30	\$131,461.44	
Year 4	\$106,445.41	\$134,693.04	
Year 5	\$108,680.91	\$138,088.44	
TOTAL	\$519,138.70	\$659,430.96	
GRAND TOTAL	\$577,727.04	\$711,147.92	NON-RESPONSIVE

CORPORATE:

2. C. (3) **Authorization for Collective Bargaining Agreement, International Longshoremen's Association Local 1949**

RECOMMENDATION: Staff recommends that the Board authorize a seven (7) year collective bargaining agreement between the Niagara Frontier Transportation Authority and International Longshoremen's Association Local 1949 for the period April 1, 2011 through March 31, 2018.

INFORMATION: The International Longshoremen's Association represents the 130 employees who are responsible for service and maintenance at Buffalo Niagara International Airport, Niagara Falls International Airport, Port Operations, Metropolitan Transportation Center, Operations Control Center, 1404 Main Street, Facilities Maintenance and Niagara Falls Transportation Centers.

All current (active) employees and employees hired on or after ratification in Grade A, B, C & D will contribute ten (10%) percent of the monthly premium cost for either single or family coverage in the High Deductible Health Plan (HDHP) or a replacement plan selected by the Company. The new medical insurance waiver will now be \$2,500 for single and \$3,000 for family.

All current (active) employees and employees hired on or after ratification in Grade E & F will contribute 10% of the monthly premium with a 2.5% cap based on pre-tax, base salary. Effective April 1, 2013 a \$250.00 equity adjustment for E & F custodians will be rolled into the base wage and an additional \$250.00 will be rolled into base on April 1, 2014, for the same.

Fiscal Year	Wage Increase	Total Wage Expense	Increase from Prior Year
4-1-11 – 3-31-12	0%	\$5,596,965	\$0
4-1-12 – 3-31-13	2%	\$5,700,196	\$103,231
4-1-13 – 3-31-14	2%	\$5,838,898	\$138,702
4-1-14 – 3-31-15	2.25%	\$5,974,137	\$135,239
4-1-15 – 3-31-16	2%	\$6,082,442	\$108,305
4-1-16 – 3-31-17	2%	\$6,192,954	\$110,512
4-1-17 - 3-31-18	2%	\$6,305,718	\$112,764

FUNDING: Funding for this Agreement shall be included in the Authority's FYE 14 budget.

“RESOLVED, that the Board hereby approves a collective bargaining agreement between Niagara Frontier Transportation Authority and International Longshoremen's Association Local 1949 for the period commencing April 1, 2011 through March 31, 2018; and

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Director, her designee and/or the Chairman to enter into a collective bargaining agreement with International Longshoremen's Association Local 1949 covering the period commencing April 1, 2011 through March 31, 2018, upon terms and conditions set forth hereinabove and as negotiated; and

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

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

- 3. AVIATION BUSINESS GROUP REPORT**
- A. Aviation Committee Report
 - B. Financial Update
 - C. Business Update
 - D. Resolutions

Aviation Resolutions

There are no proposed Aviation items at this time.

- 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. (2)
1. Authorization for Agreements, Transportation Management and Design, Inc.; UB Regional Institution; Nelson Nygard; CHA Consulting, Inc. and Wendel, Transit Planning and Technical Term Consulting, Metro
2. Authorization for Procurement, Mondial Automotive, Materials and Support Service Required to Comply with Diesel Emissions Reduction Act of 2006, Metro

SURFACE:

4. D. (i) Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (2)

The Executive Director advised that Items 4. D. (1) through 4. 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 Demakos, seconded by Commissioner Durand, 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. (2) and dated January 23, 2014 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY*, SLOMA, DEMAKOS, GURNEY, ANSARI, DURAND, HICKS, HUGHES, PERRY*

**ABSTENTION: ZEMSKY [*Item 4. D. 1 only]
PERRY [*Item 4. D. 1 only]**

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) **Authorization for Agreements, Transportation Management and Design, Inc.; UB Regional Institution; Nelson Nygard; CHA Consulting, Inc. and Wendel, Transit Planning and Technical Term Consulting, Metro**

RECOMMENDATION: Staff recommends that the Board authorize Transit Planning and Technical Term Consulting Agreements with the following consulting firms: Transportation Management and Design, Inc., UB Regional Institution, Nelson Nygard, CHA Consulting, Inc., and Wendel. (*See attached RFP rating spreadsheet.*) The Agreements will begin on February 1, 2014 and conclude on March 31, 2016, with two, one-year renewal options.

INFORMATION: The procurement of term consulting services can save both time and be cost effective in implementing planning assignments. The intent is to retain five Term Contract Consultants having specific technical expertise in one or more of the four Planning Task Requirements. Among the five term consultants, four will provide Performance Measures/MAP 21 (asset management)/GIS expertise; two will provide Market Research and Outreach Facilitation; two will provide Best Practices and Research expertise; and three will provide Planning and Technical Service expertise as follows:

Performance Measures/MAP 21 (Asset Management)/Geographic Information Systems:

Transportation Management and Design, Inc. (TMD)
Carlsbad, CA
Russell Chisholm, President

Nelson Nygarad
Boston, MA
Larry Englisher, Principal

CHA
Buffalo, NY
Frank DelSignore, Vice President

Wendel
Buffalo, NY
Donald E. Gray, Vice President

Market Research and Outreach Facilitation/Surveys:

UB Regional Institute/Urban Design Project
Buffalo, NY
Robert Shibley, Director

Wendel
Buffalo, NY
Donald E. Gray, Vice President

Best Practices and Research:

UB Regional Institute/Urban Design Project
Buffalo, NY
Robert Shibley, Director

CHA
Buffalo, NY
Frank DelSignore, Vice President

Planning and Technical Services:

Transportation Management and Design, Inc. (TMD)
Carlsbad, CA
Russell Chisholm, President

Nelson Nygarad
Boston, MA
Larry Englisher, Principal

CHA
Buffalo, NY
Frank DelSignore, Vice President

The Selection Committees selected consultants based on the advertised criteria, that is, past experience on similar engagements, quality of personnel, management support, as well as the consultant's project approach on performance measures, market research and outreach facilitation, best practices and research, and planning and technical services.

The Authority publicly advertised the Term Consulting Services "Requests for Proposals" (RFPs), RFP #4350. A total of nine consultants submitted responsive proposals.

All recommended consultants are committed to the NFTA's DBE/MWBE requirements, which will be addressed on a per-assignment basis.

As the various planning and technical assignments are identified, the staff will provide the most appropriate consultant (based upon expertise, experience, personnel, and availability) with a written description of the scope of work to be performed. The consultant will respond with a cost proposal based upon previously agreed terms, salary rates, overhead, and DBE/MWBE goals contained in the Term Agreement. Staff will pursue and recommend formal approval on a per assignment basis following successful negotiations.

These agreements do not obligate the Authority to contract with the consultants on any specific project, nor for any dollar value of consulting services. The consultant's performance will be reviewed throughout the term, and renewal of agreements will depend upon their performance.

FUNDING: Funding will be provided in Metro's operating budget.

“RESOLVED, that the Board hereby authorizes Agreements with Transportation Management and Design, Inc.; UB Regional Institution; Nelson Nygard; CHA Consulting, Inc. and Wendel, Transit Planning and Technical Term Consulting 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 Agreements with Transportation Management and Design, Inc.; UB Regional Institution; Nelson Nygard; CHA Consulting, Inc. and Wendel, Transit Planning and Technical Term Consulting; and

BE IT FURTHER RESOLVED, that said Agreements 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 he/she is hereby authorized to make payments under said Agreements upon certification by the Director, Public Transit, that such payments are in order.”

Transit Planning and Technical Consultant

RFP DOCUMENTS REQUIRED (Completed by Procurement)	TMD	UB Regional Inst.	Nelson Nygard	CHA	Wendel	Delta Development	Jack Reilly & Assoc.	Parsons Brinkerhoff	URS
	San Diego	Buffalo, NY	Boston, MA	Buffalo, NY	Buffalo, NY	Wexford, PA	Latham, NY	Buffalo, NY	Buffalo, NY
Cover Letter	X	X	X	X	X	X	X	X	X
Description of services	X	X	X	X	X	X	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X	X	X	X	X	X
Resumes	X	X	X	X	X	X	X	X	X
References	X	X	X	X	X	X	X	X	X
Itemized Cost Proposal	X	X	X	X	X	X	X	X	X
Non-Collusive Cert	X	X	X	X	X	X	X	X	X
Disclosure of Contracts Form	X	X	X	X	X	X	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X	X	X	X	X	X	X
SELECTION CRITERIA									
(Completed by Team)									
Qualifications & Experience: past experience & performance on similar engagements, quality of personnel assigned and mgmt support - 40%	9.00	7.00	8.50	7.50	7.00	7.50	5.00	7.00	5.00
Project approach, methods, compliance with requirements - 30%	9.00	7.00	8.00	7.00	6.00	6.00	4.50	4.00	6.00
Price - 30%	7.79	7.26	6.54	6.90	8.80	6.30	10.00	7.50	7.10
RATING	8.64	7.08	7.76	7.17	7.24	6.69	6.35	6.25	5.93
Avg. Hourly Rate									
Year 1	\$163	\$179	\$197	\$199	\$147	\$215	\$130	\$180	\$195
Year 2	\$170	\$184	\$204	\$199	\$151	\$215	\$134	\$177	\$195
Year 3	\$177	\$190	\$211	\$199	\$156	\$219	\$138	\$183	\$195
Year 4	\$183	\$196	\$218	\$199	\$161	\$219	\$142	\$190	\$195
Year 5	\$191	\$201	\$226	\$199	\$165	\$224	\$147	\$197	\$195
Avg Rate for 5 years	\$177	\$190	\$211	\$199	\$156	\$218	\$138	\$185	\$195

SURFACE:

4. D. (2) **Authorization for Procurement, Mondial Automotive, Materials and Support Service Required to Comply with Diesel Emissions Reduction Act of 2006, Metro**

RECOMMENDATION: Staff recommends that the Board approve the purchase of materials and support service to retrofit existing vehicles to comply with the Diesel Emissions Reduction Act of 2006 from Mondial Automotive of College Point, New York at a cost not-to-exceed \$799,572.

INFORMATION: The Diesel Emissions Reduction Act of 2006 requires that pre-2007 diesel powered on road vehicles owned by New York State and State Authorities be retrofitted with the components necessary to meet 2007 EPA emissions requirements. NFT Metro's pre-2007 diesel powered buses and non-revenue vehicles are subject to this law. Metro currently rosters 96 buses that require a retrofit in order to comply with this law. This procurement will provide the necessary vehicle testing, employee training and materials. Five proposals were received, evaluated and scored by the Manager of Procurement, Superintendent of the Bus Garages and the Equipment Engineer. The summary is attached.

FUNDING: Funding for this procurement is a combination of EPA National Clean Diesel Funding Assistance Program (without match); and 80% FTA, 10% NYS and 10% NFTA basis depending upon compliance timing and vehicle replacement schedules.

“RESOLVED, that the Board hereby authorizes the procurement of materials and support service from Mondial Automotive to comply with the Diesel Emissions Reduction Act of 2006 at a cost not-to-exceed \$799,572.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Mondial Automotive for the procurement materials and support service to be used as described hereinabove; and

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

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

RFP 4344 Diesel Exhaust After Treatment Systems

1/15/2014

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Cummins	Mondial	Ward Diesel	Kenworth	Penn Detroit
	Northeast Buffalo, NY	Automotive College Point, NY	Elmira, NY	Northeast Group Lackawanna, NY	Diesel Allison Buffalo, NY
Cover Letter	X	X	X	X	X
Non-Collusive Cert	X	X	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X	X	X
Affirmation and Certification	X	X	X	X	X
Certification Re Lobbying	X	X	X	X	X
Description of services	X	X	X	X	X
Buy America Certification	X	X	X	X	X
Mgmt & Staff Qualifications	X	X	X	X	X
Resumes	X	X	X	X	X
References	X	X	X	X	X
ST-220 Form	X	X	X	X	X
Cost Proposal	X	X	X	X	X
Cost					
SELECTION CRITERIA (Completed by Team)	(Rate on a scale of 1 - 10, with 10 being the highest)				
Technical Criteria - systems proposed, compliance with technical specifications - 50%	9.00	9.00	9.00	9.00	9.00
Cost - 30%	6.10	10.00	8.81	8.76	8.80
Qualifications and Experience - demonstrated ability in the industry, references, warranty, lead time - 20%	9.00	9.00	9.00	9.00	9.00
RATING	8.13	9.30	8.94	8.93	8.94
Cost Proposals					
1996					
Cost per PM/Nox System	no bid	\$8,340	\$9,844	\$9,088	\$10,173
Cost catalog		\$350	\$450	\$975	

RFP 4344 Diesel Exhaust After Treatment Systems

1/15/2014

Cost to install 2 systems and train staff			\$1,500	\$1,275	\$1,650	\$1,200
Total			\$10,190	\$11,569	\$11,713	\$11,373
1999's						
Cost per PM/Nox System	no bid		\$8,340	\$9,844	\$9,088	\$10,173
Cost of datalog			\$350	\$450	\$975	
Cost to install 2 systems and train staff			\$1,500	\$1,275	\$1,650	\$1,200
Total			\$10,190	\$11,569	\$11,713	\$11,373
2001's A						
Cost per PM/Nox System	\$10,950		\$8,340	\$9,844	\$9,088	\$10,173
Cost of datalog	\$230		\$350	\$450	\$975	
Cost to install 2 systems and train staff	\$5,500		\$1,500	\$1,275	\$1,650	\$1,200
Total	\$16,680		\$10,190	\$11,569	\$11,713	\$11,373
2001's B						
Cost per PM/Nox System	\$10,950		\$8,340	\$9,844	\$9,088	\$10,173
Cost of datalog	\$230		\$350	\$450	\$975	
Cost to install 2 systems and train staff	\$5,500		\$1,500	\$1,275	\$1,650	\$1,200
Total	\$16,680		\$10,190	\$11,569	\$11,713	\$11,373
2006's						
Cost per PM/Nox System	no bid		\$7,668	\$9,050	\$8,289	\$11,477
Cost of datalog			\$350	\$450	\$975	
Cost to install 2 systems and train staff			\$1,500	\$1,275	\$875	\$750
Total			\$9,518	\$10,775	\$10,139	\$12,227

- 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. C. (1) through 5. C. (7)
1. Authorization for Lease Agreement, Winon USA, Inc., 247 Cayuga Road
2. Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road.
3. Authorization for Lease Agreement, Westmatic Corporation, 485 Cayuga Road
4. Authorization for Extension of Agreement, Excalibur Leisure Skills Center, Inc., NFTA Boat Harbor
5. Authorization for Extension of Agreement, Seven Seas Sailing, Inc., NFTA Boat Harbor
6. Authorization for Extension of Agreement, James J. Ehrig, Jr. d/b/a Worms 'N Things, NFTA Boat Harbor
7. Authorization for Permit, Buffalo Triathlon Club, Inc., NFTA Seaway Pier

PROPERTY:

5. D. (i) **Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (7)**

The Executive Director advised that Items 5. D. (1) through 5. D. (7) 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 Hicks, 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. (7) and dated January 23, 2014 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, DEMAKOS, GURNEY, ANSARI, DURAND, HICKS, HUGHES, PERRY

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Lease Agreement, Winon USA, Inc., 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Winon USA, Inc. (Thomas M. Dundas, President) for office and warehouse space at 247 Cayuga Road, Cheektowaga.

INFORMATION: Winon USA, Inc. imports, distributes and sells pad and screen printing equipment and supplies. They have been a tenant at 247 Cayuga Road since 2009. This lease is for 4,056 square feet of B- office and warehouse space at 247 Cayuga Road at a rental rate of \$4.06 per square foot or \$1,372 per month. The one-year lease term will begin February 1, 2014 and end January 31, 2015.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with the Winon USA, Inc., for use of space at 247 Cayuga Road, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Winon USA, Inc., as set forth above and as negotiated; and

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

PROPERTY:

5. D. (2) **Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Richard Reinhart d/b/a Mailmasters for use of space at 247 Cayuga Road, Cheektowaga.

INFORMATION: Mr. Reinhart has been leasing 663 square feet to accommodate his direct mail business at 247 Cayuga Road since 2010. The current lease expires on January 31, 2014. The new agreement will continue his occupancy for one year commencing February 1, 2014 and ending on January 31, 2015. The rental rate will increase by 3% to a rate of \$7.32 per square foot fully gross or \$4,855 for the year. This space is classified as C+ space.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Richard Reinhart d/b/a Mailmasters, for use of space at 247 Cayuga Road as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Richard Reinhart d/b/a Mailmasters, 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, Westmatic Corporation, 485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Westmatic Corporation, Troy, Michigan, for 14,562 square feet in Hangar Bays 4 and 5 at 485 Cayuga Road, Cheektowaga.

INFORMATION: Westmatic Corporation's current lease expires on June 30, 2014. The new lease is for a five-year term beginning July 1, 2014 and ending June 30, 2019. The lease will be for 14,562 square feet. The rental rate will be \$5.95 per square foot, or \$86,643.90 in year one, with an annual escalator of 3.5%.

Westmatic has agreed to install fence around their outside storage of product and materials. Westmatic will have the option to terminate at the end of the third lease year with a cash penalty equal to three months rent.

As a part of this agreement, Westmatic has also agreed to provide on-site management assistance at 485 Cayuga Road with any expenses to be reimbursed by the NFTA. This assistance was previously provided by DRS.

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

FUNDING: The real estate commission will be paid out of Account Number 08-0099-571-9900. Reimbursement for on-site assistance will be paid out of Account Number 08-0818-520-5000.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with the Westmatic Corporation, for use of the space at 485 Cayuga Road, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Westmatic Corporation, 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. (4) **Authorization for Extension of Agreement, Excalibur Leisure Skills Center, Inc., NFTA Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize an extension to the Agreement with Excalibur Leisure Skills Center, Inc. to extend the term for the provision of boating and fishing opportunities for disabled and disadvantaged individuals at the Boat Harbor.

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

The NFTA historically has tried to accommodate requests from reputable and responsible individuals and organizations to use the Boat Harbor for community projects. The program offered by Excalibur Leisure Skills Center, Inc. has a broad range of community support, including United Way and the State Employees Federated Appeal, and a long history of success at the Boat Harbor. The extension to the current Agreement with Excalibur will provide the NFTA with the appropriate insurance and indemnification protections, and will terminate on October 15, 2014.

FUNDING: No funding is necessary.

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

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

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

PROPERTY:

5. D. (5) **Authorization for Extension of Agreement, Seven Seas Sailing, Inc.,
NFTA Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize a one-year extension of the agreement with Seven Seas Sailing, Inc., (William Zimmerman, President) for the operation of the store adjacent to the launch ramp at the NFTA Boat Harbor.

INFORMATION: Mr. Zimmerman has been operating this store for the last three seasons. His current agreement expired October 15, 2013. Due to the possible transfer of ownership of the Boat Harbor after the 2014 season, staff is recommending extending Mr. Zimmerman's contract for one more season from April 1, 2014 through October 15, 2014. The rent will be \$1,300 for the season.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Seven Seas Sailing, Inc. (William Zimmerman, President), for the operation of the store adjacent to the launch ramp at the NFTA Boat Harbor 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 the Lease Agreement with Seven Seas Sailing, Inc. (William Zimmerman, president), 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. (6) **Authorization for Extension of Agreement, James J. Ehrig, Jr. d/b/a Worms 'N Things, NFTA Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize a one-year extension of the agreement with James J. Ehrig, Jr., d/b/a Worms 'N Things to operate the bait shop at the NFTA Boat Harbor.

INFORMATION: Mr. Ehrig has been operating the bait shop at the Boat Harbor since 1982. His current agreement expired on December 31, 2013. Due to the possible transfer of ownership of the Boat Harbor after the 2014 season, staff is recommending extending Mr. Ehrig's current contract to November 15, 2014. The base rent will remain \$4,200 per year with additional rent due based on percentages of gross revenues.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes an Agreement Extension with James J. Ehrig, Jr. d/b/a Worms 'N Things, for the Bait Shop at the NFTA Boat Harbor 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 the Agreement Extension with James J. Ehrig, Jr. d/b/a Worms 'N Things with terms and conditions as set forth above and as negotiated; and

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

PROPERTY:

5. D. (7) **Authorization for Permit, Buffalo Triathlon Club, Inc., NFTA Seaway Pier**

RECOMMENDATION: Staff recommends that the Board authorize a Permit with the Buffalo Triathlon Club, Inc. for the use of the Seaway Pier for open water swimming practices.

INFORMATION: Buffalo Triathlon Club, Inc. is a New York not-for-profit corporation established to help its members train for triathlons. This is the fourth year the Club is requesting permission to use the NFTA's Seaway Pier property to access Lake Erie for its weekly swim practices

The Club meets for weekly group swims at the site on Wednesday evenings from 4-8 p.m. during the months of May through September. There are typically 30-50 members who attend. The Club has agreed to provide the appropriate insurance coverages and will indemnify and hold the NFTA harmless for the Club's use of the site. The permit provides for assignment to and indemnification of Erie Canal Harbor Development Corporation to accommodate the pending property transfer. The permit will limit the Club's use of the site to Wednesday evenings from 4:00 p.m. to 8:00 p.m. from May 1 through September 30, 2014.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes a Permit with Buffalo Triathlon Club, Inc. for use of the NFTA's Seaway Pier property as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Permit with Buffalo Triathlon Club, Inc. with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Permit 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 - None
8. Adjournment

At approximately 1:06 p.m., the Vice Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Durand, seconded by Commissioner Demakos, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: ZEMSKY, SLOMA, DEMAKOS, GURNEY, ANSARI,
DURAND, HICKS, HUGHES, PERRY**

NOES: NONE

