



Niagara Frontier Transportation Authority

EOLEG OCT28/19 PM 2:27

October 24, 2019

Mr. Robert Graber
Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: NFTA Board Minutes

Dear Mr. Graber:

Enclosed for your information and files please find a copy of the approved Minutes and Attendance from the Niagara Frontier Transportation Authority's Regular Board Meeting held on September 26, 2019.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Lisa Flynn", is written over the typed name.

Lisa Flynn
Assistant to David J. State
General Counsel

Enclosure

Niagara Frontier Transportation Authority / Niagara Frontier Transit Metro System, Inc.
181 Ellicott Street, Buffalo, New York 14203

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
SEPTEMBER 26, 2019 12:30 PM
MINUTES**

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1. CALL TO ORDER

A. Meeting Called to Order

The Chair called the meeting to order at approximately 12:30 p.m.

B. Approval of Attendance and Minutes of the NFTA Regular Board Meeting held on July 25, 2019

It was moved by Commissioner Aul, seconded by Commissioner Wilcox, that the Attendance and Minutes of the July 25, 2019 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: ROCHE, DEMAKOS, GURNEY, AUL, HICKS, HUGHES,
PERRY, WILCOX

NOES: NONE

ADOPTED

C. Executive Director Report

Executive Director Kimberley Minkel expressed appreciation to Commissioner Margo Downey who introduced the AIRA application to the NFTA. Both the Buffalo Niagara International Airport and Niagara Falls International Airport now have the AIRA System. The NFTA is now looking to pilot the system on the rail. Boston is currently conducting a rail pilot. The NFTA would be the second rail system to do so. The Executive Director acknowledged Customer Relations Manager Crystal Edwards who is a recipient of the 2019 Black Achievers Award. She also acknowledged Public Transit Director Tom George who was awarded Transportation Professional of the Year by the Upstate Chapter Institute of Transportation Engineers. The Executive Director advised the Board our rating by JD Power and Associates had slipped to third place but noted that our customer service score improved by 15 points. She also noted that we received an A plus rating from the New York State Division of Minority of Women Business Development. Scoring was based on efforts in several areas including our Master Goal Plan, utilization reporting, contract compliance, EEO compliance and overall performance. She informed the Board that there is currently \$220 million in construction projects. The Engineering Department manages 23 capital projects which includes a roof for the terminal at BNIA. The project had a budget of \$8.1 million but the Engineering Department secured a new system with fabric mesh that extended the roof life for thirty years and came in under budget at \$5.5 million.

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

AUGUST 2019 NFTA/METRO PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	394	784	390
Revenues and Operating Assistance			290
Expenses			46
Non-Operating/Capital			55
			390
OPER REVENUES & ASST	19,741	20,031	290
Metro Passenger Fares			72
Mortgage Tax			197
All Other			20
			290
TOTAL OPER EXPENSES	17,646	17,601	(46)
Personnel Services			
Metro - lower overtime and instruction labor		(169)	
All Other		(12)	(181)
Utilities			
Metro - lower electric billings		(24)	
BNIA - lower electric billings		(62)	
All Other		(17)	(103)
Insurance & Injuries			
Metro - higher claim loss reserve appropriations		438	
All Other		(9)	429
General Business/Other			
Central Admin - decreased outside service costs, general office and MIS/technology expenses		(196)	
All Other		(14)	(210)
All Other			20
			(46)
NON-OPERATING/CAPITAL	(1,700)	(1,646)	55
Capital			
Metro		44	
All Other		(2)	42
Non-Operating			
BNIA Operating Expense Reserve		12	
All Other		1	13
			55

NFTA/METRO
KEY ITEM REPORT
AUGUST 2019

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	Aug 2019	Aug 2019	<u>Variance</u>	<u>%</u>
	<u>Budget</u>	<u>Actual</u>		
Operating Revenues	9,100	9,141	42	0.5%
Operating Assistance	10,642	10,890	248	2.3%
Total Oper. Revenues & Assistance	19,741	20,031	290	1.5%
Personnel Services	13,509	13,328	(181)	-1.3%
Maintenance & Repairs	1,627	1,705	78	4.8%
Transit Fuel/Power	431	372	(58)	-13.5%
Utilities	421	317	(103)	-24.6%
Insurance & Injuries	400	829	429	107.2%
Safety & Security	1,184	1,259	75	6.3%
General Business/Other	2,591	2,381	(210)	-8.1%
Other	(2,515)	(2,590)	(75)	-3.0%
Total Operating Expenses	17,646	17,601	(46)	-0.3%
Operating Income/(Loss)	2,095	2,430	335	16.0%
Non-Operating/Capital	(1,700)	(1,646)	55	3.2%
Net Surplus/(Deficit)	394	784	390	98.9%

NFTA/METRO YEAR TO DATE AUGUST 2019 PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	3,854	3,565	(288)
Revenues and Operating Assistance			(19)
Expenses			306
Non-Operating/Capital			(576)
			<u>(288)</u>
OPER REVENUES & ASST	98,160	98,141	(19)
Metro Passenger Fares			(152)
BNIA Airport Fees & Services - lower compensatory billings based on decreased expenses			(100)
BNIA Concessions/Commissions - lower parking lot/ramp and auto rental revenues			(190)
BNIA Resales & Rebillings - adjustment to fuel farm billings due to prior period reconciliation			(76)
Mortgage Tax			540
All Other			(40)
			<u>(19)</u>
TOTAL OPERATING EXPENSES	87,066	86,760	(306)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance costs			(220)
Property Development - higher service costs at 485 Cayuga			58
All Other			(1)
			<u>(163)</u>
Metro Transit Fuel/Power - lower diesel, rail traction and CNG costs			(243)
Utilities			
Metro - lower electric and gas billings			(72)
BNIA - lower electric billings			(153)
Transportation Centers - lower electric billings at MTC and NFITC, and lower telephone billings at NFITC			(29)
All Other			(10)
			<u>(264)</u>
Insurance & Injuries			
Metro - higher claim loss reserve appropriations			402
BNIA - lower claim loss reserves and insurance premiums			(23)
Transportation Centers - lower claim loss reserves			(17)
Central Admin - lower police claim loss reserves			(67)
All Other			(12)
			<u>283</u>
All Other			82
			<u>(306)</u>
NON-OPERATING/CAPITAL	(7,240)	(7,816)	(576)
Capital			
Metro			(161)
BNIA			(491)
All Other			(4)
			<u>(656)</u>
Non-Operating			
BNIA Operating Expense Reserve			76
All Other			4
			<u>80</u>
			<u>(576)</u>

NFTA/METRO
KEY ITEM REPORT
AUGUST YTD 2019

(\$000 Omitted)

<u>YTD ACTUAL TO BUDGET</u>	<u>Aug 2019 YTD Budget</u>	<u>Aug 2019 YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	45,971	45,383	(588)	-1.3%
Operating Assistance	52,188	52,757	569	1.1%
Total Oper. Revenues & Assistance	98,160	98,141	(19)	0.0%
Personnel Services	66,440	66,629	190	0.3%
Maintenance & Repairs	8,523	8,360	(163)	-1.9%
Transit Fuel/Power	2,140	1,897	(243)	-11.4%
Utilities	1,936	1,672	(264)	-13.6%
Insurance & Injuries	1,998	2,281	283	14.1%
Safety & Security	5,843	5,779	(64)	-1.1%
General Business/Other	12,515	12,709	194	1.6%
Other	(12,329)	(12,567)	(238)	-1.9%
Total Operating Expenses	87,066	86,760	(306)	-0.4%
Operating Income/(Loss)	11,094	11,381	287	2.6%
Non-Operating/Capital	(7,240)	(7,816)	(576)	-8.0%
Net Surplus/(Deficit)	3,854	3,565	(288)	-7.5%

NFTA/METRO
BUSINESS CENTERS
NET SURPLUS/(DEFICIT)
AUGUST YTD 2019

(\$000 Omitted)

	<u>Aug 2019 YTD Budget</u>	<u>Aug 2019 YTD Actual</u>	<u>Variance</u>	<u>%</u>
NFTA				
BNIA	3,374	2,909	(465)	-13.8%
NFIA	(472)	(415)	57	12.1%
Transportation Centers	(525)	(547)	(22)	-4.2%
Property Development	474	491	18	3.8%
NFTA Total	2,851	2,438	(412)	-14.5%
Metro	1,003	1,127	124	12.3%
NFTA/Metro	3,854	3,565	(288)	-7.5%

AUGUST NFTA/METRO PERFORMANCE
FYE 2020 vs. FYE 2019
(\$000's)

	Aug 2018 Actual	Aug 2019 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	206	784	578
Revenues and Operating Assistance			940
Expenses			(259)
Non-Operating/Capital			(102)
			578
OPER REVENUES & ASST	19,091	20,031	940
BNIA Concessions/Commissions - increased auto rental and other concession revenues			186
Erie County Sales Tax			75
Mortgage Tax			207
State - MTOAF			427
Federal - PM			80
All Other			(35)
			940
TOTAL OPERATING EXPENSES	17,341	17,601	259
Metro Transit Fuel/Power - lower diesel and CNG costs			(67)
Utilities			
Metro - lower electric billings			(22)
BNIA - lower electric billings, partially offset by higher water billings			(46)
All Other			(11)
			(78)
Insurance & Injuries			
Metro - higher claim loss reserve appropriations and insurance premiums			417
All Other			8
			425
All Other			(21)
			259
NON-OPERATING/CAPITAL	(1,544)	(1,646)	(102)
Capital			
Metro			(314)
BNIA			314
Central Admin			27
All Other			16
			43
Non-Operating			
BNIA Net Bond Debt Service			(86)
BNIA ADF Funding			(60)
All Other			1
			(145)
			(102)

NFTA/METRO
KEY ITEM REPORT
FYE 2020 vs. FYE 2019
AUGUST

(\$000 Omitted)

<u>MONTH PRIOR YEAR COMPARISON</u>	Aug 2018	Aug 2019		
	<u>Actual</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	8,980	9,141	161	1.8%
Operating Assistance	10,111	10,890	778	7.7%
Total Oper. Revenues & Assistance	19,091	20,031	940	4.9%
Personnel Services	13,339	13,328	(11)	-0.1%
Maintenance & Repairs	1,705	1,705	0	0.0%
Transit Fuel/Power	440	372	(67)	-15.3%
Utilities	395	317	(78)	-19.8%
Insurance & Injuries	404	829	425	105.3%
Safety & Security	1,090	1,259	169	15.5%
General Business/Other	2,392	2,381	(11)	-0.5%
Other	(2,423)	(2,590)	(168)	-6.9%
Total Operating Expenses	17,341	17,601	259	1.5%
Operating Income/(Loss)	1,750	2,430	680	38.9%
Non-Operating/Capital	(1,544)	(1,646)	(102)	-6.6%
Net Surplus/(Deficit)	206	784	578	280.8%

NFTA/METRO YEAR TO DATE AUGUST PERFORMANCE
 FYE 2020 vs. FYE 2019
 (\$000's)

	Aug 2018 YTD Actual	Aug 2019 YTD Actual	VARIANCE
NET SURPLUS/(DEFICIT)	3,364	3,565	201
Revenues and Operating Assistance			3,264
Expenses			(2,393)
Non-Operating/Capital			(671)
			<u>201</u>
OPER REVENUES & ASST	94,876	98,141	3,264
Metro Passenger Fares			(311)
BNIA Concessions/Commissions - increased auto rental, ride share and other concession revenues			594
Erie County Sales Tax			380
State - MTOAF			2,136
Federal - PM			402
All Other			64
			<u>3,264</u>
TOTAL OPERATING EXPENSES	84,367	86,760	2,393
Personnel Services			
Metro - increased contractual salaries, student operator labor, overtime, workers' compensation and pension costs		1,026	
Central Admin - increased contractual salaries, police, engineering and Metro support overtime and workers' compensation costs		307	
All Other		(15)	1,318
Utilities			
Metro - lower electric billings, partially offset by higher water billings		(65)	
BNIA - lower electric and gas billings		(132)	
Transportation Centers - lower electric billings at MTC and lower telephone billings at NFITC		(16)	
All Other		(14)	(227)
Insurance & Injuries			
Metro - higher claim loss reserve appropriations and insurance premiums		353	
All Other		4	358
General Business/Other			
Metro - higher support labor and outside service costs, advertising and training expenses		229	
BNIA - higher outside service costs		190	
Central Admin - increased outside service costs and MIS/technology expenses		561	
All Other		10	990
All Other			(46)
			<u>2,393</u>
NON-OPERATING/CAPITAL	(7,145)	(7,816)	(671)
Capital			
Metro			(174)
BNIA			(54)
Property Development			137
Central Admin			140
Non-Operating			
BNIA ADF Funding			(697)
All Other			(23)
			<u>(671)</u>

NFTA/METRO
KEY ITEM REPORT
FYE 2020 vs. FYE 2019
AUGUST YTD

(\$000 Omitted)

<u>YTD PRIOR YEAR COMPARISON</u>	Aug 2018	Aug 2019	<u>Variance</u>	<u>%</u>
	<u>Prior</u> <u>YTD Actual</u>	<u>Current</u> <u>YTD Actual</u>		
Operating Revenues	45,218	45,383	165	0.4%
Operating Assistance	49,658	52,757	3,099	6.2%
Total Oper. Revenues & Assistance	94,876	98,141	3,264	3.4%
Personnel Services	65,311	66,629	1,318	2.0%
Maintenance & Repairs	7,942	8,360	418	5.3%
Transit Fuel/Power	2,093	1,897	(197)	-9.4%
Utilities	1,899	1,672	(227)	-11.9%
Insurance & Injuries	1,923	2,281	358	18.6%
Safety & Security	5,493	5,779	286	5.2%
General Business/Other	11,719	12,709	990	8.4%
Other	(12,014)	(12,567)	(553)	-4.6%
Total Operating Expenses	84,367	86,760	2,393	2.8%
Operating Income/(Loss)	10,509	11,381	872	8.3%
Non-Operating/Capital	(7,145)	(7,816)	(671)	-9.4%
Net Surplus/(Deficit)	3,364	3,565	201	6.0%

Corporate Resolutions

1. Authorization for Revision to Whistleblower Policy, NFTA and Metro
2. Authorization for NYSDOT Aviation Capital Project Agreement, Contract DOT01-K07377GG-3900283, PIN 5A00.21, 5A00.22 and 5A00.23, BNIA
3. Authorization for NYSDOT Aviation Capital Project Agreement, Contract DOT01-T37521GG-3900283, PINs 5902.24, 5902.25, NFIA
4. Authorization for Agreement, AddOns, Business Process Improvement and Technical Solution Study, NFTA
5. Authorization for Agreement, Spectrum, Internet Connection, 485 Cayuga Road
6. Authorization for Agreement, Buffalo Blacktop & More, Inc., Snowplowing, Salting and Snow Removal Services, NFTA Facilities
7. Authorization for Lease Agreement, Daniel J. Lacitignola d/b/a TCK Coral Farm, 485 Cayuga Road
8. Authorization for Amendment to License Agreement, Airport Commerce Park II, LLC, 475 Cayuga Road
9. Authorization for Lease Agreement, RPRT, LLC, 247 Cayuga Road
10. Authorization for Lease Agreement, MCU Holdings, LLC, 247 Cayuga Road
11. Authorization for Lease Agreement, John Kratz d/b/a Affordable Computer Solutions, 247 Cayuga Road

CORPORATE:

2. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (11)**

The Executive Director advised that Items 2. C. (1) through 2. C. (11) 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 Demakos, 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. (11) dated September 26, 2019 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, DEMAKOS, GURNEY, AUL, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

CORPORATE 2. C. (i)

CORPORATE:

2. C. (1) **Authorization for Revisions to, and Adoption of, Whistleblower Policy, NFTA and Metro**

RECOMMENDATION: Staff recommends that the Board approve certain revisions to the existing Whistleblower Policy and the adoption of the Whistleblower Policy, as so revised.

INFORMATION: The Whistleblower Policy was approved by the Board on July 26, 2004. The Authorities Budget Office recently recommended that certain language be included in the Whistleblower Policy for purposes of clarity and consistency with New York Public Authorities Law (PAL) §2857. In addition, the definition of “Whistleblower” will be revised consistent with the definition contained in PAL §2986(1)(c).

FUNDING: No funding is necessary.

“**RESOLVED**, that the Board hereby authorizes certain revisions to the existing Whistleblower Policy of the Niagara Frontier Transportation Authority (NFTA) and Niagara Frontier Transit Metro System, Inc. (Metro), as described above; and

BE IT FURTHER RESOLVED, that the Board hereby adopts the revised Whistleblower Policy of the NFTA and Metro, in the form attached hereto.”

Reference: EXECUTIVE
Title: WHISTLEBLOWERS POLICY
Policy Number: 01-04-02
Revision Date: 09-26-19

Deleted: 07-30-04

I PURPOSE

To prohibit supervisory personnel from taking adverse personnel action against an employee, or failing to take an otherwise appropriate action, as a result of the employees' good faith disclosure "of information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member of the authority, concerning the authority's investments, travel, acquisition of real or personal property, the disposition of real or personal property and the procurement of goods and services." (NY Public Authorities Law § 2986(1)(c)) This also includes disclosure of a violation relating to public health or safety or alleged fraudulent or dishonest conduct. An employee who makes a disclosure that is not a baseless allegation and subsequently suffers an adverse personnel action as a result is subject to the protection of this policy.

II POLICY

"No state or local authority shall fire, discharge, demote, suspend, threaten, harass or discriminate against an employee because of the employee's role as a whistleblower, insofar as the actions taken by the employee are legal." (NY Public Authorities Law § 2857) No adverse personnel action may be taken against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment (including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages) for disclosing alleged violations relating to public health or safety or fraudulent or dishonest conduct related to NFTA/Metro operations that are not baseless allegations. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Manager of Equal Employment Opportunity/Diversity Development. A proven complaint of retaliation shall result in an appropriate remedy for the person harmed and if appropriate, and the initiation of disciplinary action, up to and including dismissal, against the retaliating person. This protection from retaliation is not intended to prohibit managers and supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related issues. Employees are cautioned that making baseless allegations may subject the employee to disciplinary action by the company and/or legal claims by individuals accused of wrongful conduct.

Deleted: Director

III DEFINITIONS

Baseless Allegations: allegations that the employee could not reasonably believe to be true or could not reasonably believe to constitute a violation relating to public health or safety or fraudulent or dishonest conduct.

Fraudulent or Dishonest conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Embezzlement, misappropriation or other financial irregularities
- Forgery or alteration of documents (e.g. checks, time sheets, contractor agreements, purchase orders, other financial documents, electronic files)
- Improprieties in the handling or reporting of money or financial transactions
- Misappropriation of funds, securities, supplies, inventory, or any other asset (e.g. including furniture, fixtures or equipment)

- Authorizing or receiving payment for goods not received or services not performed
- Authorizing or receiving payments for hours not worked
- Questionable accounting, internal control or auditing issues

Violation relating to public health or safety: violation of a law, rule or regulations which violation creates and presents a substantial and specific danger to the public health or safety or which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action, as defined in section 75-b of the Civil Service Law.

Whistleblower: "shall mean any employee of a state or local authority who discloses information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member of the authority, concerning the authority's investments, travel, acquisition of real or personal property, the disposition of real or personal property and the procurement of goods and services." (NY Public Authorities Law § 2986(1)(c)).

Note: Per Board Resolution Item 2 (D) (5) dated July 26, 2004.

Deleted: an employee who makes allegations about an activity which the employee believes in good faith to be a violation relating to public health or safety or fraudulent or dishonest conduct provided that the employee first disclose the allegations to their supervisor, manager, or the Director of Internal Audit and provide the NFTA a reasonable time to take appropriate action unless there is imminent and serious danger to public health and safety

Deleted: .

CORPORATE:

2. C. (2) **Authorization for NYSDOT Aviation Capital Project Agreement, Contract DOT01-K07377GG-3900283, PIN 5A00.21, 5A00.22 and 5A00.23, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize an Aviation Capital Project Agreement with the New York State Department of Transportation (NYSDOT) for a total of \$240,723.00.

INFORMATION: This Agreement provides a total of \$240,723.00 or 12.5% in NYSDOT matching funds for three (3) Buffalo Niagara International Airport (BNIA) Airport Improvement Program (AIP) projects. The Federal Aviation Administration (FAA) share is 75% and the state and local share is 25% of the AIP projects listed below.

FUNDING: Funding associated with the projects is provided through PINs 5A00.21, 5A00.22 and 5A00.23 as follows:

<u>PIN</u>	<u>Project</u>	<u>Total</u>	<u>FAA Share</u>	<u>NYSDOT Share</u>	<u>Local Share</u>
5A00.21	Purchase One (1) Liquid Material Spreader	\$252,949	\$189,712	\$31,619	\$31,618
5A00.22	Purchase Two (2) Multi-Task Equipment	\$1,561,984	\$1,171,488	\$195,248	\$195,248
5A00.23	Conduct Environmental Study	\$110,844	\$83,133	\$13,856	\$13,855
Total		\$1,925,777	\$1,444,333	\$240,723	\$240,721

“RESOLVED, that the Board hereby authorizes NYSDOT Aviation Capital Project Agreement, Contract DOT01-K07377GG-3900283, PIN 5A00.21, 5A00.22 and 5A00.23 in the amount of \$240,723.00 relating to the above-referenced BNIA projects; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreement, on the terms set forth above; and

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

CORPORATE:

2. C. (3) **Authorization for NYSDOT Aviation Capital Project Agreement, Contract DOT01-T37521GG-3900283, PINs 5902.24, 5902.25, NFIA**

RECOMMENDATION: Staff recommends that the Board authorize an Aviation Capital Project Agreement with the New York State Department of Transportation (NYSDOT) for a total of \$22,454.

INFORMATION: This contract provides a total of \$22,454 or 5 percent in NYSDOT matching funds for two (2) Niagara Falls International Airport (NFIA) Airport Improvement Program (AIP) projects. The FAA share is 90 percent and the state and local share is 10 percent of the AIP projects.

FUNDING: Funding associated with the projects is provided through PINs 5902.24 and 5902.25 as follows:

<u>PIN</u>	<u>Project</u>	<u>Total</u>	<u>FAA Share</u>	<u>NYSDOT Share</u>	<u>Local Share</u>
5902.24	Rehabilitate and Reconstruct Taxiway D (Design)	\$350,000	\$315,000	\$17,500	\$17,500
5902.25	Off-Airport Tree Obstruction Removal (Design)	\$99,080	\$89,172	\$4,954	\$4,954
Total		\$449,080	\$404,172	\$22,454	\$22,454

“RESOLVED, that the Board hereby authorizes New York State Department of Transportation Aviation Capital Project Agreement, Contract DOT01-T37521GG-3900283, PINs 5902.24, 5902.25, NFIA in the amount of \$22,454 relating to the above-referenced projects; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreement, on the terms set forth above; and

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

CORPORATE:

2. C. (4) **Authorization for Agreement, AddOns, Business Process Improvement and Technical Solution Study, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with AddOns to conduct a Business Process Improvement and Technical Solution Study for Grants and Cash Management. The cost will be \$126,000.00 *plus* travel expenses in an amount not-to-exceed \$25,000.00, for a total not-to-exceed cost of \$151,000.00.

INFORMATION: AddOns is the primary support provider for Ellipse and an existing NFTA Term Consultant. The NFTA system upgrade has identified several internal process improvement opportunities for Grants and Cash Management. The opportunities will involve reviewing current processes, analyzing best practices, developing new processes, and mapping the new processes to the Ellipse tool. The results of the study will document the new processes and build an implementation and training plan for Ellipse.

FUNDING: Funding is provided for in the NFTA FYE 20 expense budget.

“RESOLVED, that the Board hereby authorizes an Agreement with AddOns for a Business Process Improvement and Technical Solution Study for Grants and Cash Management, for a total not-to-exceed cost of \$151,000.00, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with AddOns for the total amount of \$151,000.00; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be, and hereby is, authorized to make payments under said Agreement upon certification by the Chief Information Officer, that such payments are in order based upon receipt of all required supporting documentation.”

CORPORATE:

2. C. (5) **Authorization for Agreement, Spectrum, Internet Connection, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a three-year agreement with Spectrum in the amount of \$27,144.00 for a 100Mbps Internet connection at 485 Cayuga Road.

INFORMATION: Spectrum will provide an Internet connection at the backup datacenter located at 485 Cayuga Road. This connection will act as a redundant connection for Internet services at the OCC datacenter. Internet connectivity is an essential service as certain applications regularly used by the NFTA require reliable connectivity. This procurement was quoted under the New York State Office of General Services Contract No. PS67808. The monthly fee will be \$754.00, inclusive of any applicable fees and taxes.

FUNDING: Funding is provided for in the NFTA FYE 20-22 operating budgets.

“RESOLVED, that the Board hereby authorizes an Agreement in the amount of \$27,144.00 with Spectrum for Internet connectivity, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and are hereby, authorized to execute and deliver said Agreement on the terms set forth above; and

BE IT FURTHER RESOLVED, that said Agreement may 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 hereby is, authorized to make payments under said Agreement upon certification by the Chief Information Officer that such payments are in order based upon receipt of all required supporting documentation.”

CORPORATE:

2. C. (6) **Authorization for Agreement, Buffalo Blacktop & More, Inc., Snowplowing, Salting and Snow Haul Away Services, NFTA and Metro**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Buffalo Blacktop & More Inc. (BBM) of Buffalo, New York for the provision of snowplowing, salting, and snow haul away services at the NFTA and Metro locations listed below. The initial term of the Agreement will be three (3) years with the option to renew for two (2) additional one-year periods, exercisable at the discretion of the NFTA. The cost for snowplowing and salting during the first contract year will be \$92,000, subject to a 2% annual escalator throughout the term of the Agreement. The estimated cost for snow haul away service, if and when needed, is \$4,200 for the first contract year. The hourly rate for snow haul away service will be fixed at \$350 throughout the term of the Agreement.

INFORMATION: BBP will provide snowplowing, salting and snow removal service between November 1 and April 15 each calendar year during the term of the Agreement. Snowplowing services are required when snow level reach two inches or when requested by the NFTA. Salting services are required whenever slippery conditions exist on any sidewalk or roadway, or as requested by the NFTA. Snow haul away services will be performed on an as-needed basis and only when and where directed by the NFTA.

1. Cayuga Road/Aero Drive Properties:

- 485 Cayuga Road Parking Lots
- 247 Cayuga Road Parking Lots
- 587 Aero Drive
- BNIA Transit Police – 175 Aero Drive
- Facilities Maintenance Department – 199 Aero Drive

2. Athol Spring Transit Center Parking Lot

Request for Proposals No. 4896 was issued in accordance with the NFTA's Procurement Guidelines. Contractors were invited to submit proposals with respect to some or all of the listed properties. All properties will require regular service.

Two (2) responsive proposals were received. The proposals were reviewed, evaluated and scored based on qualifications and experience, compliance with technical specifications, and cost. The review team, consisting of representatives from NFTA Procurement, Property, and Metro Bus, determined that BBM was the highest rated and least expensive. Costs were determined to be fair and reasonable based on past purchases.

The established MBE, WBE and SDVOB goals were 1.0%, 1.0%, and 1.0%, respectively. BBM identified its MBE and WBE participation as 1.0% each, and its SDVOB participation as 0%. BBM requested that NFTA approve a waiver of the SDVOB requirement and the NFTA approved the request because the number of certified providers of this service is limited.

FUNDING: Funding is included in the NFTA and Metro FYE 20 operating budgets.

“RESOLVED, that the Board hereby authorizes an Agreement with BBM for snowplowing, salting, and snow removal services at the specified NFTA and Metro locations, as set forth above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreement with BBM, on the terms set forth above; and

BE IT FURTHER RESOLVED, that said Agreement may 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 hereby is, authorized to make payments under said Agreement upon certification by the Director of Engineering that such payments are in order based upon receipt of all required supporting documentation.”

RFP EVALUATION FORM

RFP 4896 SNOW PLOWING SERVICES	BUFFALO BLACKTOP & MORE, INC. Buffalo, NY	JTN PAVING AND CONSTRUCTION West Seneca, NY
SELECTION CRITERIA	Rate on a score of 1 - 10 with 10 being the highest	
Technical: Project approach, methods, compliance with technical specification, and equipment. 30%	8.00	4.00
Cost. 30%	10.00	4.25
Qualifications and experience: Demonstrated ability in the industry, references, past performance, depth of knowledge of key personnel in critical areas, organization of team and management procedures. 40%	7.00	5.00
TOTAL	8.20	4.47
COST		
Snow Plowing and Salting Services Fixed Cost		
Year 1	\$92,000.00	\$225,490.00
Year 2	\$93,840.00	\$225,490.00
Year 3	\$95,720.00	\$225,490.00
Year 4	\$97,650.00	\$225,490.00
Year 5	\$99,610.00	\$225,490.00
TOTAL	\$478,820.00	\$1,127,450.00
Snow Removal Services Fixed Hourly Rate*		
YEAR 1		
247 Cayuga Drive	\$350.00	\$150.00
485 Cayuga Drive	\$350.00	\$150.00
587 Aero Drive	\$350.00	\$150.00
175 Aero Drive	\$350.00	\$150.00
FMD - 199 Aero Drive	\$350.00	\$150.00
Athol Springs Transit Center Parking Lot / Bus	\$350.00	\$150.00
YEAR 2		
247 Cayuga Drive	\$350.00	\$150.00
485 Cayuga Drive	\$350.00	\$150.00
587 Aero Drive	\$350.00	\$150.00
175 Aero Drive	\$350.00	\$150.00
FMD - 199 Aero Drive	\$350.00	\$150.00
Athol Springs Transit Center Parking Lot / Bus	\$350.00	\$150.00
YEAR 3		
247 Cayuga Drive	\$350.00	\$150.00
485 Cayuga Drive	\$350.00	\$150.00
587 Aero Drive	\$350.00	\$150.00
175 Aero Drive	\$350.00	\$150.00
FMD - 199 Aero Drive	\$350.00	\$150.00
Athol Springs Transit Center Parking Lot / Bus	\$350.00	\$150.00
YEAR 4		
247 Cayuga Drive	\$350.00	\$150.00
485 Cayuga Drive	\$350.00	\$150.00
587 Aero Drive	\$350.00	\$150.00
175 Aero Drive	\$350.00	\$150.00

RFP EVALUATION FORM

RFP 4896	BUFFALO BLACKTOP & MORE, INC.	JTN PAVING AND CONSTRUCTION
FMD - 199 Aero Drive	\$350.00	\$150.00
Athol Springs Transit Center Parking Lot / Bus	\$350.00	\$150.00
YEAR 5		
247 Cayuga Drive	\$350.00	\$150.00
485 Cayuga Drive	\$350.00	\$150.00
587 Aero Drive	\$350.00	\$150.00
175 Aero Drive	\$350.00	\$150.00
FMD - 199 Aero Drive	\$350.00	\$150.00
Athol Springs Transit Center Parking Lot / Bus	\$350.00	\$150.00

**Note: Buffalo Blacktop & More's hourly rates are based on 1 loader and 2 dump trucks. The cost for additional loaders is \$150/hour and for dump trucks \$100/hour.*

CORPORATE:

2. C. (7) **Authorization for Lease Agreement, Daniel J. Lacitignola d/b/a TCK Coral Farm, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Daniel J. Lacitignola d/b/a TCK Coral Farm (TCK) for light industrial space at 485 Cayuga Road in Cheektowaga.

INFORMATION: TCK is a coral farm business that began leasing approximately 1,193 square feet of light industrial space at 485 Cayuga in March 2017. In August 2018, TCK requested additional space and entered into a new lease for 3,979 square feet at 485 Cayuga Road. TCK requested to lease an additional 7,987 square feet of space, which recently became available at 485 Cayuga Road, for a total of 11,966 square feet. The Lease Agreement for this additional space will have a term of 22 months, commencing on October 1, 2019, and expiring contemporaneously with its existing lease, on July 31, 2021. The initial rental rate for this additional space will be \$5.83 per square foot or \$38,803 for the first ten (10) months of the term and will be subject to a 3% escalator effective August 1, 2020.

FUNDING: No funding is necessary.

“**RESOLVED**, that the Board hereby authorizes a Lease Agreement with TCK for 7,987 square feet of space at 485 Cayuga Road, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Lease Agreement with TCK on the terms set forth above; and

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

CORPORATE:

2. C. (8) **Authorization for Amendment to License Agreement, Airport Commerce Park II, LLC, 475 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize an Amendment to the current License Agreement with Airport Commerce Park II LLC (ACP), which will allow for the use of a vacant lot behind 475 Cayuga Road in Cheektowaga.

INFORMATION: In March 2017, the Board approved a License Agreement with ACP allowing for the use of a vacant lot behind 425 Cayuga Road for additional parking. This Amendment will allow for the use of an adjacent 1.2 acre vacant lot behind 475 Cayuga Road for additional parking, commencing October 1, 2019. The rental rate for this adjacent lot will be \$1,650.00 per month, for a total monthly rent equal to \$3,300.00. The expiration of the License Agreement, as amended, will remain March 31, 2022. ACP intends to perform some light cleanup before making use of the lot and will be solely responsible for all maintenance and repairs of the lot throughout the term of the License Agreement. Given the lot's proximity to airport property, the NFTA will continue to have the right to terminate the License Agreement, as amended, upon 90 days' prior written notice, as will ACP.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes an Amendment to the License Agreement with ACP to add a 1.2 acre vacant lot behind 475 Cayuga Road for use as additional parking, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Amendment, on the terms set forth above; and

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

CORPORATE:

2. C. (9) **Authorization for Lease Agreement, RPRT, LLC, 247 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with RPRT, LLC (RPRT), F. Duane Conners III, Principal, for Class C+ office space at 247 Cayuga Road.

INFORMATION: RPRT is a StartUp NY participant that is a health and finance technology and consulting firm. RPRT has been leasing 502 square feet of office space at 247 Cayuga Road for one year. They have requested to move to a larger space at 247 Cayuga Road. The new space is 989 square feet of Class C+ office space. The term of the lease will be two years commencing October 1, 2019 and expiring on September 30, 2021. The initial annual rental rate for the space will be \$13.13 per square foot or \$12,985.57 per year, with a 3% annual escalator.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with RPRT for 989 square feet of Class C+ office space at 247 Cayuga Road, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Lease Agreement, on the terms set forth above; and

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

CORPORATE:

2. C. (10) **Authorization for Lease Agreement, MCU Holdings LLC, 247 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with MCU Holdings LLC (MCU), Alan Malke, Principal, for Class C office space at 247 Cayuga Road.

INFORMATION: MCU is a collection agency that will use this space as a back office for bookkeeping and filing purposes only. The leased premises will be 496 square feet of Class C office space. The initial term will be one year commencing November 1, 2019 and ending October 31, 2020, with the option to renew for one additional one-year period with NFTA approval. The rental rate will be \$12.38 per square foot or \$6,140.48 for the first lease year. The initial rental rate will be subject to a 3% annual escalator.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with MCU for 496 square feet of Class C office space at 247 Cayuga Road, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Lease Agreement, on the terms set forth above; and

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

CORPORATE:

2. C. (11) **Authorization for Lease Agreement, John Kratz d/b/a Affordable Computer Solutions, 247 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with John Kratz d/b/a Affordable Computer Solutions (ACS) for Class C office space at 247 Cayuga Road in Cheektowaga.

INFORMATION: ACS is a computer repair business. This Lease Agreement is for 502 square feet of Class C office space at 247 Cayuga Road. The term of the Lease Agreement will be one year, commencing November 1, 2019 and expiring on October 31, 2020. The annual rental rate for the space will be \$12.38 per square foot or \$6,214.76 per year.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with ACS for 502 square feet of Class C office space at 247 Cayuga Road, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Lease Agreement, with the terms set forth above; and

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

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

1. Approval of Tarriff, BNIA
2. Authorization for Change Order No. 2, Pike Company, Baggage Claim Expansion Project, BNIA
3. Authorization for Agreement, Bison Elevator Service, Inc., Parking Structure Elevator Upgrade, BNIA
4. Authorization for Agreement, J.A. Brundage Drain Doctor, Inc., Deicing System Infrastructure Maintenance, Inspection and Cleaning, BNIA
5. Authorization for Agreement, Loomis Armored US, LLC, Armored Motor Service, BNIA
6. Authorization for Procurement, Seneca Sales & Supply, Potassium Acetate, BNIA and NFIA
7. Authorization for Procurement, M-B Companies, Inc., Wire Wafers, Spacers and Poly Wafers, BNIA and NFIA

AVIATION:

3. C. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. C. (1) through 3. C. (7)

The Executive Director advised that Items 3. C. (1) through 3. C. (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 Wilcox, seconded by Commissioner Perry, that the following Resolution be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. C. (1) through 3. C. (7) and dated September 26, 2019 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, DEMAKOS, GURNEY, AUL, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

AVIATION 3. C. (i)

AVIATION:

3. C. (1) Approval of Tariff, BNIA

RECOMMENDATION: Staff recommends that the Board approve the Buffalo Niagara International Airport (BNIA) Tariff in the form attached hereto. The Tariff rates will be effective October 1, 2019 through June 30, 2020.

INFORMATION: The landing fee rates at BNIA are adjusted annually based on formulas included in the Use and Lease Agreement between Niagara Frontier Transportation Authority (NFTA) and the airline operators. The rates consider BNIA cost center expenses and projections of aggregate landing weights for scheduled air carriers and air cargo carriers. The non-signatory rate set forth below equals 125% of the signatory airline rate, also set forth below, in order to cover the additional administrative and overhead costs associated with providing services to, and maintaining the facilities for use by, non-signatory airlines at BNIA.

In accordance with the Use and Lease Agreement, NFTA staff met with the airlines on August 29, 2019 to review the landing fee rate. The new landing fee rate of \$4.87 per 1,000 pounds of Gross Certified Landing Weight is \$0.60 or 11% lower than the previous year's landing fee rate due to a lower landing fee requirement, primarily driven by an increase in landing weights. The Tariff includes a fee tariff for signatory scheduled passenger air carriers, air cargo carriers, and certain charter operators at BNIA, at the rate of \$4.87 per 1,000 pounds of Gross Certified Landing Weight (GCLW), and for non-signatory carriers at the rate of \$6.09 per 1,000 pounds of GCLW.

The Tariff also includes fees for existing services including aircraft parking fees, gate use fees for public gates, triturator fees, and fuel flowage fees. Except for an increase of \$12.50 to the non-signatory triturator fee, the referenced fees remain unchanged. The Tariff has been amended to include a new Baggage Handling System (BHS) Maintenance Fee of \$1.50 per bag for non-signatory carriers that use the BHS at BNIA. This BHS fee will offset maintenance expenditures for the BHS, which have been fully funded by the signatory airlines.

Further, the Tariff exempts all NFTA tariff fees for organizations whose sole purpose is providing humanitarian aeronautical missions at BNIA by providing free air transportation on private aircraft for patients in need of medical care. Such services are provided to ensure that individuals have equal access to specialized medical treatment regardless of geographical distance and financial status. Volunteer pilots donate their time and financial resources to provide the free service.

FUNDING: No funding required.

“RESOLVED, that the Board hereby approves the Buffalo Niagara International Airport Tariff, in the form attached hereto, effective October 1, 2019 through June 30, 2020; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver all documents and agreements and take all action that is necessary to give effect to the Tariff.”

BUFFALO NIAGARA INTERNATIONAL AIRPORT

TARIFF - EFFECTIVE OCTOBER 1, 2019

I. LANDING FEES

1. Scheduled passenger air carriers, air cargo carriers, and charter operators to pay \$4.87 per 1,000 lbs. of gross certified landing weight (GCLW) for signatory carriers and \$6.09 per 1,000 lbs. of GCLW for non-signatory carriers including itinerant air carriers, air cargo carriers, and charter operators. Specialty charters, e.g., sports teams and dignitaries that are given special permission to park on the general aviation ramp/cargo ramp shall pay the landing fee set forth in this section. Any aircraft for hire, regardless of weight, shall pay the landing fee set forth in this section.
- *2. Other operators or aircraft, when the aircraft is not carrying passengers or cargo for hire, are to be charged as follows:

Below 4,001	lbs. GCLW	\$5.00
4,001 - 8,000	lbs. GCLW	\$7.00
8,001 - 12,500	lbs. GCLW	\$12.00
Above 12,500	lbs. GCLW	\$1.25 per 1,000 lbs./ GCLW

* Does not apply to general aviation aircraft permanently based at Buffalo Niagara International Airport provided that the aircraft is not carrying passengers or cargo for hire.

II. PUBLIC AIRCRAFT AREA PARKING FEES

1. All aircraft - first one (1) hour parking included in landing fee.
2. Parking on NFTA public use areas after one (1) hour.

	<u>8 Hours or Fraction Thereof</u>	<u>Each 24 Hours</u>
Below 8,001 lbs. GCLW	\$ 9.00	\$15.00
8,001 - 12,500 lbs.	\$12.00	\$20.00
12,501 - 50,000 lbs. GCLW	\$20.00	\$35.00
Above 50,000 lbs. GCLW	\$30.00	\$45.00

3. In areas designated for public aircraft parking at Buffalo Niagara International Airport, owners assume complete responsibility for their aircraft.

III. GATE USE FEES FOR NFTA CONTROLLED GATES

1. Domestic flights (1 hour 30 minutes or portion thereof) per turn. Or, 12 hours or portion thereof for last flight of each night with continuing departure the next morning.
 - a. With use of jet bridge
 - All gates – signatory carriers \$350.00
 - All gates– non-signatory carriers \$437.50
 - b. Without use of jet bridge
 - All gates (stairway boarding) signatory carriers - \$225.00
 - All gates (stairway boarding) non-signatory carriers - \$281.25
2. International flights (2 hours or portion thereof) per turn – signatory and non-signatory carriers - \$550.00 including jet bridge – limited to Gate 1 and Gate 2 only.
3. Scheduled air carriers operating aircraft with small seat capacity (maximum capacity of 30 seats) are assessed a terminal use fee equal to \$15.00 for each enplaned passenger. The turn duration is limited to 1 hour and terminal holdroom seating is not guaranteed. Non-signatory landing fees apply.
4. Gate use assignments will be designated by Director of Aviation.
5. In areas designated for public aircraft parking at Buffalo Niagara International Airport, owners assume complete responsibility for their aircraft.

IV. BAGGAGE HANDLING SYSTEM MAINTENANCE FEES

1. Non-signatory carriers are charged \$1.50 per each bag processed through the Baggage Handling System.

V. COMMERCIAL AIR CARRIER REMAIN OVERNIGHT (RON) PARKING FEES

1. All signatory commercial air carriers to pay \$125.00 per 12 hours or fraction thereof.
2. All non-signatory commercial air carriers to pay \$156.25 per 12 hours or fraction thereof.
3. Parking areas as designated by Director of Aviation.
4. In areas designated for public aircraft parking at Buffalo Niagara International Airport, owners assume complete responsibility for their aircraft.

VI. FUEL FLOWAGE FEES

- *1. A charge of \$.05 per gallon will be made for all fuel delivered to the airport premises.
- *2. A charge of \$.10 per gallon will be made for all aircraft lubricants delivered to the airport premises.

** Fee does not apply to signatory Part 121 scheduled passenger air carriers operating at the Terminal Building and signatory scheduled cargo carriers.*

VII. GROUND SUPPORT EQUIPMENT RENTAL

Ground support equipment includes various NFTA owned vehicles/equipment consisting of 2 tugs, 2 belt loaders, and 8 baggage/freight carts. A charge of \$250.00 will be assessed for usage of any combination of vehicles/equipment for a period of 8 hours or less.

VIII. TRITURATOR FEES

The triturator accommodates the disposal of airline sewage. The following charges will be assessed:

1. Signatory airlines are assessed the greater of a monthly fee of \$500.00 or \$50.00 per use.
2. Non-signatory airlines are assessed the greater of a monthly fee of \$625.00 or \$62.50 per use.
3. Itinerants, charters, and diversions are assessed \$62.50 per use.

VIV. HUMANITARIAN MISSIONS

The tariff exempts all NFTA tariff fees for organizations whose sole purpose is providing humanitarian aeronautical missions at BNIA by providing free air transportation on private aircraft for patients in need of medical care. All fees to be waived for organizations whose sole purpose is providing humanitarian aeronautical missions at Buffalo Niagara International Airport.

AVIATION:

3. C. (2) **Ratification of Change Order No. 2, Pike Company, Baggage Claim Expansion Project, BNIA**

RECOMMENDATION: Staff recommends that the Board ratify and confirm in all respects Change Order No. 2 in the lump sum amount of \$220,000.00. \$211,600.00 will be deducted from the remaining balance of the Allowance Bid Item and the related contract value will be increased by \$8,400.00. The Pike Company (Pike) Contract No. 31BT1516, Baggage Claim Expansion Project, will be increased to a total value of \$52,674,928.00.

INFORMATION: During design, the natural gas supply to the terminal was identified as needing to be relocated to avoid interference with the west end expansion. National Fuel Gas Company (NFG) requires any and all alterations to the natural gas supply to be done by NFG. To comply, the construction contract documents require Pike to subcontract with NFG to relocate the existing underground natural gas main along with associated gas train and meter. This work was intentionally included in the construction contract, as opposed to the NFTA contracting directly with NFG, in order to place the responsibility for coordinating such work on Pike. The construction contract permits reimbursement to Pike for the associated costs via the NFTA's change order process.

The net cost of Change Order No. 2, which is set forth below, is in accordance with the terms of the construction contract, specifically Article 24-Payment for Agreed Prices of the General Conditions. The Proposed Change Order cost set forth below reflects New York State Prevailing Wage Rates and standard material and equipment costs as verified by the NFTA's Resident Engineer.

<u>PCO No. 91 – NFG Reimbursement to Pike</u>	<u>Add \$8,400.00</u>
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Reimbursement to Pike for NFG work in relocating the existing 6" natural gas supply piping, gas train and meter to the airport terminal. The resulting increase to the construction contract value for this work is \$8,400.00 after using the remaining balance of the Allowance Bid Item.

FUNDING: Funding for this work is found in project account 120000000-3188-22728. This work is PFC eligible and the related grant will be amended accordingly, if necessary.

“RESOLVED, that the Board hereby ratifies and confirms in all respects Change Order No. 2 to Contract No. 31BT1516 with Pike, which relates to the necessary relocation of a natural gas line in connection with the Baggage Claim Expansion Project at BNIA, as described above; and

BE IT FURTHER RESOLVED, that the actions taken by the Executive Director, her designee and/or the Chair, relating to Change Order No. 2 are hereby ratified and confirmed in all respects; and

BE IT FURTHER RESOLVED, that payments previously made by the Chief Financial Officer, upon certification of the Director of Engineering, relating to Change Order No. 2 are hereby ratified and confirmed in all respects; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be, and hereby is, authorized to make any required additional payments in connection with Change Order No. 2 upon certification by the Director of Engineering that such payments are in order based upon receipt of all required supporting documentation.”

AVIATION:

3. C. (3) **Authorization for Agreement, Bison Elevator Service, Inc., Parking Structure Elevator Upgrade, BNIA**

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Bison Elevator Service Inc. (Bison), for a lump sum total bid amount of \$583,710.00.

INFORMATION: The project objective is to upgrade and modernize the two elevators at the BNIA Parking Structure adjacent to the passenger terminal. The existing elevators were part of the structure's original 1998 construction and have been problematic in recent years. Unscheduled repairs and operating malfunctions have increased along with maintenance costs. In addition, many of the components are at the end of their useful life.

The work for this project will include upgrades to:

- the hydraulic power unit
- jack assembly (cylinder and casing)
- controls
- passenger communication
- fire service/alarm controls
- door assemblies
- elevator cab finishes
- machine room
- elevator pit
- hoist way

This project was publicly advertised in accordance with the NFTA's Procurement Guidelines. Four (4) sets of contract documents were distributed to potential bidders, with two (2) responding as shown below:

Company	Total Bid Amount of Bid
Bison Elevator Service, Inc. Buffalo, NY Randell J. Pawlik, President	\$583,710.00
DCB Elevator Co., Inc. Lewiston, NY Daniel C. Brockway, Vice President	\$635,000.00

There were two (2) potential bidders that did not bid. One indicated it was unable to be competitive and meet the non-proprietary requirements of the specifications. The other indicated it was unable to meet the construction schedule outlined in the bid documents.

Following review of the proposals received, staff determined that the low bidder, Bison, has the knowledge, understanding, and ability to successfully accomplish the scope of work for this project.

The established MBE, WBE and SDVOB goals were 4.0%, 21.0%, and 1.0%, respectively. Bison identified its MBE, WBE and SDVOB participation as 3.65%, 14.2%, and 0%, respectively. Bison has requested a waiver with respect to each of the goals and will be working with NFTA Procurement with the goal of maximizing its participation

The project will initially be funded with Airport Development Funds. The NFTA intends to impose a Customer Facility Fee (CFC) which will be collected by the car rental companies operating in the garage to reimburse a portion of the project costs. The CFC imposition and collection period will be limited and proportional to the car rental customers use of the elevators.

FUNDING: Funding for this work is included in Account No. 12-0000000-3188-2-2731.

Source	Percentage	Amount
ADF	100%	\$583,710.00

“RESOLVED, that the Board authorizes an Agreement with Bison in the lump sum amount of \$583,710.00 for the upgrade and modernization of the two elevators at the BNIA Parking Structure adjacent to the passenger terminal, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreement with Bison, as set forth above and as further negotiated; and

BE IT FURTHER RESOLVED, that said Agreement may 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, hereby is, authorized to make payments under said Agreement upon certification by the Director of Engineering that such payments are in order based upon receipt of all required supporting documentation.”

AVIATION:

3. C. (4) **Authorization for Agreement, J.A. Brundage Drain Doctor, Inc., Deicing System Infrastructure Maintenance, Inspection and Cleaning, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with J.A. Brundage Drain Doctor, Inc. (Drain Doctor), of Niagara Falls, New York, for the deicing system infrastructure maintenance, inspection and cleaning at the Buffalo Niagara International Airport (BNIA). The term of the contract will be three (3) years commencing October 1, 2019 with the option to renew for two (2) additional one-year periods at the sole discretion of the NFTA. The estimated annual cost of service is \$397,937.90 for contract year 1 and \$222,937.90 for contract years 2 through 5. The estimated five-year total cost is \$1,289,689.50. The cost is higher for contract year 1 due to the amount of sediment in the three (3) million-gallon storm water retention basin.

INFORMATION: The BNIA Airfield Department is responsible for maintaining the Engineered Wetlands System. Maintenance of the deicing system includes annual turn-key acid flushing of wetland treatment cells, infrastructure cleaning and inspection, and annual cleaning of the retention basins, including a three million gallon stormwater retention basin. The work performed under this Agreement will include scheduled and unscheduled work.

Request for Proposals No. 4882 was issued in accordance with the NFTA's Procurement Guidelines. Two (2) responsive proposals were received, evaluated and scored based upon technical compliance, qualifications and experience, and cost. The evaluation team, composed of representatives from the BNIA Airfield Department, Health, Safety, Environmental Quality Department, and Procurement Department, determined that Drain Doctor's proposal satisfies all procurement requirements and provides the best overall value.

Empire State Development excluded this procurement from MWBE requirements because there are no NYS certified providers of this service. NFTA excluded this procurement from SDVOB requirements because there are no NYS certified providers of this service.

FUNDING: 100% Airport Development funds.

“RESOLVED, that the Board hereby authorizes an Agreement with Drain Doctor for the deicing system infrastructure maintenance, inspection and cleaning at BNIA, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreement with Drain Doctor, for the deicing system infrastructure maintenance, inspection and cleaning at BNIA, as described above; and

BE IT FURTHER RESOLVED, that said Agreement may 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 hereby is, authorized to make payments under said Agreement upon certification by the Director of Aviation that such payments are in order based upon receipt of all required supporting documentation.”

RFP EVALUATION FORM

RFP 4882 ENGINEERED WETLAND INFRASTRUCTURE	KANDEY CO. West Seneca, NY	J.A. BRUNDAGE DRAIN DOCTOR, INC. Niagara Falls, NY
SELECTION CRITERIA	Rate on a score of 1 - 10 with 10 being the highest	
Technical: Project approach, methods, design, systems proposed, and compliance with technical specifications. 40%	8.00	8.50
Cost. 30%	8.43	10.00
Qualifications and experience: Demonstrated ability in the industry, resumes, references, past performance, depth of knowledge of key personnel in critical areas, organization of team and management procedures. 30%	7.25	7.90
TOTAL	7.90	8.77
COST		
Scheduled Work		
YEAR 1	\$427,160.00	\$394,200.00
YEAR 2	\$256,920.00	\$219,200.00
YEAR 3	\$265,280.00	\$219,200.00
YEAR 4	\$274,640.00	\$219,200.00
YEAR 5	\$284,200.00	\$219,200.00
TOTAL	\$1,508,200.00	\$1,271,000.00
ESTIMATED UNSCHEDULED WORK COST*		
YEAR 1	\$2,502.82	\$1,387.90
YEAR 2	\$2,636.00	\$1,387.90
YEAR 3	\$2,769.75	\$1,387.90
YEAR 4	\$2,904.10	\$1,387.90
YEAR 5	\$3,049.02	\$1,387.90
TOTAL	\$13,861.69	\$6,939.50
*Note: For evaluation purposes only, one (1) hour of estimated time was used to calculate the cost of unscheduled work. The estimate includes the cost of unscheduled non-emergency and emergency work combined.		
ESTIMATED EQUIPMENT COST**		
YEAR 1	\$1,381.65	\$2,350.00
YEAR 2	\$1,421.25	\$2,350.00
YEAR 3	\$1,465.00	\$2,350.00
YEAR 4	\$1,509.30	\$2,350.00
YEAR 5	\$1,554.85	\$2,350.00
TOTAL	\$7,332.05	\$11,750.00
ESTIMATED GRAND TOTAL	\$1,529,393.74	\$1,289,689.50

**Note: For evaluation purposes only, pricing for similar equipment listed by the proponents was used to calculate the equipment costs based on one (1) hour of time.

AVIATION:

3. C. (5) **Authorization for Agreement, Loomis Armored US, LLC, Armored Motor Service, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with Loomis Armored US, LLC (Loomis) to provide armored motor service for pick-up and delivery of cash receipts as well as provide vaults which count/control/store daily receipts for the parking operations at the Buffalo Niagara International Airport (BNIA) at a total cost for a five-year term estimated at \$144,373.23, subject to fluctuations in fuel charges.

INFORMATION: In December 2017, the Board awarded the parking management agreement to SP Plus Corporation (SP Plus) which requires cash receipts to be deposited directly to an NFTA-designated bank.

The NFTA issued Request for Proposal 4885 (RFP) which was advertised in accordance with NFTA procurement guidelines. The RFP identified the following primary requirements:

- Provide service with our bank, JPM Chase Bank, headquartered in Rochester, N.Y.;
- Provide secure vault hardware/software to count/control/store daily cash receipts and receive daily bank credits for each of the three parking cash offices; and
- Provide flexible reporting capabilities for audit control purposes.

Loomis was the sole respondent to the RFP. Its proposal was reviewed and scored by staff from the NFTA Procurement Department, Internal Audit Department, Cash Management Department, BNIA Finance, BNIA Legal, and SP Plus Management. The proposal was determined to meet all requirements.

Empire State Development excluded this procurement from MWBE requirements because there are no NYS certified providers of this service. The NFTA excluded this procurement from SDVOB requirements because there are no NYS certified providers of this service.

The annual cost of service is fixed but includes an additional variable fuel charge which currently is 2.5% of the fixed costs. The fuel charge will fluctuate up or down depending on the U.S. Department of Energy national average price index for diesel fuel. Assuming a 2.5% fuel index, the annual cost of service will be:

Year 1	\$ 27,742.53
Year 2	\$ 28,297.38
Year 3	\$ 28,863.33
Year 4	\$ 29,440.59
Year 5	<u>\$ 30,029.40</u>
Total:	<u>\$144,373.23</u>

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

“RESOLVED, that the Board hereby authorizes an Agreement with Loomis for the provision of armored motor service and vaults at BNIA on the terms set forth above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreement; and

BE IT FURTHER RESOLVED, that said Agreement may 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 hereby is, authorized to make payments under said Agreement upon certification by the Director of Aviation that such payments are in order based upon receipt of all required supporting documentation.”

RFP EVALUATION FORM

RFP 4885	LOOMIS ARMORED US, LLC.		
ARMORED MOTOR SERVICES	Houston, TX		
SELECTION CRITERIA	Rate on a score of 1 - 10 with 10 being the highest		
Technical Criteria: Project approach, methods and compliance with technical specifications. 40%	8.00		
Cost. 40%	10.00		
Qualifications and Experience: Demonstrated ability in the industry, references, past performance, depth of knowledge of key personnel in critical areas, organization of the team, and management procedures. 20%	8.00		
TOTAL	8.80		
ESTIMATED COST			
THREE-DAY SERVICE	Monthly Cost	Monthly Coin Processing Cost	Annual Cost
Year 1	\$2,255.49	n/c	\$27,065.88
Year 2	\$2,300.60	n/c	\$27,607.20
Year 3	\$2,346.61	n/c	\$28,159.32
Year 4	\$2,393.54	n/c	\$28,722.48
Year 5	\$2,441.41	n/c	\$29,296.92
TOTAL			\$140,851.80

ANCILLARY FEES

Excess Bag Fee	
Year 1	\$1.50 per bag over 10 bags
Year 2	\$1.50 per bag over 10 bags
Year 3	\$1.50 per bag over 10 bags
Year 4	\$1.50 per bag over 10 bags
Year 5	\$1.50 per bag over 10 bags
Excess Premise Time (10 min limit)	
Year 1	\$2.50 per minute over 10 mins.
Year 2	\$2.50 per minute over 10 mins.
Year 3	\$2.50 per minute over 10 mins.
Year 4	\$2.50 per minute over 10 mins.
Year 5	\$2.50 per minute over 10 mins.
Excess Liability	
Year 1	n/a
Year 2	n/a
Year 3	n/a
Year 4	n/a
Year 5	n/a

Notes: Pricing is based on a three-day pick-up service schedule, excluding holidays. The monthly service cost is all inclusive except for fuel charges and ancillary fees for excess item handling fees, premise time and excess liability. Total monthly service rates, excess item handling fees, premise time fees, and excess liability are not subject to adjustment. Only fuel charges are subject to adjustment. The Fuel Charge is based on the U.S. average diesel prices as measure by the U.S. Dept. of Energy.

AVIATION:

3. C. (6) **Authorization for Procurement, Seneca Sales & Supply, Potassium Acetate, BNIA and NFIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of 45,100 gallons of potassium acetate from Seneca Sales & Supply (SSS), located in Erie, Pennsylvania, at an estimated annual cost of \$206,900.00.

INFORMATION: Buffalo Niagara International Airport (BNIA) and Niagara Falls International Airport (NFIA) airfield staff are responsible for snow and ice removal for all airport ramps, runways and roadways during winter operations. Potassium acetate is a fluid used for the prevention and removal of frozen deposits of frost and/or ice. Staff estimates it will require 44,000 gallons of potassium acetate for the upcoming winter season at BNIA and 1,100 gallons at NFIA. Potassium acetate has been used for the past five years with very positive results. It acts more effectively and efficiently compared to solid compounds, especially during windy conditions, and causes less damage to airfield pavement.

In accordance with the NFTA's Procurement Guidelines, staff issued Bid No. 4898 for the purchase of potassium acetate. Staff recommends acceptance of the lowest bid from SSS at a cost of \$4.54 per gallon for BNIA and a cost of \$6.49 per gallon for NFIA. The estimated total cost for 44,000 gallons at BNIA is \$199,760.00. The estimated total cost for 1,100 gallons at NFIA is \$7,140.00. The cost per gallon at NFIA is higher due to the storage totes required for delivery and storage of the product.

Empire State Development excluded this procurement from MWBE requirements because there are no NYS certified providers of this service. NFTA excluded this procurement from SDVOB requirements because there are no NYS certified providers of this service.

FUNDING: Potassium acetate costs are included in the BNIA and NFIA Operating Budgets.

RESOLVED, that the Board hereby authorizes the procurement of 45,100 gallons of potassium acetate from SSS at an estimated annual cost of \$206,900 for use during the upcoming winter season at BNIA and NFIA, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be, and, hereby is, authorized to issue Purchase Order(s) to SSS for the procurement of approximately 45,100 gallons of potassium acetate to be used as described above; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be, and, hereby is, authorized to make payment(s) under said Purchase Order(s) upon certification by the Director of Aviation that such payments are in order based upon receipt of all required supporting documentation.”

NFTA BID ANALYSIS

BID NO:	4898	GENERAL ATOMICS INTERNATIONAL SERVICES CORPORATION	SENECA SALES & SUPPLY, LLC	
BID FOR:	POTASSIUM ACETATE	dba Cryotech Deicing Technology		
DEPT:	BNIA			
BID DATE:	8/22/2019			

		Fort Madison, IA		Erie, PA		
ESTIMATED QUANTITY OF GALLONS	DESCRIPTION	MAKE/MODEL	UNIT AMT BID PER GALLON	TOTAL AMOUNT BID	UNIT AMT BID PER GALLON	TOTAL AMOUNT BID
44,000	Liquid Potassium Acetate Deicer	Cryotech E36, Part 2100-60	\$4.89	\$215,160.00	\$4.54	\$199,760.00
TOTAL AMT BID - BNIA				\$215,160.00		\$199,760.00
ESTIMATED QUANTITY OF GALLONS	DESCRIPTION	MAKE/MODEL	UNIT AMT BID PER GALLON	TOTAL AMOUNT BID*	UNIT AMT BID PER GALLON	TOTAL AMOUNT BID
1,100	Liquid Potassium Acetate Deicer IN 4- 275 Gallon Totes	Cryotech E36, 2100-60	\$5.95	\$6,545.00	\$6.49	\$7,140.00
TOTAL AMT BID - NFIA				\$6,545.00		\$7,140.00
GRAND TOTAL AMT BID				\$221,705.00		\$206,900.00
LEAD TIME						2 Days

* Note: Cryotech's totes hold 265 gallons, min purchase is based on 1,060 gallons instead of 1,100, However for bid analysis purposes only, 1,100 is used to calculate their total.

AVIATION:

3. C. (7) **Authorization for Procurement, M-B Companies, Inc., Wire Wafers, Spacers and Poly Wafers, BNIA and NFIA**

RECOMMENDATION: Staff recommends that the Board authorize the procurement of wire wafers, spacers, and poly wafers for high speed runway sweepers used in the removal of snow and water on runways at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA). The lowest bid was received from M-B Companies, Inc. (M-B), located in New Holstein, Wisconsin at a cost of \$105,226.10 per year for a contract term of five years. The total cost of the wafers and spacers over the five-year term is \$526,130.50.

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

In accordance with the NFTA's Procurement Guidelines, staff issued Bid No. 4884 to procure 4,508 wire wafers, 4,608 spacers, and 118 poly wafers to be used annually on high-speed runway sweepers at BNIA and NFIA for the removal of snow and water during winter operations for a five-year term. Two responsive bids were received and evaluated by staff.

Staff recommends acceptance of the lowest bid totaling \$526,130.50 from M-B.

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

“RESOLVED, that the Board hereby authorizes the procurement of wire wafers, spacers and poly wafers from M-B, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be, and hereby is, authorized to issue Purchase Order(s) to M-B totaling \$526,130.50, to be used as described above; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be, and hereby is, authorized to make payments under said Purchase Order(s) upon certification by the Director of Aviation that such payments are in order based upon receipt of all required supporting documentation.”

NFTA BID ANALYSIS

BID NO: 4884		REPLACEMENT BRISTLES FOR HIGH SPEED RUNWAY		M-B COMPANIES, INC.		UNITED ROTARY BRUSH CORP.	
DEPT: BNIA MAINTENANCE		BID DATE: 7/22/2019		New Holstein, WI		Lenexa, KS	

YEAR	ESTIMATED QUANTITY	DESCRIPTION	MANUFACTURER / MODEL / PART NUMBER	UNIT AMT BID	TOTAL AMT BID	MANUFACTURER / MODEL / PART NUMBER	UNIT AMT BID	TOTAL AMT BID
YEAR 1	9/15/19 - 9/14/20							
1	4508	Wire Wafers	MB 101-92-92109	\$21.50	\$96,922.00	05-191460WWAH	\$21.99	\$99,130.92
2	4608	Spacers	MB 402-94314	\$1.45	\$6,681.60	05-SPACER 1912	\$1.60	\$7,372.80
3	118	Poly Wafers	MB 101-137212	\$13.75	\$1,622.50	05-191460PWA	\$14.16	\$1,670.88
Subtotal:					\$105,226.10			\$108,174.60
YEAR 2	9/15/20 - 9/14/21							
1	4508	Wire Wafers	MB 101-92-92109	\$21.50	\$96,922.00	05-191460WWAH	\$22.21	\$100,122.68
2	4608	Spacers	MB 402-94314	\$1.45	\$6,681.60	05-SPACER 1912	\$1.62	\$7,464.96
3	118	Poly Wafers	MB 101-137212	\$13.75	\$1,622.50	05-191460PWA	\$14.30	\$1,687.40
Subtotal:					\$105,226.10			\$109,275.04
YEAR 3	9/15/21-9/14/22							
1	4508	Wire Wafers	MB 101-92-92109	\$21.50	\$96,922.00	05-191460WWAH	\$22.65	\$102,106.20
2	4608	Spacers	MB 402-94314	\$1.45	\$6,681.60	05-SPACER 1912	\$1.65	\$7,603.20
3	118	Poly Wafers	MB 101-137212	\$13.75	\$1,622.50	05-191460PWA	\$14.59	\$1,721.62
Subtotal:					\$105,226.10			\$111,431.02
YEAR 4	9/15/22-9/14/23							
1	4508	Wire Wafers	MB 101-92-92109	\$21.50	\$96,922.00	05-191460WWAH	\$23.33	\$105,171.64
2	4608	Spacers	MB 402-94314	\$1.45	\$6,681.60	05-SPACER 1912	\$1.70	\$7,833.60
3	118	Poly Wafers	MB 101-137212	\$13.75	\$1,622.50	05-191460PWA	\$15.03	\$1,773.54
Subtotal:					\$105,226.10			\$114,778.78
YEAR 5	9/15/23-9/14/24							
1	4508	Wire Wafers	MB 101-92-92109	\$21.50	\$96,922.00	05-191460WWAH	\$24.03	\$108,327.24
2	4608	Spacers	MB 402-94314	\$1.45	\$6,681.60	05-SPACER 1912	\$1.75	\$8,064.00
3	118	Poly Wafers	MB 101-137212	\$13.75	\$1,622.50	05-191460PWA	\$15.48	\$1,826.64
Subtotal:					\$105,226.10			\$118,217.88
TOTAL					\$526,130.50			\$561,877.32
Lead Time			15-20 DAYS			15-30 DAYS		

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

Surface Transportation Resolutions

1. Authorization for Agreements, (i) Mark Cerrone, Inc., DL&W Station, Rail Systems and Site Work and (ii) Mott MacDonald NY, Inc., Construction Monitoring, Metro
2. Authorization for Agreement, Gorman Enterprises, Purchase of Eight Low-Floor Paratransit Vehicles, Spare Components, Passenger Doors and Mobility Device Fold-Out Ramps and the Option to Purchase an Additional Eighty-Four Vehicles, Metro

SURFACE:

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

The Executive Director advised that Items 4. C. (1) through 4. C. (2) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Gurney, seconded by Commissioner Hughes, that the following Resolution be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. C. (1) through 4. C. (2) and dated September 26, 2019 as set forth herein, be and hereby are accepted and approved in their entirety.

AYES: ROCHE, DEMAKOS, GURNEY, AUL, HICKS, HUGHES, PERRY*, WILCOX

ABSTAIN: PERRY [Item 4. C. (1) Only]

NOES: NONE

ADOPTED

SURFACE 4. C. (i)

SURFACE:

4. C. (1) **Authorization for Agreements, (i) Mark Cerrone, Inc., DL&W Station, Rail Systems and Site Work and (ii) Mott MacDonald NY, Inc., Construction Monitoring, Metro**

RECOMMENDATION: Staff recommends that the Board award the subject contract to Mark Cerrone Inc. (Cerrone) for the Base Bid amount of \$20,491,020.50 and Bid Alternate #1 amount of \$971,666.00 and Bid Alternate #2 amount of \$2,761,096.75 for a lump sum total amount of \$24,223,783.25.

In addition, Staff recommends that the Board award the associated project monitoring contract to Mott MacDonald NY, Inc. (MMNY) for a cost *plus* fixed fee not-to-exceed amount of \$2,856,172.00.

INFORMATION: This project relates to the rail systems and site work essential to the development of the planned light rail rapid transit DL&W station. The planned DL&W station is located within the existing Niagara Frontier Transportation Authority (NFTA) Yard and Shop “train shed.” New track serving the station will displace current light rail vehicle storage track. A double crossover will replace existing tracks and switches. The existing yard track, catenary and train control will be reconfigured in order to separate maintenance and revenue service operations. This project also installs station underground mechanical and electrical systems and foundations for the station’s platform, stairs and elevator.

Construction:

Base Bid Work includes:

- Installing temporary controls, maintenance of traffic and phasing for safe construction while limiting impacts on pedestrian traffic, vehicular traffic, and Metro operations;
- Replacing storage tracks with new revenue tracks;
- Replacement and installation of NFTA-supplied special trackwork;
- Replacing overhead catenary system;
- Replacing train control, signaling and communication systems;
- Modifications and replacements to existing electrical systems, plumbing systems, sanitary sewers and storm sewers;
- Replacement and installation of station trackwork and alignment;
- Install rail systems infrastructure needed to support the new station.

Bid Alternate #1 includes

- Removing train shed columns and constructs new steel supports and associated foundations;
- Constructing train shed second floor stair and escalator openings.

Bid Alternate #2 includes:

- Installing station platform revenue track slabs;
- Installing foundations for station platform and access ramps;
- Installing foundations for station platform stairs and elevator;

SURFACE 4. C. (1)

- Constructing the underground portion of the station platforms mechanical and electrical systems.

The project was publicly advertised in accordance with the NFTA's Procurement Guidelines.

Three bids were received as follows:

Company	Base Bid	Alternate #1	Alternate#2	Total Bid Amount
Mark Cerrone Inc. Niagara Falls, New York George Churakos, Vice President & Secretary	\$20,491,020.50	\$971,666.00	\$2,761,096.75	\$24,223,783.25
Cold Spring Construction Corp. Akron, NY Ryan Forrestel, President	\$22,946,557.50	\$1,101,130.00	\$2,526,525.00	\$26,574,212.50
Union Concrete and Construction Corp. West Seneca, NY John Ford, Vice President	\$23,227,764.00	\$1,341,550.00	\$2,200,465.00	\$26,769,779.00

Staff performed a detailed bid evaluation and determined that Cerrone has the knowledge, understanding, and ability to successfully accomplish the project work.

The established MBE, WBE and SDVOB goals were 6.8%, 6.0% and 3.0%, respectively. Cerrone is a certified WBE and indicated it would be performing 30.96% of the work. Cerrone's subcontractors will provide an additional 0.33% for total WBE participation of 31.29%. Cerrone identified its MBE participation as 3.79% and requested Empire State Development (ESD) approve a partial waiver. ESD approved the requested MBE waiver. Cerrone identified its SDVOB participation as 0.25% and requested that the NFTA approve a partial waiver. The NFTA approved the requested SDVOB waiver because there are insufficient certified providers of the services.

Construction Monitoring:

Construction monitoring scope of services include the following items:

- | | |
|--|-----------------------------------|
| • Full time inspection | • Subcontractor/supplier review |
| • Material testing | • Progress meetings and reporting |
| • Contract document interpretation | • Commissioning |
| • Project schedule tracking and coordination | • As-built drawing preparation |
| • Maintenance of records | • Project closeout |
| • Progress payment review | |

The construction monitoring consultant selection process was initiated by publicly soliciting qualification-based Requests for Proposals pursuant to FTA and NFTA procurement guidelines

from interested consulting teams. One proposal was received. The proposal from MMNY, was evaluated based on:

- Understanding project methodology
- Manpower plan and efforts to meet MWBE/SDVOB goals
- Ability to work on design documents between other offices and firms
- Proposed personnel
- Experience on similar projects
- QA/QC process

The evaluation committee consisted of the Resident Engineer, Manager of Construction, and Senior Project Manager.

Following the evaluation, MMNY was requested to submit a cost proposal. The results of the negotiation are as follows:

Construction Monitoring	
Engineer's Estimate	\$2,854,002.00
Consultant's Proposal	\$2,956,866.00
Negotiated Cost	\$2,856,172.00

The established MBE, WBE and SDVOB goals were 16.0%, 14.0% and 3.0%, respectively. MMNY identified its MBE, WBE and SDVOB participation as 18.65%, 14.59% and 4.2%, respectively.

FUNDING: The funding will be supported by project account codes 120000000-3188-2-3485 and 120000000-3113-2-3485. Funding is split between ESD Grant AB995 and State Metro Rail Capital 2019-20 (SMRC). Initially, this project will be funded by the NFTA with operating funds, pending reimbursement by way of ESD Grant AB995. Accordingly, it may be necessary to access the NFTA's existing line of credit to bridge any timing gaps that may arise between operational needs and the receipt of anticipated federal funding.

“RESOLVED, that the Board hereby authorizes an Agreement in the lump sum amount of \$24,223,783.25 with Cerrone for the DL&W Station Rail Systems and Site Work Project, as described above; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes a cost *plus* fixed-fee Agreement in an amount not-to-exceed \$2,856,172.00 with MMNY for the provision of project monitoring services related to the DL&W Station Rail Systems and Site Work Project, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreements with Cerrone and MMNY, on the terms set forth above; and

BE IT FURTHER RESOLVED, that said Agreements may 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 hereby is, authorized to make payments under said Agreements upon certification by the Director of Engineering that such payments are in order based upon receipt of all required supporting documentation.”

SURFACE:

4. C. (2) **Authorization for Agreement, Gorman Enterprises, (i) Purchase of Eight Low-Floor Paratransit Vehicles; Spare Components, Passenger Doors; and Two Mobility Device Fold-Out Ramps and (ii) Five-Year Option to Purchase an Additional 84 Vehicles, Metro**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Gorman Enterprises (Gorman) of Elma, New York to purchase eight (8) low-floor paratransit vehicles at a unit price of \$139,091.04 each, together with spare components, including a set of passenger doors, and two (2) mobility device fold-out ramps, at a cost of \$12,053.45, for a total of \$1,124,781.70.

The Agreement will include an option to purchase up to eighty-four (84) additional vehicles over a five-year period. The cost of option buses is subject to price adjustments based on changes in the Producer Price Index included in the solicitation documents.

INFORMATION: The requested vehicles are similar to three (3) low-floor vehicles currently used by Metro since 2017 and are equipped with a ramp instead of a traditional lift for customer access. The requested vehicles will replace vehicles that were purchased in 2008 through 2010 and have exceeded their useful lives.

This procurement was solicited per the NFTA's Procurement Guidelines. The evaluation team included the Manager of Procurement, Manager of Bus Maintenance and Equipment, Senior Station Manager, Inventory Control Manager, Special Services and Systems Manager and Equipment Engineer.

A single proposal was received and was evaluated based on the following: compliance with technical specification, price, and qualifications and experience. The price was compared to previous purchases and has been determined by the NFTA Audit Department to be fair and reasonable.

FUNDING: Funding will be provided as set forth below:

<u>Cost</u>	<u>Source</u>
\$ 866,317.00	FTA
\$ 108,290.00	NYS DOT
<u>\$ 150,174.70</u>	NFTA
\$1,124,781.70	

“RESOLVED, that the Board hereby authorizes an Agreement with Gorman to purchase eight (8) low-floor paratransit vehicles at a unit price of \$139,091.04 each, together with spare components, including a set of passenger doors, and two (2) mobility device fold-out ramps, at a cost of \$12,053.45, for a total of \$1,124,781.70.; and

SURFACE 4. C. (2)

BE IT FURTHER RESOLVED, that the Board hereby authorizes said Agreement to include an option to purchase up to 84 additional vehicles over a five-year period at a to-be-determined price set with reference to the Producer Price Index reflected in the procurement document issued by Metro; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Agreement, on the terms set forth above; and

BE IT FURTHER RESOLVED, that said Agreement may 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 hereby is, authorized to make payments under said Agreement upon certification by the Director of Public Transit, that such payments are in order based on receipt of all required supporting documentation.”

6. General Counsel Report: **Written**

7. Executive Session:

At approximately 1:40 p.m., it was moved by Commissioner Perry, seconded by Commissioner Aul, that the Commissioners convene in Executive Session to discuss matters regarding the property disposition and potential lease of the second floor of the DL&W station. If this matter was publicly discussed, it could have a substantial effect on value and those negotiations. It is also anticipated that propriety information will be presented, and the Board may seek advice or recommendation that is considered attorney-client privilege.

Following discussion, at approximately 2:20 p.m., it was moved by Commissioner Perry, seconded by Commissioner Hughes, that the Executive Session be adjourned and that the Board resume the Regular Session.

**AYES: ROCHE, DEMAKOS, GURNEY, AUL, HICKS, HUGHES,
PERRY, WILCOX**

NOES: NONE

8. Adjournment

At approximately 2:22 p.m., the Chair indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Wilcox, seconded by Commissioner Perry and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: ROCHE, DEMAKOS, GURNEY, AUL, HICKS, HUGHES,
PERRY, WILCOX**

NOES: NONE