Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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January 23, 2015

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 Regular Board Meeting held on December 18, 2014.

Very truly yours,

David J. State
General Counsel

DJS:lf

Enclosure

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
DECEMBER 18, 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 12:35 p.m.

B. Approval of Minutes of the NFTA Regular Board Meeting held on October 23, 2014

It was moved by Commissioner Perry, seconded by Commissioner Gurney, that the Minutes of the October 23, 2014 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

C. Approval of Minutes of the NFTA Special Board Meeting held on December 11, 2014

It was moved by Commissioner Perry, seconded by Commissioner Gurney, that the Minutes of the December 11, 2014 Special Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

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

NOES: **NONE**

C. Executive Director Report

Executive Director Kimberley Minkel presented a year end synopsis to the Board which included a five year agreement with the signatory airlines, international service with Sunwing Airlines with direct flights to Mexico and the Dominican Republic, completion of the bond refunding project resulting in a $20 million savings over the 20 year life of the bonds and an 8% increase in NFIA enplanements.

Within the Metro division there was the ground breaking of a new Allen Street station which will be incorporated into UB's new medical school, completion of track bed replacement work for the 500 & 600 blocks of Main Street, five new rebuilt rail cars, introduction of a new Flex Service in Niagara County and the Niagara Street Corridor project and Amherst Buffalo Corridor alternatives analysis which will provide more transit options to the community. The Canalside & Cobblestone District study will evaluate additional transit options.

The NFTA is furthering green initiatives and improving air quality by moving into CNG fueled vehicles. Twenty new CNG buses have been ordered and scheduled for delivery by the end of next year to coincide with the completion of our CNG facility upgrade and fueling station.

The year 2014 saw the transfer of waterfront property allowing the NFTA to focus on its core mission. Three labor contracts were settled and NFTA was awarded the TSA's highest gold standard rating for safety and security based on our excellent safety and security performance and programs.

The Executive Director acknowledged the dedication and hard work of NFTA employees especially those who helped during the November snow storm. Buses transported the Niagara University women's basketball team from the State Police barracks and rescued nearly 100 stranded people at the Lackawanna tolls. NFTA buses also transported individuals stranded by the storm to a Red Cross shelter, several dialysis patients to Mercy hospital and nursing home residents who were being evacuated due to a roof collapse.

The NFTA also sent snow removal equipment for our Niagara Falls airport and equipment operators to Hamburg, NY to help with the snow removal effort. She also commended the NFTA police force who worked day and night to provide safe escort for our buses, equipment and personnel.

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. (2) through 2. C. (8)

1. Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro Systems, Inc., Fiscal Year 2015-2016

2. Authorization of NYSDOT Aviation Capital Project, Contract K, BNIA

3. Authorization for NYSDOT Aviation Capital Project, Contract K, NFIA

4. Approval of Amendment to Smoking Regulation for NFTA and NFT Metro System, Inc.

5. Authorization for Agreement, Advance 2000, Inc., Alcatel-Lucent Telephone Equipment, NFTA

6. Authorization for Maintenance Agreement, Layer 2 Technologies, Inc., NFTA

7. Authorization for Agreement, United Uniform, Police Uniforms, TAPD

8. Authorization for Settlement, Lynne A. Koller and Charles Koller v. Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.

CORPORATE:

2. C. (i) Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (2) through 2. C. (8)

The Executive Director advised that Items 2. C. (2) through 2. C. (8) 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 Wilcox, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (2) through 2. C. (8) and dated December 18, 2014 as set forth herein, be and hereby are accepted and approved in their entirety."

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

ABSTENTION: **BAYNES** [*Item 2. C. 5 only]

NOES: **NONE**

ADOPTED

CORPORATE:

2. C. (1) Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro Systems, Inc., Fiscal Year 2015-2016

RECOMMENDATION: Staff recommends that the Board adopt the Operating and Capital Budgets for the NFTA and NFT Metro System, Inc. for the Fiscal Year ending March 31, 2016. The consolidated budget for FYE'16 is $217.7 million.

INFORMATION: The NFTA is a public benefit corporation of the State of New York created by legislation enacted under Chapter 717 of the laws of 1967. The mission of the NFTA is to provide safe, efficient and professional transportation services that enhance the quality of life in the Buffalo Niagara region in a manner, consistent with the needs of our customers. To that end and for such purpose, the NFTA operates the Niagara Falls International Airport, Buffalo Niagara International Airport, various non-transportation property assets as managed by our Property Group, Transportation Centers in the Cities of Buffalo and Niagara Falls, and through its subsidiary corporation, NFT Metro System, Inc., operates bus, paratransit and light rail transit systems in the counties served by NFTA.

The NFTA adopts an annual budget covering its operations for the Fiscal Year that begins April 1 and extends through March 31 of the following calendar year. The budget for FYE'16 is balanced as required by New York State and was prepared based on a management approach integrating financial and strategic requirements necessary for the continued operation of the Authority.

As a comparison to the current year forecast, the FYE'16 budget assumes a $0.4 million, or 0.3%, decrease in revenues from Authority operations and a $7.2 million, or 6.8%, increase in operating assistance. Included in the FYE'16 budget is a request for an additional $10.0 million in capital need funds, as a 100% allocation of 88c funds to capital projects and increases in personnel, maintenance and repairs and capital spending warrant the request.

The budget assumes a $4,693k, or 2.5%, increase in expenses for FYE'16, while providing for the continued efficient delivery of transportation services to the public and communities served by the NFTA and Metro without increasing transit fares to our customers.

Finally, the FYE'16 budget includes $12.0 million for net debt service and operating reserves related to the Buffalo Niagara International Airport Improvement Program (AIP) project, $1.2 million in debt service for the glycol collection project and equipment lease financing for energy savings initiatives, and $9.4 million in the NFTA equity share of our capital spending total of $67.4 million estimated for FYE'16.

Among some of the initiatives included in the budget are locking-in favorable terms and allowing for cost certainty on 33% of our anticipated diesel fuel usage, increases in our health insurance employee contributions from our numerous unions and the refinancing of our 1998 and 1999 airport revenue bonds, thus decreasing our debt service costs.

Metro includes slightly increasing revenue consistent with our current levels of core ridership. The Surface Transportation budget includes funds for the mid-life rail rebuild project; twenty new CNG buses; design and construction of the new fare collection system and related rail station gates; and Niagara Street Corridor project and CNG fueling station/modification initiative.

In the Aviation Division, Buffalo Niagara International Airport (BNIA) is assuming a 1% increase in enplanements. Rental income will be higher due to the anticipated elimination in the application of the PFC credit, which offsets rental rates. Major capital projects at BNIA include continuing our noise mitigation measures in residences, community facilities and businesses where excessive noise from airport operations is present and funds for a new ARFF facility and runway mill and overlay rehab.

The Niagara Falls International Airport's loan for construction of the new terminal matures in December 2014, thus eliminating the main component of its debt service. The NFIA budget also includes a $750k capped reimbursement for its net deficit (BNIA signatory airlines previously reimbursed the NFIA for 50% of its net deficit). The capital budget includes funds for the new terminal apron expansion east and west.

The Property Development Division budget reflects the transfer of the Boat Harbor to the Erie Canal Harbor Development Corporation, and includes capital funds for the upgrade of our 485 Cayuga Road facility.

The following are the budget assumptions and highlights, comparing the FYE'15 forecast to FYE'16:

- Metro capital needs request of $9,982k.
- New York State Operating Assistance increasing $1,265k, or 3.0%.
- Total Federal Operating Assistance to decrease $40k, or 0.2%, due to lower miscellaneous grants for police operations.
- Erie County Sales Tax is anticipated to increase $589k or 3.0%, based on Erie County projections.
- Mortgage Tax is anticipated to increase $161k, or 2.2%, based on five-year average median residential price increase.
- NFTA Boat Harbor operations transferred to New York State Parks, effective November 15, 2014.
- BNIA is assuming a 1% increase in enplanements.
- NFTA/Metro contractual/step increases reflective of labor agreements.
- Metro fringe benefit rate - 82.5%; NFTA fringe benefit rate - 47.8%.
- NFTA/Metro health insurance costs are increasing a net $410k, or 1.5% based on increased union participation and a health insurance rate hike of 6.75%.
- NFTA/Metro workers' compensation costs are increasing $1,123k, or 15.0%.

- NFTA/Metro maintenance and repairs are increasing $396k, or 2.2%, as increasing Metro revenue vehicle maintenance costs as a result of aging fleet, higher Metro facilities and environmental expenses, increasing BNIA baggage maintenance costs and jet bridge painting and repairs, contribute to the variance.
- Lower transit fuel/power expenses of $19k, or 0.2%, as we are locked in at 33% of our anticipated usage at $3.0455/gallon and the remaining 67% is subject to market conditions budgeted at $3.04/gallon, the average cost over the previous 26 week period.

Whereupon, it was moved by Commissioner Demakos, seconded by Commissioner Durand, that the following Resolutions be adopted:

> "**RESOLVED**, that the Operating and Capital Budgets of the NFTA and NFT Metro System, Inc., for the fiscal year ending March 31, 2016, be and are hereby adopted as provided herein; and
>
> **BE IT FURTHER RESOLVED**, that the Executive Director is authorized during the course of the 2015-16 fiscal year to establish, for non-represented employees, the appropriate salary levels consistent with the merit-based system for all new hires and to adjust, on the basis of performance, the salary level of all employees; and
>
> **BE IT FURTHER RESOLVED**, that the Executive Director is authorized during the course of the 2015-16 fiscal year to establish, for represented employees, the appropriate step, within the budgeted salary grade, for all new hires and to adjust, on the basis of performance and as provided by collective bargaining agreements, the grade and step of all current employees."

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

NOES: **NONE**

ADOPTED

CORPORATE 2. C. (1)

CORPORATE:

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

RECOMMENDATION: Staff recommends that the Board authorize acceptance and execution of Contract K with the New York State Department of Transportation PIN 5A00.07 in the amount of $143,503, PIN 5A00.08 in the amount of $107,558 and PIN 5A00.09 in the amount of $372,809.00, for projects at the Buffalo Niagara International Airport.

INFORMATION: Contract K for PIN 5A00.07 provides the NYSDOT match of $143,503 to the NFTA as identified in the Airport Improvement Program Capital Project agreement No. 3-36-0009-086-2014 with the Federal Aviation Administration. This project will replace the existing aircraft rescue and fire fighting water line on the west side of airfield. Contract K for PIN 5A00.08 provides the NYSDOT match of $107,558 to the NFTA as identified in the Airport Improvement Program Capital Project agreement No. 3-36-0009-087-2014 with the Federal Aviation Administration. This project will provide the design for a new aircraft rescue and fire fighting building. Contract K for PIN 5A00.09 provides the NYSDOT match of $372,809 to the NFTA as identified in the Airport Improvement Program Capital Project agreement No. 3-36-0009-088-2014 with the Federal Aviation Administration. This project is for the implementation of Federal Aviation Regulations (FAR) Part Noise Compatibility Program Improvements (Phase 10) – construction for 55 parcels (90 households benefiting 193 residents) within the 65-69 Day Night Average Sound Level (DNL) and construction for 1 parcel (1 household benefiting 3 residents) within the 70-74 DNL, demolition of noise program model home, and noise program close-out.

FUNDING: Funding associated with the projects and the NYS share provided by PIN 5A00.07, PIN 5A00.08, and PIN 5A00.09 are as follows:

PIN	Project	Total Cost	FAA Share	NYSDOT Share	PFC Share
5A00.07	Replace Existing Aircraft Rescue and Fire Fighting (ARFF) Water Line on West Side of Airfield (approximately 4,900 LF) - Construction, BNIA. AIP 3-36-0009-086-2014	$1,148,021	$861,016	$143,503	$143,502
5A00.08	Construct New Aircraft Rescue and Fire Fighting (ARFF) Building – Design Only, BNIA. AIP 3-36-0009-087-2014	$860,459	$645,344	$107,558	$107,557

PIN	Project	Total Cost	FAA Share	NYSDOT Share	PFC Share
5A00.09	Implementation of FAR Part Noise Compatibility Program Improvements (Phase 10) – Construction for 55 Parcels (90 Homes Benefiting 193 Residents) within the 65-69 DNL and Construction for 1 Parcel (1 Home Benefiting 3 Residents) within the 70-74 DNL, Demolition of Noise Program Model Home, and Noise Program Close-out, BNIA. AIP 3-36-0009-088-2014	$3,728,091	$2,982,473	$372,809	$372,809

"**RESOLVED,** that the Board authorizes the New York State Department of Transportation Aviation Capital Project, Contract K for projects as described above at the Buffalo Niagara International Airport; 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 K 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."

CORPORATE:

2. C. (3) Authorization of NYSDOT Aviation Capital Project, Contract K, NFIA

RECOMMENDATION: Staff recommends that the Board authorize acceptance and execution of Contract K with the New York State Department of Transportation PIN 5902.17 in the amount of $100,093 for a project at the Niagara Falls International Airport.

INFORMATION: Contract K for PIN 5902.17 provides the NYSDOT match of $100,093 to the NFTA as identified in the Airport Improvement Program Capital Project agreement No. 3-36-0086-043-2014 with the Federal Aviation Administration. This project is for the reimbursement of eligible costs of the New Passenger Terminal (Phase 4).

FUNDING: Funding associated with the project and the NYS share provided by PIN 5902.17 is as follows:

PIN	Project	Total Cost	FAA Share	NYSDOT Share	NFTA Share
5902.17	Reimbursement of eligible costs of the New Passenger Terminal (Phase 4), NFIA. AIP 3-36-0086-043-2014	$2,001,860	$1,801,674	$100,093	$100,093

"**RESOLVED,** that the Board authorizes the New York State Department of Transportation Aviation Capital Project, Contract K for a project as described above at the Niagara Falls International Airport; 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 K at the Niagara Falls 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."

CORPORATE:

2. C. (4) Approval of Amendment to Smoking Regulation for NFTA and NFT Metro System, Inc.

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: The NFTA recognizes the health risks of smoking and secondhand smoke for non-smokers and has committed to providing a safe environment for employees and the public by prohibiting smoking in the NFTA's transportation facilities, including BNIA, NFIA, the three transportation centers, and all NFTA vehicles. The amendment to the current smoking regulation will further extend that commitment by establishing designated smoking areas at the MTC and BNIA terminals to reduce exposure of secondhand smoke to our patrons and employees at these heavily traversed locations. The new regulation will prohibit smoking:

- Within 20 feet of a main entrance to any transportation facility
- Inside any covered parking area that is physically part of or connected to a transportation facility
- Within 20 feet of building air intake ducts
- Within 20 feet of the storage of flammable and combustible materials
- Outside the designated smoking area for the Metropolitan Transportation Center that is on North Division Street, across from the taxi parking; and
- Outside the designated smoking area for the Buffalo Niagara International Airport that is located outside the arrivals and departures area of the terminal.
- Outside either of the two designated smoking areas at the Niagara Falls International Airport that are located at opposite ends outside the terminal.

Signs bearing the message "Smoke Free Facility" will be posted in each NFTA-owned vehicle and at the main entrance for each transportation facility. For passenger comfort, designated smoking areas will be clearly identified and isolated away from the smoke free zones.

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;

(d) within 20 feet of the storage of flammable and combustible materials;

(e) outside the designated smoking area for the Metropolitan Transportation Center that is on North Division Street, across from the taxi parking;

(f) outside the designated smoking area for the Buffalo Niagara International Airport that is located outside the arrivals and departures area of the terminal; and

(g) outside either of the two designated smoking areas at the Niagara Falls International Airport that are located at opposite ends outside the terminal.

CORPORATE:

2. C. (5) Authorization for Agreement, Advance 2000, Inc., Alcatel-Lucent Telephone Equipment, NFTA

RECOMMENDATION: Staff recommends that the Board approve an agreement with Advance 2000, Inc., of Amherst, New York, for the provision of Alcatel-Lucent telephone equipment for the following NFTA facilities: Operations Control Center, Metropolitan Transportation Center, Yards and Shops, Transit Authority Police, Cold Springs Bus Garage, Frontier Bus Garage, and Babcock Bus Garage. Alcatel-Lucent equipment, installation and maintenance services are available from Advance 2000, the designated value added reseller, on New York State Contract PT62449. The total cost of this project is not to exceed $315,000.00

INFORMATION: ECC Technologies, our telecommunications consultant, conducted a needs assessment of our telecommunication equipment at all locations. ECC found that telephone systems had become difficult to maintain and that spare parts were difficult to find. This will complete the project started in 2009 when the Board approved a five year agreement with Advance 2000 to replace antiquated telephone equipment with Alcatel-Lucent equipment, authority-wide, on an as needed basis. BNIA and NFIA have already been equipped with Alcatel -Lucent products.

Advance 2000 is extending a pricing discount to NFTA, for this project, of 58% for hardware and software. The discount will be taken from the current manufacturer's list prices as listed the NYS contract. The standard OGS discount is 43%.

FUNDING: Funding is included in the Authority's capital budget.

"**RESOLVED,** that the Board hereby authorizes an Agreement with Advance 2000, Inc., for Alcatel-Lucent telephone equipment as described above and for a cost not-to-exceed $315,000.00; 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 Advance 2000, Inc., for the total amount of $315,000.00 as described above; and

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

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

CORPORATE:

2. C. (6) Authorization for Maintenance Agreement, Layer 3 Technologies, Inc., NFTA

RECOMMENDATION: Staff recommends that the Board authorize a three-year Agreement with Layer 3 Technologies, Inc. for annual maintenance of our Unitrends backup appliance. This agreement provides upgrade replacement of the hardware at no cost to the NFTA every three years resulting in a savings of $17,549.00 in hardware costs. The cost of the three-year maintenance agreement is $18,499.25 and will be effective January 1, 2015.

INFORMATION: The Unitrends backup appliance is used as a recovery platform for all NFTA file systems. We presently perform a full backup of all files each weekend and perform daily incremental backups of changes since the last full backup. This system is critical to our ability to recover data in the case of system failure or possible malware attacks. Layer 3 Technologies, Inc. is an authorized re-seller of Unitrends under NYS OGS Contract PT65090.

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

"**RESOLVED,** that the Board hereby authorizes an Agreement with Layer 3 Technologies, Inc. for the upgrade/replacement of our Unitrends backup platform and three years of annual maintenance at a cost of $18,499.25 as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Layer 3 Technologies, Inc. for the total amount of $18,499.25 as described hereinabove; 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 is hereby authorized to make payments under said Agreement upon certification by the Chief Information Officer that such payments are in order."

CORPORATE:

2. C. (7) Authorization for Agreement, United Uniform, Police Uniforms, TAPD

RECOMMENDATION: Staff recommends that the Board approve United Uniform of Buffalo, New York for the provision of Police Uniforms for the NFTA Transit Police Department for a three-year term, with an additional two option years at an estimated cost of $359,792.50 for all five years.

INFORMATION: Officers of the NFTA Transit Police Department are required to wear a standard uniform as determined by the Department.

Request for Proposal 4434 was issued in accordance with NFTA Procurement Guidelines. One responsive proposal was received. The proposal was evaluated based on qualifications and experience, compliance with technical specifications and cost. The review team, comprised of representatives of the NFTA Procurement Department, and the NFTA Transit Police Department, determined the United Uniform proposal complied with all requirements of the RFP. The costs were determined to be fair and reasonable based on past purchases. The other vendors contacted indicated they did not submit proposals because they did not believe they could be competitive with United Uniform.

Specific items/services to be provided by United Uniform are police uniforms and equipment as determined by the Department. Specific items are subject to change over the course of the contract on request by the NFTA.

The term of the contract will be for three years with the option to renew for two additional one-year terms, to be exercised at the discretion of the NFTA. The total estimated costs for year one is $71,958.50; year two $71,958.50; and year three $71,958.50. Option year four is estimated at $71,958.50 and year five $71,958.50. The estimated total cost for all five years is $359,792.50.

FUNDING: Funding is included in the operating budgets of NFTA/Metro.

> "**RESOLVED,** that the Board hereby authorizes an Agreement with United Uniform, for police uniforms for the Transit Authority Police Department at a cost of $359,792.50 as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with United Uniform at a cost of $359,792.50 as described hereinabove; 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 is hereby authorized to make payments under said Agreement upon certification by the Chief Financial Officer, that such payments are in order."

CORPORATE:

2. C. (8) Authorization for Settlement, Lynne A. Koller and Charles Koller v. Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.

RECOMMENDATION: Staff recommends that the Board authorize payment of the settlement amount of $150,000 in the matter of Lynne A. Koller and Charles Koller v. Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.

INFORMATION: This action arises out of a bicycle/motor vehicle accident that occurred on September 12, 2010 at 9:20 a.m. at the intersection of Perry Street and Michigan Avenue in the City of Buffalo. As a #14 Abbott line Metro bus traveling outbound on Perry approached the intersection, the Plaintiff, then 61 year old Lynne Koller, was in the intersection on her bicycle near a Buffalo Police vehicle that was blocking the intersection due to a running race in the area. There was also a male pedestrian in the intersection. As the bus continued its approach, both the Plaintiff and the male pedestrian moved to the southwest corner of the intersection. The male pedestrian stepped up onto the sidewalk, but Ms. Koller remained in the roadway, partially in a designated bike lane, straddling her bicycle and facing west, with her rear tire into the crosswalk. The bus then made a wide right turn onto Michigan Avenue and, in doing so, the right rear side of the bus made contact with the rear tire of Lynne Koller's bike. Ms. Koller fell forward onto her hands and knees and rolled to her left into a seated position. The incident was captured on the buscam video, which was downloaded and preserved for litigation. The facts as set forth above are confirmed by the video.

The bus operator testified at a deposition that when she started to make her right turn, it was her belief that Ms. Koller was almost on the curb or on the curb. She proceeded to look down Michigan as she made her wide right turn to be certain there were no vehicles in the oncoming lane of travel on Michigan. She thought she had cleared the bicyclist when she heard a noise. She admitted that the error on her part was not re-checking her mirror after looking down Michigan to make sure the tail end of her bus had cleared the bicyclist. She testified that she should have done a "triple look to make sure she was all the way out."

Ms. Koller testified at deposition that she had a gash on her right ankle, a bruise on her right knee and a few scratches. She refused transport to the hospital at the scene; however followed up with her primary care physician the following day with complaints of low back pain, neck pain, knee pain, sciatica and hip pain. The Plaintiff sought treatment from numerous health care professionals including chiropractors, physical therapists, massage therapists and orthopedic surgeons. She has received epidural steroid injections in her lumbar spine, injections in her knees and right sacroiliac joint, as well as taking various oral pain medications. On September 4, 2013, she underwent a left hip arthroscopy to repair a labral tear, debridement and synovectomy.

The Plaintiff underwent an independent medical examination at our request on April 23, 2013 with a neurologist, relative to her spinal complaints. He reported that as a result of the September 12, 2010 accident, she sustained a cervicothoracic strain, a lumbosacral strain, a reactivation of her prior S1 radiculopathy and multiple leg contusions/abrasions. He apportioned

50% of her persistent back and right leg pain to the accident and 50% to her pre-existing degenerative disc disease, obesity and expected progressive degenerative changes with age. He further opined that her prognosis is guarded and she will require intermittent care for flare ups of low back pain.

Ms. Koller underwent a second independent medical examination at our request on September 15, 2014 with an orthopedic surgeon, relative to her left hip complaints. The orthopedic surgeon reported that Ms. Koller made a fairly good recovery from arthroscopic hip examination, synovectomy and labrum debridement from a torn acetabular labrum, which arises from and is causally related to the accident in question.

The Plaintiff continues to treat for her injuries and complaints of pain. She advises that she cannot stand for long periods of time as it leads to numbness and tingling in her right foot and toes, experiences inflammation in her calf and hamstring and has sciatica, low back pain and pain in her knees. Ms. Koller complains that she is now limited from many daily activities she was able to perform prior to the accident and has difficulty walking, sitting , bending, lifting, sleeping, shopping and riding her bike, which she rode extensively before the accident.

The parties agreed to participate in private mediation on November 25, 2014 in an effort to resolve this matter short of a jury trial. Plaintiff's demand was $375,000. After almost a full day of arguing our respective positions and negotiating back and forth, the mediator recommended a figure of $150,000 to settle the case, which was agreeable to both parties, subject to Board approval.

FUNDING: Provided by NFTA, through Self-Insurance Reserves.

"**RESOLVED**, that the Board hereby authorizes payment of the settlement amount of $150,000 in the matter concerning the accident which occurred on September 12, 2010; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee, and/or the Chairman be and hereby are authorized to execute such payments as necessary to resolve the matter of Lynne A. Koller and Charles Koller v. Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., said authorization providing for payments in the not-to-exceed amount of $150,000; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and he is hereby authorized to make payments under said agreement upon certification by the General Counsel, that such payments are in order."

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

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

1. Authorization to Amend Parking Rates, BNIA

2. Authorization for Agreement, Kleen Windows, Window and Surface Cleaning, BNIA, NFIA

AVIATION:

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

The Executive Director advised that Items 3. D. (1) through 3. D. (2) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Perry, seconded by Commissioner Durand, 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. (2) and dated December 18, 2014 as set forth herein, be and hereby are accepted and approved in their entirety."

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

NOES: **NONE**

ADOPTED

AVIATION:

3. D. (1) Authorization to Amend Parking Rates, BNIA

RECOMMENDATION: Staff recommends that the Board amend the parking rates at Buffalo Niagara International Airport (BNIA) effective February 1, 2015. A new rate of $1.00 per hour for the first 5 hours of parking is proposed in all lots excluding the Daily/Hourly Garage. Each lot (excluding the Daily/Hourly Garage) currently provides up to 2 hours free parking which will be eliminated.

INFORMATION: BNIA staff recommends amendment of current parking rates in all lots (excluding the Daily/Hourly Garage) by initiating a $1.00 per hour charge, including sales tax, for the first 5 hours of parking. This results in the elimination of up to 2 hours of free parking which is currently offered in these lots. The Preferred Parking Lot and Long Term Lot will be reconfigured to have new designated "meet and greet" parking spaces located in very close proximity to the terminal building which will provide easier walking access by these parkers. BNIA will continue to offer free parking services to patrons who utilize the Cell Phone Lot on Holtz Road. There are no proposed rate changes in the Daily/Hourly Garage.

Staff estimates the amended rates will result in $133,000 additional annual parking revenues. For informational purposes, BNIA has not increased Daily Maximum or Weekly parking rates since April 2010. During January 2013, parking rates were modified slightly to either round up or down whole dollar amounts by excluding NYS sales taxes which were previously a component of the daily/weekly rates charged.

> "**RESOLVED,** that the parking rates at the Buffalo Niagara International Airport be revised as set forth above; and
>
> **BE IT FURTHER RESOLVED,** that staff be and hereby is authorized to take such action necessary to implement the revised parking rates as set forth hereinabove."

BUFFALO NIAGARA INTERNATIONAL AIRPORT

Current Parking Rates

Daily/Hourly Garage:

	Rate	Tax	Total Fee
each hour	$ 4.00	$ 0.35	$ 4.35
Daily Max	$ 23.00	$ 2.01	$ 25.01
Weekly Max	$ 161.00	$ 14.09	$ 175.09

Preferred Parking Lot:

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 4.00	$ 0.35	$ 4.35
ea. Add Hr	$ 1.00	$ 0.09	$ 1.09
Daily Max	$ 12.00	$ 1.05	$ 13.05
Weekly Max	$ 72.00	$ 6.30	$ 78.30

Long Term Parking Lot:

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 4.00	$ 0.35	$ 4.35
ea. Add Hr	$ 1.00	$ 0.09	$ 1.09
Daily Max	$ 10.00	$ 0.88	$ 10.88
Weekly Max	$ 50.00	$ 4.38	$ 54.38

Economy Parking Lot:

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 4.00	$ 0.35	$ 4.35
ea. Add Hr	$ 1.00	$ 0.09	$ 1.09
Daily Max	$ 9.00	$ 0.79	$ 9.79
Weekly Max	$ 45.00	$ 3.94	$ 48.94

Proposed Parking Rates Changes (Starting February 1, 2015)

Daily/Hourly Garage:

	Rate	Tax	Total Fee
each hour	$ 4.00	$ 0.35	$ 4.35
Daily Max	$ 23.00	$ 2.01	$ 25.01
Weekly Max	$ 161.00	$ 14.09	$ 175.09

Preferred Parking Lot:

	Rate	Tax	Total Fee
Hourly rate - up to 5 hours	$ 0.91	$ 0.09	$ 1.00
Daily Max	$ 12.00	$ 1.05	$ 13.05
Weekly Max	$ 72.00	$ 6.30	$ 78.30

Long Term Parking Lot:

	Rate	Tax	Total Fee
Hourly rate - up to 5 hours	$ 0.91	$ 0.09	$ 1.00
Daily Max	$ 10.00	$ 0.88	$ 10.88
Weekly Max	$ 50.00	$ 4.38	$ 54.38

Economy Parking Lot:

	Rate	Tax	Total Fee
Hourly rate - up to 5 hours	$ 0.91	$ 0.09	$ 1.00
Daily Max	$ 9.00	$ 0.79	$ 9.79
Weekly Max	$ 45.00	$ 3.94	$ 48.94

(current NYS sales tax rate is 8.75%)

AVIATION:

3. D. (2) Authorization for Agreement, Kleen Windows, Inc., Window and Surface Cleaning, BNIA, NFIA

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Kleen Windows, Inc., Grand Island, New York for window cleaning and other surface cleaning at the Buffalo Niagara International Airport (BNIA) including the passenger terminal building, parking structure, and taxi building in addition to the Niagara Falls International Airport terminal building. The term of the service contract is 3 years with 2 additional one-year terms at the sole discretion of the NFTA. The cumulative cost for the 5-year term is $636,414.00.

INFORMATION: Window washing and power washing services have been performed by outside contractors at BNIA for more than thirty years and at NFIA for more than 5 years. Staff developed a plan for window and other surface cleaning at the BNIA terminal building, parking structure, and taxi building in addition to the NFIA terminal building that incorporates limited use of aviation staff and an outside contractor. The plan includes zones within the terminal facilities with cleaning schedules at various intervals in an effort to control costs while maintaining a consistently clean appearance. The contractor must provide their own lift/access equipment and any other equipment and/or supplies necessary for the performance of required services.

The NFTA issued RFP 4456 to solicit responses to provide window and other surface cleaning services commencing on January 1, 2015. The fixed contract term expires in 3 years with the option to renew for 2 additional one-year periods at the sole discretion of the NFTA. An evaluation team comprised of staff from BNIA, NFIA, and the NFTA Procurement Department evaluated the responses rating qualifications and experience, compliance with required technical specifications, and costs. These criteria were rated and weighted related to required services/expertise necessary to satisfactorily perform these functions in areas as complex as the BNIA and NFIA terminal buildings.

The evaluation team ranked Kleen Windows, Inc., Grand Island, New York as the highest amongst the respondents. The cost of performing these services will total $636,414.00 for the 5 year term which includes a 3 year fixed term and 2 one-year options at the sole discretion of the NFTA.

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

> "**RESOLVED**, that the Board hereby authorizes an Agreement with Kleen Windows, Inc. for window and surface cleaning at the Buffalo Niagara International Airport and at the Niagara Falls International Airport at a cost of $636,414.00 as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute an Agreement with Kleen Window, Inc. for a cost of $636,414.00, with terms and conditions as set forth above and as negotiated; and

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

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

RFP NO. 4456
- WINDOW WASHING AND OTHER SURFACE CLEANING AT NFTA AIRPORTS

RFP DOCUMENTS REQUIRED (Completed by Procurement)	KLEEN WINDOWS, INC. Grand Island, NY	BUFFALO EXTERIOR MAINTENANCE INC. West Seneca, NY	SHEEN & SHINE INC. Rochester, NY	ACME POWERWASHING INC. Holley, NY
(Completed by Team)				
Qualifications & Experience - Demonstrated Ability in the Industry, References, Past Performance 40%	9.00	8.00	5.00	7.00
Compliance with Technical Specifications 30%	9.00	9.00	5.00	5.00
Cost 30%	10.00	8.31	5.74	3.32
TOTAL	**9.30**	**8.39**	**5.22**	**5.30**
ESTIMATED COST				
BNIA				
Year 1	$102,000.00	$125,210.00	191,150.00	258,000.00
Year 2	$105,060.00	$128,921.00	191,150.00	271,000.00
Year 3	$108,210.00	$132,744.00	191,150.00	279,000.00
Year 4	$111,454.00	$136,781.00	196,775.00	287,000.00
Year 5	$114,798.00	$140,837.00	196,775.00	295,000.00
TOTAL	**$541,522.00**	**$664,493.00**	**967,000.00**	**1,390,000.00**
NFIA				
Year 1 (Includes Fall Cleaning Only)	$11,300.00	$12,430.00	29,087.00	98,000.00
Year 2	$19,982.00	$21,472.00	29,087.00	103,000.00
Year 3	$20,580.00	$22,000.00	29,087.00	106,000.00
Year 4	$21,197.00	$22,668.00	27,212.00	109,000.00
Year 5	$21,833.00	$23,228.00	27,212.00	112,000.00
TOTAL	**$94,892.00**	**$101,798.00**	**141,685.00**	**528,000.00**
TOTAL	**$636,414.00**	**$766,291.00**	**$1,108,685.00**	**$1,918,000.00**

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. (3)

1. Authorization for Extension of Permit Agreement, State University of New York, Park and Ride Facilities, University of Buffalo's Main Street Campus, Buffalo

2. Authorization for Agreement, The Friends of the Buffalo Story, Inc., Public Art Display, Metro

3. Authorization for Agreement, Scheidt & Bachmann USA, Inc., Design and Construction Services, Louis T. Klauder and Associates, Design Support and Construction Monitoring Services, Fare Collection System Upgrade, Metro

SURFACE:

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

The Executive Director advised that Items 4. D. (1) through 4. D. (3) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Baynes, 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. (3) and dated December 18, 2014 as set forth herein, be and hereby are accepted and approved in their entirety."

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

ABSTAIN: **BAYNES** [*Item 4. D. 1 only]
HICKS [*Item 4. D. 1 only]
PERRY [*Item 4. D. 1 only]

NOES: **NONE**

ADOPTED

SURFACE:

4. D. (1) Authorization for Extension of Permit Agreement, State University of New York, Park and Ride Facilities, University at Buffalo's Main Street Campus, Buffalo

RECOMMENDATION: Staff recommends the Board authorize an extension to the Revocable Permit Agreement with the State University of New York for park and ride facilities at the University of Buffalo's Main Street Campus which expired on August 31, 2013.

INFORMATION: Metro has utilized parking facilities at UB's Main Street Campus for use by Metro's rail and bus customers since 2004. The area covered by the Permit is designated as NFTA lot and provides parking for approximately 312 vehicles. Rent consists of $14,543.31 per year, adjusted annually for inflation and 200 Metro monthly transit passes per month for students in the University's EOP program that provides support for disadvantaged students. Utility lighting costs will be paid based on actual consumption, plus lighting and power maintenance costs in the amount of $1,659 adjusted annually for inflation. The Permit will be continued through August 2016. Metro remains responsible for maintenance and security of the parking facilities. Staff will continue to work with UB to develop a University Pass Program.

FUNDING: Funding will be provided in Metro Rail's annual operating budgets.

"**RESOLVED**, that the Board hereby authorizes an extension to the Revocable Permit Agreement with the State University of New York for parking facilities at the University of Buffalo's Main Street Campus; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and or the Chairman be and hereby are authorized to execute an extension to the Revocable Permit Agreement with the State University of New York for parking facilities at the University of Buffalo's Main Street Campus upon the terms as set forth above, and upon other terms and conditions as negotiated; and

BE IT FURTHER RESOLVED, the said Agreement shall include such additional terms, conditions, provisions 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 is hereby authorized to make payments under said Agreement upon certification by the Director, Public Transit, that such payments are in order."

SURFACE:

4. D. (2) Authorization for Agreement, The Friends of the Buffalo Story, Inc., Public Art Display, Metro

RECOMMENDATION: Staff recommends the Board approve an Agreement with The Friends of the Buffalo Story, Inc. (Mark Goldman, President), for the display of artwork on the Cold Springs Bus Garage precast concrete site wall facing Ferry Street.

INFORMATION: The Friends of the Buffalo Story, Inc., has been awarded a $100,000 grant from the National Endowment for the Arts to engage in a year-long process of "creative place-making" along the Ferry Street Corridor. One of the projects they have proposed is to display photographs that depict the history of the community on the wall of the Cold Springs Bus Garage facing the Buffalo School of Visual and Performing Arts. The photographs, examples of which are attached, would be copied onto vinyl by students and hung on the wall by Metro employees. They would remain in place until September 2015.

FUNDING: No funding is required.

"**RESOLVED,** that the Board hereby authorizes an Agreement with The Friends of the Buffalo Story, Inc., for a public art display; and

BE IT FURTHER RESOLVED, that the Executive Director, and/or the Chairman or their designee is hereby authorized to execute an Agreement with The Friends of the Buffalo Story, Inc., as described hereinabove; 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."

SURFACE:

4. D. (3) Authorization for Agreement, Scheidt & Bachmann USA, Inc., Design and Construction Services, Louis T. Klauder and Associates, Design Support and Construction Monitoring Services, Fare Collection System Upgrade, Metro

RECOMMENDATION: Staff recommends that the Board award the subject design/build contract to Scheidt & Bachmann USA, Inc. for a lump sum amount of $16,412,050.00 and the design support/construction monitoring services contract to Louis T. Klauder and Associates for a cost plus fix fee not-to-exceed amount of $1,387,993.00.

INFORMATION: The purpose of this project is to upgrade the fare collection system to a new contactless smart card system. The new system will decrease passenger boarding time, provide better data for service planning and financial tracking, allow for multiple payment methods either by mobile ticket, cash or credit card, improve management of third party agencies (Social Services, Schools, retail sales, etc.), and reduce fare evasion.

This project includes replacement of transit vehicle fare boxes and ticket vending machines; fare box vaulting system; back office workstations, servers, and associated software; installation of underground rail station fare gates; smart card readers; and issuance of contactless smart card media through ticket vending machines; online purchase; and point of sale and retail outlets. In addition, this contract will include a five year service agreement to manage and operate IT services for retail sales, websites portals, credit card processing, and management of third party agencies.

The existing bus fare boxes are fourteen years old and are past their useful life. They have become a high maintenance item and are obsolete as they have never been able to recognize different currency denominations. The LRRT ticket vending machines (TVM) are unable to interface with Metro bus's fare collection system. Consequently, the LRRT TVMs cannot provide a fully integrated fare system. The back office workstations and servers for the metro bus fare collection system are fourteen years old and have limited capability for current software applications.

Design/Build Contract: This contract is responsible for all design engineering and construction work. It includes, but is not limited to, design calculations; system flow diagrams; layouts; control schemes; software; equipment specifications; technical specifications; operation and maintenance manuals; coordination within Metro departments; equipment fabrication; supervision; labor; equipment and material purchase; building modifications and construction; electrical power and control wiring; installation phasing; equipment assembly and installation; commissioning; spare parts; training; warranty support; etc. necessary to complete the project.

Request for Proposals (RFP) were publicly advertised on June 16, 2014 with four proposals from contractors being received on August 12, 2014. Presentations and discussion were held with each proposer.

Three of the proposers were evaluated to be in the competitive range and were requested to submit a Best and Final Offer (BAFO). Of the three BAFOs, only Scheidt & Bachman USA, Inc. submitted a responsive proposal. The result of the BAFO is shown below:

	Initial Proposal	BAFO Cost
Engineer's Estimate	$21,009,550.00	$21,009,550.00
Scheidt & Bachman USA	$16,562,890.00	$16,412,050.00

It has been determined that, Scheidt & Bachmann USA, Inc., has the knowledge, understanding, and ability to successfully accomplish the scope of work for this project. Scheidt and Bachmann anticipates that DBE participation will be 8.5%. The NFTA Affirmative Action/EEO office has been briefed on the RFP results.

Design Support/Construction Monitoring Services: This contract provides for design support and construction monitoring services for the design/build project. The work includes design reviews; reply to Request for Information (RFI); site inspections; testing; technical support during design and construction; hazard analysis; and system commissioning. In addition, this contract will provide assistance to the NFTA for implementation of the system to the general public, including community outreach.

Request for Proposals (RFP) were publicly advertised on March 24, 2014 with one proposal from a consultant being received on April 30, 2014. The Selection Committee, pursuant to the RFP evaluation criteria, ranked the proposal as qualified.

A summary of the design support/construction monitoring services fee negotiations is shown below.

	Initial Proposal	**Final Proposal**
Engineer's Estimate	$1,472,882.00	$1,472,882.00
Louis T. Klauder and Associates	$1,738,336.00	$1,387,993.00

Louis T. Klauder and Associates intends to complete the scope of work with approximately 62% of their own staff. Sub-consultants will perform the remaining 38% of the work. Of the total consultant work, DBE sub-consultants will perform 16%.

FUNDING: Project funding is as follows:

Funding Source - Bus	**Design/Build Contract** **Acct. #3188-2-3406**	**Design Support/CM** **Acct. #3113-2-3406**

NFTA	$292,871.60	$9,399.65
NYSDOT	$232,871.60	$69,399.65
FTA	$1,862,973.30	$555,197.20
MRF	$5,817,308.50	$60,000.00
Sub-total	**$8,206,025.00**	**$693,996.50**

Funding Source - Rail	**Design/Build Contract Acct. #3188-2-9352**	**Design Support/CM Acct. #3113-2-9352**
NFTA	$292,871.60	$9,399.65
NYSDOT	$232,871.60	$69,399.65
FTA	$1,862,973.30	$555,197.20
FTA Restricted	$191,624.00	$0.00
MRF	$5,625,684.50	$60,000.00
Sub-total	**$8,206,025.00**	**$693,996.50**

Total Amount	**$16,412,050.00**	**$1,387,993.00**

"**RESOLVED,** that the Board hereby authorizes Agreements with Scheidt & Bachmann USA, Inc. for the Design and Construction Services and Louis T. Klauder and Associates for the Design Support Services and Construction Monitoring for the Fare Collection System Upgrade as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute Agreements with Scheidt & Bachmann USA, Inc. and Louis T. Klauder and Associates as described above; 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 is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering, that such payments are in order."

5. PROPERTY/RISK MANAGEMENT GROUP REPORT

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

Property/Risk Management Resolutions

1. Termination of Selection Process, Request for Proposals of Sale of 901 Fuhrmann Boulevard, Buffalo

PROPERTY:

5. D. (1) Termination of Selection Process, Request for Proposals for Sale of 901 Fuhrmann Boulevard, Buffalo

RECOMMENDATION: Staff recommends that the Board terminate the selection process for the Request for Proposals for the Sale of 901 Fuhrmann Boulevard.

INFORMATION: The NFTA issued a Request for Proposals for the sale of 901 Fuhrmann Boulevard in May 2014 (RFP No. 4413). The RFP explicitly states, among other pertinent provisions, that issuance of the RFP does not commit the NFTA to undertake any action; that the RFP may be reissued, amended, supplemented and/or withdrawn, in the sole and absolute discretion of the NFTA at any time; and that NFTA may choose to terminate the selection process if negotiations cannot be concluded successfully in the sole discretion of the NFTA.

Subsequent to the issuance of the RFP Erie Canal Harbor Development Corporation released its proposed Draft Master Plan for the Outer Harbor, which plan includes the NFTA's property located at 901 Fuhrmann Boulevard. Given the extensive public process that was followed and the commitment ECHDC has made to the development of the waterfront the NFTA believes it is in the best interest of the public for ECHDC to control the development of the 901 Fuhrmann property as well, and therefore the Board wishes to invoke its right to terminate RFP No. 4413.

FUNDING: No funding is necessary.

Whereupon, it was moved by Commissioner Wilcox, seconded by Commissioner Hicks and, that the following Resolution be adopted:

> "**RESOLVED**, that the Board hereby terminates the selection process for the Request for Proposals for the Sale and rejects any and all responses to RFP No. 4413."

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

NOES: **NONE**

ADOPTED

PROPERTY 5. D. (1)

6. General Counsel Report - None

7. Executive Session - None

8. Adjournment

At approximately 1:16 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 Durand, 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, BAYNES, DURAND, HICKS, HUGHES, PERRY, WILCOX**

NOES: **NONE**