



Niagara Frontier Transportation Authority
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March 26, 2012

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 27, 2012.

Very truly yours,

David J. State
General Counsel

DJS:lf

Enclosure

7M-2

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
FEBRUARY 27, 2012
MINUTES**

1.
 - A. **CALL TO ORDER**
 - B. **APPROVAL OF MINUTES (January 23, 2012)**
 - C. **EXECUTIVE DIRECTOR'S REPORT**

2. **NFTA CORPORATE REPORT**
 - A. Audit and Governance Committee Report (Henry Sloma)
 - B. Consolidated Financial (Debbie Leous)
 - C. Corporate Resolutions (Kim Minkel)
 1. Authorization for Agreement, New York State Department of Transportation, Host Agency Federal-Aid Project Agreement, GBNRTC

3. **AVIATION BUSINESS GROUP REPORT**
 - A. Aviation Committee Report (Carmen Granto)
 - B. Financial Update (Bill Vanecek)
 - C. Business Update (Bill Vanecek)
 - D. Aviation Resolutions (Kim Minkel)
 1. Authorization for Agreement, Architectural Resources, Roof Replacements, BNIA and NFIA
 2. Authorization for Amendment, U&S Services, Full Service Maintenance for Building Systems, BNIA and NFIA
 3. Authorization for Agreement, M&T Bank, Automated Teller Machine Service, BNIA and NFIA
 4. Authorization for Approval, Change Order No. 1 & Final, Airside Pavement Maintenance 2011, BNIA
 5. Authorization for Lease Amendment, Delaware North Companies Travel Hospitality Services, Inc., BNIA
 6. Authorization for Agreements, Sealand Contractors Corp., Inc., Construction; PB Americas, Inc., Construction Monitoring Services and Construction Design Support, Runway 10L/28R Mill and Overlay, NFIA
 7. Authorization for Approval, Change Order No. 3, Accadia Site Contracting, Inc., Runway 6-24 Safety Area Improvements, NFIA
 8. Authorization for Operating Agreement, BRP Aviation, Flight School, NFIA

4. **SURFACE TRANSPORTATION BUSINESS GROUP REPORT**
 - A. Surface Transportation Committee Report (Eunice Lewin)
 - B. Financial Update (Tom George)
 - C. Business Update (Tom George)
 - D. Surface Transportation Resolutions (Kim Minkel)
 1. Authorization for Approval, Change Order No. 025, AnsaldoBreda, Inc., Supplemental Agreement No. 8, CH2M Hill, Mid-Life Rebuild Project, LRRT

2. Authorization for Agreement, Shepard Bros., Procurement of Paratransit Vehicles, Metro
3. Authorization for Procurement, Eldon Battery Post, Replacement Batteries, Metro

5. **PROPERTY RISK/MANAGEMENT GROUP REPORT**

- A. Property/Risk Management Committee Report (Peter Demakos)
- B. Financial Update (Dave State)
- C. Business Update (Dave State)
- D. Property Development Resolutions (Kim Minkel)
 1. Authorization for Lease Agreement, Glenn Kumm d/b/a ScratchBusters, 247 Cayuga Road
 2. Authorization for Lease Amendment, Westmatic Corporation, 485 Cayuga Road
 3. Authorization for License Agreement, Engineering Society of Buffalo, Inc., Boat Harbor/Gallagher Beach
 4. Authorization for License Agreement, Great Lakes Water Sport Institute, Inc., Adaptive Water Skiing Class, Gallagher Beach

6. **GENERAL COUNSEL'S REPORT (David State)**
7. **EXECUTIVE SESSION -**
8. **ADJOURNMENT**

1. CALL TO ORDER

A. Meeting Called to Order

Acting Chairman Sloma called the meeting to order at approximately 12:45 p.m.

B. Approval of Minutes of the NFTA Board Meeting held on January 23, 2012

It was moved by Commissioner Hughes, seconded by Commissioner Demakos, that the Minutes of the January 23, 2012, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: SLOMA, LEWIN, DEMAKOS, HELFER, HUGHES, PERRY, ZEMSKY

NOES: NONE

2. NFTA CORPORATE REPORT

- A. Audit and Governance Committee Report (Henry Sloma)
- B. Consolidated Financial (Debbie Leous)
- C. Human Resources Committee Report (Adam Perry)
- D. Corporate Resolutions (Kim Minkel)

Corporate Resolutions

1. Authorization for Agreement, New York State Department of Transportation, Host Agency Federal-Aid Project Agreement, GBNRTC

CORPORATE:

2. D. (1) Authorization for Agreement, New York State Department of Transportation, Host Agency Federal-Aid Project Agreement, GBNRTC

RECOMMENDATION: The Audit and Governance Committee and reviewed this item and recommends that the Board authorize an Agreement between the NFTA and the New York State Department of Transportation (NYSDOT) providing for the pass-through of federal funding to the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC).

INFORMATION: Federal law requires that designated metropolitan planning organizations (MPOs) be established to develop transportation plans for urbanized areas and program federal funding for those plans. The GBNRTC is the MPO for the Buffalo Niagara region. It is comprised of the Counties of Erie and Niagara, the Cities of Buffalo and Niagara Falls, the New York State Thruway Authority, NYSDOT and the NFTA. The NFTA has been the host agency for the GBNRTC since 1975.

On January 21, 1975 and December 15, 1976 the NFTA and NYSDOT entered into agreements providing for the pass-through of funding from NYSDOT to the NFTA as the host agency for the GBNRTC from Federal Highway Administration and Federal Transit Administration respectively. The Board extended these Agreements on March 21, 2005 and they currently will expire on March 31, 2012. The New York State Department of Transportation has requested that the NFTA enter into a new agreement providing for the pass-through of both FHWA and FTA monies from NYSDOT through the NFTA to the GBNRTC.

The new Agreement continues to provide that the NFTA will be reimbursed for all program costs incurred for hosting the GBNRTC. The GBNRTC has agreed to provide the NFTA with a \$30,000 annual administrative fee as well as reimburse the NFTA in the event the NFTA elects to purchase Employment Practices Liability insurance in addition to the current business liability policies already in place and paid for by the GBNRTC. The NFTA has the right to terminate the Agreement with one year notice to NYSDOT.

FUNDING: No funding is necessary.

Whereupon, it was moved by Commissioner Zemsky, seconded by Commissioner Hughes, that the following Resolutions be adopted:

“RESOLVED, that the Board authorizes an Agreement between the NFTA and NYSDOT as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and or the Chairman be and hereby are authorized to execute an Agreement with as set forth above; and

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

**AYES: SLOMA, LEWIN, DEMAKOS, CROCE, HELFER, HUGHES, PERRY,
ZEMSKY**

NOES: NONE

ADOPTED

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. (8)
 1. Authorization for Agreement, Architectural Resources, Roof Replacements, BNIA and NFIA
 2. Authorization for Amendment, U&S Services, Full Service Maintenance for Building Systems, BNIA and NFIA
 3. Authorization for Agreement, M&T Bank, Automated Teller Machine Service, BNIA and NFIA
 4. Authorization for Approval, Change Order No. 1 & Final, Airside Pavement Maintenance 2011, BNIA
 5. Authorization for Lease Amendment, Delaware North Companies Travel Hospitality Services, Inc., BNIA
 6. Authorization for Agreements, Sealand Contractors Corp., Inc., Construction; PB Americas, Inc., Construction Monitoring Services and Construction Design Support, Runway 10L/28R Mill and Overlay, NFIA
 7. Authorization for Approval, Change Order No. 3, Accadia Site Contracting, Inc., Runway 6-24 Safety Area Improvements, NFIA
 8. Authorization for Operating Agreement, BRP Aviation, Flight School, NFIA

AVIATION:

3. D. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (8)

The Executive Director advised that Items 3. D. (1) through 3. D. (8) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Lewin, seconded by Commissioner Demakos, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) through 3. D. (8) and dated February 27, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, LEWIN, DEMAKOS, CROCE, EAGAN, HELFER, HUGHES, PERRY*, ZEMSKY

ABSTENTION: PERRY [*Item 4. D. (3) and Item 4. D. (5)]

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Agreement, Architectural Resources, Roof Replacements, BNIA and NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board award the subject design service contract to term consultant Architectural Resources for a total lump sum amount of \$59,032.54.

INFORMATION: This project provides for the design and development of bid documents to replace the built-up roof system with a PVC roof system at the Transit Police Airport Office BNIA Fuel Farm and NFIA General Aviation office. All the roofs are past their useful life and failing.

Architectural Resources will first test the existing roof system at each facility for the presence of asbestos. With those results, the consultant will issue a design rationale report for each location for NFTA approval. Bid documents will then be prepared. The consultant will answer requests for information from potential bidders as well as issue clarifications and addendums during the bid process. After the bids are received, the consultant will prepare a bid analysis and provide a recommendation for award.

A summary of the design services negotiations is given below.

	Initial Proposal	Final Proposal
Engineer's Estimate	\$76,611.00	\$76,611.00
Architectural Resources	\$63,776.81	\$59,032.54

Architectural Resources intends to complete the scope of services with 82% of their own staff and 12% DBE participation.

FUNDING: Funding for the design services will be provided through the following three account numbers:

Facility	Account Code Number	Funding Source	Amount
TPAO	120000000-3107-2-2554	BNIA Capital Reserves	\$26,743.30
Fuel Farm	120000000-3107-2-2555	BNIA Capital Reserves	\$18,009.20
GAO	120000000-3107-2-1478	NFTA (80%) & ADF (20%)	\$14,280.04
<i>Total</i>			<i>\$59,032.54</i>

“RESOLVED, that the Board hereby authorizes an Agreement with Architectural Resources for the design and development of bid documents to replace the built-up roof system with a PVC roof system at the Transit Police Airport Office, the BNIA Fuel Farm and the NFIA General Aviation Office, for a total lump sum of \$59,032.54; 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 Architectural Resources, for the lump sum amount of \$59,032.54; 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, Engineering, that such payments are in order.”

AVIATION:

3. D. (2) Authorization for Amendment, U&S Services, Full Service Maintenance for Building Systems, BNIA and NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize an Agreement with U&S Services, Tonawanda, New York, to provide full service maintenance on the building systems at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA). The term of the agreement will be one year commencing on March 1, 2012 and will be renewable for four additional one year terms at the sole discretion of the NFTA. The cost of the service is not to exceed \$239,406 for the first year and \$1,009,610 for option years two through five.

INFORMATION: Maintenance of the various building systems requires services of qualified contractors with technical expertise unique to each system. During year 2008, individual maintenance contracts for each separate building system were consolidated into a single maintenance agreement in an effort to maximize savings and efficiencies. This approach has proven to be successful and reliable resulting in an estimated 12% savings over the cost of individual service contracts.

Request for Proposal (RFP) 4143 was issued pursuant to NFTA Procurement Guidelines requesting a single service provider to perform full service maintenance on the following building systems at both the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA):

- Access control system
- Baggage information display system
- Direct digital CCTV system
- Flight information display system
- Gate information display system
- Public address system
- Telephone system
- Fuel pumping system
- Electronic fire system inspection (required by building codes).

The maintenance will occur in virtually all airport buildings including passenger terminals, parking garage and lots, airport perimeter, Fuel Farm, Airfield Rescue and Fire, Transit Police, Airfield Operations, and Facilities Maintenance locations.

The only respondent to the RFP was U & S Services, Tonawanda, New York. The NFTA review team consisting of staff from the BNIA Facilities Maintenance Department, the NFTA Engineering Department, and the NFTA Procurement Department reviewed the proposal and determined their proposal to be thorough and comprehensive. The proposed cost was "in line" with the proposal provided with the previous award during year 2008 taking into account that additional scope and locations had been added within the current request. Other potential firms responded that they were unable to participate due to the comprehensive nature of the services to be provided.

The proposed cost includes fixed fees totaling \$192,406 for the first year and \$821,610 for optional years 2 through 5. Staff has estimated that there will be additional costs totaling \$47,000 during each year to cover “out-of-scope” work, emergency “call-in” repairs, and replacement parts. The total estimated cost will be \$239,406 for the first year and \$1,009,610 for option years two through five.

U & S Services has provided building system maintenance for over 20 years and has factory trained staff who has the experience and credentials to maintain the airport building systems. They have been the incumbent service provider since year 2008 with exemplary performance.

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

“RESOLVED, that the Board hereby authorizes an Agreement with U&S Services to provide full service maintenance on the building systems at the Buffalo Niagara International Airport and the Niagara Falls International Airport for an amount not to exceed \$239,406 for the first year and \$1,009,610 for option years two through five, 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 U&S Services for the full service maintenance on the building systems at the Buffalo Niagara International Airport and the Niagara Falls International Airport, as described above; and

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

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

AVIATION:

3. D. (3) Authorization for Agreement, M&T Bank, Automated Teller Machine Service, BNIA and NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize an agreement with M & T Bank, Buffalo, New York, to provide full service automated teller machines (ATM) at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA).

INFORMATION: Automated teller machines (ATM) provide convenience and service to travelers requiring cash for various needs including concessions, parking, taxi services, etc. During year 2011, BNIA served 5.2 million patrons and NFIA served 0.2 million patrons.

Request for Proposal (RFP) 4167 was issued pursuant to NFTA Procurement Guidelines requesting 6 full service ATM machines to be installed at BNIA (including 2 pre-security and 4 post-security) and 2 full service ATM machines to be installed at NFIA (including 1 pre-security and 1 post-security). The RFP required respondents to be an FDIC insured bank or financial institution with previous ATM experience and restricted any transaction fees to coincide with "market rate" fees charged at branch or remote locations without any additional mark-ups at the airport locations.

The only respondent to the RFP was M & T Bank, Buffalo, New York. The NFTA review team consisting of staff from the BNIA Marketing, BNIA Administration, BNIA Facilities Maintenance, and the NFTA Procurement Department reviewed the proposal and determined it to be thorough and comprehensive. The terms of the proposal are summarized as follows:

- At BNIA, the NFTA anticipates to receive estimated annual commissions totaling \$60,000 including fixed payments, signage fees, and \$.60 per customer withdrawal from non-M&T Bank customers. The term is 3 years with 2 one-year renewal options at the sole discretion of the NFTA for exclusive service at BNIA.
- At NFIA, M & T Bank agrees to install 1 ATM machine for one year on a trial basis without providing any commissions to the NFTA nor charging the NFTA for any operating costs. At the end of the one year period:
 - if the ATM handles in excess of 6,200 annual non-M & T Bank customer withdrawal transactions, the ATM will remain for an additional year up to a maximum of four one-year renewals under the same terms and conditions. Or,
 - if the ATM handles in excess of 16,000 annual non-M & T Bank customer withdrawal transactions, NFTA can request a second ATM machine to be installed without charge or commissions. The 2 ATMs must perform 12,400 combined non-M&T Bank customer withdrawal transactions annually whereby the contract would be renewed for a maximum of four one-year renewals. (Alternatively, the NFTA could opt to continue to license only 1 ATM machine and receive \$.30 per non-M & T Bank customer withdrawal transaction if there are at least 16,000 such transactions during the year).

NFTA agrees to share in the ATM installation cost including electric and communication lines in excess of \$1,500 per machine. The estimated one-time installation cost to the NFTA is estimated to be less than \$15,000.

The estimated timeline for fully operational ATM service at both locations is 60 to 120 days after providing notification of the award.

M & T Bank is a proven leader in Western New York's financial industry landscape and possesses the expertise and experience required to service ATM customer needs. First Niagara reviewed the bid package but declined because our needs do not fit with their current ATM delivery strategy. Chase Bank also reviewed the bid package but they do not have the local branch network to support ATM's. Other ATM providers could not comply with the FDIC requirement.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Agreement with M&T Bank to provide full service automated teller machines at the Buffalo Niagara International Airport and the Niagara Falls International Airport, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with M&T Bank for the full service automatic teller machines at the Buffalo Niagara International Airport and the Niagara Falls International Airport, as described hereinabove; and

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

AVIATION:

3. D. (4) Authorization for Approval, Change Order No. 1 & Final, Airside Pavement Maintenance 2011, BNIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board approve Change Order No. 1 and Final as a \$70,582.57 decrease to North America Construction Company, Inc's. NFTA Contract No. 12BA1101, Airside Pavement Maintenance-2011 at the Buffalo Niagara International Airport. This will result in an amended Contract value of \$180,013.43.

INFORMATION: Change Order No. 1 & Final provides for the following unit price bid item final quantity adjustments associated with actual installations. The Authority's Engineer made all field measurements and quantity calculations.

Item No.	Description	Unit	Unit Price	Revised Quantity	Previous Approved Quantity	Quantity Change	Amended Amount	Amount Change
0	Allowance	LS	\$16,000.00	0.00	1.00	(1.00)	\$0.00	(\$16,000.00)
320129-1	Partial Depth Repairs	SF	\$150.00	291.10	430.00	(138.90)	\$43,665.00	(\$20,835.00)
320129-2	Full Depth Pavem't. Repairs	SF	\$200.00	146.00	200.00	(54.00)	\$29,200.00	(\$10,800.00)
N-502-8201	Diamond Grinding of PCC Pavement	SY	\$100.00	161.65	300.00	(138.35)	\$16,165.00	(\$13,835.00)
P-620-5.1	Pavement Markings	SF	\$150.00	46.00	50.00	(4.00)	\$6,900.00	(\$600.00)
TOTAL								(\$62,070.00)

Change Order No. 1 & Final also provides for the recommended Contract modification listed below. The cost of this modification is in accordance with Article 59 – Delays of the General Conditions. The cost for this change proposal incorporates the approved wage rates, overhead, profit, and fixed fee in accordance with the Consultant's Term Contract as verified by the Authority's Engineer.

PCO #01 – Engineering Backcharges Credit \$8,512.57

Despite working overtime, the Contractor failed to complete the project within the contractual time of performance for phases 2 and 3. This delay in completing the work necessitated extending the Consultant's time of performance on the project. Therefore, in accordance with the Contract's General Conditions Article 59 – Delays, the Contractor was advised that he would be responsible for the additional Engineering Charges associated with his delay in completing the work. These costs will be recovered from the Contractor, North America Construction Company, Incorporated, through a reduction to the amount paid to the Contractor and is reflected here in Change Order No. 1 and Final. The amount of the credit was determined by the Authority's Engineer from the invoice and timesheets submitted by the Term Consultant, Urban Engineers of New York, P.C., selected to perform the Construction Monitoring effort on the project.

FUNDING: The total amount of this Change Order No. 1 & Final will be a \$70,582.57 credit, thereby decreasing the total amount of the Contract from the original bid amount of \$250,596.00 to a final contract value of \$180,013.43.

“RESOLVED, that the Board hereby authorizes Change Order No. 1 & Final to the Agreement with North America Construction Company, Inc., for the Airside Pavement Maintenance 2011 at Buffalo Niagara International Airport; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute Change Order No. 1 & Final to the Agreement with North America Construction Company, Inc., resulting in a credit; and

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

AVIATION:

3. D. (5) **Authorization for Lease Amendment, Delaware North Companies Travel Hospitality Services, Inc., BNIA**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize amending the existing Master Lease, Development and Concession Agreement (Agreement) with Delaware North Companies Travel Hospitality Services, Inc. (DNC) to add approximately 286 square feet of space that will be operated by the Buffalo Niagara Convention & Visitors Bureau (Visitors Bureau) to provide information and the sale of merchandise that promotes the Buffalo Niagara region. The term for the additional premises is five years from date of beneficial occupancy and the rent associated with the additional space is the greater of the terminal rental rate, as set annually, or 16.5 % of gross revenues generated from the operation.

INFORMATION: DNC under its Agreement with the NFTA has the exclusive rights to develop and operate the retail and food/beverage concessions at BNIA, either through direct operations or approved subleases. NFTA determined that the terminal area currently utilized to display artwork is more suited for revenue generating concession operations. Artwork will instead be displayed throughout the terminal building. DNC and the Visitors Bureau developed a concept for the gallery space that would serve dual purposes. The Visitors Bureau will provide information and the sale of merchandise that promotes the Buffalo Niagara region. The operation will be staffed by the Visitors Bureau. The costs to remodel the premises will be funded by the Visitors Bureau through approved sponsorships. The premises will be transformed into revenue generating space and the operation will provide an asset to the community and traveling public.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes a Lease Amendment with Delaware North Companies Travel Hospitality Services, Inc., to add approximately 286 square feet of space at the Buffalo Niagara Convention & Visitors Bureau, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute a Lease Amendment with Delaware North Companies Travel Hospitality Services, Inc., as described above; and

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

AVIATION:

3. D. (6) **Authorization for Agreements, Sealand Contractors Corp., Inc., Construction; PB Americas, Inc., Construction Monitoring Services and Construction Design Support, Runway 10L/28R Mill and Overlay, NFIA**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board award the subject project construction contract to Sealand Contractors Corp. Inc. for the total bid amount of \$16,333,243.00; the construction monitoring services contract to PB Americas Inc. (PB), for a cost plus fixed fee not-to-exceed amount of \$1,730,485.00; and the construction design support services contract to PB for a cost plus fixed fee not-to-exceed amount of \$399,117.00.

INFORMATION: This project provides for the mill and overlay of the main runway pavement at the Niagara Falls International Airport.

Construction Contract: The construction contract work includes the following items:

- Mill and overlay of the runway pavement, including rubblelizing of concrete.
- Replacement of the runway edge drain system.
- Replacement of the runway and taxiway edge lights.
- Installation of new runway centerline and touchdown zone lighting.

The contract divides the work into two major phases. For Phase I, Runway 10L/28R will be shutdown and Runway 6/24 will be operational. During this phase, the work on approximately 8,000 feet of runway will be completed. For Phase II, Runway 6/24 will be shutdown and Runway 10L/28R will be operational with a displaced threshold. During this phase, the work in the intersection of the runways will be completed. All work during shutdowns is anticipated to be conducted 24/7.

Staff advertised the construction contract in accordance with NFTA procurement guidelines, and distributed nine sets of contract documents to potential bidders with six submitting bids as follows:

Bidder	Total Amount Bid
Sealand Contractors Corp., Inc. Rush, NY Daniel Bree, President	\$16,333,243.00
Villager Construction, Inc Fairport, NY Richard K. Clark, President	\$16,348,125.00
Rifenburg Construction, Inc Durham, NC George Rifenburg, President	\$16,857,344.00
Concrete Applied Technology Corp. (CATCO) Alden, NY Michael Salvadore, President	\$17,300,999.00

Oakgrove Construction Co Elma, NY Douglas E. May, President	\$18,407,653.00
Lagan Construction Haymarket, VA Colin Loughran, President	\$22,690,098.00

Analysis of the bids confirm the low bidder; Sealand Contractors Corp., Inc. demonstrated the knowledge, understanding, and ability to successfully complete the construction work.

NFTA Affirmative Action/EEO office reviewed the DBE participation goal. Sealand Contractors Corp. Inc. has identified 14.7% DBE participation.

Consultant Construction Monitoring and Construction Design Support: The project consultant selection through the RFP process cumulated with the July 25, 2011 Board authorization of an agreement with PB for design services. The RFP process also included the option for the NFTA to negotiate with PB for construction monitoring and construction design support services.

Construction monitoring scope of services includes the following items:

- Full time inspection.
- Measuring and verification the quantity materials installed.
- Processing of contractor requests for payment.
- Survey.
- FAA Special inspections.
- Preparation and negotiation of change orders.

Construction design support scope of services includes the following items:

- Review and approval of submittals.
- Respond to contractor requests for information.
- Preparation of "as built" record drawings.
- Professional services requiring an Engineer licensed to practice in the State of New York.
- Consultation and project coordination.

The staff conducted negotiations with PB as per the RFP with the following results:

Construction Monitoring	
Engineers Estimate	\$1,892,596.00
Original Proposal	\$1,734,484.00
Negotiated Cost Proposal	\$1,730,485.00

Construction Design Support	
Engineers Estimate	\$464,973.00
Original Proposal	\$445,422.00
Negotiated Cost Proposal	\$399,117.00

PB's subconsultant participants include Roy D McQueen and Associates (RDQ), and Ravi Engineering & Land Surveying (Ravi). RDQ and Ravi provide 20% DBE participation.

FUNDING: Funding is shared between an Agreement with the United States Air Force and a pending FAA Airport Improvement Plan grant as follows:

	US Air Force	FAA	NYSDOT	NFTA	Total
Construction	\$5,231,134	\$10,547,003	\$277,553	\$277,553	\$16,333,243
Construction Monitoring	\$554,232	\$1,117,441	\$29,406	\$29,406	\$1,730,485
Construction Design Support	\$127,827	\$257,726	\$6,782	\$6,782	\$399,117

“RESOLVED, that the Board hereby authorizes Agreements with Sealand Contractors Corp., Inc. for construction of the above project for a lump sum of \$16,333,243.00; and with Parsons Brinckerhoff, Inc. (formerly PB Americas) for the construction monitoring service on the above project for a cost plus fixed fee not-to-exceed \$1,730,485.00 and also to Parsons Brinckerhoff, Inc. for the construction design support services in the above project for a cost plus fixed fee not-to-exceed \$399,117.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute Agreements with Sealand Contractors Corp., Inc. for construction of the above project for a lump sum of \$16,333.243.00; and with Parsons Brinckerhoff, Inc. (formerly PB Americas) for the construction monitoring service on the above project for a cost plus fixed fee not-to-exceed \$1,730,485.00 and also to Parsons Brinckerhoff, Inc. for the construction design support services in the above project for a cost plus fixed fee not-to-exceed \$399,117.00; and

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

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

AVIATION:

3. D. (7) Authorization for Approval, Change Order No. 3, Accadia Site Contracting, Runway 6-24 Safety Area Improvements, NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board approve Change Order No. 3 as a \$406,018.45 deduction to Accadia Site Contracting, Incorporated's NFTA Contract No. 12NA0502, Runway 6-24 Safety Improvements Project at the Niagara Falls International Airport. This will result in an amended construction value of \$8,306,388.47.

INFORMATION: Change Order No. 3 provides for the following unit price bid quantity adjustments to Project No. 12NA0502 to reflect actual installed quantities. The Engineer made all field measurements and quantity calculations.

Item No.	Description	Unit Price	Revised Quantity	Original or Previous Quantity	Quantity Change	Amended Amount	Change Amount
012100	ALLOWANCE FOR P-401 & P-501	\$30,000.00	0.487	1	-0.513	\$14,600.54	(15,399.4600)
01220	FIELD CHANGE ALLOWANCE	\$950,000.00	0.767	0.808	-0.0414	\$728,456.81	(39,333.9430)
012300	ALLOWANCE FOR CONTRACTOR DELAY - TIME COMPENSATION	\$50,000.00	0.145	1	-0.855	\$7,226.15	(42,773.8500)
012500	CONSTRUCTION PROGRESS DOCUMENTATION ALLOWANCE	\$25,000.00	0.521	1	-0.479	\$13,036.23	(11,963.7700)
315600	BENTONITE DAM INSTALLATION	\$150.00	90.60	100.00	-9.40	\$13,590.00	(1,410.0000)
320129-4.2	PCC PACEMENT CRACK REPAIRS - PARTIAL DEPTH	\$149.00	223.35	325.00	-101.65	\$33,279.15	(15,145.8500)
330526-5.1	UTILITY MARKER ADJUSTMENTS	\$475.00	3.00	20.00	-17.00	\$1,425.00	(8,075.0000)
331116-5.3	REMOVE & REINSTALL EXISTING WATERLINE SURVEY MARKER	\$300.00	0.00	1.00	-1.00	\$0.00	(300.0000)
354215	COIR WRAP MAT	\$3.50	2,040.27	2,400.00	-359.73	\$7,140.95	(1,259.0600)
203.18	CLEANING CLOSED DRAINAGE SYSTEMS	\$1.75	5,506.00	6,400.00	-894.00	\$9,635.50	(1,564.5000)
203.19	CLEANING DRAINAGE STRUCTURES & MANHOLES	\$80.00	20	26	-6	\$1,600.00	(480.0000)
206.01	STRUCTURE EXCAVATION	\$15.50	214.85	300.00	-85.15	\$3,330.18	(1,319.8300)
207.20	GEOTEXTILE BEDDING	\$3.50	0.00	95.00	-95.00	\$0.00	(332.5000)
207.24	GEOTEXTILE STABILIZATION	\$1.15	18,391.52	19,000.00	-608.48	\$21,150.25	(699.7500)
207.26	PREFABRICATED COMPOSITE STRUCTURAL DRAIN	\$11.00	50.23	55.00	-4.77	\$552.53	(52.4700)

**Regular Meeting
February 27, 2012**

209.1501	TURBIDITY CURTAIN	\$14.00	0.00	800.00	-800	\$0.00	(11,200.0000)
490.30	MISCELLANEOUS COLD MILLING OF BITUMINOUS CONCRETE	\$4.00	2,289.60	2,500.00	-210.4	\$9,158.40	(841.6000)
553.02001	COFFERDAMS (TYPE 2)	\$100.00	0.00	2.00	-2	\$0.00	(200.0000)
C555.9701	CONCRETE FOR STRUCTURES	\$560.00	81.70	82.00	-0.3	\$45,752.00	(168.0000)
559.16960118	PROTECTIVE SEALING OF STRUCTURAL CONCRETE	\$2.00	415.25	450.00	-34.75	\$830.50	(69.5000)
620.03	LIGHT STONE FILLING	\$45.00	100.40	125.00	-24.6	\$4,518.00	(1,107.0000)
620.04	MEDIUM STONE FILLING	\$51.00	2,378.17	2,400.00	-21.83	\$121,286.67	(1,113.3300)
620.05	HEAVY STONE FILLING	\$83.00	2.67	15.00	-12.33	\$221.61	(1,023.3900)
P-151-5.1	TREE REMOVAL - INCLUDING STUMPS	\$900.00	11.00	18.00	-7	\$9,900.00	(6,300.0000)
P-152-4.1	UNCLASSIFIED EXCAVATION	\$7.50	71,750.50	74,000.00	-2,249.50	\$538,128.75	(16,871.2500)
P-152-4.3	EMBANKMENT IN PLACE	\$5.50	62,733.23	67,000.00	-4,266.77	\$345,032.77	(23,467.2350)
P-152-4.4	RECOMPACTING SUBGRADE	\$1.60	20,579.76	21,000.00	-420.24	\$32,927.62	(672.3800)
P-152-4.5	UTILITY STRUCTURE & PIPING REMOVAL	\$31.00	402.91	950.00	-547.09	\$12,490.21	(16,959.7900)
P-152-4.7	SAWCUTTING FOR REMOVAL OF EXISTING BITUMINOUS & CONCRETE PAVEMENT	\$5.45	2,605.10	3,000.00	-394.9	\$14,197.80	(2,152.2100)
P-152-4.9	RECOMPACTING POND SUBGRADE	\$3.50	248.22	250.00	-1.78	\$868.77	(6.2300)
P-153-7.1	CONTROLLED LOW STRENGTH MATERIAL	\$51.00	115.00	150.00	-35	\$5,865.00	(1,785.0000)
P-154	SUBBASE COURSE	\$35.00	10,255.56	11,000.00	-744.44	\$358,944.60	(26,055.4000)
P-156-5.2	CHECK DAM PREFABRICATED - TEMPORARY	\$18.00	154.00	775.00	-621	\$2,772.00	(11,178.0000)
P-156-5.3	DRAINAGE STRUCTURE INLET PROTECTION	\$3.00	87.00	1,025.00	-938	\$261.00	(2,814.0000)
P-156-5.4	TEMPORARY SEDIMENT TRAP	\$15,000.00	0.00	1.00	-1	\$0.00	(15,000.0000)
P-156-5.5	COIR LOGS	\$17.00	190.00	200.00	-10	\$3,230.00	(170.0000)
P-156-5.6	JUTE MESH LINER	\$1.50	839.00	850.00	-11	\$1,258.50	(16.5000)
P-209	CRUSED AGGREGATE BASE COURSE	\$39.00	2,874.90	3,200.00	-325.1	\$112,121.10	(12,678.9000)
P-401-8.1	BITUMINOUS SURFACE COURSE	\$82.00	4,383.05	5,000.00	-616.95	\$359,410.10	(50,589.9000)
P-403-8.1	BITUMINOUS BASE COURSE	\$70.00	6,015.58	6,900.00	-884.42	\$421,090.60	(61,909.4000)
P-403-8.2	BITUMINOUS LEVELING COURSE	\$145.00	0.00	100.00	-100	\$0.00	(14,500.0000)
P-501	14" & GREATER PORTLAND CEMENT CONCRETE PAVEMENT	\$115.00	3,155.54	3,175.00	-19.46	\$362,887.10	(2,237.9000)
P-605	JOINT SEALING FILLER	\$4.60	13,352.30	13,500.00	-147.7	\$61,420.58	(679.4200)

**Regular Meeting
February 27, 2012**

P-620-5.1	AIRFIELD PAVEMENT MARKINGS	\$0.90	110,064.42	102,209.80	7,854.62	\$99,057.98	7,069.1580
P-620-5.2	AIRFIELD PAVEMENT MARKING REMOVAL	\$0.90	64,861.25	61,103.30	3,757.95	\$58,375.13	3,382.1550
D-701-5.1	6" DIA SMOOTH INTERIOR PERFORATED CORRUGATED POLY UNDERDRAIN PIPE	\$11.00	4,378.16	4,400.00	-21.84	\$48,159.76	(240.2400)
D-701-5.5	12" DIA RCP STORM PIPE	\$40.00	1,263.18	1,275.00	-11.82	\$50,527.20	(472.8000)
D-701-5.6	24" DIA RCP STORM PIPE	\$93.00	26.50	30.00	-3.5	\$2,464.50	(325.5000)
D-701-5.7	72" DIA RCP STORM PIPE	\$400.00	846.75	850.00	-3.25	\$338,700.00	(1,300.0000)
D-751-5.2	TYPE A STRUCTURE - DI	\$610.00	28.29	30.00	-1.71	\$17,256.90	(1,043.1000)
D-751-5.5	TYPE D STRUCTURE - DI	\$830.00	18.60	20.00	-1.4	\$15,438.00	(1,162.0000)
D-751-5.6	TYPE E STRUCTURE - DI	\$765.00	10.27	12.00	-1.73	\$7,856.55	(1,323.4500)
T-909-6.2	PLANTING TREES, 1.5" Caliper	\$289.00	75.43	80.00	-4.57	\$21,799.27	(1,320.7300)
T-909-6.8	TREE PROTECTION	\$3.05	4,056.00	4,700.00	-644	\$12,370.80	(1,964.2000)
L-108-5.2	TRENCHING & PAVEMENT RESTORATION	\$22.00	37.50	41.00	-3.5	\$825.00	(77.0000)
L-108-5.4	1/2" #8 5KV. FAA L824 TYPE C CABLE. INSTALLED IN TRENCH, DUCT BANK OR CONDUIT	\$1.00	8,363.00	10,200.00	-1,837.00	\$8,363.00	(1,837.0000)
L-110-5.1	4-2" SCHEDULE 40 PVC, CONCRETE ENCASED DUCTBANK	\$69.00	428.55	550.00	-121.45	\$29,569.95	(8,380.0500)
L-110-5.3	SCHEDULE 40 PVC, 2" DIA / CONCRETE ENCASED	\$40.00	490.00	575.00	-85	\$19,600.00	(3,400.0000)
L-110-5.4	2-2" SCHEDULE 40 PVC, CONCRETE ENCASED DUCTBANK	\$63.00	150.00	160.00	-10	\$9,450.00	(630.0000)
L-130-6.10	SIGN PANEL REPLACEMENT	\$400.00	54.00	48.00	6.00	\$21,600.00	2,400.0000
						SUBTOTAL	(\$432,501.08)

Change Order No. 3 also provides for the recommended contract modifications listed below. Costs for these modifications are in accordance with Article 22 – Extra Work and Article 24 – Payment for Agreed Prices of the Contract General Conditions. All costs for these Proposed Change Orders (PCOs) incorporate New York State Prevailing Wage Rates and standard, Material, and Equipment prices as verified by the Engineer.

PCO No. 8 “No Mow” Signs at NCCC

ADD \$14,640.00

The Corp of Engineers requested that “No Mow” signs be installed at the Niagara County Community College Mitigation site to protect the newly placed eastern ecotype native grass mix; the low growing wildflower grass seed mix; and the showy northeast native wildflower and grass mix. Work included the installation of 24 signs, posts, and concrete bases. The Contractor’s initial cost proposal in the amount of \$28,248.00 was reviewed by the Engineer and returned for revision and re-submittal. Subsequently, the Contractor submitted a revised proposal in the negotiated amount of \$14,640.00, which was approved.

PCO No. 9 Windsock Power Cable Edge Light Circuit Replacement ADD \$10,766.10

The Contractor was directed by the CM staff to remove and replace the existing power cable and lighting circuit to the windsock and edge lighting, which was not functioning and required replacement. The Contractor performed the work, which was monitored by the NFIA Electrician and Engineer, requiring replacement of concrete encased ductbanks and installation of new underground high voltage cable. The Contractor's cost proposal in the amount of \$10,766.10 was reviewed by the Engineer and found to be fair and equitable after review of the daily records kept during performance of this work.

PCO No. 10 Electrical Manhole Frame & Grate Replacement ADD \$1,076.53

The existing frame and cover on the electrical manhole located at Station 51+25 was found to be damaged (cracked) and required replacement with a new aircraft loaded frame and grate. The cost reflects the material necessary to replace the frame and grate on the structure which was to remain in service after completion of the project.

FUNDING: The total amount of this Change Order No. 3 for project 12NA0502 will be a \$406,018.45 decrease thereby decreasing the total amount of the contract from the original Bid Amount of \$8,712,406.92 to the amended amount of \$8,306,388.47. Funds for this project are contained in Capital Budget Account No. 120000000-3188-2-1420 and are provided as follows:

FAA @95%	NYSDOT@2.5%	PFC @ 2.5%	Total
\$7,891,069.05	\$207,659.71	\$207,659.71	\$8,306,388.47

“RESOLVED, that the Board hereby authorizes Change Order No. 3 to the Agreement with Accadia Site Contracting, Inc., for the Runway 6-24 Safety Area Improvements at Niagara Falls International Airport; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute Change Order No. 3 to the Agreement with Accadia Site Contracting, Inc., resulting in a decrease in the original contract amount; and

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

AVIATION:

3. D. (8) Authorization for Operating Agreement, BRP Aviation, Flight School, NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize a new operating agreement with BRP Aviation to operate a flight school at NFIA. The term of the proposed agreement is one year commencing March 1, 2012 and terminating February 28, 2013 with four one-year renewal options exercisable by the NFTA.

INFORMATION: BRP Aviation currently operates a flight school at NFIA and desires a new one year operating agreement. BRP Aviation leases office space from the fixed base operator and runs the school from that location. Brian P. Polner is an FAA certified flight instructor and the President and owner of BRP Aviation. BRP Aviation will pay the NFTA 5% of gross revenue generated from the operation of the flight school.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Operating Agreement with BRP Aviation for the operation of a flight school at the Niagara Falls 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 Operating Agreement with BRP Aviation at the Niagara Falls International Airport, as described above; and

BE IT FURTHER RESOLVED, that said Operating 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

- i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (3)
1. Authorization for Approval, Change Order No. 025, AnsaldoBreda, Inc., Supplemental Agreement No. 8, CH2M Hill, Mid-Life Rebuild Project, LRRT
2. Authorization for Agreement, Shepard Bros., Procurement of Paratransit Vehicles, Metro
3. Authorization for Procurement, Eldon Battery Post, Replacement Batteries, Metro

SURFACE:

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

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

Whereupon, it was moved by Commissioner Eagan, seconded by Commissioner Zemsky, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (1) through 4. D. (3) and dated February 27, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, LEWIN, DEMAKOS, CROCE, EAGAN, HELFER, HUGHES, PERRY, ZEMSKY

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) **Authorization for Approval, Change Order No. 025, AnsaldoBreda, Inc., Supplemental Agreement No. 8, CH2M Hill, Mid-Life Rebuild Project, LRRT**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve the subject Change Order No. 025 as a \$152,779.91 deduct to AnsaldoBreda, Inc., NFTA Contract No. 25LZ0401, LRV – Mid-Life Rebuild Project. This will result in an amended contract value of \$33,604,754.60.

Further, staff recommends that the Board approve the subject Supplemental Agreement No. 8 as a \$152,779.91 increase to CH2M Hill Contract No. 32LZ0401. This will result in an amended contract value of \$5,608,106.99.

INFORMATION: Change Order No. 025 consists of one (1) Proposed Change Orders (PCO) No. 054 described below. Supplemental Agreement No. 8 is also described below:

PCO No. 054 Consultant Costs November 2011 & December 2011 . Deduct \$152,779.91
ABI will reimburse the NFTA for construction monitoring services rendered by the NFTA's Consultant, CH2M Hill, for November 2011 and December 2011. The additional construction monitoring services were required due to delays in the acceptance of Car Nos. 114 and 123 for revenue service.

Supplemental Agreement No. 8 . Increase \$152,779.91
The NFTA will increase CH2M Hill's contract for additional construction monitoring costs due to delays in acceptance of Car Nos. 114 and 123 for revenue service.

FUNDING: The project is funded through Account No. 120000000-3188-2-9773 as provided by the following grants:

NY-05-0114, NY-90-X671, NY-90-X595, NY-05-0110, NY-90-X571, NY-90-X544, NY-90-X529, NY-03-0433, NY-03-0378, NY-03-0390, NY-90-X339, NY-03-0399, NY-03-0409, FTA, NYSDOT Match, 88c-Local Match, NYSDTF, DTF PIN 5822.27, 5824.88Y - 88c, and future FTA formula and FTA Rail Modernization Funding.

“RESOLVED, that the Board hereby authorizes Change Order No. 025 and Supplemental Agreement No. 8 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. 025 and Supplemental Agreement No. 8 as described hereinabove; and

BE IT FURTHER RESOLVED, that said Change Order No. 025 and Supplemental Agreement No. 8 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. 025 and Supplemental Agreement No. 8 upon certification by the Director, Engineering, that such payments are in order.”

SURFACE:

4. D. (2) **Authorization for Agreement, Shepard Bros., Procurement of Paratransit Vehicles, Metro**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board authorize an agreement with Shepard Bros. of Canandaigua, NY, to purchase seventeen paratransit vehicles at a not-to-exceed cost of \$1,917,430.00.

The proposed agreement also gives the NFTA an option to purchase thirty nine additional vehicles over a five year period. The cost of option buses are subject to price adjustments based on changes in the Producer Price Index included in the solicitation documents. Staff will present future recommendations for bus orders under this procurement for Board approval.

INFORMATION: The requested vehicles will replace a like number of vehicles that were purchased in 2001 through 2004 and that have exceeded their useful lives.

These vehicles will be furnished with gaseous fuel nozzles and associated piping installed on each chassis before final assembly to facilitate conversion of these vehicles to compressed natural gas (CNG). The base cost of these vehicles is \$87,060.

This procurement also contains a provision for a CNG conversion kit at an additional cost of \$25,730 per vehicle and is included in the not-to-exceed cost.

This procurement was solicited per the NFTA Procurement Guidelines. The evaluation team included the Manager of Procurement, Manager of Special Services, Superintendent of Bus Garages, Superintendent of Shops, Transportation Supervisor and Equipment Engineer. The proposals were evaluated based on the following: compliance with technical specification, price and qualifications & experience. The proposals were ranked as follows:

Proposer	Rank
Shepard Bros. Canandaigua, NY	1
Empire Bus Sales Horseheads, NY	2

FUNDING: Funding will be provided as listed below:

<u>Cost</u>	<u>Source</u>
\$1,533,944.00	FTA
\$ 191,743.00	NYSDOT
<u>\$ 191,743.00</u>	NFTA
\$1,917,430.00	

“RESOLVED, that the Board hereby authorizes an Agreement with Shephard Bros., for the procurement of seventeen paratransit vehicles at a not-to-exceed cost of \$1,917,430.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute an Agreement with Shephard Bros. for the procurement of seventeen paratransit vehicles to be used as described hereinabove; and

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

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

RFP 4114
PARATRANSIT VEHICLES

2/16/2012

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Shepard Brothers, Inc. Canandaigua, NY	Empire Bus Sales Horseheads, NY
Non-Collusive Cert	x	x
Disclosure of Prior Non-rep Determinations	x	x
Cert re lobbying	x	x
Contractor Cert Form ST-220	x	x
Buy America Cert	x	x
Cover Letter	x	x
Description of services	x	x
Firm, Mgmt & Staff Qualifications	x	x
Resumes	x	x
References	x	x
Itemized Cost Proposal/Submission Form	x	x
DBE Certification	x	x
Bus testing certification	x	x
SELECTION CRITERIA (Completed by Team)		
Technical - 50 points	33.00	32.87
Price - 30 points	30.00	28.20
Qualifications and experience - 20 points	18.20	17.66
Total - 100 points	81.20	78.73
COST		
Base Vehicle	\$86,790	\$91,702
Options:		
V-10 Engine	\$900	\$650
CNG Engine	\$26,000	\$28,600

SURFACE:

4. D. (3) **Authorization for Procurement, Eldon Battery Post, Replacement Batteries, Metro**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve the purchase of up to four hundred replacement batteries at a not-to-exceed cost of \$59,192.00 from Eldon Battery Post of Hamburg, NY for the period 3/1/12 to 12/31/12.

INFORMATION: Each transit bus uses two batteries. Such batteries periodically require replacement. This procurement will utilize pricing in Erie County Bid No. 212005-004 "Auto & Truck Batteries."

FUNDING: Funding for this procurement is included in Metro's operating budget.

"RESOLVED, that the Board hereby authorizes the procurement of up to four hundred replacement batteries from Eldon Battery Post at a not-to-exceed cost of \$59,129.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Eldon Battery Post for the procurement of up to four hundred batteries to be used as described hereinabove; and

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

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

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

Property/Risk Management Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (4)
1. Authorization for Lease Agreement, Glenn Kumm d/b/a Scratch Busters, 247 Cayuga Road
2. Authorization for Lease Amendment, Westmatic Corporation, 485 Cayuga Road
3. Authorization for License Agreement, Engineering Society of Buffalo, Inc., Boat Harbor/Gallagher Beach
4. Authorization for License Agreement, Great Lakes Water Sport Institute, Inc., Adaptive Water Skiing Class, Gallagher Beach

PROPERTY:

5. D. (i) **Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (4)**

The Executive Director advised that Items 5. D. (1) through 5. D. (4) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Lewin, seconded by Commissioner Eagan, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 5. D. (1) through 5. D. (4) and dated February 27, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, LEWIN, DEMAKOS, CROCE, EAGAN, HELFER, HUGHES, PERRY, ZEMSKY

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Lease Agreement, Glenn Kumm d/b/a ScratchBusters, 247 Cayuga Road**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with ScratchBusters (Glenn Kumm, Owner) for space at 247 Cayuga Road.

INFORMATION: ScratchBusters is an automobile repair shop that has been subleasing space at 247 Cayuga Road from another tenant. They are now expanding and entering into a direct lease. This lease is for 1,626 square feet of space (1,120 square feet beginning March 1st, plus 506 square feet beginning April 1st) at a rental rate of \$7 per square foot with a 3% annual increase. The rental term will be five years commencing on March 1, 2012 and ending on February 28, 2017. This space is classified as C+ space.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Glenn Kumm d/b/a ScratchBusters, 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 Glenn Kumm d/b/a ScratchBusters, 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 Amendment, Westmatic Corporation,
485 Cayuga Road

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease amendment with Westmatic Corporation, Troy, Michigan, for an additional 296 square feet in Hangar Bay 4 at 485 Cayuga Road, Cheektowaga.

INFORMATION: Westmatic currently leases 13,967 square feet in Hangar Bays 4 and 5. They are expanding to include two office spaces that are adjacent to their current leased space. All terms and conditions of their current lease will apply to this additional space including the rental rate of \$4.63 with a 3% annual increase. This lease expires on June 30, 2014.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Amendment with Westmatic Corporation, 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 Amendment with Westmatic Corporation, with terms and conditions as set forth above and as negotiated; and

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

PROPERTY:

5. D. (3) **Authorization for License Agreement, Engineering Society of Buffalo, Inc., Boat Harbor/Gallagher Beach**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a Permit for Temporary Access to NFTA Property with the Engineering Society of Buffalo, Inc., (Michael Bracci, President) for use of Boat Harbor facilities for their annual Scholarship Run.

INFORMATION: The Engineering Society of Buffalo, Inc. is sponsoring a Scholarship Run on Wednesday, August 1, 2012. This is a 5 kilometer run that attracts about 400 runners. This scholarship fund supports engineering students at UB, ECC and NCCC. Over \$10,000 in scholarships have been distributed annually by the Engineering Society of Buffalo.

This is the fourth year this event will be held at the Boat Harbor. The Engineering Society of Buffalo will be required to provide all appropriate insurance coverages. No additional operating costs will be incurred by the NFTA.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a License Agreement with the Engineering Society of Buffalo, Inc., for use of the Boat Harbor/Gallagher Beach area facilities for their annual Scholarship Run, 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 License Agreement with the Engineering Society of Buffalo, Inc., as set forth above and as negotiated; and

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

PROPERTY:

5. D. (4) **Authorization for License Agreement, Great Lakes Water Sport Institute, Inc., Adaptive Water Skiing Class, Boat Harbor**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a license agreement with Great Lakes Water Sport Institute Inc. for four adaptive water skiing clinics at Gallagher Beach.

INFORMATION: Great Lakes Water Sport Institute is a New York not-for-profit corporation that offers classes to teach individuals who might not normally have a chance to water ski due to disabilities or other issues. The classes are scheduled for July 8, August 5, August 26, and September 9, 2012. This is the second year Great Lakes will be offering these classes at the Boat Harbor.

Great Lakes Water Sport Institute Inc. will be required to provide all appropriate insurance coverages. No additional operating costs will be incurred by the NFTA.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a License Agreement with the Great Lakes Water Sport Institute, Inc., for use of the 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 a License Agreement with the Great Lakes Water Sport Institute, Inc., as set forth above and as negotiated; and

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

**Regular Meeting
February 27, 2012**

6. General Counsel Report –
7. Executive Session -
8. Adjournment

At approximately 1:24 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Eagan, seconded by Commissioner Zemsky, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: SLOMA, LEWIN, DEMAKOS, CROCE, EAGAN, HELFER, HUGHES,
PERRY, ZEMSKY**

NOES: NONE

