



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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November 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 October 22, 2012.

Very truly yours,

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

David J. State
General Counsel

DJS:lf

Enclosure

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
OCTOBER 22, 2012 12:30 PM
MINUTES**

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8. ADJOURNMENT 48

1. CALL TO ORDER

A. Meeting Called to Order

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

B. Approval of Minutes of the NFTA Special Board Meeting held on September 28, 2012

It was moved by Commissioner Sloma, seconded by Commissioner Hughes, that the Minutes of the September 28, 2012, Special Board Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

C. Approval of Minutes of the Special Meeting held on October 12, 2012

It was moved by Commissioner Sloma, seconded by Commissioner Hughes, that the Minutes of the October 12, 2012, Special Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

**AYES: ZEMSKY, SLOMA, DEMAKOS, CROCE, DURAND,
GURNEY, HUGHES, WILCOX**

NOES: NONE

D. Executive Director's Report:

Executive Director Kimberley Minkel advised the Board of changes in NFTA federal funding through MAP-21 which is based on 2010 Census data for the first time. Buffalo's declining population in spite of increase ridership has affected FTA formula funding and require us to explore other areas of funding. She updated the Board on the progress of the Government to Government agency transfer of property and advised them that the RFP was sent out October 17th. There will be a ground breaking ceremony at BNIA on Thursday, October 25, 2012 at 10:00 am for the demolition of three structures to begin construction of additional airport parking. She also advised the Board that tickets are available for a reception sponsored by Crime Stoppers where recipient Lieutenant Michael Garrity will be presented a law enforcement achievement award.

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 Resolutions
2. C. (1) through 2. C. (2) and 2. C. 4**
- 1. **Authorization for NYSDOT Aviation Capital Project, Contract T, NFIA**
- 2. **Authorization for NYSDOT Aviation Capital Project, Contract K, BNIA**
- 3. **Authorization to Award Contracts For Legal Services**
- 4. **Authorization for Agreements, Paolini Enterprises, Inc., Dreamscapes
Development, Inc., Beyond the Basics Property Services, Inc., Snow
Removal, NFTA/Metro**

CORPORATE:

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

The Executive Director advised that Items 2. C. (1) through 2. C. (2) and 2. C. (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 Perry, seconded by Commissioner Hughes, that the following Resolution be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (1) through 2. C. (2) and 2. C. (4) and dated October 22, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

CORPORATE:

2. D. (1) Authorization for NYSDOT Aviation Capital Project, Contract T, NFIA

RECOMMENDATION: Staff recommends that the Board authorize acceptance and execution of Contract T with the New York State Department of Transportation PIN 5902.14 in the amount of \$24,820 and PIN 5902.15 in the amount of \$7,930 for projects at the Niagara Falls International Airport.

INFORMATION: Contract T for PIN 5902.14 provides the NYSDOT match of \$24,820 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0086-40-12 with the Federal Aviation Administration. This project is to Perform Airport Master Plan Update (with GIS Component). Contract T for PIN 5902.15 provides the NYSDOT match of \$7,930 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0086-41-12 with the Federal Aviation Administration. This project is for the Improve Runway 6-24 Safety Area Phase II – Five Year Creek Mitigation Monitoring Plan.

FUNDING: Funding associated with the projects and the NYS share provided by PIN 5902.14 and PIN 5902.15 is as follows:

<u>PIN</u>	<u>Project</u>	<u>Total Cost</u>	<u>FAA Share</u>	<u>NYSDOT Share</u>	<u>Local/PFC Share</u>
5902.14	Perform Airport Master Plan Update (with GIS Component), NFIA AIP 3-36-0086-40-12	\$496,400	\$446,760	\$24,820	\$24,820
5902.15	Improve Runway 6-24 Safety Area Phase II – Five Year Creek Mitigation Monitoring Plan, NFIA AIP 3-36-0086-41-12	\$158,609	\$142,749	\$7,930	\$7,930

“RESOLVED, that the Board authorizes the acceptance of New York State Department of Transportation (NYSDOT) Contract T for projects at the Niagara Falls International Airport in the amounts described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be authorized to execute New York State Department of Transportation (NYSDOT) Contract T as described above; and

CORPORATE 2. C. (1)

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

RECOMMENDATION: Staff recommends that the Board authorize acceptance and execution of Contract K with the New York State Department of Transportation PIN 5A00.00 in the amount of \$719,958, PIN 5A00.01 in the amount of \$73,978 and PIN 5A00.02 in the amount of \$12,058 for projects at the Buffalo Niagara International Airport.

INFORMATION: Contract K for PIN 5A00.00 provides the NYSDOT match of \$719,958 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0009-79-12 with the Federal Aviation Administration. This project is for the Implementation of FAR Part 150 Noise Compatibility Program Improvements (Phase 8, Construction for 149 Homes and Design for 200 Homes within 65-69 DNL). Contract K for PIN 5A00.01 provides the NYSDOT match of \$73,978 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0009-80-12 with the Federal Aviation Administration. This project is to Acquire Land in Runway 14 Protection Zone (RPZ) – (0.63 Acres). Contract K for PIN 5A00.02 provides the NYSDOT match of \$12,058 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0009-81-12 with the Federal Aviation Administration. This project provides for the Design to Upgrade 14 Public Use Terminal Restrooms.

FUNDING: Funding associated with the project and the NYS share provided by PIN 5902.14 and PIN 5902.15 is as follows:

<u>PIN</u>	<u>Project</u>	<u>Total Cost</u>	<u>FAA Share</u>	<u>NYSDOT Share</u>	<u>Local Share</u>
5A00.00	Implementation of FAR Part 150 Noise Compatibility Program Improvements (Phase 8, Construction for 149 Homes and Design for 200 Homes within 65-69 DNL), BNIA AIP 3-36-0009-79-12	\$7,199,582	\$5,759,666	\$719,958	\$719,958
5A00.01	Acquire Land in Runway 14 Protection Zone (RPZ) – (0.63 Acres), BNIA AIP 3-36-0009-80-12	\$591,826	\$443,870	\$73,978	\$73,978
5A00.02	Upgrade 14 Public Use Terminal Restrooms – Design, BNIA AIP 3-36-0009-81-12	\$96,463	\$72,347	\$12,058	\$12,058

“RESOLVED, that the Board authorizes the acceptance of New York State Department of Transportation (NYSDOT) Contract K for projects at the Buffalo Niagara International Airport in the amounts described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be authorized to execute New York State Department of Transportation (NYSDOT) Contract K as described above; and

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

CORPORATE:

2. C. (3) Authorization To Award Contracts For Legal Services

RECOMMENDATION: Staff recommends that the Board award contracts to seven local law firms for the provision of legal services to be rendered on an as-needed basis as determined by the Authority, for three-year terms with an option for NFTA to renew for an additional two-year term.

INFORMATION: The Office of General Counsel, through the Authority's Procurement Department, solicited competitive proposals for the provision of legal services. The solicitation was published in the Buffalo News, the Niagara Gazette, the Buffalo Law Journal, the Challenger and the New York State Contract Reporter. In order to foster maximum competition the Request for Proposals (RFP) segregated the requested legal services into six practice areas: (1) commercial/construction litigation; (2) environmental; (3) public employment labor law, (4) personal injury defense; (5) insurance coverage; and (6) property. The RFP invited parties to submit proposals on one or more practice areas.

The Authority received proposals from 18 law firms. Separate review teams were established for each practice area. The seven recommended firms were determined most qualified based on practice area experience and expertise, personnel qualifications, law office resources and cost.

<u>Firm</u>	<u>Practice Areas</u>
Bouvier Partnership LLP	Personal Injury and Property Damage
Chelus, Herdzyk, Speyer & Monte, P.C.	Insurance Coverage
Goldberg Segalla LLP	Public Employment Labor Law
Hodgson Russ LLP	Commercial/Construction Litigation; Environmental
Hurwitz & Fine, P.C.	Property and Insurance Coverage
Jaeckle, Fleischmann & Mugel, LLP	Public Employment Labor Law; Property; Environmental; Commercial/Construction Litigation
Walsh Roberts & Grace	Personal Injury and Property Damage

FUNDING: Funding for these services is included in annual operating budgets of NFTA and Metro.

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

“RESOLVED, that the Board hereby authorizes Agreements with the firms of Hodgson Russ Attorneys, L.L.P.; Bouvier Partnership, LLP; Chelus, Herdzik, Speyer & Monte, P.C.; Walsh, Roberts & Grace; Hurwitz & Fine, P. C.; Jaeckle Fleischmann & Mugel, L.L.P. and Goldberg Segalla LLP for the provision of legal services as generally described above on behalf of the NFTA and NFT Metro System, Inc.; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be and hereby are authorized to enter into Agreements with Hodgson Russ Attorneys, L.L.P.; Bouvier Partnership, LLP; Chelus, Herdzik, Speyer & Monte, P.C.; Walsh, Roberts & Grace; Hurwitz & Fine, P. C.; Jaeckle Fleischmann & Mugel, L.L.P. and Goldberg Segalla LLP, said Agreements requiring the provision of legal services on behalf of the NFTA and NFT Metro System, Inc. for a three-year term with an option to renew for an additional two-year term upon terms and conditions set forth hereinabove and as negotiated; and

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

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

AYES: ZEMSKY, DEMAKOS, DURAND, GURNEY, WILCOX

ABSTENTION: HUGHES

NOES: SLOMA, CROCE

ADOPTED

CORPORATE 2. C. (3)

CORPORATE:

2. C. (4) **Authorization for Agreements, Paolini Enterprises, Inc., Dreamscapes Development, Inc., Beyond the Basics Property Services, Inc., Snow Removal, NFTA/Metro**

RECOMMENDATION: Staff recommends that the Board authorize Agreements with Paolini Enterprises, Inc., Dreamscapes Development Inc. and Beyond the Basics Property Services, Inc. for three-year periods commencing November 1, 2012 through April 15, 2015 with the option for two one-year renewals at the discretion of the NFTA.

INFORMATION: NFTA/Metro require snow removal services for the NFTC and Portage Road, the Athol Springs Park and Ride, 247 and 485 Cayuga Road and 587 Aero Drive.

The NFTA formally advertised and solicited a Request for Proposals for snow removal for these properties. Thirteen proposals were submitted as set forth on the attached evaluation form. An evaluation team consisting of the Manager, Real Property, Assistant Manager, Procurement and Manager, Facilities, evaluated the proposals and found, based upon the criteria set forth in the attachment, that Paolini Enterprises, Inc. was the highest rated for the Niagara Falls properties, Beyond the Basics Property Services, Inc. was the highest rated for the Athol Springs property, and Dreamscapes Development Inc. was the highest rated for the Cayuga Road/Aero Drive properties.

The total cost for each contract for the five-year period is \$32,220.00 for the Agreement with Paolini Enterprises, \$33,750.00 for the Agreement with Beyond the Basics Property Services, Inc. and \$191,800.00 for Dreamscapes Development.

FUNDING: Funding is provided for in NFTA/Metro operating accounts.

“RESOLVED, that the Board hereby authorizes Agreements with Paolini Enterprises, Inc., Beyond the Basics Property Services, Inc. and Dreamscapes Development, Inc. for snow removal 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 Agreements with Paolini Enterprises, Inc., Beyond the Basics Property Services, Inc. and Dreamscapes Development, Inc. for a three-year period commencing November 1, 2012 through April 15, 2015 as described hereinabove; and

BE IT FURTHER RESOLVED, that said Agreements contains the option for two one-year renewals exercisable by the Authority and upon terms and conditions as set forth above and as negotiated; and

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

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

**RFP 4231 - SNOWPLOWING
1124 PORTAGE ROAD**

RFP DOCUMENTS REQUIRED (Completed by Procurement)	W.W SERVICES Cheektowaga, NY	PAOLINI ENTERPRISES INC. Tonawanda, NY	ROMAN CONSTRUCTION DEVELOPMENT CORP. Pendleton, NY	UNITED SERVICES, LTD. Niagara Falls, NY
Cover Letter	X	X	X	X
Description of services	X	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X
Resumes			X	
References	X	X	X	X
Itemized Cost Proposal	X	X	X	X
Non-Collusive Cert	X	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X	X
SELECTION CRITERIA (Completed by Team)	(Rate on a score of 1 - 10, with 10 being the highest)			
Technical Criteria 30% - Compliance with technical specifications.	7.00	9.00	8.00	1.00
Cost - 30%	2.93	10.00	1.00	4.96
Qualifications & Experience 40% - Demonstrated ability in the industry, warranty/delivery.	6.00	7.00	4.00	3.00
TOTAL	5.38	8.50	4.30	2.99
COST				
YEAR 1	\$10,000.00	\$2,862.00	\$27,900.00	\$6,000.00
YEAR 2	\$10,000.00	\$2,862.00	\$29,295.00	\$6,000.00
YEAR 3	\$10,000.00	\$2,862.00	\$30,760.00	\$6,300.00
YEAR 4	\$10,000.00	\$3,400.00	\$32,298.00	\$6,300.00
YEAR 5	\$12,500.00	\$3,400.00	\$33,913.00	\$6,400.00
TOTAL	\$52,500.00	\$15,386.00	\$154,166.00	\$31,000.00

**RFP 4231 - SNOWPLOWING
2250 FASHION OUTLET BLVD.**

RFP DOCUMENTS REQUIRED (Completed by Procurement)	W.W SERVICES Cheektowaga, NY	UNITED SERVICES, LTD. Niagara Falls, NY	PAOLINI ENTERPRISES INC. Tonawanda, NY	ROMAN CONSTRUCTION DEVELOPMENT CORP. Pendleton, NY
Cover Letter	X	X	X	X
Description of services	X	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X
Resumes				X
References	X	X	X	X
Itemized Cost Proposal	X	X	X	X
Non-Collusive Cert	X	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X	X
SELECTION CRITERIA (Completed by Team)	(Rate on a score of 1 - 10, with 10 being the highest)			
Technical Criteria 30% - Compliance with technical specifications.	7.00	1.00	9.00	8.00
Cost - 30%	7.77	10.00	10.00	1.13
Qualifications & Experience 40% - Demonstrated ability in the industry, warranty/delivery.	6.00	3.00	7.00	4.00
TOTAL	6.83	4.50	8.50	4.34
COST				
YEAR 1	\$7,600.00	\$6,000.00	\$3,278.00	\$28,900.00
YEAR 2	\$7,600.00	\$6,000.00	\$3,278.00	\$30,345.00
YEAR 3	\$7,600.00	\$6,300.00	\$3,278.00	\$31,872.00
YEAR 4	\$7,600.00	\$6,300.00	\$3,500.00	\$31,939.00
YEAR 5	\$9,500.00	\$6,400.00	\$3,500.00	\$35,536.00
TOTAL	\$39,900.00	\$31,000.00	\$16,834.00	\$158,592.00

**RFP 4231 - SNOWPLOWING
ATHOL SPRINGS PARK AND RIDE**

RFP DOCUMENTS REQUIRED (Completed by Procurement)	BEYOND THE BASICS PROPERTY SERVICES West Seneca, NY	W.W SERVICES Cheektowaga, NY	CTS CONTRACTING INC. Cheektowaga, NY
Cover Letter	X	X	X
Description of services	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X
Resumes			X
References	X	X	X
Itemized Cost Proposal	X	X	X
Non-Collusive Cert	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X
SELECTION CRITERIA (Completed by Team)	(Rate on a score of 1 - 10, with 10 being the highest)		
Technical Criteria 30% - Compliance with technical specifications.	2.00	7.00	7.00
Cost - 30%	10.00	5.31	2.09
Qualifications & Experience 40% - Demonstrated ability in the industry, warranty/delivery.	7.00	6.00	8.00
TOTAL	6.40	6.09	5.93
COST			
YEAR 1	\$6,750.00	\$12,500.00	\$30,000.00
YEAR 2	\$6,750.00	\$12,500.00	\$31,000.00
YEAR 3	\$6,750.00	\$12,500.00	\$32,000.00
YEAR 4	\$6,750.00	\$13,000.00	\$33,500.00
YEAR 5	\$6,750.00	\$13,000.00	\$35,000.00
TOTAL	\$33,750.00	\$63,500.00	\$161,500.00

**RFP 4231 - SNOWPLOWING
247 CAYUGA ROAD**

RFP DOCUMENTS REQUIRED (Completed by Procurement)	ACCADIA SITE CONTRACTING INC. Depew, NY	DREAMSCAPES DEVELOPMENT INC. Cheektowaga, NY	W.W SERVICES Cheektowaga, NY	WEATHERWORKS, LLC Cheektowaga, NY	ROMAN CONSTRUCTION DEVELOPMENT CORP. Pendleton, NY	CTS CONTRACTING INC. Cheektowaga, NY	GROUNDHOG LANDSCAPING & LAWNCARE INC. Clarence Ctr, NY	AMERICAN PAVING & EXCAVATING INC. Clarence Ctr, NY	UNITED SERVICES, LTD. Niagara Falls, NY
Cover Letter	X	X	X	X	X	X	X	X	X
Description of services	X	X	X	X	X	X	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X	X	X		X	X
Resumes		X		X	X	X		X	
References		X	X	X	X	X			X
Itemized Cost Proposal	X	X	X	X	X	X	X	X	X
Non-Collusive Cert	X	X	X	X	X	X	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X	X	X	X	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X	X	X	X	X	X	X
SELECTION CRITERIA (Completed by Team) (Rate on a score of 1 - 10, with 10 being the highest)									
Technical Criteria 30% - Compliance with technical specifications.	2.00	9.00	7.00	8.00	8.00	7.00	1.00	9.00	1.00
Cost - 30%	5.73	8.95	8.80	8.80	2.88	7.04	7.26	10.00	6.24
Qualifications & Experience 40% - Demonstrated ability in the industry, warranty/delivery.	7.00	9.00	6.00	6.50	4.00	8.00	6.50	7.50	3.00
TOTAL	5.12	8.99	7.14	7.64	4.87	7.41	5.08	8.70	3.37
COST									
YEAR 1	\$15,000.00	\$9,600.00	\$10,000.00	\$10,200.00	\$28,700.00	\$12,000.00	\$12,600.00	\$7,500.00	\$14,000.00
YEAR 2	\$15,450.00	\$9,600.00	\$10,000.00	\$10,200.00	\$30,135.00	\$12,500.00	\$12,600.00	\$8,250.00	\$14,000.00
YEAR 3	\$15,950.00	\$10,200.00	\$10,000.00	\$10,200.00	\$31,642.00	\$13,000.00	\$12,600.00	\$9,000.00	\$15,000.00
YEAR 4	\$16,430.00	\$10,700.00	\$11,000.00	\$10,700.00	\$33,224.00	\$13,500.00	\$12,600.00	\$10,000.00	\$15,000.00
YEAR 5	\$16,950.00	\$11,000.00	\$11,000.00	\$10,700.00	\$34,885.00	\$14,000.00	\$12,600.00	\$11,000.00	\$15,300.00
TOTAL	\$79,780.00	\$51,100.00	\$52,000.00	\$52,000.00	\$158,586.00	\$65,000.00	\$63,000.00	\$45,750.00	\$73,300.00

**RFP 4231 - SNOWPLOWING
485 CAYUGA ROAD**

RFP DOCUMENTS REQUIRED (Completed by Procurement)	ACCADIA SITE CONTRACTING INC. Depew, NY	DREAMSCAPES DEVELOPMENT INC Cheektowaga, NY	W.W SERVICES Cheektowaga, NY	WEATHERWORKS, LLC Cheektowaga, NY	ROMAN CONSTRUCTION DEVELOPMENT CORP. Pendleton, NY	CTS CONTRACTING INC. Cheektowaga, NY	GROUNDHOG LANDSCAPING & LAWNCARE INC. Clarence Ctr, NY	AMERICAN PAVING & EXCAVATING INC. Clarence Ctr, NY	UNITED SERVICES, LTD. Niagara Falls, NY
Cover Letter	X	X	X	X	X	X	X	X	X
Description of services	X	X	X	X	X	X	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X	X	X		X	X
Resumes		X		X	X	X		X	
References		X	X	X	X	X			X
Itemized Cost Proposal	X	X	X	X	X	X	X	X	X
Non-Collusive Cert	X	X	X	X	X	X	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X	X	X	X	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X	X	X	X	X	X	X
ST-220-TD		X	X	X	X	X	X		
SELECTION CRITERIA (Completed by Team)	(Rate on a score of 1 - 10, with 10 being the highest)								
Technical Criteria 30% - Compliance with technical specifications.	2.00	9.00	7.00	8.00	8.00	7.00	1.00	9.00	1.00
Cost - 30%	7.69	9.63	9.14	8.52	3.24	9.07	10.00	10.00	7.36
Qualifications & Experience 40% - Demonstrated ability in the Industry, warranty/delivery.	7.00	9.00	6.00	6.50	4.00	8.00	6.50	7.50	3.00
TOTAL	5.71	9.19	7.24	7.56	4.97	8.02	5.90	8.70	3.71
COST									
YEAR 1	\$30,000.00	\$23,900.00	\$26,000.00	\$28,195.00	\$68,400.00	\$25,000.00	\$24,500.00	\$21,500.00	\$32,000.00
YEAR 2	\$30,900.00	\$23,900.00	\$26,000.00	\$28,195.00	\$71,820.00	\$26,000.00	\$24,500.00	\$23,000.00	\$32,000.00
YEAR 3	\$31,850.00	\$25,400.00	\$26,000.00	\$28,195.00	\$75,411.00	\$27,000.00	\$24,500.00	\$24,000.00	\$34,000.00
YEAR 4	\$32,800.00	\$26,600.00	\$28,000.00	\$29,604.00	\$79,188.00	\$28,000.00	\$24,500.00	\$26,000.00	\$34,000.00
YEAR 5	\$33,800.00	\$27,400.00	\$28,000.00	\$29,604.00	\$83,147.00	\$29,000.00	\$24,500.00	\$28,000.00	\$34,500.00
TOTAL	\$159,350.00	\$127,200.00	\$134,000.00	\$143,793.00	\$377,966.00	\$135,000.00	\$122,500.00	\$122,500.00	\$166,500.00

**RFP 4231 - SNOWPLOWING
587 AERO DRIVE**

RFP DOCUMENTS REQUIRED (Completed by Procurement)	DREAMSCAPES DEVELOPMENT INC Cheektowga, NY	W.W SERVICES Cheektowga, NY	WEATHERWORKS, LLC Cheektowga, NY	ROMAN CONSTRUCTION DEVELOPMENT CORP. Pendleton, NY	CTS CONTRACTING INC. Cheektowga, NY	GROUNDHOG LANDSCAPING & LAWNCARE INC. Clarence Ctr, NY	AMERICAN PAVING & EXCAVATING INC. Clarence Ctr, NY	UNITED SERVICES, LTD. Niagara Falls, NY
Cover Letter	X	X	X	X	X	X	X	X
Description of services	X	X	X	X	X		X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X	X		X	X
Resumes	X		X	X	X		X	
References	X	X	X	X		X		X
Itemized Cost Proposal	X	X	X	X	X	X	X	X
Non-Collusive Cert	X	X	X	X	X	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X	X	X	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X	X	X	X	X	X
SELECTION CRITERIA (Completed by Team)								
Technical Criteria 30% - Compliance with technical specifications.	9.00	7.00	8.00	8.00	9.00	1.00	9.00	1.00
Cost - 30%	10.00	10.00	8.27	1.34	6.37	8.44	6.49	7.07
Qualifications & Experience 40% - Demonstrated ability in the industry, warranty/delivery.	9.00	6.00	6.50	4.00	7.50	3.00	7.50	3.00
TOTAL	9.30	7.50	7.48	4.40	7.61	4.03	7.65	3.62
COST								
YEAR 1	\$2,500.00	\$2,500.00	\$3,200.00	\$18,200.00	\$4,000.00	\$3,200.00	\$3,500.00	\$3,500.00
YEAR 2	\$2,500.00	\$2,500.00	\$3,200.00	\$19,110.00	\$4,100.00	\$3,200.00	\$3,800.00	\$3,500.00
YEAR 3	\$2,700.00	\$2,500.00	\$3,200.00	\$20,066.00	\$4,200.00	\$3,200.00	\$4,000.00	\$4,000.00
YEAR 4	\$2,850.00	\$3,000.00	\$3,360.00	\$21,069.00	\$4,400.00	\$3,200.00	\$4,500.00	\$4,000.00
YEAR 5	\$2,950.00	\$3,000.00	\$3,360.00	\$22,122.00	\$4,500.00	\$3,200.00	\$5,000.00	\$4,100.00
TOTAL	\$13,500.00	\$13,500.00	\$16,320.00	\$100,567.00	\$21,200.00	\$16,000.00	\$20,800.00	\$19,100.00

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

- i. **Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (2)**
- 1. **Authorization for Agreement, Urban Engineers of New York, P.C., Long Term Lot 'B' Expansion Project Design Services, BNIA**
- 2. **Authorization for Agreement, Standard Parking, Parking Facility Management, BNIA/NFIA**

AVIATION:

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

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

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

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) through 3. D. (2) and dated October 22, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Agreement, Urban Engineers of New York, P.C., Long Term Lot 'B' Expansion Project Design Services, BNIA

RECOMMENDATION: Staff recommends that the Board award the subject design services contract to Urban Engineers of New York, P.C. for the lump sum amount of \$407,142.00.

INFORMATION: The Long term Lot 'B' Expansion Project will provide approximately 1,000 additional parking spaces at the existing Holtz Road Lot 'B' at the Buffalo Niagara International Airport.

The project schedule is for the design to proceed through the fall and winter with bid documents to be advertised in late winter in order for construction to start by early summer. The Consultant design services include:

- Geotechnical investigations
- Topographical survey
- Storm water
- Electrical lighting
- Parking lot and amenities
- Environmental coordination
- Fire water distribution

The parking lot and amenities design includes provisions for snow storage, pavement design, an analysis of the existing entrance and exit toll plaza functionality, shuttle shelters, fencing, utility relocations, security, and video surveillance.

An ongoing separate demolition contract provides for the asbestos abatement and demolition of three structures. Demolition completion is scheduled prior to the start of the expanded parking lot construction.

The consultant selection process was initiated by publically soliciting the qualification based Requests for Proposals (RFP) pursuant to NFTA procurement guidelines from interested consulting teams on June 25, 2012. The RFP included design services, construction monitoring services, and design support services during construction. Technical proposals were received on July 27, 2012. The proposals were evaluated on scope of work, task description, management approach, organization of project personnel, and project specific technical knowledge. Staff will negotiate for construction monitoring and design support services at the time of award for the construction contract.

The Consultant Selection Committee consisted of the Director of Health, Safety and Environmental Quality, Manager of Construction, Assistant Director of Aviation, Airport Planner, and Project Manager. The committee evaluated Urban Engineers of New York, P.C. as the highest ranked qualified technical proposer. The following, in descending order of evaluation, are the rankings of the respondents.

Urban Engineers of New York, P.C. Buffalo, New York Edward M. D'Alba, P.E., President
C&S Engineers, Inc. Buffalo, New York Lowell Dewey, Group Manager
DiDonato Associates, P.E., P.C. Buffalo, New York John DiDonato, P.E., Senior Vice President
Greenman - Pedersen, Inc. Buffalo, New York David F. Pratt, Vice President
Hatch Mott MacDonald Buffalo, New York James R. Walsh, P.E., Senior Vice President
Nussbaumer & Clarke, Inc. Buffalo, New York Michael F. Smith, CEO - Engineering
CHA Buffalo, New York Frank DelSignore, Vice President
Clarke Patterson Lee Buffalo, New York Daniel Duprey, Jr., Principle -in - Charge
Bergman Associates Buffalo, New York Carmen Garozzo, Principle - In - Charge
Fisher Associates Buffalo, New York Claire Fisher, P.E., President
Liro Engineers, Inc. Buffalo, New York Robert Kreuzer, Vice President

The subconsultants for the Urban Team include:

- Parsons Brinckerhoff, Inc.
- Arora Engineers, Inc.
- Watts Architecture and Engineering, P.C.
- Foit Albert Associates Architecture, Engineering and Surveying, P.C.

Results of the negotiations are as follows:

Engineers Estimate	\$374,707.00
Initial Cost Proposal	\$451,951.54
Negotiated Cost Proposal	\$407,142.00

The following firms are proposed to provide for 22.6% combined MBE, DBE, and WBE participation:

- Arora Engineers, Inc.
- Watts Architecture and Engineering, P.C. and
- Foit Albert Associates Architecture, Engineering and Surveying, P.C.

The EEO/Diversity office has been briefed of the proposed participation.

FUNDING: Funding is distributed between the New York State Consolidated Fund (NYSCF) and the Airport Development Fund (ADF) as follows:

Account Code 120000000-3107-2-3403		
NYSCF	83%	\$337,927.86
ADF	17%	\$69,214.14
	TOTAL	\$407,142.00

“RESOLVED, that the Board hereby authorizes an Agreement with Urban Engineers of New York, P.C., for the Design Services for the Long Term Lot ‘B’ Expansion Project 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 hereby are authorized to execute an Agreement with Urban Engineers of New York, P.C., as stated hereinabove and as negotiated; 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 Agreement, Standard Parking, Parking Facility Management, BNIA/NFIA

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Standard Parking, Chicago, Illinois for the management of parking facilities at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA). The proposed agreement commences December 1, 2012 and extends for five years.

Staff also recommends that the Board authorize a 15 day extension of the current parking management agreement with Standard Parking to be effective through November 30, 2012 instead of November 15, 2012. A mid-month termination date would be burdensome to implement related to allocations of monthly operating costs.

INFORMATION: The NFTA issued RFP No. 4213 to solicit proposals for the management of its parking facilities at BNIA and NFIA. The proponent will manage, operate, market, and maintain all public and employee parking lots under the direction of aviation staff. Emphasis is placed on superior customer service, marketing, and cost control. The ACDBE participation goal during the term of this agreement is 10%.

Two proposals were received and a review team comprised of staff from BNIA, NFIA, Procurement, Legal, and Audit departments reviewed the proposals and requested on site presentations from both proponents. The review team evaluated qualifications/experience, technical criteria, and cost. The team determined that the proposal submitted by Standard Parking provided the best current and long-term operational benefit to the NFTA.

Standard Parking has a significant presence and experience in over 60 airports across the country and has demonstrated superior strategic skills to assist BNIA/NFIA with future parking expansion and technological upgrades over the next five years. Additionally, Standard Parking has been the incumbent parking management provider since 2007 with exemplary service.

Standard Parking proposes a management fee based on a percentage of revenues at certain thresholds. Based upon an annual budget revenue estimate of \$19.4 million dollars incremented by 2% annual growth, the estimated management fee over the 5 year contract term will be \$2,207,597. The management fee includes advisory and consulting services, vehicle liability and property damage insurance, labor negotiations, back office operations including accounting/payroll/purchasing, marketing services, PCI compliance, internal and external audit reviews, and performance bonds.

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

“RESOLVED, that the Board hereby authorizes an Agreement with Standard Parking for the management of the parking facilities at the Buffalo Niagara International Airport and 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 hereby are authorized to execute an Agreement with Standard Parking, as stated hereinabove and as negotiated; 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 # - 4213 MANAGEMENT, OPERATION, MARKETING MAINTENANCE OF PARKING FACILITIES

RFP DOCUMENTS REQUIRED (Completed by Procurement)	STANDARD PARKING Chicago, IL	MAPCO AUTO PARKS, LTD. Rochester NY
Cover Letter	X	X
Description of services	X	X
Firm, Mgmt & Staff Qualifications	X	X
Resumes	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
SELECTION CRITERIA (Completed by Team)		
	Rate on a score of 1 - 10 with 10 being the highest	
Technical Criteria 30% - Compliance with technical specifications.	8.00	6.00
Cost - 30%	8.46	10.00
Qualifications & Experience 40% - Demonstrated ability in the industry	10.00	7.00
TOTAL	8.94	7.60
COST		
Management Fees	\$0.00 to \$11,000,000 @ 2.55%	\$0.00 to \$19,000,000 @ 1.87%
(based upon % of revenues)	\$11,000,001 to \$13,000,000 @ 2.15%	\$19,000,001 to \$20,000,000 @ 1.69%
	Excess of \$13,000,000 @ 1.65%	Excess of \$20,000,000 @ 1.27%
Total Estimated Management Fees for 5 years	\$2,207,597	\$1,866,968

- 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. (5)
- 1. Authorization for Change Order No. 1, Gray Manufacturing Industries, LRV Car 110 Repairs, LRRT
- 2. Authorization for Agreement, Wendel Duchscherer Architects & Engineers, P.C., Facility Consolidation Study, Metro
- 3. Authorization for Agreement, Architectural Resources, P.C., Design Services, Escalator Rebuild, LRRT
- 4. Authorization for Agreement, Steril Koni, Bus Lift, Metro
- 5. Authorization for Procurement, Vacuum Sales, Inc., Tunnel Vacuum Truck, Metro

SURFACE:

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

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

Whereupon, it was moved by Commissioner Demakos, seconded by Commissioner Wilcox, 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. (5) and dated October 22, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

ABSTENTION: HUGHES [*Item 4. D. 3 only]

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) **Authorization for Change Order No. 1, Gray Manufacturing Industries, LRV Car 110 Repairs, LRRT**

RECOMMENDATION: Staff recommends that the Board approve subject Change Order No. 1 as a \$102,246.00 increase to Gray Manufacturing Industries' (GMI) Contract No. 20LZ1102, for repairs to LRV Car 110. This will result in an amended contract value from \$330,000.00 to \$432,246.00.

INFORMATION: LRV Car 110 was involved in a collision on August 8, 2008 within the Yard & Shop facility. This collision rendered Car 110 inoperable. On July 25, 2011, the NFTA Board awarded GMI the contract to repair Car 110. GMI's scope includes repairs to the Car 110's structure and repair/replacement of damaged parts and assemblies. This work is funded by insurance claim proceeds.

Change Order No.1 provides for the contract modifications listed below. GMI is recommended for this work due to their experience, extensive familiarity with Car 110 repairs, and thorough investigation of this damaged customized OEM material. Costs for these modifications are in accordance with Article 19-Extra Work and Article 21-Payment for Agreed Prices of the Contract General Conditions. All costs for this work were verified by the Engineer.

PCO No. 1, Step Box Assemblies **ADD \$102,246.00**

The Contractor will fabricate and provide six (6) new step box assemblies to replace the six (6) damaged step box assemblies. The new assemblies will have the same form and fit.

FUNDING: Reimbursements from the Car 110 insurance settlement, account No. 3190-31504, will fund 100% of Change Order No. 1.

"RESOLVED, that the Board hereby authorizes Change Order No. 1 with Gray Manufacturing Industries, 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. 1 with Gray Manufacturing Industries, as described hereinabove; and

BE IT FURTHER RESOLVED, that said Change Order No. 1 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. 1 upon certification by the Director, Surface Transportation, that such payments are in order."

SURFACE 4. D. (1)

SURFACE:

4. D. (2) Authorization for Agreement, Wendel Duchscherer Architects & Engineers, P.C., Facility Consolidation Study, Metro

RECOMMENDATION: Staff recommends that the Board award the subject contract to the consultant, Wendel Duchscherer Architects & Engineers, P. C., for the lump sum amount of \$567,605.00.

INFORMATION: The Consultant services will provide a study to consider the feasibility of consolidating Metro facilities. The study will consider operations, facility and vehicle maintenance requirements, state of good repair, capital costs, and cost benefit. The study will include the following properties:

- Metro Transportation Center (MTC)
- Operation Control Center (OCC)
- Yard and Shops (Y&S)
- Babcock Garage
- Frontier Garage
- Cold Spring Garage
- 1404 Main Street, Transit Police Adjudication
- Philbin Building (located at Port Terminal A)

The study will be conducted in two phases shown below:

Phase 1:

- Review and evaluate existing Metro facilities and operations
- Outline consolidation options

Phase 2:

- Provide detailed analysis of consolidation options
- Provide recommendation with justification

The consultant selection process was initiated by soliciting Requests for Proposals from interested consulting teams on April 4, 2012. Technical Proposals were received on May 29, 2012 and consultant presentations were made on July 16-17, 2012.

The consultant selection committee, consisting of Sr. Project Manager, Direct of Engineering, Sr. Bus Operations Manager, Bus Maintenance/Equipment Manager, Bus Service Planning Manager, General Manager of Rail and Facilities Manager, evaluated the technical proposals and presentations. The proposals were evaluated based on scope of work, task description, management approach, organization of project, project personnel, FTA circulars and knowledge of Metro facilities. The committee ranked the respondents in the following descending order of selection:

- Wendel Duchscherer Architects & Engineers, P. C.
- IBI Group
- Parsons Brinkerhoff, Inc.
- Systra Engineering Inc.

The consultant team consists of the following five consulting firms:

1. Wendel Duchscherer Architects & Engineers, P. C. – Prime consultant
2. Gannett Fleming – Sub-consultant
3. Willdan – Sub-consultant
4. Watts – Sub-consultant (DBE)
5. Cost Savings Group – Sub-consultant (DBE)

Two of the firms are DBEs and will comprise 18.4% of the project. The EEO/Diversity office has been briefed of the proposed DBE participation.

The results of negotiations are shown below.

	Initial Proposal	Negotiated Cost
Engineer's Estimate	\$682,933.00	\$682,933.00
Wendel	\$785,935.00	\$567,605.00

FUNDING: Funding for this project is included in account 12-0000000-3107-2-3401 with the following funding sources:

FTA	80%	\$454,084.00
NYS	10%	\$ 56,760.00
NFTA	10%	\$ 56,760.00

“RESOLVED, that the Board hereby authorizes an Agreement with Wendel Duchscherer Architects & Engineers, P.C. for a Facility Consolidation Study for a lump sum amount of \$567,605.00; 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 Wendel Duchscherer Architects & Engineers, P.C. for the lump sum amount of \$567,605.00; 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

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."

SURFACE:

4. D. (3) Authorization for Agreement, Architectural Resources, P.C., Design Services, Escalator Rebuild, LRRT

RECOMMENDATION: Staff recommends that the Board award the subject design services contract to the term consultant, Architectural Resources, P. C., for a lump sum amount of \$58,996.00.

INFORMATION: The project objective is to re-build Escalator No. 2 at University Station and two escalators at the Delavan Station.

Architectural Resources will develop a design rationale report, prepare the scope of work, prepare bid documents, assist the NFTA with the bid process, and prepare a bid analysis.

A summary of design services negotiation is shown below.

	Initial Proposal	Final Proposal
Engineer's Estimate	\$63,289.00	\$63,289.00
Architectural Resources	\$87,093.98	\$58,996.00

Architectural Resources intends to complete the scope with 100% of their own staff.

FUNDING: Funding will be supported by account code 120000000-3107-2-9321.

FTA	80%	\$ 47,196.00
NYSDOT	10%	\$ 5,900.00
NFTA	10%	<u>\$ 5,900.00</u>
Total		\$ 58,996.00

“RESOLVED, that the Board hereby authorizes an Agreement with Architectural Resources, P.C. for design services on the Escalator Rebuild project for a lump sum amount of \$58,996.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement Architectural Resources, P.C. for the lump sum amount of \$58,996.00; 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

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.”

SURFACE 4. D. (3)

SURFACE:

4. D. (4) Authorization for Agreement, Steril Koni, Bus Lift, Metro

RECOMMENDATION: Staff recommends the Board approve the purchase and installation of a bus lift for \$93,862.00 from Steril Koni of Stevensville, Maryland.

INFORMATION: Each bus garage contains a bay with a bus lift that is used raise a bus so the engine compartment and chassis can be routinely pressure washed. The lift at the Babcock Garage is beyond its useful life and requires replacement. The procurement was advertised and one responsive proposal was received.

FUNDING: Funding for this procurement is included in the "Acquire Miscellaneous Support Equipment Account" and is shared on an 80% FTA, 10% NYS and 10% NFTA basis.

FTA	\$75,089.60
NYS DOT	\$ 9,386.20
NFTA	<u>\$ 9,386.20</u>
Total	\$93,862.00

"RESOLVED, that the Board hereby authorizes an Agreement with Steril Koni for the purchase and installation of a bus lift for the Babcock Garage at a cost of \$93,862.00; 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 Steril Koni for the purchase and installation of a bus lift for the Babcock Garage, for the total amount of \$93,862.00; 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

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."

SURFACE:

4. D. (5) Authorization for Procurement, Vacuum Sales, Inc., Tunnel Vacuum Truck, Metro

RECOMMENDATION: Staff recommends that the Board award a contract to Vacuum Sales Inc, in the amount of \$358,000.00 for the procurement of a tunnel vacuum truck.

INFORMATION: The procurement of a new vacuum truck is necessary to replace the current vehicle, a 1990 Ford that is past its 12-year useful life. The vehicle's primary function will be to vacuum up debris in the tunnel and on the right of way, which is a key element in keeping corrosion under control and stray currents to a minimum. The truck is also used to assist the track crew with the movement of ballast. The Metro Power crew and communications work groups utilize the vacuum truck to pump water from manholes, providing staff necessary access to the cable plant.

RFP 4230 was issued in accordance with the Procurement Guidelines. One responsive proposal was received and evaluated by the selection team comprised of Manager, Rail Maintenance, Assistant Supervisor, Systems & Facilities, Supervisor, Systems & Facilities and the Assistant Manager of Procurement. The team determined that Vacuum Sales was well qualified and technically compliant. The cost is determined to be fair and reasonable based on an independent cost estimate.

FUNDING: This procurement is funded 80% FTA, 10% NYSDOT and 10% NFTA.

"RESOLVED, that the Board hereby authorizes the procurement of a tunnel vacuum truck from Vacuum Sales, Inc. at a cost of \$358,000.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to Vacuum Sales, Inc. for the procurement of a tunnel vacuum truck to be used as described hereinabove; and

BE IT FURTHER RESOLVED, that said Purchase Order 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."

SURFACE 4. D. (5)

- 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. (3)
 - 1. Authorization for Lease Agreement, R.I. Spivack Consulting, Inc., 247 Cayuga Road
 - 2. Authorization for Lease Agreement, World Dental Supply, Inc., 247 Cayuga Road
 - 3. Authorization for Lease Agreement, RTP Property Management, LLC, 247 Cayuga Road

PROPERTY:

5. D. (i) Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (3)

The Executive Director advised that Items 5. D. (1) through 5. 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 Sloma, seconded by Commissioner Hughes, 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. (3) and dated October 22, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Lease Agreement, R.I. Spivack Consulting, Inc., 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with R.I. Spivack Consulting, Inc. (Randall Spivack, CPA, President) for office space at 247 Cayuga Road, Cheektowaga.

INFORMATION: Mr. Spivack has been leasing office space to accommodate his financial planning business at 247 Cayuga Road since 2009. Mr. Spivack will continue to lease 434 square feet of class C office space. The term of the lease is for one year beginning November 1, 2012 and ending October 31, 2013 at a rental rate of \$10.60 per square foot, or \$4,600.40 per year.

FUNDING: No funding is necessary.

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

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with R.I. Spivack Consulting, 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. (2) **Authorization for Lease Agreement, World Dental Supply, Inc., 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with World Dental Supply, Inc. (Andre Samoel, President) for warehouse space at 247 Cayuga Road.

INFORMATION: World Dental Supply has been a tenant at this location for two years. They are now continuing their lease for one more year. This leased area is open, unfinished warehouse space and is classified C--. This lease is for 1,400 square feet at a rental rate of \$3.00 per square foot, or \$4,200 per year. The rent is fully gross and the premises are being leased as is. The term is for one year commencing November 1, 2012 and expiring October 31, 2013.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes a Lease Agreement with World Dental Supply, Inc., for use of space at 247 Cayuga Road as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with World Dental Supply, 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, RTP Property Management, LLC, 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with RTP Property Management, LLC (Ralph Piscarello, President) for office space at 247 Cayuga Road, Cheektowaga.

INFORMATION: RTP will be leasing 435 square feet of office space for a term of three years beginning November 1, 2012 and ending October 31, 2015. The rental rate for this class C space is \$10.50 per square foot or \$4,567.50 per year, with a 3% annual increase.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with RTP Property Management, 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 RTP Property Management, 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.”

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

At approximately 1:15 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Durand, seconded by Commissioner Perry, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

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

NOES: NONE