



Niagara Frontier Transportation Authority  
Serving Buffalo Niagara

BOULEVARD

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April 4, 2013

Mr. Robert M. Graber  
Clerk  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

**Re: NFTA Board Minutes**

Dear Mr. Graber:

Enclosed, for your information and files, please find a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Meeting held on February 28, 2013.

Very truly yours,

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

David J. State  
General Counsel

DJS:lf

Enclosure



**NIAGARA FRONTIER TRANSPORTATION AUTHORITY  
 NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.  
 REGULAR BOARD MEETING  
 FEBRUARY 28, 2013 12:30 PM  
 MINUTES**

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1. **CALL TO ORDER**

A. **Meeting Called to Order**

Chairman Zemsky called the meeting to order at approximately 12:32 p.m.

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

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

**AYES: ZEMSKY, SLOMA, LEWIN, CROCE, GURNEY, PERRY, WILCOX**

**NOES: NONE**

**D. Executive Director's Report:**

Executive Director Kimberley Minkel updated the Board on Authority project listings stating there are currently 39 projects many of which involve an abundance of staff time in addition to the numerous audits which have recently been conducted. Staff is also preparing a scope of work for a feasibility study for our transit system at lower Main Street. In addition to the DL&W, the Special Events Station is dated and doesn't address the recent and future development of the inner harbor, the development of the Webster block and future growth of the Buffalo Niagara Medical Corridor. We would apply for grant funding to complete the study.

**2. NFTA CORPORATE REPORT**

- A. Audit and Governance Committee Report (Howard Zemsky)
- B. Consolidated Financial (Debbie Leous)
- C. Corporate Resolutions (Kim Minkel)

**Corporate Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (2)
1. Authorization for NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006751, Supplemental Agreement No. 10
2. Authorization for Agreement, Durham Staffing, Inc., Temporary Services, NFTA

**CORPORATE:**

2. D. (1) **Authorization for NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006751, Supplemental Agreement No. 10**

**RECOMMENDATION:** Staff recommends that the Board authorize the Executive Director to execute New York State Department of Transportation (NYSDOT) Mass Transportation Capital Project Agreement, Contract No. K006751 Supplemental Agreement No. 10 in the amount of \$3,264,992.

**INFORMATION:** NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006751 Supplemental Agreement No. 10 consists of the PINs listed in the table below which will provide one-half (10 percent or 8.5 percent) of the non-federal share for the following projects that are part of the NFTA's 2012 Program of Projects and separate grants to purchase vehicles.

**FUNDING:** Funding for the above-cited projects is structured as follows:

**NYSDOT Mass Transportation Agreement, Contract No. K006751 Supplemental Agreement No. 10**

<i>PIN</i>	<i>Project Description</i>	<i>Total Amount</i>	<i>Federal Share</i>	<i>State Share</i>	<i>Local Share</i>
5758.66.001	Purchase (4) Clean Diesel 40ft Buses	\$ 1,993,665	\$ 1,594,932	\$ 199,367	\$ 199,366
5758.66.001	Project Administration	\$ 6,335	\$ 5,068	\$ 634	\$ 633
5T1651	Purchase Rail Support Vehicles	\$ 151,000	\$ 120,800	\$ 15,100	\$ 15,100
5T1661	Alternative Fuel Implementation	\$ 150,000	\$ 120,000	\$ 15,000	\$ 15,000
5T1661	Bus – Fare Collection System Upgrade	\$ 857,888	\$ 686,311	\$ 85,789	\$ 85,788
5T1675	Employee Education/Training	\$ 75,000	\$ 60,000	\$ 7,500	\$ 7,500
5T1680	Associated Capital Maintenance – Tire Lease	\$ 520,000	\$ 416,000	\$ 52,000	\$ 52,000
5T1685	Paratransit Operating Assistance	\$ 2,355,620	\$ 1,884,496	\$ 235,562	\$ 235,562
5T1690	Preventative Maintenance	\$ 12,638,776	\$ 10,111,021	\$ 1,263,878	\$ 1,263,877
5T1694	Purchase Bus Shelters and Solar light Kits	\$ 146,637	\$ 117,310	\$ 14,664	\$ 14,663
5T1695	Passenger Information Systems	\$ 150,000	\$ 120,000	\$ 15,000	\$ 15,000
5T1695	Purchase Bike Racks	\$ 91,163	\$ 72,930	\$ 9,117	\$ 9,116
5T1703	Project Administration	\$ 198,997	\$ 159,198	\$ 19,900	\$ 19,899
5T1762	Buy (9) < 30 ft Replacement Buses	\$ 850,000	\$ 680,000	\$ 85,000	\$ 85,000
5T1802	Purchase (14) Hybrid Replacement 40 ft Buses	\$ 8,421,686	\$ 6,990,000	\$ 715,843	\$ 715,843
5T1802	Project Administration	\$ 12,048	\$ 10,000	\$ 1,024	\$ 1,024
5T1817	Hybrid Bus Battery Replacement	\$ 200,000	\$ 160,000	\$ 20,000	\$ 20,000
5T1818	Facility Consolidation Study	\$ 600,000	\$ 480,000	\$ 60,000	\$ 60,000
5T1818	Replace 800 MHz Radio System Study	\$ 50,000	\$ 40,000	\$ 5,000	\$ 5,000

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5T1819	Rail Station Walkoff Gates	\$ 160,000	\$ 128,000	\$ 16,000	\$ 16,000
5T1819	Escalator Rebuild	\$ 1,950,000	\$ 1,560,000	\$ 195,000	\$ 195,000
5T1819	LRRT – Catenary Insulation Replacement	\$ 100,000	\$ 80,000	\$ 10,000	\$ 10,000
5T1819	LRRT – Platform Conduit Replacement	\$ 70,832	\$ 56,665	\$ 7,084	\$ 7,083
5T1819	LRRT – Delavan Station Panel Line Station	\$ 250,000	\$ 200,000	\$ 25,000	\$ 25,000
5T1819	LRRT – Elevator/Escalator Cathodic Protection Test	\$ 119,587	\$ 95,670	\$ 11,959	\$ 11,958
5T1819	Rail Track, Trackbed and Switch Replacement	\$ 857,815	\$ 686,252	\$ 85,782	\$ 85,781
5T1819	Purchase Miscellaneous Equipment	\$ 80,000	\$ 64,000	\$ 8,000	\$ 8,000
5T1819	Rail – Fare Collection Upgrade	\$ 857,888	\$ 686,311	\$ 85,789	\$ 85,788
<b>Totals</b>		<b>\$ 33,914,937</b>	<b>\$ 27,384,964</b>	<b>\$ 3,264,992</b>	<b>\$ 3,264,981</b>

“**RESOLVED**, that the Board authorizes the New York State Department of Transportation Capital Project Agreement, Contract K006751, Supplemental No. 10 for projects as described above; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman be authorized to execute the New York State Department of Transportation Capital Project Agreement, Contract K006751, Supplemental No. 10 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. D. (1)

**CORPORATE:**

2. D. (2) **Authorization for Agreement, Durham Staffing, Inc.,  
Temporary Services, NFTA**

**RECOMMENDATION:** Staff recommends that the Board authorize a one-year Agreement with an option to extend for four (4) additional one-year periods at the discretion of NFTA to provide temporary laborers and administrative temporary workers at BNIA, NFIA, MTC and the Boat Harbor.

**INFORMATION:** The NFTA has contracted with staffing agencies to provide temporary workers for various positions, the majority of which are seasonal workers at the Boat Harbor and Airports, since 2007. By utilizing a staffing agency the Authority is relieved from liability for Unemployment Insurance and Worker's Compensation for these workers.

The NFTA issued a Request for Proposals for Temporary Workers, NFTA RFP No. 4271. The following two firms submitted proposals.

Durham Staffing, Inc.  
Depew, New York

Dominion Temps, Inc.  
Melville, New York

The evaluation team included the Manager, Boat Harbor, Airport Superintendent, Facilities Manager and Air Terminal Superintendent. The proposals were evaluated and ranked based on compliance with technical specifications, experience and cost with Durham Staffing, Inc. ranked the highest.

The NFTA in 2012 expended approximately \$409,000.00 to all temporary staffing agencies. The amount paid to Durham Staffing, Inc. for the 2013 season is not expected to exceed \$430,000, and is included in the operating budgets for the cost centers where these workers will be utilized.

**FUNDING:** Funding for this Agreement is included in the Authority's FYE 13-14 budget.

**"RESOLVED** that the Board hereby authorizes an Agreement with Durham Staffing, Inc. to provide laborers for temporary work at BNIA, NFIA, MTC and the Boat Harbor for one-year with four one-year extensions as set forth above; and

**BE IT FURTHER RESOLVED,** that the Board authorizes the Executive Director, her designee and/or the Chairman be and hereby are authorized to execute an Agreement with Durham Staffing, Inc. in the estimated amounts set forth above for the provision of such laborers for temporary work; and

CORPORATE 2. D. (2)

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

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

**RFP # 4271 - TEMPORARY WORKERS**

2/28/2013

<b>RFP DOCUMENTS REQUIRED</b> (Completed by Procurement)	<b>DURHAM STAFFING, INC.</b> Depew, NY	<b>DOMINION TEMPS, INC.</b> Melville, NY
Cover Letter	X	X
Description of services	X	X
Firm, Mgmt & Staff Qualifications	X	X
References	X	X
Itemized Cost Proposal	X	X
Non-Collusive Cert	X	X
Disclosure of Prior Non-rep Determinations	X	X
Bidder's/Proposer's Affirmation & Certification	X	X
Contractor Certification Form (ST 200 - If over 100k)	X	X
<b>SELECTION CRITERIA</b> (Completed by Team)	Rate on a score of 1 - 10 with 10 being the highest	
Qualifications & Experience 40% - Demonstrated ability in the industry, references, past performances, depth of knowledge of key personnel, organization of the team, management procedures.	7.00	7.00
Technical Criteria 30% - Compliance with technical specifications.	7.00	1.00
Cost - 30%	8.89	10.00
<b>TOTAL</b>	<b>7.57</b>	<b>6.10</b>
<b>HOURLY RATES</b>		
Admin Assistant	\$13.70	\$12.25
Laborers	\$13.70	\$12.25
Dockhands	\$16.44	\$14.73
GRV Driver	\$15.97	\$13.50
Landscaper	\$17.58	\$15.85
Landscaper Supervisor	\$23.29	\$21.00
<b>Avg Hrly Rate</b>	<b>\$16.78</b>	<b>\$14.93</b>

**3. AVIATION BUSINESS GROUP REPORT**

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

**Aviation Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (4)
1. Authorization for Change Order No. 4 and Final, Oakgrove Construction, Two Tier Road Departure Level Rehabilitation, BNIA
2. Authorization for Agreement, B.I.G. Enterprises, Inc., Parking Shelters, BNIA
3. Authorization for Agreement, TruGreen LawnCare, Weed and Pest Control, BNIA
4. Authorization for Host Site Agreement, New York Power Authority, Electric Vehicle Service Equipment, BNIA

**AVIATION:**

3. D. (1) **Authorization for Change Order No. 4 and Final, Oakgrove Construction, Two Tier Road Departure Level Rehabilitation, BNIA**

**RECOMMENDATION:** Staff recommends that the Board approve Change Order No. 4 and Final as a \$4,574.84 increase to Oakgrove Construction Incorporated's Contract No. 15BL0910, Two Tier Road Departure Level Rehabilitation at the Buffalo Niagara International Airport. This will result in an amended Contract value of \$1,406,182.92.

**INFORMATION:** Change Order No. 4 and Final provides for the following unit price bid item final quantity adjustments associated with the actual installations. The Authority's Engineer made all field measurements and quantity calculations.

- The Contract contains an Allowance Bid Item for removal of the canopy soffit panels on the Ground Transportation Lane. This work was required to install temporary shoring to support the Departures Level roadway structure's concrete support beams during repairs. The extent of the canopy panel removal and replacement could not be determined prior to the time of bid, therefore the removal of the panels was tracked on a time and material basis while a lump sum was negotiated for the replacement of the canopy's panels. The total cost of the removal effort is \$4,037.50 as determined in accordance with Contract General Conditions Article 25- Payment for Force Account Work. The Contractor's initial cost proposal for the replacement effort in the amount of \$71,657.39 was reviewed and returned for revision. Subsequently, negotiations resulted in agreement upon \$55,616.89 as total, fair and equitable compensation for the replacement of the panels.
- Upon removal of the Ground Transportation Lane canopy soffit panels, it was determined that the structural steel supporting the Canopy was in conflict with the temporary shoring to be installed to support the Departures Level roadway structure's concrete support beams during repairs. The Engineer developed Bulletin No. 1 to modify the structural steel to allow the temporary shoring to be installed as designed. The work was performed on a time and material basis in order to allow the work to proceed immediately and avoid delays to the project. The total cost of Bulletin No. 1 is \$53,339.00 as determined in accordance with Contract General Conditions Article 25- Payment for Force Account Work.
- The precast concrete and glass block slabs at the four departure level entrances were deteriorated beyond repair and required removal and replacement. The Engineer developed Bulletin No. 3 to replace these slabs with cast-in-place concrete slabs. The work was performed on a time and material basis in order to allow the work to proceed immediately and avoid delays to the project. The total cost of Bulletin No. 3 is \$86,384.00 as determined in accordance with Contract General Conditions Article 25- Payment for Force Account Work.
- The Business Center requested the turnover of surplus speed bump materials resulting from changes to the length of the installed speed bumps. The Contractor submitted a lump sum proposal in the amount of \$519.84 and provided a copy of the invoice from the manufacturer as backup for the cost of the material to be turned over. The surplus material will be used by the Business Center to replace damaged sections of the speed bumps as necessary.

AVIATION 3. D. (1)

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The above changes resulted in the need to increase the Allowance Bid Item as noted below:

Item No.	Description	Unit	Unit Price	Revised Quantity	Previous Approved Quantity	Quantity Change	Amended Amount	Amount Change
12200	Allowance	LS	\$150,000.00	1.33304	1.00	0.33304	\$199,957.23	\$49,957.23
402.06 82 01- 18	6.3mm F2 Polymer- modified HMA	Ton	\$125.00	760.66	670.00	90.66	\$95,082.50	\$11,332.50
407.02 01-18	Tack Coat	Gal	\$4.50	475.00	500.00	(25.00)	\$2,137.50	(\$112.49)
490.30	Misc. Cold Milling of Bituminous Concrete	SY	\$2.50	4,733.00	4,800.00	(67.00)	\$11,832.50	(\$167.50)
490.40	Misc. Cold Milling of Portland Cement Concrete	SY	\$6.00	3,107.00	3,235.00	(128.00)	\$18,642.00	(\$768.00)
556.02 01	Bar Reinforce- ment	LB	\$3.00	23.60	100.00	(76.40)	\$70.80	(\$229.20)
559.16 96	Protective Sealing of Structural Concrete	SF	\$5.00	3,212.00	4,000.00	(788.00)	\$16,060.00	(\$3,940.00)
567.70 01 05	Deck Joint Repair	LF	\$175.00	55.38	63.00	(7.62)	\$9,692.03	(\$1,332.98)
Item No.	Description	Unit	Unit Price	Revised Quantity	Previous Approved Quantity	Quantity Change	Amended Amount	Amount Change
582.05 05	Removal and Replacement of Concrete Sidewalk	SF	\$36.00	2,137.47	2,640.00	(502.53)	\$76,948.92	(\$18,091.08)
582.06	Class "D" Concrete Repairs	SF	\$170.00	531.16	200.00	331.16	\$90,297.20	\$56,297.20
582.07	Vertical & Overhead Patching	SF	\$180.00	77.07	550.00	(472.93)	\$13,872.60	(\$85,127.40)
584.07 09 05	Bridge Deck Rapid Setting Concrete Repair	SF	\$85.00	376.61	300.00	76.61	\$32,011.85	\$6,511.85

AVIATION 3. D. (1)

**Regular Meeting  
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595.98 20 18	Spray-applied Waterproofing Membrane	SY	\$80.00	3,107.00	3,278.00	(171.00)	\$248,560.00	(\$13,680.00)
608.21	Embedded Detectable Warning Units	SY	\$380.00	40.89	47.00	(6.11)	\$15,538.20	(\$2,321.80)
615.90 05	Speed Bump Type "A"	LF	\$50.00	0.00	47.60	(47.60)	\$0.00	(\$2,380.00)
615.91 05	Speed Bump Type "B"	LF	\$80.00	84.75	45.60	39.15	\$6,780.00	\$3,132.00
615.92 05	Speed Bump with Permanent Anchor Lugs	LF	\$50.00	0.00	47.00	(47.00)	\$0.00	(\$2,350.00)
615.98 05	Glass Block Paver Replacement	EA	\$175.00	0.00	20.00	(20.00)	\$0.00	(\$3,500.00)
619.09 01	Temporary Pavement Markings & Stripes	LF	\$0.50	5,234.00	5,000.00	234.00	\$2,617.00	\$117.00
619.11 04 01	Portable Variable Message Signs	WK	\$500.00	58.00	24.00	34.00	\$29,000.00	\$17,000.00
640.20	Reflectorized Pavement Stripes-White	LF	\$1.25	10,900.25	12,100.00	(1,199.75)	\$13,625.31	(\$1,499.69)
640.21	Reflectorized Pavement Stripes- Yellow	LF	\$0.70	4,686.00	4,390.00	296.00	\$3,280.20	\$207.20
Item No.	Description	Unit	Unit Price	Revised Quantity	Previous Approved Quantity	Quantity Change	Amended Amount	Amount Change
640.22	Reflectorized Pavement Letters-White	EA	\$40.00	84.00	56.00	28.00	\$3,360.00	\$1,120.00
656.90 01	Railing Anchor Cladding	LF	\$200.00	132.00	160.00	(28.00)	\$26,400.00	(\$5,600.00)
							<b>TOTAL</b>	<b>\$4,574.84</b>

AVIATION 3. D. (1)

**FUNDING:** The total amount of this Change Order No. 4 and Final is a \$4,574.84 add, thereby increasing the total amount of the contract from the previously amended amount of \$1,401,608.08 to a Final Contract value of \$1,406,182.92.

Funds for Change Order No. 4 and Final are contained in the BNIA Capital Budget, Account No. 12-0000000-3188-2-2535. Funding is provided as follows:

FAA	75.00%	\$3,431.12
NYS DOT	12.50%	\$571.86
PFC	12.50%	\$571.86
TOTAL		\$4,574.84

**“RESOLVED**, that the Board hereby authorizes Change Order No. 4 and Final as described hereinabove; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute Change Order No. 4 and Final as described hereinabove; and

**BE IT FURTHER RESOLVED**, that said Change Order No. 4 and Final shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Change Order No. 4 and Final upon certification by the Director, Engineering, that such payments are in order.”

AVIATION:

3. D. (2) Authorization for Agreement, B.I.G. Enterprises, Inc., Parking Shelters, BNIA

**RECOMMENDATION:** Staff recommends that the Board authorize the procurement of 34 replacement parking shelters at the Buffalo Niagara International Airport (BNIA) from B.I.G. Enterprises, Inc., South El Monte, California at a total cost of \$410,000 over a 5 year term.

**INFORMATION:** BNIA accommodates in excess of 5.2 million passengers annually. Patrons use parking shelters while awaiting shuttle service to the terminal building. There are 34 parking shelters located in three parking lots with 6,006 parking spaces which have exceeded their useful lives. The shelters provide protection from the weather elements throughout the entire year. Staff recommends replacement of all shelters throughout the next 5 years including the replacement of 5 to 7 shelters annually depending on budget constraints. The shelters will be installed and wired by BNIA Facilities Maintenance staff.

The NFTA issued Request for Proposal 4256 which was advertised in accordance with NFTA procurement guidelines. Three proposals were received and were evaluated by staff from the BNIA Facilities Management Department and NFTA Procurement Department regarding technical compliance, cost, and vendor qualifications and experience. Staff rated the proposal from B.I.G. Enterprises, Inc., South El Monte, California as the highest. The cost is \$410,000 over a 5 year term.

**FUNDING:** Funding will be provided from BNIA Airport Development funds.

**“RESOLVED,** that the Board hereby authorizes an Agreement with B.I.G. Enterprises, Inc., for the procurement of 34 replacement parking shelters at the Buffalo Niagara International Airport, as described above; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with B.I.G. Enterprises, Inc., for the procurement of 34 replacement parking shelters; and

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

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

**RFP 4256**  
**Pre-Fabricated Transit Shelters**

2/28/2013

<b>RFP DOCUMENTS REQUIRED</b>						
<b>(Completed by Procurement)</b>						
	<b>Tolar Manufacturing Company Inc.</b>		<b>Little Bulidings, Inc</b>		<b>B.I.G. Enterprises, Inc</b>	
	<b>Corona, CA</b>		<b>Romeo, MI</b>		<b>South El monte, CA</b>	
Non-Collusive Cert	x		x		x	
Disclosure of Prior Non-rep Determinations	x		x		x	
Cover Letter	x		x		x	
Description of services	x		x		x	
Mgmt & Staff Qualifications	x					
References	x		x		x	
Cost Proposal	x		x		x	
<b>SELECTION CRITERIA</b>						
<b>(Completed by Team)</b>						
Technical - compliance with technical specifications, design	50%		7.00		8.00	9.00
Cost	30%		6.00		10.00	9.90
Qualification and experience - demonstrated ability in the industry, references, warranty and delivery.	20%		9.00		9.00	9.00
<b>RATING</b>			7.10		8.80	9.27
<b>Cost Proposals</b>						
		<b>Cost/each</b>	<b>Total</b>	<b>Cost/each</b>	<b>Total</b>	<b>Cost/each</b>
			<b>Total</b>			<b>Total</b>
Prototype (1 units)		\$24,785	\$24,785	\$13,575	\$13,575	\$14,000
Year 1 (7 units)		\$17,970	\$125,790	\$11,974	\$83,818	\$12,000
Year 2 (7 units)		\$18,335	\$128,345	\$11,974	\$83,818	\$12,000
Year 3 (7 units)		\$18,710	\$130,970	\$11,791	\$82,537	\$12,000
Year 4 (7 units)		\$19,090	\$133,630	\$11,778	\$82,446	\$12,000
Year 5 (5 units)		\$19,480	\$136,360	\$12,020	\$60,100	\$12,000
<b>TOTAL</b>			<b>\$679,880</b>		<b>\$406,294</b>	<b>\$410,000</b>

**AVIATION:**

3. D. (3) **Authorization for Agreement, TruGreen LawnCare, Weed and Pest Control, BNIA**

**RECOMMENDATION:** Staff recommends that the Board authorize an agreement with TruGreen LawnCare, Orchard Park, New York for seasonal fertilization and weed/pest control on the airside and landside at the Buffalo Niagara International Airport (BNIA). The term of the contract will be three years commencing April 1, 2013 with the option of two additional one-year periods at the sole discretion of the NFTA. The annual cost of service is \$28,435 for years 1 through 3 and the annual cost for renewal years 4 and 5 will be \$29,915 for a five year total amount of \$145,135.

**INFORMATION:** The BNIA Airfield Department is responsible for maintaining the airside and landside landscaping. This effort involves the application of pesticides and fertilizers to large areas requiring specific expertise, specialized equipment, and environmental licensing.

The NFTA issued Request for Proposal 4258 which was advertised in accordance with NFTA procurement guidelines. Two proposals were received and were evaluated by staff from the BNIA Airfield Department and NFTA Procurement Department regarding qualifications and experience, technical criteria, and cost. Staff rated the proposal from TruGreen LawnCare, Orchard Park, New York as the highest. TruGreen LawnCare has serviced the Western New York area since 1972 and is the incumbent service provider. The total cost over the five year term is \$145,135.

**FUNDING:** Funding will be provided from BNIA operating budget.

**“RESOLVED,** that the Board hereby authorizes an Agreement with TruGreen LawnCare for seasonal fertilization and weed/pest control at the Buffalo Niagara International Airport, as described above; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with TrueGreen LawnCare, for the total amount of \$145,135 as described above; and

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

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

**RFP # 4258 - SEASONAL FERTILIZATION, WEED AND PEST CONTROL AT BNIA**

2/28/2013

<b>RFP DOCUMENTS REQUIRED</b> (Completed by Procurement)	<b>TRUGREEN LAWCARE</b> Orchard Park, NY	<b>DEERING LANDSCAPE CONTRACTORS, INC.</b> N.Tonawanda, NY
Cover Letter	X	X
Description of services	X	X
Firm, Mgmt & Staff Qualifications	X	X
References	X	X
Itemized Cost Proposal	X	X
Non-Collusive Cert	X	X
Disclosure of Prior Non-rep Determinations	X	X
Bidder's/Proposer's Affirmation & Certification	X	X
Contractor Certification Form (ST 200 - If over 100k)		
<b>SELECTION CRITERIA</b> (Completed by Team)		
	Rate on a score of 1 - 10 with 10 being the highest	
Qualifications & Experience 40% - Demonstrated ability in the industry, references, past performances,	9.83	9.00
Technical Criteria 30% - Project approach & Compliance with technical specifications.	9.83	8.33
Cost - 30%	10.00	7.53
<b>TOTAL</b>	<b>9.88</b>	<b>8.36</b>
<b>COST</b>		
Year 1	\$28,435	\$38,550
Year 2	\$28,435	\$38,550
Year 3	\$28,435	\$38,550
Year 4	\$29,915	\$38,550
Year 5	\$29,915	\$38,550
<b>Total</b>	<b>\$145,135</b>	<b>\$192,750</b>

**AVIATION:**

3. D. (4) **Authorization for Host Site Agreement, New York Power Authority, Electric Vehicle Service Equipment, BNIA**

**RECOMMENDATION:** Staff recommends that the Board of Commissioners authorize a Host Site Agreement with the New York Power Authority (NYPA) for the installation of electric vehicle service equipment (EVSE) at Buffalo Niagara International Airport and Niagara Falls International Airport.

**INFORMATION:** The NYPA has agreed to procure, install, and maintain EVSE to support a total of six electric vehicles at no cost to the NFTA. Four EVSE units will be installed in parking facilities at BNIA and two at NFIA. The EVSE will be configured to charge vehicles, bill users and collect data for remote display. The NYPA will issue a competitive solicitation for the project and will fund the acquisition of the equipment, its installation and maintenance for a four year period. The EVSE becomes the property of the NFTA upon completion of the installation. The NYPA will fund a maintenance agreement for first four years of operation and thereafter the maintenance of the EVSE becomes the responsibility of the NFTA. The NYPA estimates that the installation could begin late this summer.

**FUNDING:** No funding is required.

**“RESOLVED**, that the Board hereby authorizes an Agreement with the New York State Power Authority, for the installation of electric vehicle service equipment at the Buffalo Niagara International Airport; 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 the New York Power Authority, 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.”

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

**Surface Transportation Resolutions**

1. Authorization for Agreement, Cambridge Systematics, Inc., Consulting Services for Regional Modelling Support, GBNRTC

SURFACE:

4. D. (1) Authorization for Agreement, Cambridge Systematics, Inc., Consulting Services for Regional Modelling Support, GBNRTC

**RECOMMENDATION:** Staff recommends that the Board authorize an Agreement with Cambridge Systematics, Inc., in an amount not-to-exceed \$125,000.00.

**INFORMATION:** The Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) is the designated Metropolitan Planning Organization (MPO) and is responsible for conducting a coordinated multimodal transportation planning process in the Buffalo-Niagara region. A substantial number of studies and work initiatives are included in the work program for the GBNRTC and member agencies. These include studies of regionwide, corridor, and more localized impacts to the region's transportation system. Ability to respond to these study needs is dependant on effective deployment of GBNRTC modeling tools such as the regional TransCAD travel model, operational simulation capabilities. Work under the contract will be released in task order format for discrete tasks as requested by the GBNRTC Project Manager. The consultant will participate in corridor studies both highway and transit, systems operational analysis and model upgrades and maintenance.

The contract was publicly advertised in accordance with NFTA Procurement Guidelines. One firm submitted a proposal that was reviewed and determined to be acceptable per the terms of the RFP. Other potential bidders were contacted to assure they had a full opportunity to participate. The recommended respondent, Cambridge Systematics, has demonstrated previous successful experience in both the GBNRTC model set as well as in other states and metros nationwide.

**FUNDING:** Funding for this effort has been made available to GBNRTC from FHWA PL funds. As host agency, GBNRTC contracts are administered by NFTA.

Whereupon, it was moved by Commissioner Wilcox, seconded by Commissioner Gurney, that the following Resolutions be adopted:

**“RESOLVED**, that the Board hereby authorizes an Agreement with Cambridge Systematics, Inc., for consulting services for regional modeling support, as described above for a cost not-to-exceed \$125,000.00; 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 Cambridge Systematics, Inc., for an amount not-to-exceed \$125,000.00; and

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

SURFACE 4. D. (1)

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

**AYES: ZEMSKY, SLOMA, LEWIN, CROCE, GURNEY, PERRY,  
WILCOX**

**NOES: NONE**

**ADOPTED**

SURFACE 4. D. (1)

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

**Property/Risk Management Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (4)
1. Authorization for Lease Agreement, Jenro 16, LLC, 247 Cayuga Road
2. Authorization for Lease Agreement, Brinkman Alliance Group, Inc., 485 Cayuga Road
3. Authorization for Lease Agreement, National Recovery Services, 485 Cayuga Road
4. Authorization for Permit Agreement, Eclipse Multi-Sport, LLC, Boat Harbor

**PROPERTY:**

5. D. (1) **Authorization for Lease Agreement, Jenro 16, LLC, 247 Cayuga Road**

**RECOMMENDATION:** Staff recommends that the Board authorize a lease agreement with Jenro16 LLC (Lindsay Johnson, Owner) for office space at 247 Cayuga Road.

**INFORMATION:** Jenro16 LLC is a local collection agency and will be leasing 836 square feet of office space for a call center. The one-year lease term will begin on March 1, 2013 and end on February 28, 2014. Rent for this class C space will be \$9 per square foot, or \$7,524 per year.

**FUNDING:** No funding is necessary.

**“RESOLVED,** that the Board hereby authorizes a Lease Agreement with Jenro 16, LLC, for use of space at 247 Cayuga Road as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Jenro 16, LLC, with terms and conditions as set forth above and as negotiated; and

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

**PROPERTY:**

5. D. (2) **Authorization for Lease Agreement, Brinkman Alliance Group, Inc., 485 Cayuga Road**

**RECOMMENDATION:** Staff recommends that the Board authorize a lease agreement with Brinkman Alliance Group, Inc. (Emilio Galarza, Owner) for office space at 485 Cayuga Road.

**INFORMATION:** Brinkman Alliance Group, Inc. is a collection agency and will be leasing 2,407 square feet of office space for a call center. The five-year lease term will begin on April 1, 2013 and end on March 31, 2018. Rent will be \$10.15 per square foot, or \$24,431 per year, for the first two years. For years three through five the rent will increase to \$10.30 per square foot, or \$24,792 per year. As part of the lease agreement, the NFTA is committing to perform certain improvements to the premises, such as new carpeting, painting, installation of doors, and minor structural changes for an estimated cost of \$24,699.

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

**FUNDING:** Funds for the improvements are contained in operating budget account number 0808185205000. Funds for the real estate broker are contained in operating budget account number 0800995719900.

**“RESOLVED,** that the Board hereby authorizes a Lease Agreement with Brinkman Alliance Group, Inc., for use of space at 485 Cayuga Road as described hereinabove; and

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

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

**PROPERTY:**

5. D. (3) **Authorization for Lease Agreement, National Recovery Services, 485 Cayuga Road**

**RECOMMENDATION:** Staff recommends that the Board authorize a lease agreement with National Recovery Services (Alan Malke, Owner) for office space at 485 Cayuga Road.

**INFORMATION:** National Recovery Services is a collection agency and will be leasing 2,407 square feet of office space for a call center. The five-year lease term will begin on April 1, 2013 and end on March 31, 2018. Rent will be \$10.15 per square foot, or \$24,431 per year, for the first two years. For years three through five the rent will increase to \$10.30 per square foot, or \$24,792 per year. As part of the lease agreement, the NFTA is committing to perform certain improvements to the premises, such as new carpeting, painting, installation of doors, and minor structural changes for an estimated cost of \$24,699.

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

**FUNDING:** Funds for the improvements are contained in operating budget account number 0808185205000. Funds for the real estate broker are contained in operating budget account number 0800995719900.

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

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with National Recovery Services, with terms and conditions as set forth above and as negotiated; and

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

**PROPERTY:**

5. D. (4) **Authorization for Permit Agreement, Eclipse Multi-Sport, LLC, Boat Harbor**

**RECOMMENDATION:** Staff recommends that the Board authorize a Permit for Temporary Access to NFTA Property with Eclipse Multi-Sport, LLC (Dan Horan, President) for use of Gallagher Beach and a portion of the Boat Harbor property for the Nickel City Triathlon.

**INFORMATION:** Eclipse Multi-Sport, LLC, will be hosting for the third time, the Nickel City Triathlon. It is scheduled to be held this year on September 13 and 14, 2013. This race will involve some closures to Fuhrmann Boulevard, which are being coordinated with the City of Buffalo.

The race organizers would like to use Gallagher Beach for the swim portion of the event and the parking and grass area of the property between Gallagher Beach and the Boat Harbor to be the start/finish line for the bike portion of the event and as a temporary storage area for the competitor's bicycles. It is anticipated that there will be approximately 300 persons in attendance. Eclipse Multi-Sport, LLC will perform any necessary coordination with governmental agencies such as the Coast Guard and the Department of Health and will obtain insurance covering the NFTA. Slipholders and other customers of the Boat Harbor will receive advance notification of any street closures.

**FUNDING:** No funding is necessary.

**“RESOLVED,** that the Board hereby authorizes Permit Agreements with Eclipse Multisport, LLC for use of Boat Harbor facilities 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 Permit Agreements with Eclipse Multisport, LLC with terms and conditions as set forth above and as negotiated; and

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

6. General Counsel Report - Written
7. Executive Session

At approximately 12:50 p.m., it was moved by Commissioner Lewin, seconded by Commissioner Perry, that the Commissioners convene in Executive Session to discuss matters regarding the land transfer to Erie Canal Harbor Development Corporation.

Following discussion, at approximately 1:25 p.m., it was moved by Commissioner Perry, seconded by Commissioner Croce, that the Executive Session be adjourned and that the Board resume the Regular Session.

**AYES: ZEMSKY, SLOMA, LEWIN, CROCE, GURNEY, PERRY,  
WILCOX**

**NOES: NONE**

8. Adjournment

At approximately 1:27 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Lewin, seconded by Commissioner Croce, 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, LEWIN, CROCE, GURNEY, PERRY,  
WILCOX**

**NOES: NONE**

