



Niagara Frontier Transportation Authority

ECLEG JUL06'20 AM 8:40

June 30, 2020

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

Re: NFTA Board Minutes

Dear Mr. Graber:

Enclosed for your information and files please find a copy of the approved Minutes and Attendance from the Niagara Frontier Transportation Authority's Annual Board Meeting held on May 28, 2020.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jodie Zolnowski", is written over a printed name and title.

Jodie Zolnowski
Assistant to David J. State
General Counsel

Enclosure

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

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**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
MAY 28, 2020 12:30 PM
MINUTES**

1. REGULAR BOARD MEETING - MAY 28, 2020 - AGENDA

In keeping with the guidance and directives of local, state, and national health authorities including the Centers for Disease Control relating to COVID-19 and pursuant to Executive Order No. 202.1, issued by Governor Andrew M. Cuomo, the Niagara Frontier Transportation Authority's (the "NFTA") Board of Commissioners meeting scheduled for May 28, 2020 at 12:30 p.m. will be held telephonically by conference call. Only the Executive Director, Chair (or Acting Chair), Commissioners of the NFTA, and essential staff of the NFTA will be permitted to be present in-person for the meeting. The public will have the ability to view and listen to the meeting by accessing the NFTA's website at www.nfta.com. The meeting will be recorded and later transcribed.

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5. GENERAL COUNSEL REPORT (David State)

6. EXECUTIVE SESSION

7. ADJOURNMENT

1. CALL TO ORDER

A. Meeting Called to Order

The Chair called the meeting to order at approximately 12:32 p.m.

B. Approval of Attendance and Minutes of the NFTA Annual Board Meeting held on April 23, 2020

It was moved by Commissioner Perry, seconded by Commissioner Gurney, that the Attendance and Minutes of the April 23, 2020 Annual Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: ROCHE, DEMAKOS, GURNEY, ANSARI, AUL, PERRY,
WILCOX

NOES: NONE

ADOPTED

C. Executive Director Report:

Executive Director Kimberley Minkel notified the Board that the ABO has granted an extension for completion of the annual Board Self-Evaluation. After consultation with the Chair and Vice-Chair the Board will review their evaluation at a future meeting.

The Executive Director advised the Board that Lieutenant Matt Gallivan has been awarded an Erie County Law Enforcement Community Service Award for 2020. The banquet scheduled for May 21, 2020 was cancelled so Lieutenant Gallivan will be honored at the next banquet which will be held in May of 2021. She also advised the Board that an update on COVID 19 impacts on the Authority will be provided at the end of today's meeting. To date we have had 65 employees self-quarantine for COVID 19 and 11 confirmed cases of the virus. Ten of the 11 employees have recovered and are returning to work. Executive Director Kimberley Minkel expressed her sincere appreciation to NFTA and Metro employees for their hard work, dedication and perseverance and to the Board for their continued support during this difficult time.

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

APRIL 2020 NFTA/METRO PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	1,165	2,015	850
Revenues and Operating Assistance			(289)
Expenses			1,057
Non-Operating/Capital			82
			<u>850</u>
OPER REVENUES & ASST	20,324	20,035	(289)
Metro Passenger Fares			(3,050)
BNIA Airport Fees & Services - lower compensatory billings based on decreased expenses			(109)
BNIA Rental Income - decreased compensatory airline billings due to lower expenses			(129)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail/other revenues			(1,941)
NFIA Concessions/Commissions - decreased parking lot revenues			(158)
Erie County Sales Tax			(683)
State - STOA - estimated reduction from New York State			(1,188)
Federal - FTA & FAA CARES Act			7,020
All Other			(50)
			<u>(289)</u>
TOTAL OPER EXPENSES	17,731	16,673	(1,057)
Personnel Services			
BNIA - lower overtime and unanticipated vacancies			(133)
Central Admin - vacancies			(45)
All Other			2
			<u>(176)</u>
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance and rail contract costs			(79)
BNIA - lower materials/supplies/service and automotive expenses			(69)
All Other			(1)
			<u>(149)</u>
Metro Transit Fuel/Power - lower diesel, gasoline and CNG costs			(121)
Utilities			
Metro - lower gas billings			(10)
BNIA - lower electric billings			(45)
Transportation Centers - lower electric billings			(24)
All Other			(19)
			<u>(99)</u>
Insurance & Injuries			
Metro - lower claim loss reserve appropriations and insurance premiums			(184)
All Other			(1)
			<u>(185)</u>
General Business/Other			
Metro - lower training and general office expenses			(22)
BNIA - lower outside service costs, travel/training and general office expenses			(247)
NFIA - lower outside service costs			(51)
Central Admin - lower rent expense			(14)
All Other			(7)
			<u>(341)</u>
All Other			13
			<u>(1,057)</u>
NON-OPERATING/CAPITAL	(1,428)	(1,347)	82
Capital			
Metro			(3)
All Other			1
			<u>(2)</u>
Non-Operating			
BNIA Operating Expense Reserve			83
All Other			1
			<u>84</u>
			<u>82</u>

NFTA/METRO
KEY ITEM REPORT
APRIL 2020

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	Apr 2020 <u>Budget</u>	Apr 2020 <u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	9,556	4,123	(5,433)	-56.9%
Operating Assistance	10,768	15,912	5,144	47.8%
Total Oper. Revenues & Assistance	20,324	20,035	(289)	-1.4%
Personnel Services	13,154	12,978	(176)	-1.3%
Maintenance & Repairs	1,690	1,541	(149)	-8.8%
Transit Fuel/Power	368	247	(121)	-32.9%
Utilities	394	295	(99)	-25.1%
Insurance & Injuries	437	253	(185)	-42.2%
Safety & Security	1,080	1,065	(15)	-1.4%
General Business/Other	2,978	2,637	(341)	-11.5%
Other	(2,371)	(2,343)	28	1.2%
Total Operating Expenses	17,731	16,673	(1,057)	-6.0%
Operating Income/(Loss)	2,594	3,362	768	29.6%
Non-Operating/Capital	(1,428)	(1,347)	82	5.7%
Net Surplus/(Deficit)	1,165	2,015	850	73.0%

NFTA/METRO
BUSINESS CENTERS
NET SURPLUS/(DEFICIT)
APRIL 2020

(\$000 Omitted)

	Apr 2020 <u>Budget</u>	Apr 2020 <u>Actual</u>	<u>Variance</u>	<u>%</u>
NFTA				
BNIA	888	1,219	331	37.3%
NFIA	(163)	(112)	50	30.9%
Transportation Centers	(101)	(111)	(10)	-10.1%
Property Development	92	101	8	8.9%
NFTA Total	717	1,096	379	52.9%
Metro	449	919	471	104.9%
NFTA/Metro	1,165	2,015	850	73.0%

APRIL NFTA/METRO PERFORMANCE
FYE 2021 vs. FYE 2020
(\$000's)

	Apr 2019 Actual	Apr 2020 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	1,188	2,015	827
Revenues and Operating Assistance			146
Expenses			569
Non-Operating/Capital			112
			827
OPER REVENUES & ASST	19,889	20,035	146
Metro Passenger Fares			(3,042)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail revenues			(1,951)
NFIA Other Operating Revenues - timing of Niagara County IDA proceeds			(269)
Erie County Sales Tax			(590)
State - STOA - estimated reduction from New York State			(981)
Federal - FTA & FAA CARES Act			7,020
All Other			(41)
			146
TOTAL OPERATING EXPENSES	17,242	16,673	(569)
Personnel Services			
Metro - decreased overtime, instruction labor and student operator labor			(221)
BNIA - lower overtime			(39)
All Other			(15)
			(274)
Metro Transit Fuel/Power - lower diesel, gasoline and CNG costs			(146)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations and insurance premiums			(133)
BNIA - higher claim loss reserve appropriations and insurance premiums			23
All Other			3
			(106)
All Other			(43)
			(569)
NON-OPERATING/CAPITAL	(1,458)	(1,347)	112
Capital			
Metro			(171)
All Other			(12)
			(183)
Non-Operating			
BNIA ADF Funding			189
BNIA Operating Expense Reserve			82
All Other			23
			295
			112

NFTA/METRO
KEY ITEM REPORT
FYE 2021 vs. FYE 2020
APRIL

(\$000 Omitted)

<u>MONTH PRIOR YEAR COMPARISON</u>	Apr 2019	Apr 2020	Variance	%
	<u>Actual</u>	<u>Actual</u>		
Operating Revenues	9,598	4,123	(5,475)	-57.0%
Operating Assistance	10,291	15,912	5,621	54.6%
Total Oper. Revenues & Assistance	19,889	20,035	146	0.7%
Personnel Services	13,252	12,978	(274)	-2.1%
Maintenance & Repairs	1,522	1,541	19	1.3%
Transit Fuel/Power	393	247	(146)	-37.1%
Utilities	322	295	(27)	-8.4%
Insurance & Injuries	359	253	(106)	-29.6%
Safety & Security	1,207	1,065	(142)	-11.8%
General Business/Other	2,687	2,637	(50)	-1.9%
Other	(2,500)	(2,343)	157	6.3%
Total Operating Expenses	17,242	16,673	(569)	-3.3%
Operating Income/(Loss)	2,647	3,362	715	27.0%
Non-Operating/Capital	(1,458)	(1,347)	112	7.7%
Net Surplus/(Deficit)	1,188	2,015	827	69.6%

Corporate Resolutions

1. Authorization for Agreement, HeathWorks WNY, LLP, Medical Testing Services, NFTA
2. Authorization for Agreement, Spectrum, Internet Connection, NFTA
3. Authorization for Agreement, Axon Incorporated, Body Worn Cameras, TAPD
4. Authorization for Agreement, United Uniform Distribution, LLC, Police Uniforms, TAPD
5. Authorization for Lease Agreement, Westmatic Corporation, 485 Cayuga Road
6. Authorization for Lease Agreement, Evolution Dental Sciences LLC, 235 Aero Drive

CORPORATE:

2. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (7)**

The Executive Director advised that Items 2. C. (1) through 2. C. (7) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions. Whereupon, it was moved by Commissioner Perry, seconded by Commissioner Gurney, 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. (7) dated May 28, 2020 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, DEMAKOS, DURAND, GURNEY, ANSARI, AUL, PERRY, WILCOX

NOES: NONE

ADOPTED

CORPORATE 2. C. (i)

CORPORATE:

2. C. (1) **Authorization for Agreement, HeathWorks WNY, LLP, Medical Testing Services, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a three-year Agreement with two (2) additional one-year renewal periods at the NFTA's option with HealthWorks WNY, LLP for the provision of medical testing services. The total cost for the three (3) years of service will be approximately \$80,085.00. The cost for each of the two renewal years will be \$27,355.00 for year 4 and \$27,675.00 for year 5.

INFORMATION: The purpose of the contract is to provide medical testing services to meet all regulatory compliance issues as mandated by the Public Employee Occupational Safety & Health Administration (PEOSH) and the NFTA's internal Bloodborne Pathogen and Respiratory Protection Programs. The medical provider will provide hepatitis immunizations, respirator fit tests including the required OSHA questionnaire, and pulmonary function tests as directed by the NFTA Safety Department to ensure the safety of NFTA employees as well as to stay in compliance with the current PEOSH regulations and internal NFTA policies and programs.

Request for Proposal No. 4942 was issued in accordance with NFTA's Procurement Guidelines. Responses were received from:

Health Works WNY LLP- Kenmore, NY
Great Lakes Physician Services- Buffalo, NY
WellNow Urgent Care- West Seneca, NY

An evaluation team comprised of the Assistant Manager of Procurement, the Manager, Safety & Security, the Employee Safety Specialist, and the Safety Quality Assurance Coordinator conducted the evaluation based upon technical criteria, cost, and qualifications and experience and determined that Health Works of WNY LLP's proposal satisfies all requirements and provides the best overall value.

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

FUNDING: Funding is provided in the operating budgets.

“RESOLVED, that the Board hereby authorizes an Agreement with HealthWorks WNY, LLP for medical testing services, as described above; and

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

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

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

RFP EVALUATION FORM

RFP 4942 MEDICAL TESTING SERVICES	BE WELL HEALTHCARE MEDICINE, DBA GREAT LAKES PHYSICIAN SERVICES Buffalo, New York	HEALTHWORKS - WNY, LLP Kenmore, New York	WELLNOW URGENT CARE P.C.* West Seneca, New York
SELECTION CRITERIA	Rate on a score of 1 - 10 with 10 being the highest		
Technical: Compliance with technical specifications, project approach, and methods. 40%	7.00	8.00	8.00
Cost. 40%	8.20	10.00	9.33
Qualifications and Experience: Demonstrated ability in the industry, references, resumes, past performance, and depth of knowledge of key personnel in critical areas 20%	8.00	9.00	8.00
TOTAL	7.68	9.00	8.53
ESTIMATED COST			
YEAR 1	\$32,275	\$26,430	\$28,150
YEAR 2	\$32,275	\$26,615	\$28,560
YEAR 3	\$33,400	\$27,040	\$28,970
YEAR 4	\$33,400	\$27,355	\$29,380
YEAR 5	\$33,400	\$27,675	\$29,790
TOTAL	\$164,750	\$135,115	\$144,850

*NOTE: WellNow Urgent Care charges additional fees for on-site services. Their additional fees for on-site visits is estimated at \$2500 per year, based on five (5) on-site visits per year for 1-9 employees.

CORPORATE:

2. C. (2) **Authorization for Agreement, Spectrum, Internet Connection, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a three-year agreement (Agreement) with Spectrum for 100Mbps Internet connection at 93 Oak Street for a total amount equal to \$31,210.00.

INFORMATION: Spectrum will provide an Internet connection at the primary datacenter located at 93 Oak Street. This new connection is part of the Niagara Frontier Transportation Authority's (NFTA) redundant connections for Internet services. The NFTA has identified Internet connectivity as a critical service. This connection will replace an existing connection and save the NFTA more than \$23,000.00 over the term of the Agreement. This new connection will also meet the NFTA's requirements for network diversity. The NFTA connects to multiple critical services over the Internet, including e-mail, financial accounting, asset management, human resources and payroll. This procurement was quoted under the New York State Office of General Services Contract No. PS68706 at a monthly fee equal to \$860.00, inclusive of all applicable taxes and a \$250.00 installation fee.

FUNDING: Funding is provided for in the FYE 21-23 operating budget.

“RESOLVED, that the Board hereby authorizes an Agreement with Spectrum for a new Internet connection and services for an aggregate amount equal to \$31,210.00, as described above; and

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

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

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

CORPORATE:

2. C. (3) **Authorization for Agreement, Axon Incorporated, Body Worn Cameras, TAPD**

RECOMMENDATION: Staff recommends the board authorize entering into a 5-year contract with Axon Incorporated of Scottsdale, Arizona at a cost of \$442,615.75 for the 5-year period at an average cost of \$88,523.15 per year. The contract will provide Body Worn Cameras (BWCs), associated equipment necessary for the operation of same as well as required storage of images captured by the cameras through Evidence.com. Utilization of Evidence.com, an Axon proprietary cloud-based system, allows for the cataloging, retrieval and sharing of images with appropriate agencies to include the Erie/Niagara County District Attorneys' Offices which currently utilize this system with other area Departments.

INFORMATION:

The NFTA Transit Police Department began a BWC program in 2014 and was one of the first Police Agencies in the Buffalo/Erie County area to utilize body cameras. The Department also developed a model policy for the use of body cameras by Officers. The Departments current body cameras have reached the end of life status and are unable to be repaired or replaced with the same unit.

On October 5, 2019 the NFTA issued a Request for Proposal (RFP 4904) to acquire the above noted services. The return date on the RFP was November 6, 2019. Six proposals were received. The proposals were reviewed by a committee consisting of the Manager of Procurement, the Chief of Police, the Captain of Investigative Services, the Chief Information Officer of the NFTA, a representative of IT, and the Detective assigned to providing discovery material to the courts. Axon Incorporated was determined to be the most qualified based on technical approach, qualifications and experience, demonstrated ability in the industry, and cost. (see attached rating sheet).

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

The selected contractor will provide:

- Seventy-five (75) BWCs, associated charging cables and docks for all 75 cameras to be charged at once.
- One Hundred and Fifty (150) mounting brackets (two per body-worn camera) to attach the body camera to the officers' uniform.
- Seventy-five (75) accounts for cloud-based storage to be used by BWCs.
- A robust Digital Evidence Management System (DEMS)

CORPORATE 2. C. (3)

- Axon will provide training, implementation and ongoing assistance from a designated support manager as well as an ongoing, software-based learning management system (LMS) for the Department.

FUNDING: Funding for this project is from 88C and ADF funds and is found in the 2020-2021 NFTA budget.

“RESOLVED, that the Board hereby authorizes an Agreement with the Axon Incorporated for Body Worn Cameras (BWC) and related services at a cost of \$442,615.75, as described; and

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

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

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

RFP 4904	Digital-Ally	Axon	Pro-Vision	Federal Eastern Intn'l	Upstate Wholesale Sply	Utility Assoc
Body Camera System	Lexana, TX	Scottsdale, AZ	Byron Center, MI	LensLock Jacksonville, FL	dba Bright Computers Victor, NY	Decatur, GA
SELECTION CRITERIA (Rate on a scale of 1 - 10, with 10 being the highest)						
(Completed by Team)	Team Consensus					
Technical: System proposed, project approach. 40%	5.00	10.00	4.00	8.00	4.00	3.00
Cost. 35%	7.70	6.60	9.10	6.75	10.00	7.91
Qualifications and experience: Demonstrated ability in the industry, references, past performance delivery. 20%	5.00	10.00	5.00	6.00	5.00	4.00
Diversity practices. 5%	0.00	0.00	0.00	0.00	0.00	0.05
TOTAL	5.70	8.31	5.79	6.76	6.10	4.77
Cost Proposals						
Cost for all 5 years	\$516,015	\$598,212	\$432,905	\$585,499	\$395,385	\$499,500
Competitive Range						
BAFOs (based on revised qty)						
Technical: System proposed, project approach. 40%		10.00		8.00		
Cost. 35%		8.77		10.00		
Qualifications and experience: Demonstrated ability in the industry, references, past performance delivery. 20%		10.00		6.00		
Diversity practices. 5%		0.00		0.00		
TOTAL		9.07		7.90		
Cost Proposals						
Cost for all 5 years						
Fleet		\$280,570		\$286,650		
Body Wear		\$442,616		\$347,290		
Total		\$723,186		\$633,940		

CORPORATE:

2. C. (4) **Authorization for Agreement, United Uniform Distribution, LLC, Police Uniforms, TAPD**

RECOMMENDATION: Staff recommends that the board authorize an agreement with United Uniform Distribution, LLC of Buffalo, New York for the provision of a Police Uniform and Equipment Purchase Program for the Transit Authority Police Department commencing on June 1, 2020. The term of the contract is for three-years, with two additional one-year renewals to be exercised at the sole discretion of the NFTA. The total estimated cost for year one is, \$47,100.00; year two, \$47,100.00; and year three, \$47,100.00. Option year four is estimated at \$47,100.00 and year five \$47,100.00. Total cost for all five years is estimated at; \$235,500.00.

INFORMATION: Officers of the NFTA Transit Police Department are required to wear a standard uniform and use specific equipment as determined by the Department. Specific items are subject to change over the course of the contract. Request for Proposal No. 4944 was issued in accordance with NFTA Procurement Guidelines. One responsive proposal was received. Proposals were reviewed and evaluated based upon, technical criteria, cost, and qualifications and experience. The evaluation team composed of representatives that included the NFTA Assistant Procurement Manager, Chief of Police, and the Captain of Investigative Services Property, determined that United Uniform Distribution's proposal satisfies all requirements and provides the best overall value.

The established MBE, WBE, and SDVOB goals were 1.5%, 1.5%, and 0% respectively. United Uniform Distribution, LLC identified their MBE and WBE participation at 1.5% each. The NFTA excluded this procurement from SDVOB requirements because there are no certified providers of this service.

FUNDING: Funding is provided through the NFTA's Operating Budget.

“RESOLVED, that the Board hereby authorizes an Agreement with United Uniform Distribution, LLC for police uniforms for the Transit Authority Police Department at an estimated cost of \$235,500.00, as described above; and

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

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

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

CORPORATE:

2. C. (5) **Authorization for Lease Agreement, Westmatic Corporation, 485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Westmatic Corporation (Johanna Sundell, President) for the use of production and office space at 485 Cayuga Road, Cheektowaga.

INFORMATION: Westmatic Corporation (Westmatic) designs and manufactures large vehicle wash systems and has been a tenant at 485 Cayuga Road since 2009. Their current lease expires on June 30, 2020. Westmatic is considering purchasing a building to relocate to, therefore they would like a one-year lease at 485 Cayuga Road. The lease will begin July 1, 2020 and end June 30, 2021. This new lease is for 3,410 square feet of office space and 14,823 square feet of light industrial space. The rental rate for the office space is \$10.38 per square foot. The rental rate for the light industrial space is \$7.82 per square foot, for a total annual rent of \$151,311.66, a 3% increase from the current year.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Westmatic for office and light industrial space 485 Cayuga Road, as described above; and

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

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

CORPORATE:

2. C. (6) **Authorization for Lease Agreement, Evolution Dental Sciences LLC, 235 Aero Drive**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Evolution Dental Sciences LLC (Andrew Jakson, Owner) for production and office space at 235 Aero Drive, Cheektowaga.

INFORMATION: Evolution Dental Sciences (EDS) is a dental laboratory that manufactures and designs dental restorations. EDS has rented 235 Aero Drive since 2005. Their current lease expired on April 30, 2020. Staff has completed negotiations for a new three-year lease with a start date of May 1, 2020 and ending April 30, 2023. EDS will have the option to renew this lease for two additional three-year terms with NFTA approval.

EDS will continue to lease the entire 13,216 square feet in the building and will be responsible for all interior maintenance and utilities. The initial rental rate is \$5.31 per square foot, or \$70,176.96 per year with an annual 3% increase. Due to a history of late rental payments, EDS will be required to pay rent quarterly in advance. EDS has agreed to make improvements to the parking lot and driveway within the first year of the lease with an agreed upon scope of work between NFTA and EDS.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with EDS for production and office space at 235 Aero Drive, as described above; and

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

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

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

1. Authorization for Agreement, Aero Systems Engineering, Inc, Aviation Consultant, BNIA and NFIA

AVIATION:

3. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Aviation Resolution 3. C. (1)**

The Executive Director advised that Item 3. C. (1) has 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 Roche, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as number 3. C. (1) dated May 28, 2020 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, DEMAKOS, DURAND, GURNEY, ANSARI, AUL, PERRY, WILCOX

NOES: NONE

ADOPTED

AVIATION 3. C. (i)

AVIATION:

3. C. (1) **Authorization for Agreement, Aero Systems Engineering, Inc., Aviation Consultant, BNIA and NFIA**

RECOMMENDATION: Staff recommends that the Board authorize a Term Consultant Agreement with Aero Systems Engineering, Inc., to serve as an aviation consultant for various projects associated with NFTA owned passenger boarding bridges (jetbridges) located at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA). The term of the agreement will be for three years, with two one-year renewal periods.

INFORMATION: The consultant will provide technical assistance to staff in the evaluation of existing jetbridges and related equipment and the implementation of projects relating to the repair and/or upgrade of jetbridges and associated equipment and the acquisition of new jetbridges and associated equipment.

The agreement will not obligate the NFTA to contract with the consultant on any specific project or for any dollar amount. The consultant will be assigned projects as the need arises.

A Request for Proposal (#4947) for a Jetbridge Term Consultant was advertised in accordance with procurement guidelines. Aero Systems Engineering, Inc. was the only response received. The NFTA review team, comprised of Aviation and Procurement staff, evaluated the proposals taking into consideration qualifications, experience, and cost.

Aero Systems Engineering, Inc. has been in business since 1997 and has business relationships with over 200 airports across the country servicing jetbridge and ground service equipment. Their pricing varies depending on the various billing classes of work performed which range from \$90.00 per hour to \$230.00 per hour. The average billing rate is \$160.83 per hour.

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

FUNDING: The service will be funded by BNIA & NFIA's FY2021 operating budgets.

“RESOLVED, that the Board hereby authorizes an Agreement with Aero Systems Engineering, Inc., to serve as an aviation consultant for various projects associated with NFTA owned passenger boarding bridges at BNIA and NFIA, as described above; and

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

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

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

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

Surface Transportation Resolutions

1. Authorization for Agreement, AT&T, Network Communications, NFTA
2. Authorization for Agreement, Conduent Transportation Solutions, Inc, Upgrade Hardware and Software, NFTA
3. Authorization for Agreement, Prevost (Cars) US, Inc. of Elgin, Illinois, 125K Milestone Brake Parts Preventative Maintenance Initiative, NFTA
4. Authorization for Agreement, IBI Group, Enhancement of Niagara International Transportation Technology Coalition (NITTEC) Advanced Traffic Management System Crossroads, NFTA

SURFACE:

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

The Executive Director advised that Items 4. C. (1) through 4. 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 Durand, that the following Resolution be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. C. (1) through 4. C. (4) and dated May 28, 2020 as set forth herein, be and hereby are accepted and approved in their entirety.

AYES: ROCHE, DEMAKOS, DURAND, GURNEY, ANSARI, AUL, PERRY, WILCOX

NOES: NONE

ADOPTED

SURFACE 4. C. (i)

SURFACE:

4. C. (1) **Authorization for Agreement, AT&T, Network Communications, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a three-year network communications agreement with AT&T for a total amount equal to \$468,985.09, beginning July 1, 2020 and ending June 30, 2023.

INFORMATION: As part of the fare collection project, cellular connectivity is required for 500 routers within bus and rail operations; including fareboxes, validators, vaulting stations, ticket vending machines, faregates and point of sale terminals. In December 2019, the Board approved Change Order No. 12 to the fare collection system upgrade contractor Scheidt & Bachmann that included complete and separate cell-based fare collection data network that will insulate the NFTA network from cardholder data. This relieves NFTA of the efforts and costs for maintaining PCI compliance within our corporate network. Additionally, within the scope of this agreement, NFTA has agreed to provide the cell service itself, so that we may take advantage of our access to state contract pricing with the service provider AT&T, as referenced in Change Order 12, for a total savings of \$300,000 over three years.

FUNDING: Funding is provided in the Metro operating budget.

“**RESOLVED**, that the Board hereby authorizes an Agreement with AT&T for a total amount equal to \$468,985.09 for network communications services, as described above; and

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

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

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

SURFACE:

4. C. (2) **Authorization for Agreement, Conduent Transportation Solutions, Inc, Upgrade Hardware and Software, NFTA**

RECOMMENDATION: Staff recommends the Board authorize an Agreement with Conduent Transport Solutions, Inc. (Conduent) for services to upgrade OrbCAD Computer Aided Dispatch (CAD) / Automatic Vehicle Locator (AVL) fixed-end hardware and software, including upgrading the existing In-Vehicle-Unit (IVU) 3100M vehicle fleet for a total cost of \$735,828.00.

INFORMATION: CAD/AVL software is equipped on every bus to assist operations with data and radio communications. Fixed-end hardware and operating system software is approaching end-of-life and needs to be replaced and/or upgraded to maintain operational efficiency and security standards. Conduent will recommend new hardware and software systems to Niagara Frontier Transportation Authority (NFTA) to purchase, NFTA will purchase and stand up the new environment according to Conduent specifications, and Conduent will upgrade the OrbCAD Core Build software to be functional and compatible with the new fixed-end architecture.

Conduent and NFTA will work together to upgrade the existing fixed route fleet (220 vehicles) of IVU3100M vehicles to interface with a NFTA provided cellular mobile router for data communications. NFTA currently uses the Harris M7100 Enhanced Digital Access Communication System radio for both data and radio communications but it is no longer supported and needs replacement. This phase of the project is only moving data communications to the cellular mobile router thereby enabling the utilization of newer radio technology.

This procurement is sole source based on proprietary equipment and systems. Project costs will be incurred over a 2-year period.

FUNDING: Funding is provided by NFTA Local Funds in the Metro Capital Budget.

“**RESOLVED**, that the Board hereby authorizes an Agreement with for services that are necessary to upgrade fixed-end hardware and software for a total cost equal to \$735,828.00, as described above; and

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

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

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

SURFACE 4. C. (2)

SURFACE:

4. C. (3) **Authorization for Agreement, Prevost (Cars) US, Inc., 125K Milestone Brake Parts Preventative Maintenance Initiative, NFTA**

RECOMMENDATION:

Staff recommends the Board authorize an Agreement with Prevost (Cars) US, Inc. (Prevost) of Elgin, Illinois for the purchase of “K” Program Kits for the “125K” Milestone Brake Parts Preventative Maintenance Initiative on NOVA buses, for a total cost equal to \$131,000.00.

INFORMATION:

In 2018, Bus Maintenance launched the “K” Program Initiative to assign a replacement schedule for every part on a bus based on mileage and hours in service. The goal of the program is to “Predict and Prevent- NOT- Fix as Fails”. Each kit contains the parts required to perform the maintenance. The 2017 NOVA CNG buses have reached the “125K” milestone. A total of 16 buses will be included in this “125K” Program Initiative. The plan is to procure the components in two lots over three months.

Prevost is the sole source provider of these proprietary parts.

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

FUNDING: Funding for this procurement is provided in the Metro operating budget.

“RESOLVED, that the Board hereby authorizes an Agreement with Prevost for a parts replacement schedule for every part on a bus based on mileage and hours in service at a total cost of \$131,000.00, as described above; and

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

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

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

SURFACE:

4. C. (4) Authorization for Agreement, IBI Group, Enhancement of Niagara International Transportation Technology Coalition (NITTEC) Advanced Traffic Management System Crossroads, NFTA

RECOMMENDATION: Staff recommends that the Board of the Niagara Frontier Transportation Authority (NFTA), which acts as host agency for NITTEC, authorize an agreement with IBI Group for the lump sum amount of \$395,000 to provide services to maintain, support and enhance the NITTEC Advanced Traffic Management System (ATMS) Crossroads, which recommendation was approved by the NITTEC Board of Directors.

INFORMATION: The NITTEC ATMS is used to improve traffic safety on the roadway network by reducing the number of incidents, increase the capacity of the roadway network by managing traffic congestion, and minimize the motorist frustration by providing them with traffic information. The ATMS is comprised of a variety of field devices used to continuously gather roadway/traffic information, software to receive information from the roadside devices, and a Graphical User Interface (GUI) used by the NITTEC operators to interface with the system. The GUI is used to display traffic information and to manage and monitor roadway events. Traffic information is entered and maintained in the GUI for dissemination of information to the public and other agencies. The information from the GUI is also used to populate the traveler information on the NITTEC website.

In order to continue to support traffic operations in the region, IBI Group has proposed a significant enhancement to the Crossroads system that will migrate NITTEC operators to the latest IBI ATMS platform. This enhancement will bring Crossroads up to date with the latest ATMS software features. Benefits of this enhancement include:

- Ease of new functionality allowing self-management of ATMS configuration; new powerful user experience; ability to have geographic overview of region, counties and any crossovers from adjacent states; web platform supporting sharing ATMS platform with stakeholders; leverage library of existing devices and interfaces to third-party platforms; data driven decision support system.
- Product roadmap that allows access to features developed in the short, medium and long term.
- Access to production, training and simulation environments.
- Interface to asset management system to monitor and track ITS devices for maintenance, failures, uptime, downtime, etc.
- NITTEC will receive bi-monthly releases of ATMS software
 - This guards against system obsolescence and ensures evolving functionality
- Software releases include IBI investments in product architecture and system enhancements.
- NITTEC reserves the option to accept or refuse major system capability changes through the implementation of “software feature switches”. New features or capabilities will not be forced upon NITTEC users.
- Above enhancements will use the current server hardware on site at NITTEC.

SURFACE 4. C. (4)

The consultant will be responsible for maintenance, support, and enhancements to the Crossroads system. Additional tasks may be identified and completed during the term of this contract at a value not to exceed \$395,000 for the total cost of all tasks.

IBI Group installed the NITTEC ATMS under a contract with the New York State Department of Transportation. The system that IBI installed includes proprietary software. In accordance with the NFTA Procurement Guidelines, this is based on single source conditions. The use of IBI Group for this effort is critical because of the propriety nature of the software and their knowledge of the system configurations and operations.

NITTEC is a coalition of multiple agencies in Western New York and Southern Ontario that share the goal of improving traffic mobility, reliability, and safety on the regional, bi-national, and multi-modal transportation network. The system includes the international border crossings between Canada and the United States in the Western New York and South Ontario region.

It is appropriate for the NFTA to enter into an agreement on behalf of NITTEC since it serves as the Host agent for all types of NITTEC monies.

FUNDING: Consultant funds identified specifically for Consultant services to complete the referenced tasks are included in the NITTEC SFY 2020-2021 Budget and a portion of the funds will be from the NITTEC Revolving Loan Fund interest monies. The contract period shall be from Notice to Proceed until March 31, 2021.

“RESOLVED, that the Board of the NFTA, which serves as the host agency for NITTEC, hereby authorizes an Agreement with IBI Group, for maintenance, support and enhancement of the NITTEC ATMS Crossroads.

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

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

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

SURFACE 4. C. (4)

5. General Counsel Report: NONE
6. Executive Session: NONE
7. Adjournment

At approximately 2:05 p.m., the Chair indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Perry seconded by Commissioner Durand and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: ROCHE, DEMAKOS, DURAND, GURNEY, ANSARI, AUL,
PERRY, WILCOX**

NOES: NONE

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