

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
DECEMBER 10, 2020 12:30 PM**

1. REGULAR BOARD MEETING – DECEMBER 10, 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 December 10, 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.

- A. Call to Order
- B. Executive Director's Report
- C. Approval of Minutes

2. NFTA CORPORATE REPORT

- A. Audit, Governance and Finance Committee Report (Acting Chair)
- B. Consolidated Financials (John Cox)
- C. Corporate Resolutions (Kim Minkel)
 - 1. Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., Fiscal Year 2021/2022 NFTA, Metro
 - 2. Authorization for Agreement, ClearSky, Technical Support Services, NFTA
 - 3. Authorization for Settlement, Richard Schlueter v. Niagara Frontier Transit Metro System, Inc. and Cleveland J. Chiles, Metro
 - 4. Authorization for Settlement, Lagayette Washington v Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, Metro
 - 5. Authorization for Term Agreement, Grove Roofing Services, Roofing Repairs, NFTA and Metro
 - 6. Authorization for Lease Agreement, D1AL LLC, 485 Cayuga Road, NFTA
 - 7. Authorization for Lease Agreement, Recovery Management Solutions (RMS), 485 Cayuga Road, NFTA
 - 8. Authorization for Lease Agreement, Accounts Interchange Group LLC (AIG), 485 Cayuga Road, NFTA
 - 9. Authorization for Lease Agreement, JECA Energy Bar Company, 485 Cayuga Road, NFTA
 - 10. Authorization for Lease Agreement, Westmatic Corporation, 485 Cayuga Road, NFTA

3. AVIATION BUSINESS GROUP REPORT

- A. Aviation Committee Report (Adam Perry)
- B. Financial and Business Update (Bill Vanecek)
- C. Aviation Resolutions (Kim Minkel)
 - 1. Authorization for Agreement, DiDonato Associates Engineering and Architecture, P.C., Runway Design Services, BNIA
 - 2. Authorization for Supplemental Agreement, JE Architects/Engineers PC, Design Support Services, BNIA
 - 3. Authorization for Change Order No. 17, Pike Company, Baggage Claim Expansion Project, BNIA
 - 4. Authorization for Amendment, ALD Development Corp, Common Use Airport Lounge, BNIA
 - 5. Authorization for Operating Agreement, OnCore Aviation LLC, Flight School, BNIA
 - 6. Authorization for License Agreement, Independent Taxi Association of Buffalo, Taxi Services, BNIA

4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT

A. Surface Transportation Committee Report (Michael Hughes)

B. Financial and Business Update (Tom George)

C. Surface Transportation Resolutions (Kim Minkel)

1. Authorization for Agreement, Erie Radiator and Core Sales, Inc., Diesel Particulate Trap Cleaning, Metro

5. GENERAL COUNSEL REPORT (David State)

6. OPERATIONAL HIGHLIGHTS

7. EXECUTIVE SESSION

8. ADJOURNMENT

1. **CALL TO ORDER**

A. **Meeting Called to Order**

The Chair called the meeting to order at approximately 12:33 p.m.

B. **Approval of Attendance and Minutes of the NFTA Regular Board Meeting held on October 22, 2020 and the Special Meeting held on November 19, 2020**

It was moved by Commissioner Perry, seconded by Commissioner Persico, that the Attendance and Minutes of the October 22, 2020 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., and the Attendance and Minutes of the November 19, 2020 Special Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

**AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, PERRY, PERSICO,
WILCOX**

NOES: NONE

ADOPTED

C. Executive Director Report:

Executive Director Kimberley Minkel recapped some of the Authority's highlights looking back over the past year.

This year has been a challenge. The year started with a water main break that flooded our Delevan station, shutting down service for days. It took over 4 days of pumping water around the clock and tremendous work from our rail team to restore service. In February, the Executive Director indicated that this was worst disaster that Metro had to respond to in their history. That was until the pandemic.

In mid-March, we immediately established a COVID-19 response and business continuity plan that included enhanced cleaning, administrative controls, and engineering controls. We required the use of personal protective equipment. Our communication team was constantly working on messaging and keeping the public informed on the numerous protocols. It was critical that we do everything we can to protect our employees and the public we serve. The financial effects of the pandemic were evident, and we worked with our vendors and tenants, reviewing bankruptcy protection and flexibility to sustain all of us during this difficult time. We established a \$45 million line of credit to help with cash flow challenges and renegotiated procurements to save money.

Despite the pandemic, there has been tremendous advancements on key projects. We opened 3 new Fisher Price play areas at BNIA. We modernized the elevators in the parking garage. We signed a new Fixed Base Operator at BNIA and opened flight schools at both airports. A new food concession "Market on Elmwood" opened in the Buffalo terminal. We topped off the west end expansion at BNIA Airport and completed the first baggage carousel 5 months ahead of schedule.

In our Metro operations the Board approved the draft environmental impact statement as we advanced our Light Rail Extension project through the NEPA process. Today we have 26 out of 27 rail cars that have been rebuilt and are in service. We advanced the track and catenary work at the DL&W terminal and started the design of a new station in this facility. Working with Albright Knox, we started a two-year public art campaign that appears the DL&W terminal walls.

Building on our blueprint for the future, we advanced several key green initiatives. We started expansion of our subsurface engineered wetland used to treat spent deicing fluid. We also advanced our electric bus program supporting the Governor's initiative for electric buses by completing specifications for the charging infrastructure within cold spring facility and issuing an RFP for electric buses.

NYS gave us an A+ rating on our MWBE program. We had over 30% MWBE participation including almost \$10 million spent with 58 different MWBE suppliers. We created our Diversity and Inclusion Council, and the board approved a naming tribute to Robert T Coles at our Utica Station.

Our employees have done an incredible job as it relates to safety. We completed our Public Transportation Agency Safety Plan 5 months ahead of the FTA deadline. We are on track to have

one of the best safety years on record. Vehicle incidents are down along with reportable accidents and days away from work. Because of this work had a \$5.9 million favorable worker's compensation adjustment.

During this year, we settled two labor agreements. We hired 40 new operators and 12 mechanics and trained them in our new Metro Bus Training and Instruction facility. We set up a process to work towards Accreditation for our Police. We upgraded body camera's and reduced police OT by 24%. And sadly, our first responders responded to three suicide attempts, one homicide, a parental kidnapping and one accidental death in our system this year.

Our employees are recognized among the best. Our airport field employees received first place honors for the Balchen Post Award for outstanding achievement in snow and ice control at both airports. The FAA airfield inspection was the highest rating in 7 years, our communications team received 3 APTA Adwheel Gold Awards, and our LRT was recognized with the coveted safety Gold Award from APTA.

We provided thousands of N95 respirators to health care workers and we continue to transport thousands of meals to those in need through various Community Food programs and the Buffalo Board of Education.

All that has been accomplished this year is due to the support of our Board and the incredible work of our 1,600 employees who always go above and beyond.

The Executive Director expressed pride to be a part of this organization. She took a moment to express her sincere gratitude to our employees, and especially her leadership team. Transportation has always been a dangerous job. Our employees are exposed to all sorts of hazards that has been made even more challenging with the coronavirus. Nevertheless, these employees realize the importance of the work they do and why our services are so essential.

She then thanked the Board for their continued support and wished everyone a happy holiday season and a prosperous New Year.

2. NFTA CORPORATE REPORT

- A. Audit, Governance and Finance Committee Report
- B. Consolidated Financial
- C. Corporate Resolutions

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

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	1,679	695	(984)
Revenues and Operating Assistance			(2,101)
Expenses			2,090
Non-Operating/Capital			(972)
			<u>(984)</u>
OPER REVENUES & ASST	21,262	19,161	(2,101)
Metro Passenger Fares - decreased ridership and no Buffalo Public Schools revenue			(1,780)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail revenues			(1,725)
NFIA Concessions/Commissions - decreased parking lot and auto rental revenues			(140)
Erie County Sales Tax			(554)
State - STOA - estimated reduction from New York State			(1,400)
Federal - FTA & FAA CARES Act			3,539
All Other			(42)
			<u>(2,101)</u>
TOTAL OPER EXPENSES	18,204	16,115	(2,090)
Personnel Services			
Metro - service modifications, unanticipated vacancies and lower overtime, instruction labor and student operator labor			(909)
BNIA - lower overtime, temporary help and unanticipated vacancies			(111)
Central Admin - vacancies, lower police and engineering overtime			(72)
All Other			(25)
			<u>(1,116)</u>
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance, facility and rail contract costs			(41)
BNIA - lower service costs, major facility repairs, automotive and environmental expenses			(181)
NFIA - lower facility maintenance costs, automotive and environmental expenses			(38)
Transportation Centers - lower materials/supplies/service costs at MTC			(33)
All Other			8
			<u>(285)</u>
Metro Transit Fuel/Power - lower diesel and gasoline costs			(137)
Insurance & Injuries			
Metro - lower insurance premiums			(41)
All Other			(14)
			<u>(55)</u>
General Business/Other			
BNIA - lower outside service costs and training expenses			(378)
NFIA - lower outside service costs			(22)
All Other			(3)
			<u>(402)</u>
All Other			(94)
			<u>(2,090)</u>
NON-OPERATING/CAPITAL	(1,379)	(2,351)	(972)
Capital			
Metro			(253)
BNIA			(14)
Central Admin			(14)
All Other			(2)
			<u>(283)</u>
Non-Operating			
Metro - SIF Reserve Funding			(800)
BNIA Operating Expense Reserve			113
All Other			(2)
			<u>(689)</u>
			<u>(972)</u>

NFTA/METRO
KEY ITEM REPORT
OCTOBER 2020

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	<u>Oct 2020</u> <u>Budget</u>	<u>Oct 2020</u> <u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	9,920	6,016	(3,904)	-39.4%
Operating Assistance	11,342	13,146	1,803	15.9%
Total Oper. Revenues & Assistance	21,262	19,161	(2,101)	-9.9%
Personnel Services	13,987	12,871	(1,116)	-8.0%
Maintenance & Repairs	1,745	1,460	(285)	-16.3%
Transit Fuel/Power	408	271	(137)	-33.5%
Utilities	301	262	(39)	-13.1%
Insurance & Injuries	438	383	(55)	-12.6%
Safety & Security	1,229	1,186	(43)	-3.5%
General Business/Other	2,708	2,306	(402)	-14.9%
Other	(2,613)	(2,624)	(11)	-0.4%
Total Operating Expenses	18,204	16,115	(2,090)	-11.5%
Operating Income/(Loss)	3,058	3,047	(11)	-0.4%
Non-Operating/Capital	(1,379)	(2,351)	(972)	-70.5%
Net Surplus/(Deficit)	1,679	695	(984)	-58.6%

NFTA/METRO YEAR TO DATE OCTOBER 2020 PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	7,858	6,928	(930)
Revenues and Operating Assistance			(10,041)
Expenses			11,744
Non-Operating/Capital			(2,633)
			(930)
OPER REVENUES & ASST	143,190	133,150	(10,041)
Metro Passenger Fares - no fares collected April 1st through June 28th; decreased ridership and no Buffalo Public Schools revenue			(14,590)
BNIA Airport Fees & Services - lower compensatory billings based on decreased expenses			(700)
BNIA Rental Income - decreased compensatory airline billings due to lower direct expenses			(881)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail/other revenues; significantly decreased enplanements			(12,067)
BNIA Resales & Rebillings - decreased fuel farm and electric billings			(174)
NFIA Concessions/Commissions - decreased parking lot, ride share, auto rental and retail revenues; significantly decreased enplanements			(976)
Erie County Sales Tax			(1,402)
State - STOA - estimated reduction from New York State			(9,800)
Federal - FTA & FAA CARES Act			30,617
All Other			(68)
			(10,041)
TOTAL OPERATING EXPENSES	124,637	112,894	(11,744)
Personnel Services			
Metro - service modifications, unanticipated vacancies and lower overtime, instruction labor and student operator labor			(2,632)
BNIA - lower overtime, temporary help and unanticipated vacancies			(797)
NFIA - lower overtime and temporary help			(104)
Transportation Centers - lower overtime at MTC and NFITC			(62)
Central Admin - vacancies, lower police, engineering and Metro support overtime			(1,001)
All Other			(27)
			(4,624)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance, facility and rail contract costs			(449)
BNIA - lower service costs, baggage maintenance, automotive and landscaping expenses			(1,052)
NFIA - lower facility maintenance costs, major repairs and environmental expenses			(134)
Transportation Centers - lower materials/supplies/service costs at MTC			(76)
Central Admin - lower police materials/supplies/service costs and automotive expenses			(63)
All Other			(15)
			(1,790)
Metro Transit Fuel/Power - lower diesel, gasoline and CNG costs			(934)
Utilities			
Metro - lower electric and gas billings			(112)
BNIA - lower electric and water billings			(183)
Transportation Centers - lower electric billings at MTC and NFITC			(32)
All Other			(20)
			(348)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations and insurance premiums			(517)
Central Admin - lower police claim loss reserves and insurance premiums			(42)
All Other			(34)
			(593)
General Business/Other			
Metro - lower outside service costs, advertising, training and general office expenses			(730)
BNIA - lower outside service costs, advertising, training/travel and general office expenses			(2,600)
NFIA - lower outside service costs and advertising expenses			(299)
Central Admin - higher MIS/technology expenses, partially offset by lower outside service costs			157
			(3,472)
All Other			19
			(11,744)
NON-OPERATING/CAPITAL	(10,695)	(13,328)	(2,633)
Capital			
Metro			(432)
BNIA			(23)
Transportation Centers			(57)
Central Admin			(168)
All Other			(2)
			(682)
Non-Operating			
Metro - SIF Reserve Funding			(2,800)
BNIA Operating Expense Reserve			807
All Other			42
			(1,951)
			(2,633)

NFTA/METRO
KEY ITEM REPORT
OCTOBER YTD 2020

(\$000 Omitted)

<u>YTD ACTUAL TO BUDGET</u>	<u>Oct 2020</u> <u>YTD Budget</u>	<u>Oct 2020</u> <u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	66,447	36,784	(29,663)	-44.6%
Operating Assistance	76,744	96,366	19,622	25.6%
Total Oper. Revenues & Assistance	143,190	133,150	(10,041)	-7.0%
Personnel Services	94,673	90,050	(4,624)	-4.9%
Maintenance & Repairs	12,376	10,585	(1,790)	-14.5%
Transit Fuel/Power	2,745	1,810	(934)	-34.0%
Utilities	2,447	2,098	(348)	-14.2%
Insurance & Injuries	3,067	2,474	(593)	-19.3%
Safety & Security	8,421	7,924	(497)	-5.9%
General Business/Other	18,859	15,387	(3,472)	-18.4%
Other	(17,951)	(17,435)	516	2.9%
Total Operating Expenses	124,637	112,894	(11,744)	-9.4%
Operating Income/(Loss)	18,553	20,256	1,703	9.2%
Non-Operating/Capital	(10,695)	(13,328)	(2,633)	-24.6%
Net Surplus/(Deficit)	7,858	6,928	(930)	-11.8%

NFTA/METRO
BUSINESS CENTERS
NET SURPLUS/(DEFICIT)
OCTOBER YTD 2020

(\$000 Omitted)

	<u>Oct 2020</u> <u>YTD Budget</u>	<u>Oct 2020</u> <u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
NFTA				
BNIA	4,623	3,624	(999)	-21.6%
NFIA	(1,095)	(1,095)	0	0.0%
Transportation Centers	(713)	(772)	(59)	-8.2%
Property Development	246	374	128	52.0%
NFTA Total	3,061	2,131	(930)	-30.4%
Metro	4,796	4,796	(0)	0.0%
NFTA/Metro	7,858	6,928	(930)	-11.8%

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

	Oct 2019 Actual	Oct 2020 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	306	695	390
Revenues and Operating Assistance			(1,230)
Expenses			2,185
Non-Operating/Capital			(565)
			<u>390</u>
OPER REVENUES & ASST	20,391	19,161	(1,230)
Metro Passenger Fares - decreased ridership and no Buffalo Public Schools revenue in FYE21			(1,765)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail revenues; significantly decreased enplanements in FYE21			(1,757)
Local - 18b Match			(68)
Erie County Sales Tax			(196)
Mortgage Tax			272
State - STOA - estimated reduction from New York State			(1,193)
Federal - FTA & FAA CARES Act			3,539
All Other			(61)
			<u>(1,230)</u>
TOTAL OPERATING EXPENSES	18,299	16,115	(2,185)
Personnel Services			
Metro - modified service in FYE21, vacancies and decreased overtime, instruction labor and student operator labor		(706)	
All Other		40	(666)
Maintenance & Repairs			
Metro - higher revenue and non-revenue vehicle maintenance costs		71	
BNIA - lower materials/supplies/services, major repairs and automotive expenses		(405)	
NFIA - timing of annual pavement maintenance in FYE20		(236)	
All Other		(8)	(577)
Metro Transit Fuel/Power - lower diesel and gasoline costs			(121)
Insurance & Injuries			
Metro - decreased claim loss reserve appropriations and insurance premiums		(162)	
All Other		16	(145)
General Business/Other			
Metro - lower outside service costs, advertising and training expenses		(93)	
BNIA - lower outside service costs, advertising and training/travel expenses		(442)	
NFIA - lower outside service costs and advertising expenses		(78)	
Central Admin - higher outside service costs		28	
All Other		8	(576)
All Other			(99)
			<u>(2,185)</u>
NON-OPERATING/CAPITAL	(1,786)	(2,351)	(565)
Capital			
Metro		(62)	
BNIA		45	
Property Development		98	
Central Admin		(98)	
All Other		10	(7)
Non-Operating			
Metro - SIF Reserve Funding		(800)	
BNIA ADF Funding		139	
BNIA Operating Expense Reserve		100	
All Other		3	(558)
			<u>(565)</u>

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

(\$000 Omitted)

<u>MONTH PRIOR YEAR COMPARISON</u>	Oct 2019	Oct 2020	Variance	%
	<u>Actual</u>	<u>Actual</u>		
Operating Revenues	9,600	6,016	(3,584)	-37.3%
Operating Assistance	10,792	13,146	2,354	21.8%
Total Oper. Revenues & Assistance	20,391	19,161	(1,230)	-6.0%
Personnel Services	13,537	12,871	(666)	-4.9%
Maintenance & Repairs	2,038	1,460	(577)	-28.3%
Transit Fuel/Power	392	271	(121)	-30.8%
Utilities	268	262	(6)	-2.2%
Insurance & Injuries	528	383	(145)	-27.5%
Safety & Security	1,176	1,186	11	0.9%
General Business/Other	2,882	2,306	(576)	-20.0%
Other	(2,520)	(2,624)	(104)	-4.1%
Total Operating Expenses	18,299	16,115	(2,185)	-11.9%
Operating Income/(Loss)	2,092	3,047	955	45.6%
Non-Operating/Capital	(1,786)	(2,351)	(565)	-31.6%
Net Surplus/(Deficit)	306	695	390	127.4%

NFTA/METRO YEAR TO DATE OCTOBER PERFORMANCE
 FYE 2021 vs. FYE 2020
 (\$000's)

	Oct 2019 YTD Actual	Oct 2020 YTD Actual	VARIANCE
NET SURPLUS/(DEFICIT)	4,905	6,928	2,023
Revenues and Operating Assistance			(4,952)
Expenses			8,606
Non-Operating/Capital			(1,631)
			<u>2,023</u>
OPER REVENUES & ASST	138,101	133,150	(4,952)
Metro Passenger Fares - no fares collected April 1st through June 28th of FYE21; ridership down significantly in FYE21			(14,541)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail revenues; significantly decreased enplanements in FYE21			(12,381)
NFIA Concessions/Commissions - decreased parking lot, ride share, auto rental and retail revenues; significantly decreased enplanements in FYE21			(812)
Erie County Sales Tax			(618)
Mortgage Tax			1,019
State - STOA - estimated reduction from New York State			(8,351)
Federal - FTA & FAA CARES Act			30,617
All Other			115
			<u>(4,952)</u>
TOTAL OPERATING EXPENSES	121,500	112,894	(8,606)
Personnel Services			
Metro - modified service in FYE21, vacancies, and decreased overtime, instruction labor and student operator labor		(2,562)	
BNIA - lower overtime and temporary help		(300)	
All Other		35	(2,826)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance and facility costs		(179)	
BNIA - lower materials/supplies/services, baggage maintenance, automotive and landscaping expenses		(494)	
NFIA - lower materials/supplies cost, facility maintenance, major runway repairs and environmental expenses; timing of annual pavement maintenance in FYE20		(419)	
Transportation Centers - lower materials/supplies/service cost at MTC and NFITC		(108)	
Property Development - lower service costs at 485 Cayuga		(84)	
All Other		(1)	(1,285)
Metro Transit Fuel/Power - lower diesel and gasoline costs			(842)
Utilities			
BNIA - lower electric and water billings		(139)	
All Other		16	(123)
Insurance & Injuries			
Metro - decreased claim loss reserve appropriations and insurance premiums		(1,120)	
BNIA - increased insurance premiums		77	
Central Admin - higher police claim loss reserves		31	
All Other		18	(995)
General Business/Other			
Metro - lower outside service costs, advertising and training expenses		(316)	
BNIA - lower outside service costs, advertising and training/travel expenses		(2,467)	
NFIA - lower outside service costs and advertising expenses		(269)	
Central Admin - timing of MIS/technology expenses and contracts in FYE21		546	
All Other		24	(2,482)
All Other			(54)
			<u>(8,606)</u>
NON-OPERATING/CAPITAL	(11,697)	(13,328)	(1,631)
Capital			
Metro		412	
BNIA		150	
Property Development		(179)	
Central Admin		(892)	
All Other		(64)	(571)
Non-Operating			
Metro - SIF Reserve Funding		(2,800)	
BNIA ADF Funding		976	
BNIA Operating Expense Reserve		688	
All Other		76	(1,060)
			<u>(1,631)</u>

NFTA/METRO
KEY ITEM REPORT
FYE 2021 vs. FYE 2020
OCTOBER YTD

(\$000 Omitted)

	Oct 2019	Oct 2020		
	Prior	Current		
<u>YTD PRIOR YEAR COMPARISON</u>	<u>YTD Actual</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	63,941	36,784	(27,157)	-42.5%
Operating Assistance	74,160	96,366	22,205	29.9%
Total Oper. Revenues & Assistance	138,101	133,150	(4,952)	-3.6%
Personnel Services	92,876	90,050	(2,826)	-3.0%
Maintenance & Repairs	11,870	10,585	(1,285)	-10.8%
Transit Fuel/Power	2,652	1,810	(842)	-31.7%
Utilities	2,221	2,098	(123)	-5.5%
Insurance & Injuries	3,468	2,474	(995)	-28.7%
Safety & Security	8,126	7,924	(202)	-2.5%
General Business/Other	17,869	15,387	(2,482)	-13.9%
Other	(17,584)	(17,435)	148	0.8%
Total Operating Expenses	121,500	112,894	(8,606)	-7.1%
Operating Income/(Loss)	16,601	20,256	3,655	22.0%
Non-Operating/Capital	(11,697)	(13,328)	(1,631)	-13.9%
Net Surplus/(Deficit)	4,905	6,928	2,023	41.3%

NIAGARA FRONTIER TRANSPORTATION AUTHORITY

MISSION STATEMENT

The Niagara Frontier Transportation Authority is a multimodal entity encompassing a skilled and dedicated work force. We are firmly committed to providing efficient and professional transportation services that enhance the quality of life throughout the Buffalo Niagara region in a manner consistent with the needs of our community.

Today, we are presenting a preliminary, balanced budget for FYE 2022 that reflects the Authority's mission and that of each of the strategic business units and is consistent with NFTA's Strategic Plan. The budget will be submitted to New York State by December 31, 2020.

The budget includes: cost control measures and projects, technology improvements and operational impacts from the ongoing COVID-19 pandemic. The NFTA/Metro combined budget is \$248.5 million. The overall budget is summarized below by business center.

**FYE 22 Budget vs. FYE 21 Budget
Net Surplus/ (Deficit)**

	FYE 21 BUDGET	FYE 22 BUDGET	VARIANCE	%
BNIA	3,047,471	0	(3,047,471)	-100.0%
NFIA	<u>(2,804,995)</u>	<u>0</u>	<u>2,804,995</u>	<u>-100.0%</u>
Total Aviation	<u>242,476</u>	<u>0</u>	<u>(242,476)</u>	<u>-100.0%</u>
Metro	1,351,072	2,514,980	1,163,908	86.1%
Transportation Centers	<u>(1,631,907)</u>	<u>(2,514,980)</u>	<u>(883,073)</u>	<u>54.1%</u>
Total Surface Transportation	<u>(280,835)</u>	<u>0</u>	<u>280,835</u>	<u>-100.0%</u>
Property Development	<u>38,359</u>	<u>0</u>	<u>(38,359)</u>	<u>-100.0%</u>
NFTA/Metro Combined	0	0	0	n/a

**FYE 2021/22 ANNUAL OPERATING & CAPITAL BUDGET HIGHLIGHTS,
COMPARING THE FYE 21 BUDGET TO FYE 22 BUDGET**

- Metro base fare remains the same at \$2.00 (no increase in 9 years).
- New York State Operating Assistance remains flat at \$61,109k.
- Total Federal Operating Assistance to increase \$45,160k, or 200.6%, primarily due to additional Federal assistance for operating expenses during the ongoing impact of the COVID-19 pandemic and a portion of FAA CARES Act funds to be recognized in FYE 22.
- Erie County Sales Tax is anticipated to decrease \$1,575k or 7.0%, based on county projections and recent trends.
- Mortgage Tax is anticipated to remain at FYE 21 level of \$11,534k, consistent with recent trends.
- BNIA and NFIA are assuming significant decreases in enplanements caused by the ongoing impact of the COVID-19 pandemic, resulting in lower concessions/commissions revenue.
- NFTA/Metro no additional budgeted positions.
- NFTA/Metro contractual/step increases reflective of labor agreements.
- Metro fringe benefit rate at 88.2%; NFTA fringe benefit rate at 57.0%.
- NFTA/Metro health insurance costs are increasing 5.0%, consistent with our FYE 21 forecast and recent trends.
- NFTA/Metro workers' compensation costs are increasing 5.0%.
- NFTA/Metro maintenance and repairs are decreasing \$1,774k, or 7.7%, as lower BNIA major facility repairs, automotive costs, environmental expenses and NFIA major repairs all contribute to the variance.
- Metro transit fuel/power expenses are decreasing \$1,035k, or 21.9%, as FYE 22 diesel market prices are projected to average below the FYE 21 budget. Also included in the budget is rail traction costs that are based on our energy consultant's estimates.
- NFTA/Metro general business/other is decreasing \$2,906k, or 8.6%, due to lower BNIA parking lot/ramp operating costs, advertising expenses, NFIA parking lot operating costs and advertising expenses.

AVIATION

AVIATION MISSION

Aviation serves as a catalyst for economic growth by maintaining cost effective, customer oriented, and efficient airports to attract and retain comprehensive and competitive air transportation services.

BUFFALO NIAGARA INTERNATIONAL AIRPORT (BNIA)

	FYE 21 Budget	FYE 22 Budget	Dollar Variance	Percentage Variance
Operating Rev & Asst	68,562,295	64,937,603	(3,624,692)	-5.3%
Operating Expenses	48,860,244	44,011,989	(4,848,255)	-9.9%
Operating Income/(Loss)	19,702,051	20,925,614	1,223,563	6.2%
Non-operating/Capital	(16,654,580)	(20,925,614)	(4,271,034)	25.6%
Net Surplus/(Deficit)	3,047,471	0	(3,047,471)	-100.0%

BNIA will continue to maintain a competitive air service environment with a diversification of airlines. The FYE 22 budget assumes a 57% decrease in enplanements from the FYE 21 budget caused by the ongoing COVID-19 pandemic, resulting in concessions/commissions revenue to decrease \$13,626k, or 46.1%, from the FYE 21 budget.

Compensatory revenue is decreasing 8.2% while our expenses are declining 9.9%. Decreases in overtime costs, along with lower maintenance and repair expenses, as decreasing materials/supplies/service costs, automotive, major facility repairs, environmental, landscaping and parking lot/ramp operating costs, highlight the expense variance.

Operating Assistance of \$13,514k consists of additional Federal operating assistance for operating expenses during the ongoing COVID-19 pandemic and a portion of FAA CARES Act funds to be recognized in FYE 22.

Non-operating/capital costs are increasing 25.6% as PFC funds allocated to debt service payments are lower and an anticipated decrease in interest income contribute to the variance.

Key capital projects include:

- Terminal Enhancement Project
- Aircraft De-icing Containment Facility Expansion
- Runway 5/23 Rehabilitation and Improvements

NIAGARA FALLS INTERNATIONAL AIRPORT (NFIA)

	FYE 21 Budget	FYE 22 Budget	Dollar Variance	Percentage Variance
Operating Rev & Asst	2,918,812	4,877,405	1,958,593	67.1%
Operating Expenses	6,576,935	5,463,248	(1,113,687)	-16.9%
Operating Income/(Loss)	(3,658,123)	(585,843)	3,072,280	-84.0%
Non-operating/Capital	853,128	585,843	(267,285)	-31.3%
Net Surplus/(Deficit)	(2,804,995)	0	2,804,995	-100.0%

The NFIA has a positive economic impact on the Niagara region. This joint use facility with the US Air Force Reserves will continue to assist the Niagara Falls Airbase to maintain its presence in the region.

The budget for FYE 22 reflects a decrease in operating revenues of \$2,039k, or 69.9%, reflective of lower parking, auto rental, ride share and retail revenues as a result of a decrease in expected enplanements of 71% from the FYE 21 budget, caused by the ongoing impact of the COVID-19 pandemic.

Key to the balanced FYE 22 budget for NFIA is the assumption of \$3,998k of additional Federal COVID-19 relief funds.

Operating expenses are declining 16.9%, primarily due to decreases in overtime costs, major repairs and advertising expenses, along with anticipated decrease in parking lot operating costs.

Non-operating revenues are decreasing by \$1,303k (BNIA signatory airlines reimbursement to NFIA was \$250k of NFIA'S net deficit for FYE 21; it is phased out completely effective FYE 22). Also contributing to the variance is the FYE 21 budget included ADF funds for Rainbow Industrial Building acquisition.

Key capital projects include:

- Taxiway D Rehab Construction
- Continuation of the Obstruction Removal Program

SURFACE TRANSPORTATION

SURFACE TRANSPORTATION MISSION

The mission of the Surface Transportation Division is to enhance the quality of life of residents and visitors by providing the highest level of safe, clean, affordable, responsive, and reliable transportation through a coordinated and convenient bus and rail system.

METRO CONSOLIDATED

	FYE 21 Budget	FYE 22 Budget	Dollar Variance	Percentage Variance
Operating Revenues	36,757,446	21,350,967	(15,406,479)	-41.9%
Operating Assistance	128,976,441	150,021,641	21,045,200	16.3%
Total Oper. Revs & Asst.	165,733,887	171,372,608	5,638,721	3.4%
Operating Expenses	157,982,278	159,667,339	1,685,061	1.1%
Operating Income/(Loss)	7,751,609	11,705,269	3,953,660	51.0%
Non-operating/Capital	(6,400,537)	(9,190,289)	(2,789,752)	43.6%
Net Surplus/(Deficit)	1,351,072	2,514,980	1,163,908	86.1%

METRO TRANSPORTATION CENTERS

	FYE 21 Budget	FYE 22 Budget	Dollar Variance	Percentage Variance
Operating Revenues	2,563,263	2,602,064	38,801	1.5%
Operating Expenses	3,682,582	3,972,607	290,025	7.9%
Operating Income/(Loss)	(1,119,319)	(1,370,543)	(251,224)	22.4%
Non-operating/Capital	(512,588)	(1,144,437)	(631,849)	123.3%
Net Surplus/(Deficit)	(1,631,907)	(2,514,980)	(883,073)	54.1%

METRO CONSOLIDATED & TRANSPORTATION CENTERS

NET SURPLUS (DEFICIT)

	FYE 21 Budget	FYE 22 Budget	Dollar Variance	Percentage Variance
Metro Consolidated	1,351,072	2,514,980	1,163,908	86.1%
Metro Transp. Ctrs.	(1,631,907)	(2,514,980)	(883,073)	54.1%
Metro Total	(280,835)	0	280,835	-100.0%

The Metro Consolidated budget has no increase in the base fare for the 9th straight year. Revenues are decreasing \$15,406k, reflective of anticipated lower ridership due to the impact of the COVID-19 pandemic, as well as decreases for advertising revenue.

Key to the FYE 22 budget is the assumption of additional Federal assistance for operating expenses during the ongoing impact of the COVID-19 pandemic.

The NFTA continues to work with the New York Public Transit Association and private-sector transit advocates in pursuit of a non-MTA transit capital plan and sustainable growth in State Transit Operating Assistance.

Expenses are increasing \$1,685k, or 1.1%, as increases in fringe costs and contractual salaries, along with higher maintenance and repair costs, such as revenue vehicle maintenance expenses, and higher support labor costs, contribute to the variance. Also, our diesel fuel is budgeted at an average cost of \$1.92/gallon.

Key capital projects include:

- Continued DL&W Terminal Design/Construction
- New Buses
- Electric Bus Infrastructure Upgrades
- Rail Fastener and Pad Replacement (Phase 10)
- Fare Collection System Replacement
- Rail Station Escalator Replacement
- Delavan & University Station Exterior Rehabilitation
- Rail Station Panel Liner Rehabilitation (Phase III)

PROPERTY DEVELOPMENT

PROPERTY DEVELOPMENT MISSION STATEMENT

The mission of Property Development is to manage and develop the NFTA owned real property to optimize the generation of self-supporting discretionary revenue to support our transportation businesses while fostering economic growth.

	<u>FYE 21</u> <u>Budget</u>	<u>FYE 22</u> <u>Budget</u>	<u>Dollar</u> <u>Variance</u>	<u>Percentage</u> <u>Variance</u>
Operating Revenues	3,848,457	3,971,298	122,841	3.2%
Operating Expenses	2,838,052	2,903,470	65,418	2.3%
Operating Income/(Loss)	1,010,405	1,067,828	57,423	5.7%
Non-operating/Capital	(972,046)	(1,067,828)	(95,782)	9.9%
Net Surplus/(Deficit)	38,359	0	(38,359)	-100.0%

Property Development revenues increasing \$123k due to increase in anticipated rents.

Key capital projects include:

- 247 Cayuga Roof Replacement
- 485 Cayuga New Elevator
- 485 Cayuga Bay 1,2,3 Roof

CENTRAL ADMINISTRATION

SUPPORT SERVICES MISSION STATEMENT

The mission of Central Administration is to proactively provide high quality, coordinated, innovative, technological, cost-effective support service solutions for our internal and external stakeholders.

Central Administration consists of the Executive Branch, EEO/Diversity Development, General Counsel, Engineering, Public Affairs, Human Resources, and Finance and Administration.

	<u>FYE 21 Budget</u>	<u>FYE 22 Budget</u>	<u>Dollar Variance</u>	<u>Percentage Variance</u>
Operating Assistance	716,142	716,142	-	0.0%
Operating Expenses	17,880,155	18,694,599	814,444	4.6%
Operating Income/(Loss)	(17,164,013)	(17,978,457)	(814,444)	4.7%
Non-operating/Capital	(4,428,088)	(4,755,548)	(327,460)	7.4%
Net Surplus/(Deficit)	(21,592,101)	(22,734,005)	(1,141,904)	5.3%

FYE 22 Operating Assistance remains flat from FYE 21.

Operating Expenses are increasing due to higher fringe costs, contractual salaries, and includes higher MIS network equipment/maintenance costs and software license expenses.

Key capital projects include:

- MIS Ellipse Upgrade Phase 2
- MIS Lawson Upgrades/Expansion
- MIS Network Upgrades
- TAPD Police Vehicles

Corporate Resolutions

1. Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., Fiscal Year 2021/2022 NFTA, Metro
2. Authorization for Agreement, ClearSky, Technical Support Services, NFTA
3. Authorization for Settlement, Richard Schlueter v. Niagara Frontier Transit Metro System, Inc. and Cleveland J. Chiles, Metro
4. Authorization for Settlement, Lagayette Washington v Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, Metro
5. Authorization for Term Agreement, Grove Roofing Services, Roofing Repairs, NFTA and Metro
6. Authorization for Lease Agreement, DIAL LLC, 485 Cayuga Road, NFTA
7. Authorization for Lease Agreement, Recovery Management Solutions (RMS), 485 Cayuga Road, NFTA
8. Authorization for Lease Agreement, Accounts Interchange Group LLC (AIG), 485 Cayuga Road, NFTA
9. Authorization for Lease Agreement, JECA Energy Bar Company, 485 Cayuga Road NFTA
10. Authorization for Lease Agreement, Westmatic Corporation, 485 Cayuga Road, NFTA

CORPORATE:

2. C. (1) **Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., Fiscal Year 2021/2022**

RECOMMENDATION: Staff recommends that the Board adopt the Operating and Capital Budgets for the Niagara Frontier Transportation Authority (NFTA) and Niagara Frontier Transit Metro System, Inc. (Metro) for the fiscal year ending (FYE) March 31, 2022. The consolidated budget for FYE March 31, 2022 is \$248.5 million.

INFORMATION: The NFTA is a public benefit corporation of the State of New York created under Chapter 717 of the laws of 1967. The mission of the NFTA is to provide safe, efficient and professional transportation services that enhance the quality of life in the Buffalo Niagara region in a manner, consistent with the needs of our customers. To that end, the NFTA operates the Buffalo Niagara International Airport, Niagara Falls International Airport, various non-transportation property assets as managed by our Facilities & Property Group, Transportation Centers in the Cities of Buffalo and Niagara Falls, and through its subsidiary corporation, Metro, bus, paratransit and light rail transit systems in the counties served by the NFTA.

The NFTA adopts an annual budget covering its operations for the fiscal year that begins April 1 and extends through March 31 of the following calendar year. The budget for FYE March 31, 2022 is balanced and was prepared based on a management approach integrating financial and strategic requirements necessary for the continued operation of the Authority, as a whole.

As a comparison to the current year budget, the FYE March 31, 2022 budget assumes a \$34.4 million, or 30.0%, decrease in revenues from NFTA and Metro operations and a \$38.6 million, or 29.7%, increase in operating assistance.

The budget assumes a \$3.9 million decrease in operating expenses for FYE March 31, 2022, while providing for the continued efficient delivery of transportation services to the public and communities served by the NFTA and Metro without increasing transit fares to our customers.

Finally, the FYE March 31, 2022 budget includes \$17.4 million for net debt service and operating reserves related to the Buffalo Niagara International Airport Improvement Program (AIP) project, \$0.3 million in debt service for equipment lease financing for energy savings initiatives, and \$15.0 million in the NFTA equity share of our estimated capital spending total of \$116.0 million.

Metro includes passenger fare revenue reflective of decreased ridership due to the impact of the COVID-19 pandemic, as well as a decrease for advertising revenue. The Surface Transportation capital budget includes funds for continued DL&W terminal design/construction; new buses; electric bus infrastructure upgrades; fastener & pad replacement (phase 10) and fare collection replacement.

In the Aviation Division, Buffalo Niagara International Airport (BNIA) is assuming a decrease in enplanements resulting from the COVID-19 pandemic. Airport fees and services will be lower

due to the decreasing cost compensatory billings to the airlines reflecting lower direct expenses. Concessions/commissions are decreasing 46.1% as FYE March 31, 2022 includes lower parking lot/ramp, auto rental, taxi/ride share, food/retail and other concession revenues. Major capital projects at BNIA include the terminal enhancement project, aircraft de-icing containment facility expansion and runway 5/23 rehabilitation and improvements.

The Niagara Falls International Airport's (NFIA) budget includes lower parking, auto rental, ride share and retail revenues as a result of fewer expected enplanements from the ongoing impact of the COVID-19 pandemic. The capital budget includes funds for taxiway D rehabilitation and continuation of the obstruction removal program.

The Facilities and Property Group budget reflects the anticipated increase in rental income from higher rents. The budget also includes capital funds for the replacement of the 485 Cayuga bay 1, 2, 3 roof, rail station escalator replacement, Delavan & University station exterior rehab and rail station panel liner rehab (phase III).

The following are the budget assumptions and highlights, comparing the FYE 2021 budget to FYE 2022 budget:

- Metro base fare remains the same at \$2.00.
- New York State Operating Assistance remains the same at \$61,109k.
- Total Federal Operating Assistance to increase \$45,160k, or 200.6%, primarily due to additional Federal assistance for operating expenses during the ongoing impact of the COVID-19 pandemic and a portion of FAA CARES Act funds to be recognized in FYE 22.
- Erie County Sales Tax is anticipated to decrease \$1,575k or 7.0%, based on county projections and recent trends.
- Mortgage Tax is anticipated to remain at FYE 21 level of \$11,534k, consistent with recent trends.
- BNIA and NFIA are assuming a decrease in enplanements resulting from the ongoing impact of the COVID-19 pandemic.
- NFTA/Metro no additional budgeted positions.
- NFTA/Metro contractual/step increases reflective of labor agreements.
- Metro fringe benefit rate - 88.2%; NFTA fringe benefit rate - 57.0%.
- NFTA/Metro health insurance costs are increasing 5.0%, consistent with our FYE 21 forecast and recent trends.
- NFTA/Metro workers' compensation costs are increasing 5.0%.
- NFTA/Metro maintenance and repairs are decreasing \$1,774k, or 7.7%, as lower BNIA major facility repairs, automotive costs, environmental expenses and NFIA major repairs all contribute to the variance.
- Metro transit fuel/power expenses are decreasing \$1,035k, or 21.9%, as FYE 22 diesel market prices are projected to average below the FYE 21 budget. Also included in the budget is rail traction costs that are based on a consultant estimate.
- NFTA/Metro general business/other is decreasing \$2,906k, or 8.6%, due to lower BNIA parking lot/ramp operating costs, advertising expenses, NFIA parking lot operating costs and advertising expenses.

"RESOLVED, that the Operating and Capital Budgets of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., for the fiscal year ending March 31, 2022, be, and hereby are, adopted, as provided herein; and

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized during the course of the 2021-2022 fiscal year to establish, for non-represented employees, the appropriate salary levels consistent with the merit-based system for all new hires and to adjust, on the basis of performance, the salary level of all employees; and

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized during the course of the 2021-2022 fiscal year to establish, for represented employees, the appropriate step, within the budgeted salary grade, for all new hires and to adjust, on the basis of performance and as provided by the applicable collective bargaining agreements, the grade and step of all current employees."

Whereupon, it was moved by Commissioner Roche, seconded by Commissioner Perry, that the Resolution be adopted.

**AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, PERRY, PERSICO,
WILCOX**

NOES: NONE

CORPORATE:

2. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (2) through 2. C. (10)**

The Executive Director advised that Items 2. C. (2) through 2. C. (10) 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 Aul, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (2) through 2. C. (10) dated December 10, 2020 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, PERRY, PERSICO, WILCOX

NOES: NONE

ADOPTED

CORPORATE 2. C. (i)

CORPORATE:

2. C. (2) **Authorization for Agreement, ClearSky, Technical Support Services, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a one-year Agreement with ClearSky for the technical support of our Infor Lawson S3 Technologies and Applications which are used Authority wide. The support will be provided at a rate of \$12,400.00 per month, for a total of \$148,800.00. The Agreement will be effective January 1, 2021 through December 31, 2021.

INFORMATION: The Agreement provides for 80 hours per month of technical support for systems such as Infor Security, Microsoft, Oracle, BSI and Lawson among others. ClearSky will be providing issue resolution for these programs while acting as our Helpdesk for these systems. ClearSky currently provides this monthly service to the NFTA and has agreed to continue the support at the same cost, with no disruption or increase in cost. The Agreement includes the availability to rollover any unused hours in a given month, as some months require more or less support; a waiver of any start-up fees since ClearSky is our current provider; and a quarterly review to ensure the NFTA is receiving the service expected. The NFTA shall have discretion to cancel this agreement for any reason with a 30-day notice to ClearSky.

ClearSky is the vendor performing the upgrade to NFTA's Infor Lawson S3 Technologies and Applications. During the upgrade period, ClearSky is considered a sole source provider of the technical support services due to the complexities of contacting multiple vendors for support while the upgrade is in process. Using ClearSky as the technical support vendor during the upgrade will streamline the implementation of the upgrade and eliminate contacting multiple vendors for the support of our systems. ClearSky understands our setup and has unique experience working with our legacy systems and environments.

FUNDING: Funding is provided for in the operating budget.

“RESOLVED, that the Board hereby authorizes a one-year Agreement with ClearSky for technical support of our Infor Lawson S3 Technologies and Applications at a cost of \$148,800.00 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 an Agreement with ClearSky for the services, and on the terms, set forth 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 Chief Information Officer, that such payments are in order based upon receipt of all necessary supporting documentation.”

CORPORATE:

2. C. (3) **Authorization for Settlement, Richard Schlueter v. Niagara Frontier Transit Metro System, Inc. and Cleveland J. Chiles, Metro**

RECOMMENDATION: Staff recommends that the Board authorize payment of the settlement amount of \$190,000 in the matter of Richard Schlueter v. Niagara Frontier Transit Metro System, Inc. and Cleveland J. Chiles.

INFORMATION: A motor vehicle accident occurred at approximately 8:00 am on Friday, December 22, 2017 at the intersection of West Utica Street and Linwood Avenue, in the City of Buffalo, County of Erie, New York. The accident involved a 2011 Gillig bus driven by Cleveland Chiles and a 2016 Dodge Ram 2500 pickup truck operated by Richard Schlueter, age 59. Chiles was traveling east on West Utica Street and proceeded through a solid red traffic signal colliding with Schlueter, who was traveling north on Linwood Avenue, who also proceeded through a solid red traffic signal. It was indicated on the Police Accident Report that the contributing factors were driver distraction and inattention from both drivers. The bus was equipped with a digital video surveillance system and the footage of the accident was downloaded and preserved for litigation.

The bus sustained damage to the front bumper and bike rack in the amount of \$5,060.57, which was counterclaimed in the Schlueter action. The 2016 Dodge Ram sustained damage to the left rear side of the truck bed in the amount of \$6,386.38. The Schlueter vehicle was insured by GEICO, who commenced a subrogation action for the property damage. After completion of depositions and video review, GEICO and NFT Metro entered into a settlement agreement of 50/50 payment on each property damage claim. Releases were exchanged and the actions were discontinued. This resolution addresses the companion bodily injury claim commenced by Mr. Schlueter.

The Plaintiff testified at deposition that he stopped for a red light at the intersection and proceeded when the light changed to green. This was belied by both the bus video and an accident reconstructionist we retained who opined that the light was red for 1.4 seconds for the Schlueter vehicle when it proceeded through the intersection at a speed of 15 m.p.h.

The Plaintiff was transported to Buffalo General Hospital by ambulance where he was treated in the emergency room for right side low back and hip pain and was released. He followed up with his primary care physician and was ultimately referred to an orthopedic surgeon by his attorney, in light of chronic cervical complaints. After undergoing a course of physical therapy and pain management the Plaintiff underwent a C5-6 anterior cervical discectomy and fusion on February 22, 2019.

The Plaintiff also alleged he developed right shoulder complaints. An MRI performed on February 17, 2018 revealed AC joint arthropathy with subacromial spurring and impingement. He ultimately underwent arthroscopic subacromial decompression to repair a labral tear and supraspinatus tendon tear on January 13, 2020.

We retained an orthopedic surgeon to perform two independent medical examinations of the Plaintiff. The expert opined that Mr. Schlueter did not sustain significant traumatic injury during the motor vehicle accident on December 22, 2017. He reported that none of the imaging studies taken after the accident showed any evidence of significant traumatic injury. There was no fracture, subluxation or dislocation on any of the spinal imaging studies. The right shoulder MRI was consistent with pre-existing degenerative changes. It was the expert's opinion that the Plaintiff had a mild disability related to the pre-existing degenerative changes in his spine and right shoulder.

Conversely, Plaintiff's treating physicians opined that the cervical and shoulder surgeries were causally related to the accident in question and, further, that Plaintiff's injuries have resulted in residual chronic neck and right arm pain, which restrict his activities of daily living. The Plaintiff was employed as bench jeweler at the time of the accident; however, lost very little time from work.

The Plaintiff made an initial settlement demand of \$525,000. The parties engaged in a lengthy, private mediation session on October 8, 2020. We admitted negligence for running the red light but argued comparative fault on the Plaintiff's part for doing so as well. We were able to come to agreement at \$190,000, subject to Board approval, in full and final satisfaction of the bodily injury claim.

The matter was scheduled to proceed to a jury trial in New York Supreme Court before the Hon. Diane Y. Devlin on March 15, 2021.

FUNDING: Provided by NFT Metro System, Inc. through Self-Insurance Reserves.

“RESOLVED, that the Board hereby authorizes payment of the settlement amount of \$190,000 in the matter concerning the accident that occurred on December 22, 2017; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee, and/or the Chair be and hereby are authorized to execute such payments as necessary to resolve the matter of Richard Schlueter v. Niagara Frontier Transit Metro System, Inc. and Cleveland J. Chiles, said authorization providing for payments in the not-to-exceed amount of \$190,000; and

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

CORPORATE:

2. C. (4) **Authorization for Settlement, Lagayette Washington v Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, Metro**

RECOMMENDATION: Staff recommends that the Board authorize payment of the arbitration award of \$250,000 in the matter of Lagayette Washington v. Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority.

INFORMATION: The Plaintiff alleges personal injuries sustained when the vehicle she was driving was struck in the rear by NFT Metro bus #2629 on Galleria Mall property, in the town of Cheektowaga, County of Erie on September 13, 2016, at approximately 3:30 p.m.

Lagayette Washington, then 50 years old, testified at the arbitration that Bus #2629 was southbound on the same road commencing a left turn to enter the parking lot/bus stop area. The Plaintiff slowed, then stopped, as the bus was turning causing contact with the bus rear side and the Pontiac driver side rear. There was minimal cosmetic damage to the bus and the Pontiac. Plaintiff did not claim any injury at the scene and drove away after speaking with the bus operator, the Transit police and mall security. Bus #2629 was equipped with digital video surveillance and the video was downloaded and preserved for litigation.

Plaintiff alleges headaches, and neck and back injuries as a result of the accident in question. She testified at arbitration that the next morning she had pain down her left leg. She was on vacation that week from her job as a surgical tech at Erie County Medical Center (ECMC). The day after the accident, she saw her primary doctor and was sent to the ECMC emergency room. She was diagnosed with back spasms and given baclofen. The Plaintiff lost some time from work, and began seeing a chiropractor three (3) times per week for continued back and neck complaints. She sought treatment from a spine surgeon in November, who performed an anterior cervical decompression and fusion on January 9, 2017. Plaintiff's treating surgeon reported that the surgery was causally related to the accident in question. Plaintiff returned to work on June 26, 2017.

We engaged a board certified neurosurgeon who conducted an exam on December 14, 2018 and issued a report finding an aggravation of pre-existing cervical conditions that were symptomatic previously, including as a result of a previous severe automobile collision on May 12, 2016 (four months before the bus accident). A cervical CT performed on May 12, 2016 was consistent with post-loss diagnostic studies.

Plaintiff made a good recovery and has not treated during the past 2 years. No further surgeries were anticipated. Our defense included culpable conduct, lack of a "serious injury" under the New York State No-Fault Law, and lack of proximate cause. Plaintiff contended she had the right of way and that the bus operator made an improper left turn across her path of travel in violation of the Vehicle and Traffic Law.

Plaintiff's initial settlement demand was \$950,000. Given our defense position, the bus video and the favorable IME report, we were able to negotiate favorable parameters for the arbitration with a \$0 low and \$250,000 high. The arbitration parameters were not disclosed to the arbitrator.

The matter was originally scheduled for a full trial beginning with jury selection on October 19, 2020 and proof on the following 4 days. Judge Donna M. Siwek of the New York State Supreme Court was to preside.

The arbitration was held on October 23, 2020. The parties exchanged submissions in advance. The arbitrator determined that the negligence of the defendants was the sole, proximate cause of the accident and that the Plaintiff sustained a serious injury. The arbitrator issued a \$300,000 award on October 29, 2020 requiring the defendants to issue payment for the agreed high parameter of \$250,000 to the Plaintiff and her counsel.

FUNDING: Provided by NFT Metro System, Inc. through Self-Insurance Reserves.

“**RESOLVED**, that the Board hereby authorizes payment of the arbitration award of \$250,000 in the matter concerning the accident that occurred on September 13, 2016; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee, and/or the Chair be and hereby are authorized to execute such payments as necessary to resolve the matter of Lagayette Washington v. Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, said authorization providing for payments in the not-to-exceed amount of \$250,000; and

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

CORPORATE:

2. C. (5) **Authorization for Term Agreement, Grove Roofing Services, Roofing Repairs, NFTA and NFT Metro**

RECOMMENDATION: Staff recommends that the Board authorize a Term Agreement with Grove Roofing Services, Inc. for roofing repairs at NFTA and NFT Metro facilities. The initial term of the Agreement is one year commencing January 1, 2021, with the option to renew for four (4) additional one-year periods at the sole discretion of the NFTA.

INFORMATION: This Agreement will provide for routine roofing maintenance and emergency/exigency roofing repairs, as required, for NFTA and NFT Metro facilities. Over the course of a fiscal year, routine roof maintenance (e.g. roof drain cleaning, seam sealing, inspections) authority-wide cost approximately \$60,000. Historically the NFTA's emergency/exigency roof repairs range from \$3,000 to \$180,000 per event.

The benefits of a roofing term contractor are pre-negotiated hourly rate, rapid response and facility familiarity.

A Request for Proposal was publicly advertised in accordance with NFTA Procurement Guidelines. Responses were received from:

- Grove Roofing Services, Inc.
Buffalo, NY
- Jameson Roofing Co., Inc.
Dunkirk, NY

The evaluation team comprised of the Manager of Facilities and Property, Manager of Rail Facilities, and Procurement Manager evaluated the proposals based on qualifications/experience and cost. The team rated Grove Roofing Services, Inc. with the highest score. Grove also offered the lowest hourly rate. The RFP evaluation analysis is attached hereto.

MBE, WBE and SDVOB goals were set at 17%, 13% and 0% respectively. Grove Roofing Services, Inc. identified their participating subcontractors and will establish specific percentage contributions based on each work assignment.

FUNDING: Funding for repair projects will be provided out of the budgeted operating funds of the individual business centers that incur repair project costs.

“RESOLVED, that the Board hereby authorizes a Term Agreement with Grove Roofing Services for roofing repairs at NFTA and NFT Metro facilities as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair be and hereby are authorized to execute a Term Agreement with Grove Roofing Services for a one-year

CORPORATE 2. C. (5)

period commencing January 1, 2021 with the option to renew for four (4) additional one year periods in the sole discretion of the NFTA and other terms and conditions as set forth above; and

BE IT FURTHER RESOLVED, that said Term 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 he is hereby is, authorized to make payments under said Term Agreement upon receipt of reasonable documentary evidence received from the Director, Engineering and Property, that such payments are proper.”

RFP 4993	Grove Roofing Services, Inc.	Jameson Roofing Co., Inc.
ROOFNG TERM CONTRACTOR		
	Buffalo, NY	Dunkirk, NY
SELECTION CRITERIA		
(Completed by Team)	(Rate on a scale of 1 - 10, with 10 being the highest)	
	Team Consensus	
Qualifications and Experience- Demonstrated qualifications and experience in providing roofing services; references; management- 40%	8.00	8.00
Cost: Established Markup Percentage- 30%	10.00	1.19
Technical Criteria: Compliance with Technical Requirements- 30%	7.00	7.00
TOTAL	8.30	5.66
Cost Proposals		
NYS Prevailing Wage Hourly Rate Mark Up	8.0%	66.75%
Materials Mark Up	3.0%	33.3%

CORPORATE:

2. C. (6) **Authorization for Lease Agreement, D1AL LLC, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with D1AL LLC (Adam Summers, Partner) for space at 485 Cayuga Road, Cheektowaga.

INFORMATION: D1AL is a Voice over Internet Protocol (VoIP) phone service provider. D1AL began a (2) two-year lease at 485 Cayuga Road for 3,087 square feet of office space on July 1, 2019 that expires June 30, 2021.

The current lease will be cancelled upon execution of this lease. This new five-year lease will begin January 1, 2021 and end December 31, 2025. The lease is for 3,087 square feet of office space at a rental rate of \$10.00 per square foot or \$30,870.00 for the year and will be subject to a 3% increase annually. The total rental income over the five-year period is \$163,893.02.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with D1AL LLC, for use of office space at 485 Cayuga Road on the terms set forth above; and

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

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

CORPORATE:

2. C. (7) **Authorization for Lease Agreement, Recovery Management Solutions (RMS), 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a new lease agreement with Recovery Management Solutions (Adam Kazmark, Managing Partner) for office space at 485 Cayuga Road.

INFORMATION: Recovery Management Solutions (RMS) is a debt collection agency that began a five-year lease at 485 Cayuga Road on November 1, 2016 that will expire on October 31, 2021. Since 2016 RMS has expanded with five lease amendments starting from 2,828 square feet to currently leasing 12,567 square feet. The current rental rates range from \$9.85 per square foot to \$10.48 per square foot depending upon investments in space upgrades. RMS's growth has required them to separate their business activities and create new businesses to remain compliant with collection industry standards.

The current lease will be cancelled upon execution of this lease. This new five-year lease will begin January 1, 2021 and end December 31, 2025. The lease is for 8,579 square feet of office space. The rental rate for office space is \$10.00 per square foot or \$85,790 for the year and will be subject to a 3% increase annually. The total rental income over the five-year period is \$455,470.76.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Amendment with Recovery Management Solutions (RMS) for use of additional space at 485 Cayuga Road as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and hereby are authorized to execute a Lease Amendment with Recovery Management Solutions (RMS) with terms and conditions as set forth above and as negotiated; and

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

CORPORATE:

2. C. (8) **Authorization for Lease Agreement, Accounts Interchange Group LLC (AIG), 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a new lease agreement with Accounts Interchange Group LLC (Adam Kazmark, Managing Partner) for office space at 485 Cayuga Road.

INFORMATION: Accounts Interchange Group (AIG) is a new Voice over Internet Protocol (VoIP) phone service provider created by the owners of Recovery Management Solutions (RMS) to remain compliant with collection industry standards.

This lease is for 3,611 square feet of office space formerly leased by RMS. The five-year lease term will commence on January 1, 2021 and expire on December 31, 2025. The rental rate for office space is \$10.00 per square foot or \$36,110.00 for the first year and will be subject to a 3% increase annually. The total rental income over the five-year period is \$191,712.89.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Accounts Interchange Group LLC, for use of office space at 485 Cayuga Road on the terms set forth above; and

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

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

CORPORATE:

2. C. (9) **Authorization for Lease Agreement, JECA Energy Bar Company, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with JECA Energy Bar Company (Ree Dolnick, Principal) for space at 485 Cayuga Road.

INFORMATION: JECA Energy Bar Company (JECA), a START-UP NY participant, produces holistic nutritious granola bars. JECA requested a lease for 1,971 square feet of kitchen space on the 2nd floor of Bay 4. The initial term of the lease will be two (2) years commencing January 1, 2021 and expiring December 31, 2022. JECA will have the option to renew for one (1) additional one-year period with NFTA approval. The initial rental rate will be \$7.83 per square foot, or \$15,432.93 for the first lease year and is subject to a three percent (3%) annual escalator.

JECA will be responsible for maintenance and repairs of NFTA-owned kitchen equipment specifically intended for the exclusive use of JECA for the term of the lease including, but not be limited to, refrigerators, coolers, freezers, steam tables, flat top grills, dumbwaiter, and fire suppression equipment.

Additionally, JECA will have a right of first refusal (ROFR) for 2,660 square feet of adjacent space for expansion of the current use only. The NFTA will continue to market the space that is subject to the ROFR. The rental rate for the ROFR space will be the greater of any offer made by a third party or the rate paid by JECA at the time the ROFR is exercised.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with JECA Energy Bar Company for kitchen 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. (10) **Authorization for Lease Agreement, Westmatic Corporation, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Westmatic Corporation (Johanna Sundell, President) for the use of office space, production space and storage 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, 2021. Westmatic is considering purchasing a building and relocating their entire operation. However, delays and the new business environment have changed their timeline. Westmatic requested extending their current lease through June 30, 2022 and adding 3,097 square feet of storage space on a month to month basis beginning January 1, 2021.

The current lease will be cancelled upon execution of this lease. The new lease will commence January 1, 2021 and end June 30, 2022. The total annual rent will be \$163,947.42 and is subject to a 3% annual increase on January 1, 2022. The rent is broken down as follows:

- 3,410 square feet of office space at \$10.38/square foot; \$35,395.80 annually
- 14,823 square feet of light industrial space at \$7.82/square foot; \$115,915.86 annually
- 3,097 square feet of storage space at \$4.08/square foot; \$12,635.76 annually

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Westmatic for office, production and storage 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.”

- 3. AVIATION BUSINESS GROUP REPORT**
 - A. Aviation Committee Report
 - B. Financial and Business Update
 - C. Resolutions

Aviation Resolutions

1. Authorization for Agreement, DiDonato Associates Engineering and Architecture, P.C., Runway Design Services, BNIA
2. Authorization for Supplemental Agreement, JE Architects/Engineers PC, Design Support Services, BNIA
3. Authorization for Change Order No. 17, Pike Company, Baggage Claim Expansion Project, BNIA
4. Authorization for Amendment, ALD Development Corp, Common Use Airport Lounge, BNIA
5. Authorization for Operating Agreement, OnCore Aviation LLC, Flight School, BNIA
6. Authorization for License Agreement, Independent Taxi Association of Buffalo, Taxi Services, BNIA

AVIATION:

3. C. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. C. (1) through 3. C. (6)

The Executive Director advised that Items 3. C. (1) through 3. C. (6) 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 Ansari, seconded by Commissioner Roche, that the following Resolutions be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. C. (1) through 3. C. (6) and dated January 23, 2020 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, PERRY, PERSICO,
WILCOX**

ABSTAIN: PERRY [Item 3.C. (1) Only]

NOES: NONE

ADOPTED

AVIATION 3. C. (i)

MEMORANDUM FOR THE BOARD OF DIRECTORS
SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

AVIATION:

3. C. (1) **Authorization for Agreement, DiDonato Associates Engineering and Architecture, P.C., Runway Design Services, BNIA**

RECOMMENDATION: Staff recommends the Board award the subject design services contract to DiDonato Associates Engineering and Architecture, P.C for a lump sum amount of \$3,067,837.00.

INFORMATION: Runway 5-23 is the primary runway serving Buffalo Niagara International Airport (BNIA). The runway is 8,829 feet long, 150 feet wide with 25 feet wide asphalt shoulders and 200 feet by 200 feet jet blast pads on each runway end. The last major rehabilitation project was concluded in 2006.

The May 2019 Airport Pavement Management Study (APMS) identified Runway 5-23 as the number one priority pavement rehabilitation need. Based on the structural and visual condition survey assessments completed under the APMS, the runway, associated connector taxiways, and jet blast pads were recommended for rehabilitation. Certain areas including the runway 5 end were identified for potential reconstruction.

The design services contract will develop pavement rehabilitation/reconstruction recommendations, define construction limits, ensure FAA standards compliances are confirmed, and develop construction bid documents. The following scope elements are included:

- Review existing documentation
- Conduct field investigations including survey suitable for 3D modeling
- Design airfield pavement reconstruction
- Assess and design storm drainage infrastructure
- Incorporate the most recent aviation traffic forecast and other stake holder input
- Design navigational aids including runway and taxiway edge lights, runway centerline lights, and runway touchdown lights
- Address the condition of FAA landing systems imbedded within the pavements
- Restore airfield pavement markings
- Provide new airfield guidance signs
- Assess and design restoration for the three tunnels that pass beneath the Runway 5-23
- Create the Construction Safety and Phasing Plan
- Manage resources, quality, cost and schedule

A consultant evaluation process was initiated on July 29, 2020. Qualification based Requests for Proposals (RFP) pursuant to NFTA and FAA guidelines were solicited. The RFP solicited design services along with options for construction monitoring services and design support services for construction.

Eight proposals were received on August 28, 2020. The evaluation committee consisted of the Manager of Construction, Sr. Aviation Planner, Airfield Superintendent, and Project Manager. The committee evaluated the proposal using the following criteria categories:

- Scope of Work/Project Implementation
- Project Organization/Manpower Plan/DBE
- Communication Methods
- Key Personnel
- Related Projects/Background Experience
- Quality Assurance/Quality Control Process

The committee ranked the respondents in the following descending order by evaluation score:

Prime Consultant
DiDonato Associates Engineering and Architecture, P.C. Buffalo, NY John DiDonato, P.E., Principle in Charge
WSP USA Inc. Buffalo, NY Mark Tytko, Vice President
McFarland Johnson Canandaigua, NY Jeffrey R. Wood, Vice President
Mott MacDonald, NY Buffalo, NY Richard Buck, P.E., Division General Manager
AECOM USA, Inc. Buffalo, NY Navin Nitish Natarajan, P.E., Vice President
CHA Buffalo, NY Frank DelSignore, P.E., Vice President
Johnson, Kukata & Lucchesi Engineers Ronkonkoma, NY Cedrick Johnson, P.E., President
Urban Engineers of New York, DPC Buffalo, NY William T. Thomsen, P.E., President

Following the evaluation, a detailed scope and corresponding independent engineer's estimate was developed. NFTA asked the highest rank consultant, DiDonato Associates Engineering and Architecture, P.C. to submit a design services cost proposal. Negotiation results follow:

Engineer's Estimate	\$3,114,245.00
Initial Proposal	\$3,484,830.00
Negotiated Cost	\$3,067,837.00

The established Disadvantage Business Enterprise (DBE) goal is 17.0%. DiDonato Associates Engineering and Architecture, P.C. committed to exceeding this goal, proposing 19.5% DBE participation.

FUNDING: Grant funding is provided by the Federal Aviation Administration Airport (FAA), New York State Department of Transportation (NYSDOT) and Airport Development Funds (ADF), distributed as follows:

Funding Source	Percentage	Value
FAA	75%	\$2,300,877.80
NYSDOT	12.5%	\$383,479.60
ADF	12.5%	\$383,479.60
	Total	\$3,067,837.00

“RESOLVED, that the Board hereby authorizes an Agreement with DiDonato Associates Engineering and Architecture, P.C for design services in the lump sum amount of \$3,067,837.00, 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, 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.”

AVIATION:

3. C. (2) **Authorization for Supplemental Agreement, JE Architects/Engineers PC, Design Support Services, BNIA**

RECOMMENDATION: Staff recommends the Board award Supplemental Agreement No. 08 to JE Architects/Engineers PC (Jacobs) for additional design support services for a cost-plus fixed fee not-to-exceed amount of \$376,218.00. This will result in a revised Contract value of \$3,092,182.00.

INFORMATION: SA No. 08 provides for additional design support services to the base construction contract awarded by the Board in September 2018. To date, there are 17 construction contract change orders addressing unforeseen varying site conditions, enhancements and cost reductions.

Jacobs', the project's Engineer of Record, expertise gives the construction contractor technical direction to trouble shoot unforeseen varying site conditions, execute business center enhancements, and implement cost reduction measures. Examples of each are given below.

Unforeseen Varying Site Conditions:

- Existing medium voltage power cable found to be different than the record drawings at new construction tie-in points
- Fire proofing on existing steel found missing or deteriorated in several areas
- Existing structural steel found to be different than the record drawings at various new construction tie-ins
- Subgrade soil unsuitable for loadbearing found under west expansion foundations
- Existing floor thickness found to be different than the record drawings effecting expansion joints at various new construction tie-ins

Enhancements:

- Infrastructure installations for future flight information displays
- Airfield low profile barrier purchase
- Additional security camera installation for the data/communications room

Cost reductions:

- East expansion sliding door material substitution
- Sprinkler system alarm check valve material substitution in riser room
- Eliminate redundant overhead pedestrian traffic protection at the west addition
- East and west foundation under-slab insulation material substitution
- Gate 9 reuse of existing fixed walkway in lieu of a new walkway

The design support services associated with the above are:

- Responding to RFIs
- Engineering calculations
- Preparing drawings and specifications
- Coordinating meetings with the business center
- Coordinating meetings with the construction contractor
- Reviewing applicable codes
- Estimating costs of construction changes

In addition, SA No. 08 is for Jacobs' expertise and experience that supports the commissioning of new installations such as Baggage Carousel No.1 (including associated conveyors) and Gate 9 passenger boarding bridge.

The negotiation results are as follows:

Design Support Services	
Engineer's Estimate	\$383,804.00
Consultant's Proposal	\$376,218.00
Negotiated Cost	\$376,218.00

FUNDING: Funding for Supplemental Agreement No. 08 will be assigned in project account 120000000-3113-22728 respectively. This work will be funded by Passenger Facility Charges (PFC) and the Airport Development Fund (ADF) according to the established eligibility schedule

“RESOLVED, that the Board hereby authorizes Supplemental Agreement No. 8 with JE Architects/Engineers PC for additional design support services at BNIA, as described above; and

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

AVIATION:

3. C. (3) Authorization for Change Order No. 17, Pike Company, Baggage Claim Expansion Project, BNIA

RECOMMENDATION: Staff recommends the Board award Change Order No.17 as a \$279,131.00 increase to The Pike Company’s construction contract, for the BNIA Baggage Claim Expansion Project, Contract# 10BT1516. This will result in a revised Contract value of \$54,153,559.58 which is \$1,487,031.58 more than the original contract value approved by the Board.

INFORMATION: The cost for the proposed Change Order No. 17 set forth below are in accordance with the terms of the Contract. Specifically, Article 22 – Extra Work, Article 24 – Payment for Agreed Prices, and Article 25 – Payment for Force Account Work of the General Conditions. The PCO costs set forth below incorporate New York State Prevailing Wage Rates and standard material and equipment costs, as verified by the Authority’s Engineer.

Change Order No. 17 is the result of (i) unforeseeable varying site conditions, (ii) design inconsistencies, (iii) enhancements and (iv) cost reduction. A breakdown of the work and costs associated with Change Order No.17 is set forth below.

Unforeseeable Varying Site Conditions \$82,090.00

**PCO No. 240 Trash Chute Modifications.....ADD
\$11,005.00**

The location of the existing trash chute near the food court does not match as-built drawings. Modifications are needed to the steel supports and box that make up the trash chute so that it will conform with the newly installed structural steel for the east addition.

**PCO No. 241 Relocation of Sanitary Sewer PipingADD
\$14,220.00**

Existing sanitary sewer piping serving sinks and floor drains on the departures level were not documented on the as-built drawings and must be moved to accommodate project improvements in the arrivals level. This change involves removing and replacing sanitary sewer piping and fittings as required to accommodate the building improvements. This change also includes the addition of fire dampers in ductwork that penetrates a modified rated partition forming the north wall of Room 1M05.

**PCO No. 342 Additional Quad Outlets.....ADD
\$2,065.00**

This work involves changing the locations of two quad outlets that are required for the new baggage handling systems IB-3 and IB-4 as well as increasing the wire size to the outlets. This change is required because the electrical panel is at capacity due to recent maintenance installation. The outlets are to be connected to a more distant alternate electrical panel and the wire size for the outlets needs to be increased.

**PCO No. 353 Additional IT Switch Capacity.....ADD
\$26,325.00**

This change is to add and test a 48-port IT switch and an uninterruptable power supply in room 2D23. The additional switch is needed to accommodate an unforeseen increase in cable counts (e.g. internet cable runs) based on contractor field verification. The emergency power is needed due to the security component related to the IT switch.

**PCO No. 362 Fire Protection Pipe Replacement.....ADD
\$19,290.00**

This change is to replace an existing 10-inch fire protection pipe and tee fittings located beneath the new loading dock area. All work is to be performed per the response to RFI-748.

**PCO No. 375 Installation of Soffits at Pedestrian Breach Systems.....ADD
\$4,695.00**

This change is to furnish and install additional ceiling soffits above the pedestrian security breach systems for the east and the west additions in order to reduce the gap at the top of these units per the manufacturers direction. This is per RFI-743.

**New PCO No. 377 Modification of Linear Diffusers.....ADD
\$1,240.00**

This change is to field modify new linear diffusers in the arrivals level of the existing baggage claim area that conflict with existing baggage conveyor/catwalk systems and an existing fire main. This change also includes modification of a diffuser in the departures level of the east addition which conflicts with steel framing. The changes are in accordance with responses to RFIs 706 and 686.

**PCO No. 378 West Addition Walkway.....ADD
\$3,250.00**

This change is to provide temporary asphalt pavement for a sidewalk at the west addition. The paved walkway would provide a safe, serviceable passageway for pedestrians until site work is completed.

Design Inconsistencies \$196,986.00

**PCO No. 227 Added Slab Depression..... ADD
\$8,255.00**

This change is to construct a pocket along the outside edge of the floor slab to accommodate fin tube heating equipment for the west addition in accordance with Bulletin No.21. This work includes the additional forming and concrete handling necessary to complete this work.

**PCO No. 307 Fire Alarm Bell and Sprinkler System Relocation..... ADD
\$14,775.00**

This change is to relocate an existing fire alarm and to modify the routing of a fire department connection and drainpipe in the east addition to avoid interfering with the new electrical motor control panels for BHS conveyors IB1 and IB2. This is per RFI-652 response and Bulletins 28 and 33.

**PCO No. 315 Relocation of Duct and Grills..... ADD
\$6,225.00**

This change is to relocate two existing ventilation ducts and grills in the baggage make-up area because they conflict with the location of the IB-2 baggage handling system. This change includes duct relocation, additional infill to seal a duct opening through a masonry wall, lintel installation and drywall patch per RFI-643 response.

**PCO No. 335 Manhole Rim Adjustment East Tug Road.....ADD
\$9,620.00**

This change is to adjust the grade of an existing drainage manhole rim to conform with apron grade adjustments on East Tug Road. Although new grades were indicated on the drawings, there was no provision to adjust the manhole rim. All work is to be performed per the response to RFI-683.

**PCO No. 341 New Elevator Lobby Lighting Controls..... ADD
\$4,640.00**

This change is to add light fixtures, lighting controls and circuits to the penthouse-level elevator lobby Room 3N52 per the response of RF-658 and Bulletin 34.

**PCO No. 356 Restroom Towel Dispensers Circuits..... ADD
\$6,335.00**

This change is to add fourteen (14) 120-volt electrical circuits for towel dispenser units in restrooms as well as the clean room, nursing room and companion care room in the east addition. This change is in response to RFI-700.

**PCO No. 358 Wall Opening at Sectors E and O..... ADD
\$25,950.00**

This change is to provide a connection between the existing food court and newly installed corridor adjacent to the clean room on the departures level. The connection is a life safety code requirement and is needed to provide an alternate egress corridor. This change includes additional demolition, framing, expansion joint, floor patch, steel, stainless handrails, corner guards, terrazzo and painting. This is per RFI-529, 529Rev1 & 609 and Bulletins 23, 31 and 35.

**PCO No. 360 Fire Riser Access Pathway in CBRA.....ADD
\$43,776.00**

This change is to provide an access pathway and inspection platform to a fire riser in the checked bag reconciliation area (CBRA). Work includes fabrication, installation and painting of a steel platform, ladder and catwalk to cross an existing conveyor. Also included is the relocation of an existing 4-inch fire protection pipe as well as all costs for field measurement and design of the access improvements per requirements included in Bulletin 28.

**PCO No. 363 Ceiling Access Hatches for Heat Trace.....ADD
\$6,510.00**

This change is to fabricate and install six (6) 20" x 20" insulated access hatches in the east addition arrivals level ceiling per the RFI-663 response. This change also includes fabrication

and installation of one (1) 3' x 3' fire rated lockable access door on the IB-1 catwalk as per RFI-689 response.

**PCO No. 364 Baggage Claim Input Controls..... ADD
\$1,710.00**

This change is to furnish and install a touchpad computer in lieu of a 40-inch monitor for the Baggage Claim Input Controls (BCIC). This change also includes furnishing and installing a quad relay to facilitate interaction between the existing BCIC and the new baggage handling system.

**PCO No. 366 Engineered Drawings for Stand-off Clips..... ADD
\$895.00**

This change is to furnish and submit engineered drawings from the fabricator, signed and sealed by a New York State licensed professional engineer for approval. The drawings are for the design of fiberglass stand-off clips that are needed to support solar heating collector panels on the east addition.

**PCO No. 368 Relocation of Exhaust Fan.....ADD
\$15,325.00**

This change is to relocate and extend an existing roof-mounted exhaust fan EF-41 away from a new supply fan SF-51-1 to prevent short circuiting air flow. This change also includes the installation of additional angle deck support, fireproofing and roofing work. This is per RFI-741 Rev1 response and Bulletin 37.

**PCO No. 370 Supply Grill Frames.....ADD
\$825.00**

This change is to furnish and install five alternate supply grill frames for the ventilation system in various rooms in Sector N of the east addition. The specified frames are not suitable for wall installations.

**PCO No. 371 Door Security and Access Control.....ADD
\$15,250.00**

This change modifies the security hardware requirements to twenty (20) doors with access control features in the east and west additions.

**PCO No. 374 Installation of Metal Trim at Skylights.....ADD
\$4,000.00**

This change is to furnish and install brake metal shapes around two skylights to conceal a vapor barrier connection strip in the east addition Administration Offices in accordance with a response to RFI-764.

**PCO No. 376 Pavement Markings Removal.....ADD
\$2,395.00**

This change is to relocate pavement markings at Gate 11 that conflict with the new Gate 9 pavement markings.

**PCO No 379 Room 2E12 Modifications and East Smoke Detectors.....ADD
\$30,500.00**

This change is for security related revisions to the existing exit corridor near the meet and greet area. Included in this change are to door 2E12 access control, lighting and extending the wall from ceiling to top of roof deck. This work is to be performed in accordance with Bulletin 36.

Enhancements \$25,055.00

**PCO No. 345 Clean-out Room and Flow Switches..... ADD
\$15,540.00**

This change creates a separate room to access existing sanitary sewer cleanouts within the existing terminal. The room is needed to separate the clean-out area from two baggage storage rooms to avoid operational interference during sewer maintenance. Work includes wall framing, gypsum board installation/finishing, lighting installation and ductwork modifications. These revisions are issued through Bulletin 34.

**PCO No. 357 Casework Color Change..... ADD
\$515.00**

This change modifies the color of the plastic laminate and edge banding to be used on the built-in credenza base cabinets in conference room 2E76. The color is to be consistent with new office furniture.

**PCO No. 361 IT and Electrical Changes.....ADD
\$2,000.00**

This change adds two (2) CAT6 cables to the business office conference room monitors to the IT rack, adds one (1) 20A/120V circuit in open office 2M68 and removes electrical cabling in the conference rooms in this same area.

**PCO No. 373 Card Readers for Breach Control Units.....ADD
\$7,000.00**

This change is to install NFTA-furnished card readers in lieu of keyed maintenance access on pedestrian breach system control units for the east and west additions.

Cost Reduction (\$25,000.00)

PCO No. 339 Window Film..... (\$25,000.00)

This credit is to waive the requirement to apply a tint film to the most remote windows at the southeast and southwest corners of the existing terminal. The Business Center determined that the sunlight through these un-tinted windows does not have a significant impact to the ticket counter areas.

FUNDING: Funding for this work is found in project account 120000000-3188-22728. This work will be funded by Passenger Facility Charges (PFC) and the Airport Development Fund (ADF) according to the established eligibility schedule.

“RESOLVED, that the Board hereby authorizes all aspects of Change Order No. 17 to Contract# 10BT1516 with Pike relating to the Baggage Claim Expansion Project at BNIA, as described above; and

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

BE IT FURTHER RESOLVED, that said change order 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 change order upon notification by the Director of Engineering that such payments are in order based upon receipt of all required supporting documentation.”

AVIATION:

3. C. (4) Authorization for Amendment, ALD Development Corp., Common Use Airport Lounge, BNIA

RECOMMENDATION: Staff recommends that the Board authorize an amendment to extend ALD Development Corp.'s ("ALD") agreement for an additional three years to operate a common-use airport lounge in the Buffalo Niagara International Airport ("BNIA") and restructure the minimum annual guarantee (MAG).

INFORMATION: On September 27, 2018, the Board authorized an agreement with ALD to operate a common-use lounge at BNIA as a result of Request for Proposal No. 4781. The current term of the agreement is five years, with an expiration date of September 30, 2024. The proposed Amendment would extend the agreement to September 30, 2027. ALD opened the lounge on time and its business was a success and continued to grow during its first months of operation.

Due to COVID-19, Executive Orders issued by the Governor, and the drastically reduced passenger activity at BNIA, the Airport Lounge closed on March 17, 2020 and remains closed. During the shut-down, ALD has continued to pay the contractual MAG. ALD will restructure the Minimum Annual Guarantee ("MAG") as follows.

Original agreement:

	<u>MAG</u>	
Contract Year 1:	\$140,000.00	(10/1/2019-9/30/2020)
Contract Year 2:	\$155,000.00	(10/1/2020-9/30/2021)
Contract Year 3:	\$170,000.00	(10/1/2021-9/30/2022)
Contract Year 4:	\$185,000.00	(10/1/2022-9/30/2023)
Contract Year 5:	\$205,000.00	(10/1/2023-9/30/2024)
Total	\$855,000.00	

Proposed amendment:

	<u>MAG</u>	
Contract Year 1:	\$140,000.00	(10/1/2019-9/30/2020)
Contract Year 2:	\$140,000.00	(10/1/2020-9/30/2021)
Contract Year 3:	\$155,000.00	(10/1/2021-9/30/2022)
Contract Year 4:	\$170,000.00	(10/1/2022-9/30/2023)
Contract Year 5:	\$185,000.00	(10/1/2023-9/30/2024)
Contract Year 6:	\$205,000.00	(10/1/2024-9/30/2025)
Contract Year 7:	\$205,000.00	(10/1/2025-9/30/2026)
Contract Year 8:	\$205,000.00	(10/1/2026-9/30/2027)
Total	\$1,405,000.00	

ALD will continue to pay the greater of the MAG or 12% of gross revenues for each contract year. ALD is contractually required to make \$1,639,686.00 in capital improvements. To date, ALD has made approximately \$1,286,297 in capital improvements. If the extension is granted, ALD is committed to investing the remaining capital investment amount in contract year 5. The short-term extension of the ALD agreement will ensure that BNIA has a successful common use lounge and provide ALD with additional time to fully depreciate its capital investment and result in additional guaranteed revenue to NFTA.

FUNDING: None.

“RESOLVED, that the Board hereby authorizes an Amendment to extend the Agreement with ALD Development Corp. to operate a common-use airport lounge at the Buffalo Niagara International Airport, 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.

AVIATION:

3. C. (5) **Authorization for Operating Agreement, OnCore Aviation LLC, Flight School, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize an Operating Agreement with OnCore Aviation LLC to operate a Flight School at Buffalo Niagara International Airport (“BNIA”). The term of the Operating Agreement is one (1) year commencing on or about December 10, 2020 with four (4) one-year renewal options at the sole discretion of the NFTA.

INFORMATION: Todd Cameron is President of OnCore Aviation and is a FAA certified flight instructor. OnCore Aviation has operated a flight school at Greater Rochester International Airport for six (6) years and at Niagara Falls International Airport (“NFIA”) since March 2020 and desires to operate a flight school at the BNIA. OnCore Aviation will operate the flight school from the BNIA fixed based operator, TAC Air, facilities. OnCore Aviation will pay the NFTA 5% of gross revenues generated from the operation of the flight school for each year of the Operating Agreement. The establishment of a flight school will benefit both the airport and the community of Western New York.

FUNDING: None.

“**RESOLVED**, that the Board hereby authorizes an Operating Agreement with OnCore Aviation LLC to operate a flight school at the Buffalo Niagara International Airport, 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.

AVIATION:

3. C. (6) **Authorization for License Agreement, Independent Taxi Association of Buffalo, Taxi Services, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize a License Agreement with Independent Taxi Association of Buffalo New York, Inc. (ITA) for a one-year term commencing on January 1, 2021, with the option to renew annually under the same terms and conditions.

INFORMATION: NFTA previously entered into an exclusive one-year agreement with ITA to provide taxi services at BNIA commencing January 1, 2019. The agreement was renewable at NFTA's option for four additional one-year terms. NFTA renewed the agreement for calendar year 2020. When COVID-19 broke out, ITA's business plummeted and ITA has struggled to retain drivers and meet the terms and conditions of their existing agreement with NFTA. ITA sought relief from NFTA due to the lack of passenger traffic at BNIA and requested that NFTA not renew the agreement for an additional term of one year. ITA requested that a new business deal be made that is comparable to the business deal that NFTA has with the transportation network companies (TNCs). ITA is an independent taxi association made up of individual share owners. Since the pandemic, ITA lost a number of share owners that could no longer afford to operate under the terms of the existing ITA agreement. ITA is in arrears to NFTA for approximately \$605,000.00, which includes a minimum annual guarantee and estimated deplanement fees through December 2020, and includes payments received through November 16, 2020. BNIA staff and ITA met several times to negotiate a new business deal that is fair and equitable to both parties under the current conditions at BNIA. ITA has agreed to pay a license fee of \$3.00 per pickup trip and \$3.00 per drop off trip as compensation to NFTA under a License Agreement, of which \$0.50 will be applied to the arrears. This arrangement is similar to the license agreement NFTA has with the TNCs operating at BNIA. A fee based upon actual passenger count is fair and reasonable. The TNCs pay a per pickup and drop off fee of \$2.50. ITA will additionally pay a fee of \$0.014 per deplaned passenger and building rental of \$15,702.01 per annum for the taxi building. ITA has successfully operated a first-class taxi business at BNIA for over fifty years and continues to have cars at BNIA during the pandemic with limited business.

ITA will provide monthly reporting of its trips through its electronic dispatch application. ITA will continue to meet service standards regarding taxi car conditions and the level of service will be based upon the level of passengers at BNIA. As the passenger count grows, ITA's level of service will increase.

FUNDING: Not applicable.

“RESOLVED, that the Board hereby authorizes a License Agreement with Independent Taxi Association of Buffalo New York, Inc., pursuant to the terms and conditions described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute and deliver a License Agreement with Independent Taxi Association of New York, Inc., as described above; and

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

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

Surface Transportation Resolutions

1. Authorization for Agreement, Erie Radiator and Core Sales, Inc., Diesel Particulate Trap Cleaning, Metro

SURFACE:

4. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolution 4. C. (1)**

The Executive Director advised that Item 4. C. (1) has been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of the subject Resolution.

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

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. C. (1) December 10, 2020 as set forth herein, be and hereby is accepted and approved in its entirety.

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, PERRY, PERSICO, WILCOX

NOES: NONE

ADOPTED

SURFACE 4. C. (i)

SURFACE:

4. C. (1) **Authorization for Agreement, Erie Radiator and Core Sales Inc., Diesel Particulate Trap Cleaning, Metro**

RECOMMENDATION: Staff recommends that the Board approve a three-year Agreement with Erie Radiator and Core Sales Inc. of Buffalo, New York that provides for the cleaning of diesel particulate traps. The Agreement would commence on December 15, 2020 and would run through and including December 14, 2023 for a total estimated cost of \$242,670.00.

INFORMATION: Metro currently rosters over 200 transit buses that are equipped with diesel particulate traps that capture soot in the engine exhaust. These filters require periodic cleaning.

This procurement was solicited and evaluated as required by NFTA Procurement Guidelines. The evaluation team included the Manager of Procurement, Senior Buyer, Equipment Engineer, Manager of Inventory Control and the Storeroom Supervisor. The proposals were evaluated based on the following: compliance with technical specification, price, qualifications and experience. Three responsive proposals were received. See the attached evaluation sheet for details.

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 service.

FUNDING: Funding has been included in Metro's Operating Budget.

“RESOLVED, that the Board hereby authorizes an Agreement with Erie Radiator and Core Sales Inc. of Buffalo, New York for cleaning of diesel particulate traps as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with Erie Radiator and Core Sales Inc. of Buffalo, New York as described above; and

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

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

RFP 4987 Cleaning Diesel Particulate Filters and Diesel Oxidation Catalysts	Erie Radiator Buffalo, NY	D&W Diesel Auburn, NY	Globe Connect Exton, PA
Selection Criteria (Completed by Team) (Rate on a scale of 1 - 10, with 10 being the highest)			
Compliance with technical specifications- methods, compliance with technical specifications: 40%	9.00	8.00	3.00
Cost: 40%	8.51	10.00	7.03
Qualifications and Experience- past performance, references, demonstrated ability in the industry, knowledge of key personnel: 20%	9.50	6.00	5.00
TOTAL	8.90	8.40	5.01
Estimated Cost Proposal	Each	Each	Each
Diesel Particulate Filters (DPF) Cleaning Years 1-3; Estimated Quantity: 726 Filters	\$ 290.00	\$ 233.66	\$ 312.00
Diesel Oxidation Catalysts (DOC) Cleaning Years 1-3; Estimated Quantity: 378 Catalysts	\$ 85.00	\$ 98.00	\$ 178.00
Total	\$ 242,670.00	\$ 206,681.16	\$ 293,796.00
OPTIONS			
Bung Replacement Years 1-3	\$ 89.00	\$ 58.82	N/A
Cleaning of a DPF Trap that is contaminated with antifreeze or engine coolant	\$ 460.00	\$ 50.00	N/A

5. General Counsel Report: none

6. Operational Highlights:

**NIAGARA FRONTIER TRANSPORTATION
AUTHORITY**

INTERNAL AUDIT DEPARTMENT

2021 ANNUAL AUDIT PLAN

**Niagara Frontier Transportation Authority
Internal Audit Department
2021 Annual Audit Plan**

Executive Summary:

<u>AUDIT SCHEDULE</u>	<u>HOURS</u>	<u>PERCENT</u>
Revenue Audits	750	16%
Internal Audits	1,250	27%
Buy America/Contract Audits	2,050	44%
Special Requests	100	2%
Single Bids	100	2%
Administrative Time/Corporate Compliance	<u>450</u>	<u>10%</u>
Total Hours Scheduled	<u>4,700</u>	<u>100%</u>

**Niagara Frontier Transportation Authority
Internal Audit Department
2021 Annual Audit Plan**

Revenue Audits

	<u>Hours</u>	<u>Status/Timing</u>
Prime Flight	100	Jan-21
Niagara County Industrial Suites Incubator	100	Jan-21
Independent Taxi Association	150	Aug-21
TacAir	200	Nov-21
DAL Global Services	<u>200</u>	Mar-21
Total Audit Hours	<u>750</u>	

**Niagara Frontier Transportation Authority
Internal Audit Department
2021 Annual Audit Plan**

Internal Audits

	<u>Hours</u>	<u>Status/Timing</u>
Model Governance Principles:		
Updating Internal Control Documentation	250	Through Dec-21
Testing of Key Internal Controls	650	Through May-21
Compliance Reviews/Internal Process Reviews	200	Various
Fare Collection System	<u>150</u>	Oct-21
Total Audit Hours	<u>1,250</u>	

**Niagara Frontier Transportation Authority
Internal Audit Department
2021 Annual Audit Plan**

Buy America/Contract Audits

	<u>Hours</u>	<u>Status/Timing</u>
Gorman Enterprises - Buy America Audit		
- Post Delivery - 3 Vehicles	200	Jan-21
- Pre-Award - 10 Vehicles	100	Mar-21
NovaBus - Buy America Audit		
- Post Delivery - 10 Vehicles	200	Sep-21
- Pre-Award - 14 Vehicles	100	Oct-21
Vendor - TBD Buy America Audit		
- Pre-Award - 10 Battery/Electric Vehicles	100	Mar-21
AECOM		
- BNIA Baggage System	250	Jul-21
CH2M Hill/Jacobs		
- LRV Rebuild	200	Feb-21
JE Architects/Engineers Pc. Inc.		
- Design Support BNIA Baggage System	350	Aug-21
Mott MacDonald		
- DL & W Station	250	Jun-21
Louis T. Klauder & Associates		
- Fare Collection System	200	Sep-21
Allied Universal		
- BNIA Traffic Control	<u>100</u>	Jan-21
Total Audit Hours	<u>2,050</u>	

NFTA Board Meeting

December 10, 2020

Update on Federal Advocacy Priorities

- **Additional Federal COVID-19 Relief**
 - \$908 billion bicameral and bipartisan proposal a “starting place for negotiations”
 - \$15 billion for public transit systems and \$4 billion for airports
- **Federal Fiscal Year 2021 Budget**
 - Continuing Resolution expires Friday, December 11 @ Midnight
 - Another continuing resolution through early 2021 likely
- **Federal Infrastructure Stimulus**
 - President-elect Biden \$2 trillion infrastructure proposal



Magnusmode Partnership

NFTA-Metro & Buffalo Niagara International Airport
December 2020





A Powerful Partnership Enabling Greater Accessibility For Our Community

- MagnusCards is a free app that combines specialized instruction of a behavior therapist and real-world images with an instructional character Magnus
- The app enables customers with cognitive challenges navigate everyday travel
- This app will be available at the end of December for use at the Buffalo airport and on NFTA-Metro buses and rail
- Magnusmode, the parent organization, is committed to empowering people on the autism spectrum and those who have cognitive challenges



NFTA is Now Part of the Inspiration

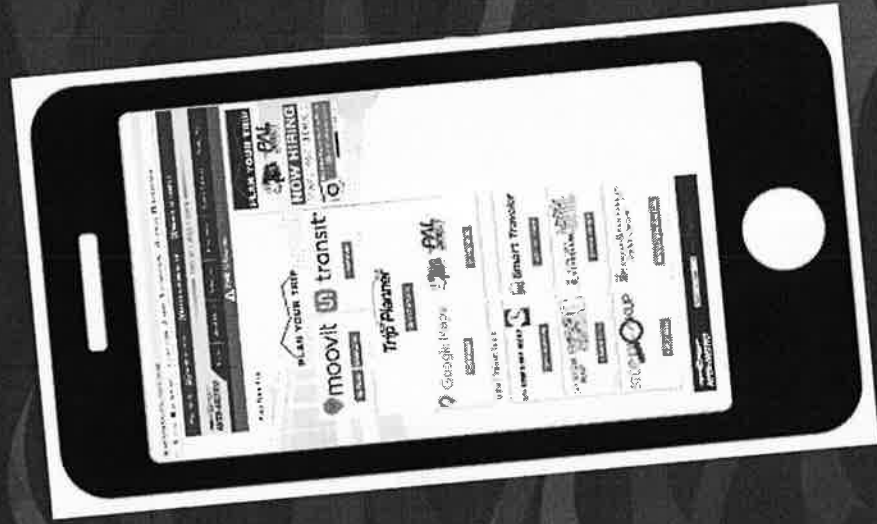
- Proud to support Nadia Hamilton, the founder, who created her company after helping her brother, who is autistic, perform tasks through visual cues
- This practice encouraged her to start the company, Magnusmode
- Magnusmode is a 43North winner
- NFTA joins Magnusmode's partners including San Francisco International Airport, Tim Hortons, and Kaleida Health, and will be the first upstate Authority to provide this service

Fare Payment & Cleaning
Surface Transportation Committee
December 10, 2020



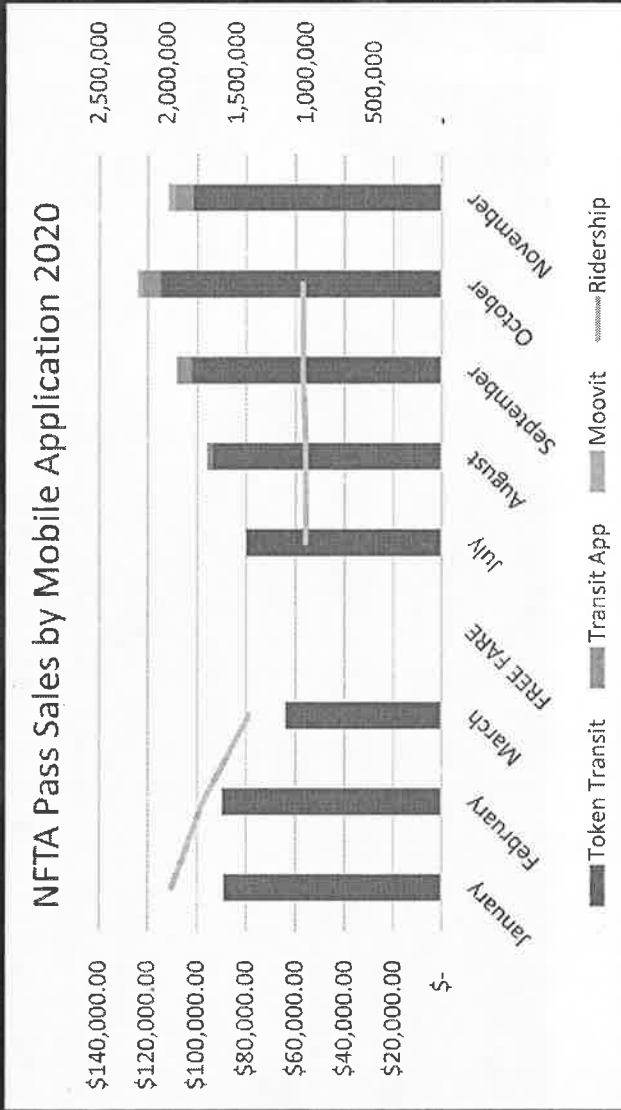
Trip Planning & Fare Payment Apps

- Moovit and Transit - use them to plan your trip AND purchase your pass on NFTA-Metro
- Google, NFTA Trip Planner still available for trip planning
- Token Transit still available for tickets



Trip Planning & Fare Payment Apps

- 30-day pass introduced July 2020 to enhance cashless options
- Use has continued to rise despite reduction in ridership
- Integration of cashless payments into trip planning apps further expands options for payment



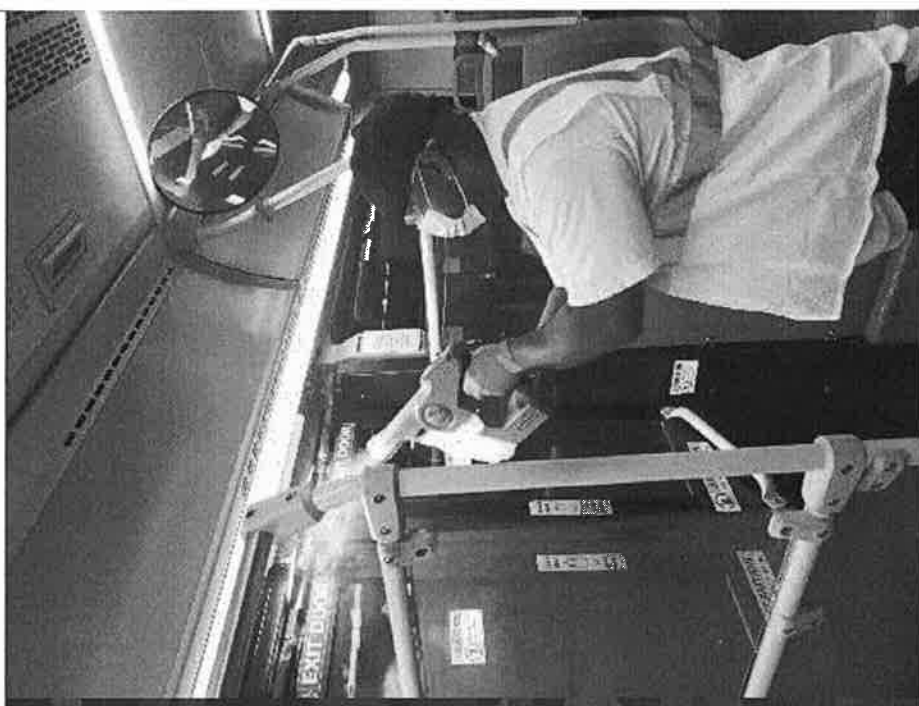
Independent Cleaning and Sanitizing Review

- Implemented independent cleaning and disinfecting review of system to include facilities and fleet
- Review included both methods and materials used in process
- Also reviewed general cleaning for appearance - dirty vehicle exterior erodes confidence despite the level of sanitization within
- Provided recommendations based on review and best practices
- Knowledge and practice are evolving, consultant remains engaged to support changing needs



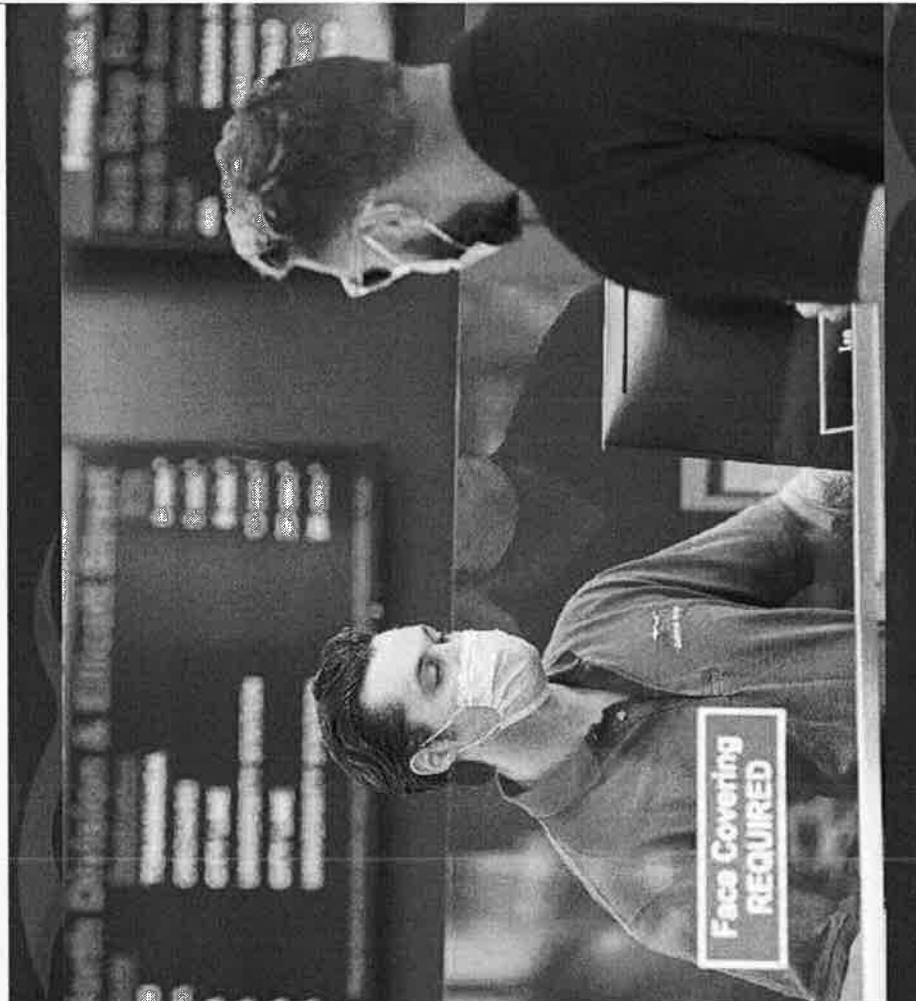
Independent Cleaning and Sanitizing Review

- NFTA's cleaning of "high touch" surfaces effectively reduced bacteria
- Cleaning involved traditional spraying and wiping
- Implementation of new ionize sanitizing sprayer improved effectiveness
- Monitoring effectiveness using ATP swabbing, which measures the level of biological activity on the surface
- Knowledge and practice are evolving, consultant remains engaged to support changes



Independent Cleaning and Sanitizing Review

- Surface disinfection is important in safety and perception of safety, but surface contamination is not the primary means by which COVID-19 spreads. Respiratory droplets are the primary form of transmission
- We will be piloting anti-microbial air filters for Metro Rail vehicles
- Social distancing, hand washing, air treatment, and compliance with face coverings will have more influence on virus transmission prevention



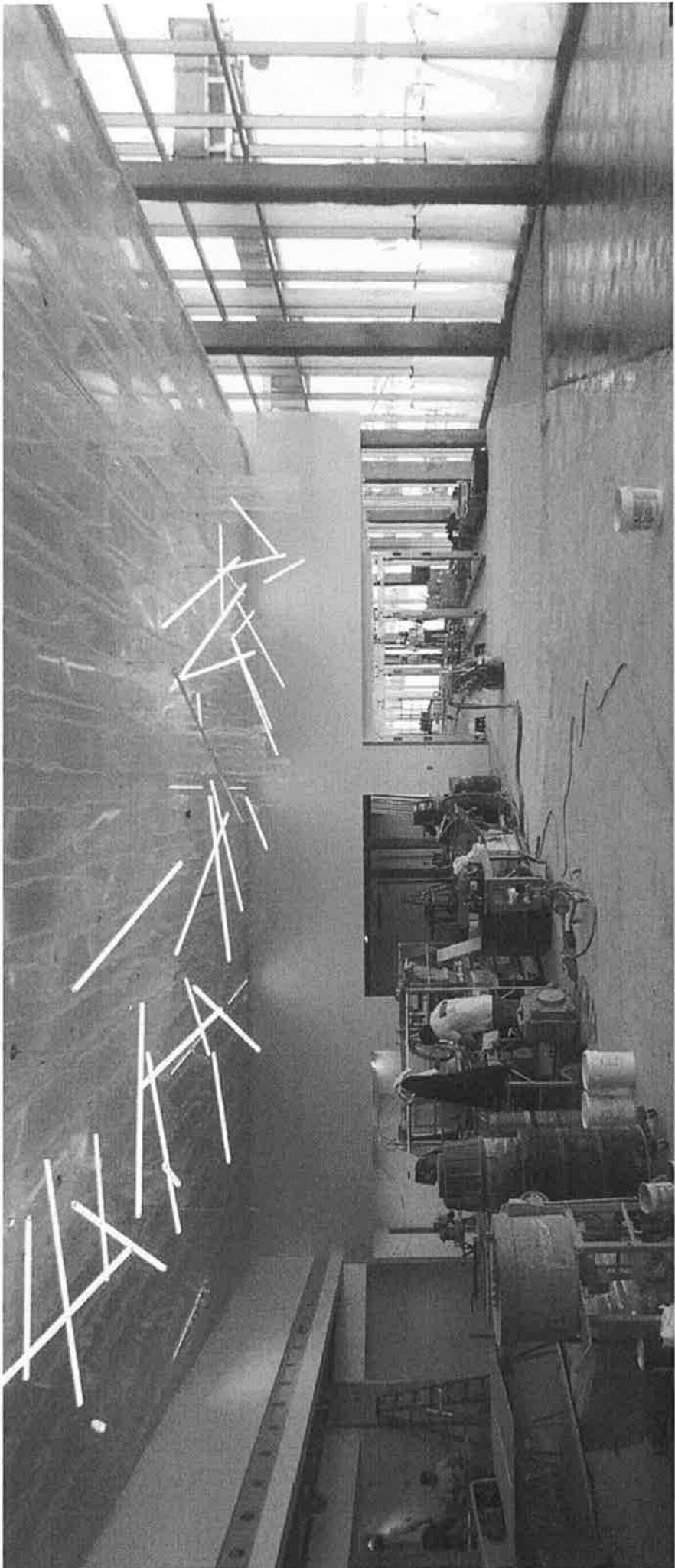


Questions

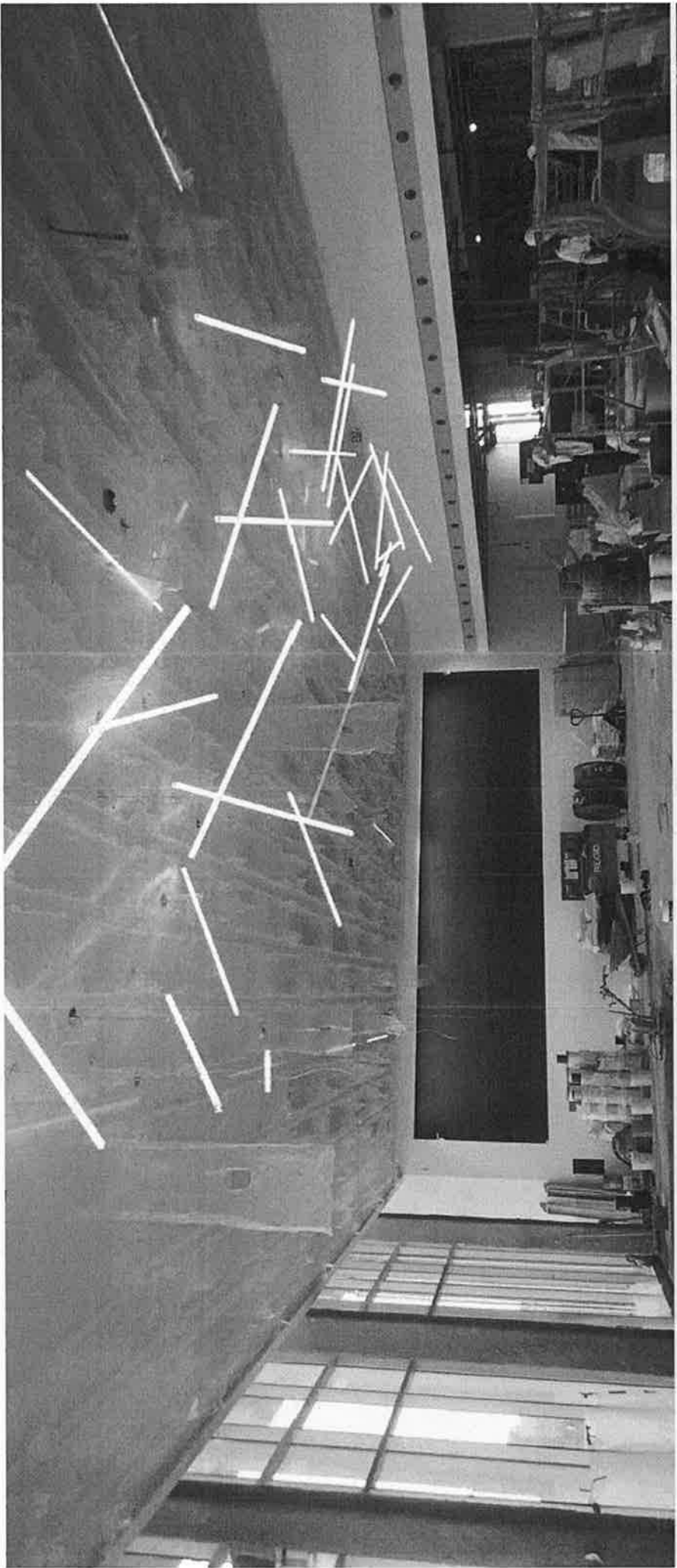


BNIA Terminal Enhancement Progress



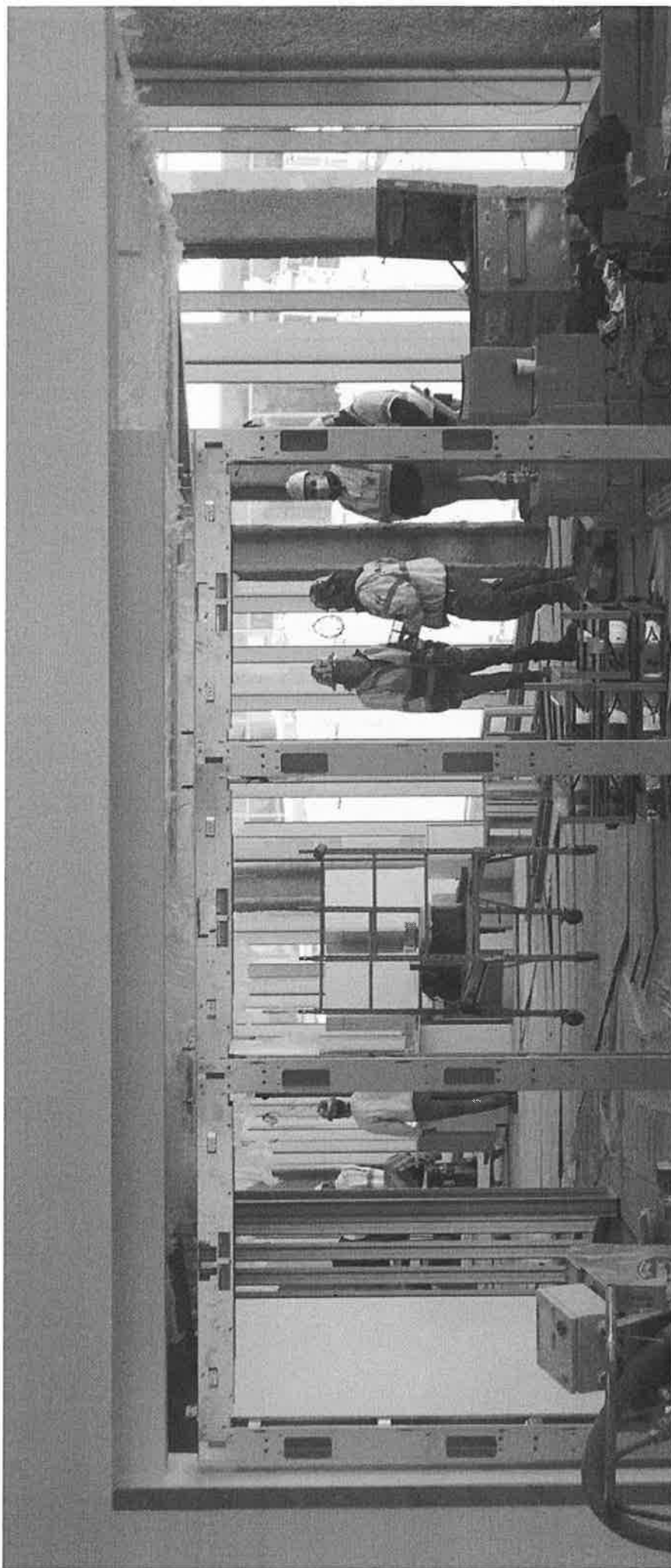


EAST SIDE ARRIVALS
MEET AND GREET AREA

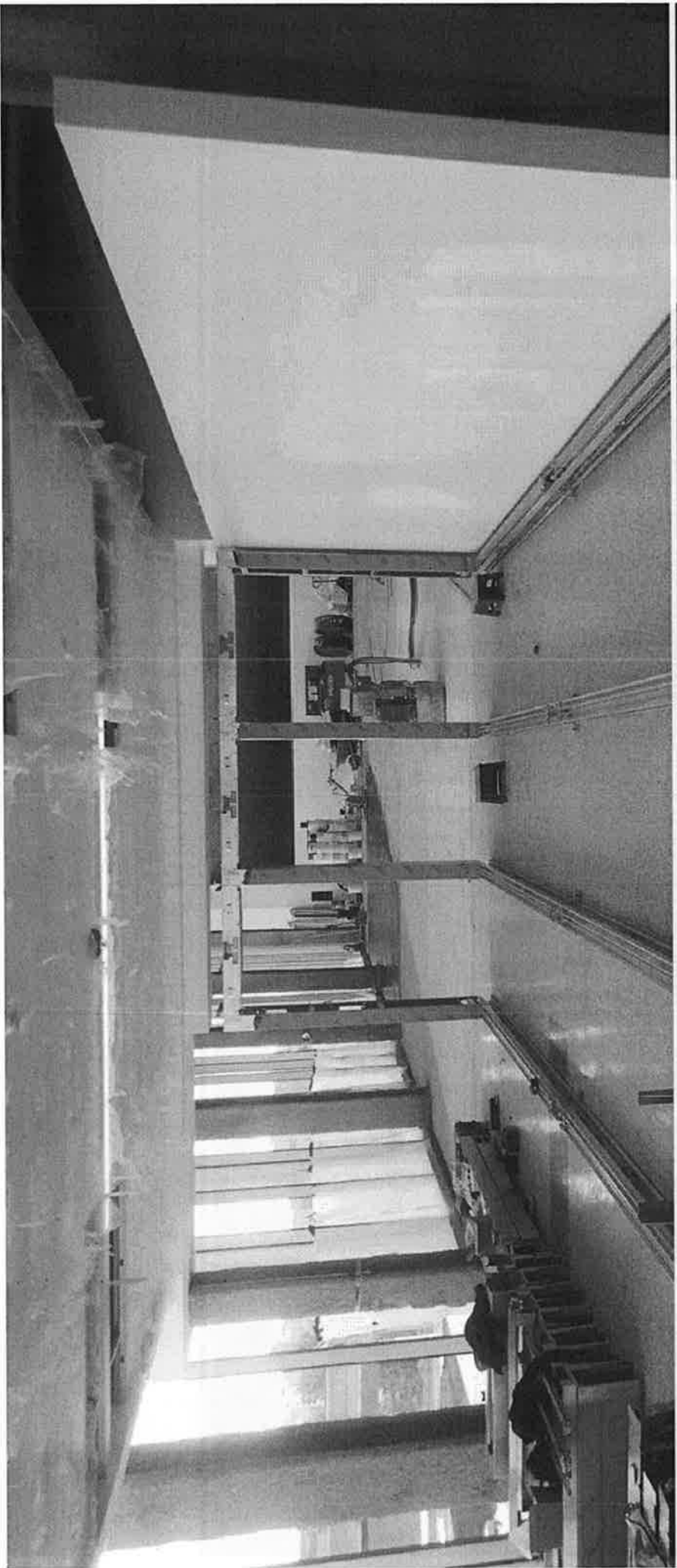


EAST SIDE ARRIVALS
MEET AND GREET AREA



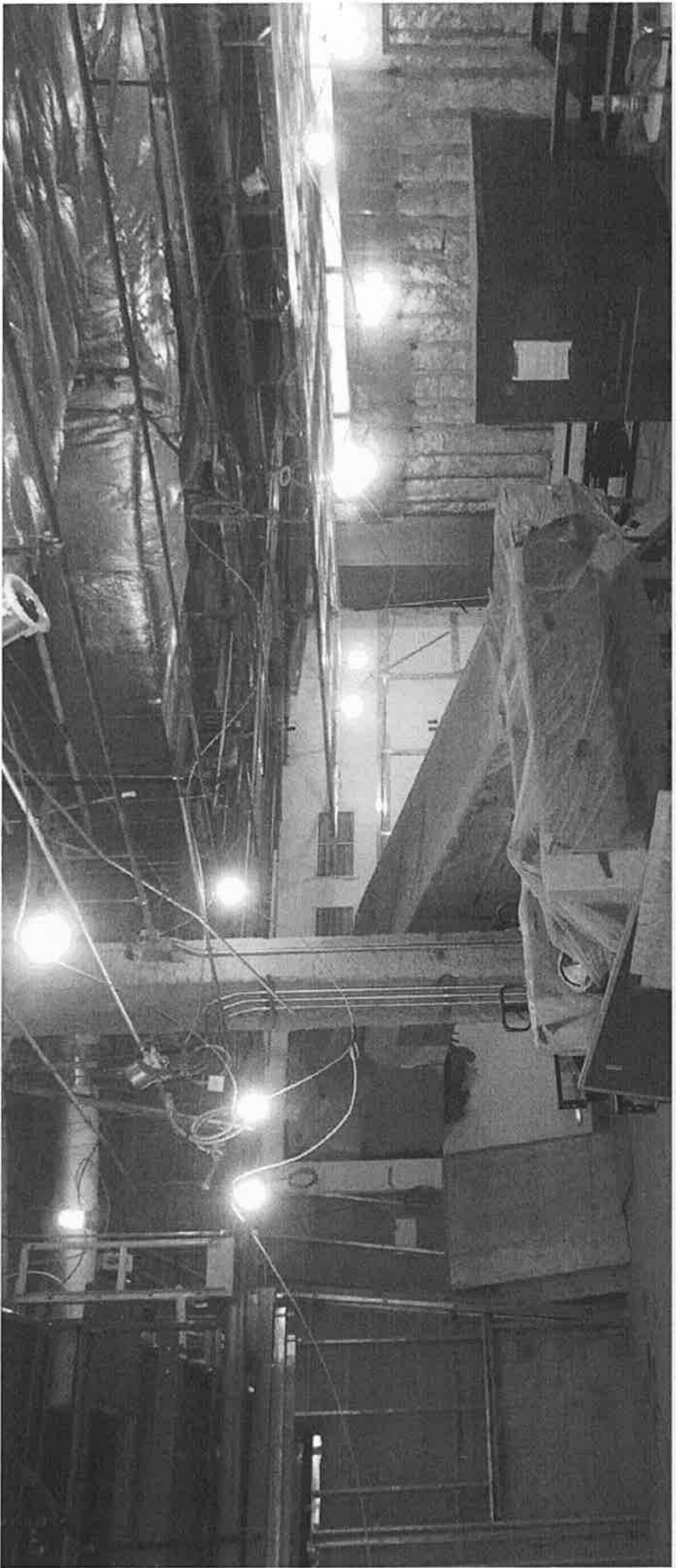


EAST SIDE AUTOMATED EXIT SYSTEM



EAST SIDE AUTOMATED EXIT SYSTEM





BAGGAGE CAROUSEL 2 PROGRESS

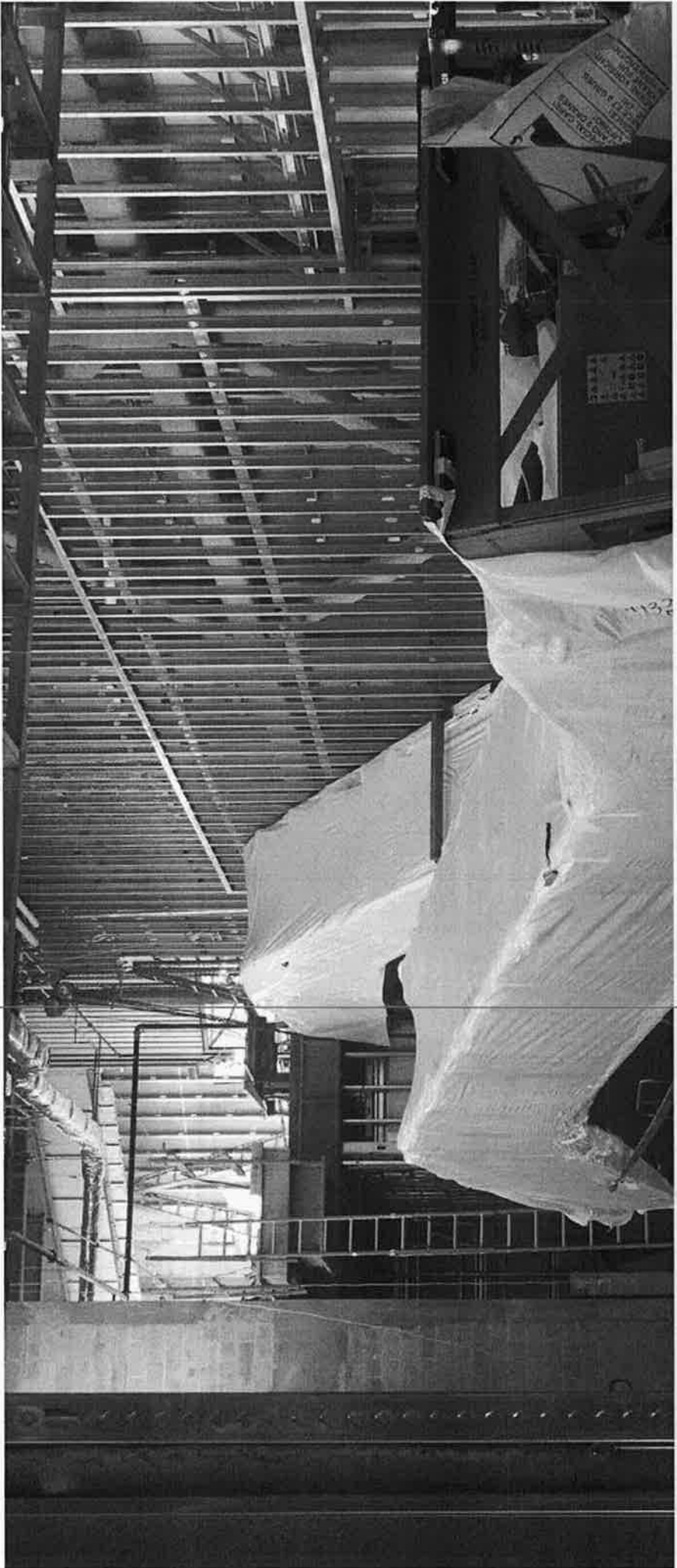
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WEST SIDE
BAGGAGE SERVICE OFFICES PROGRESS



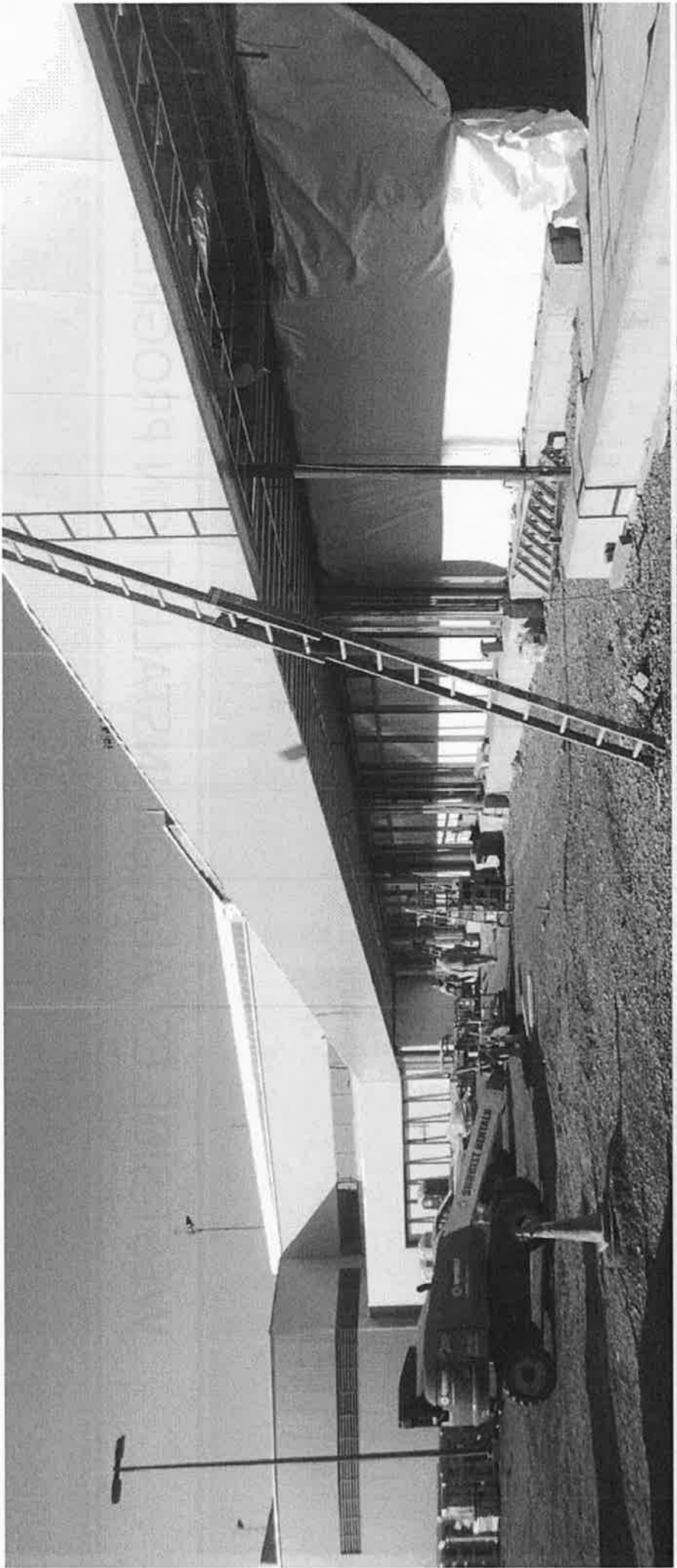
WEST SIDE BAGGAGE SERVICE OFFICES PROGRESS



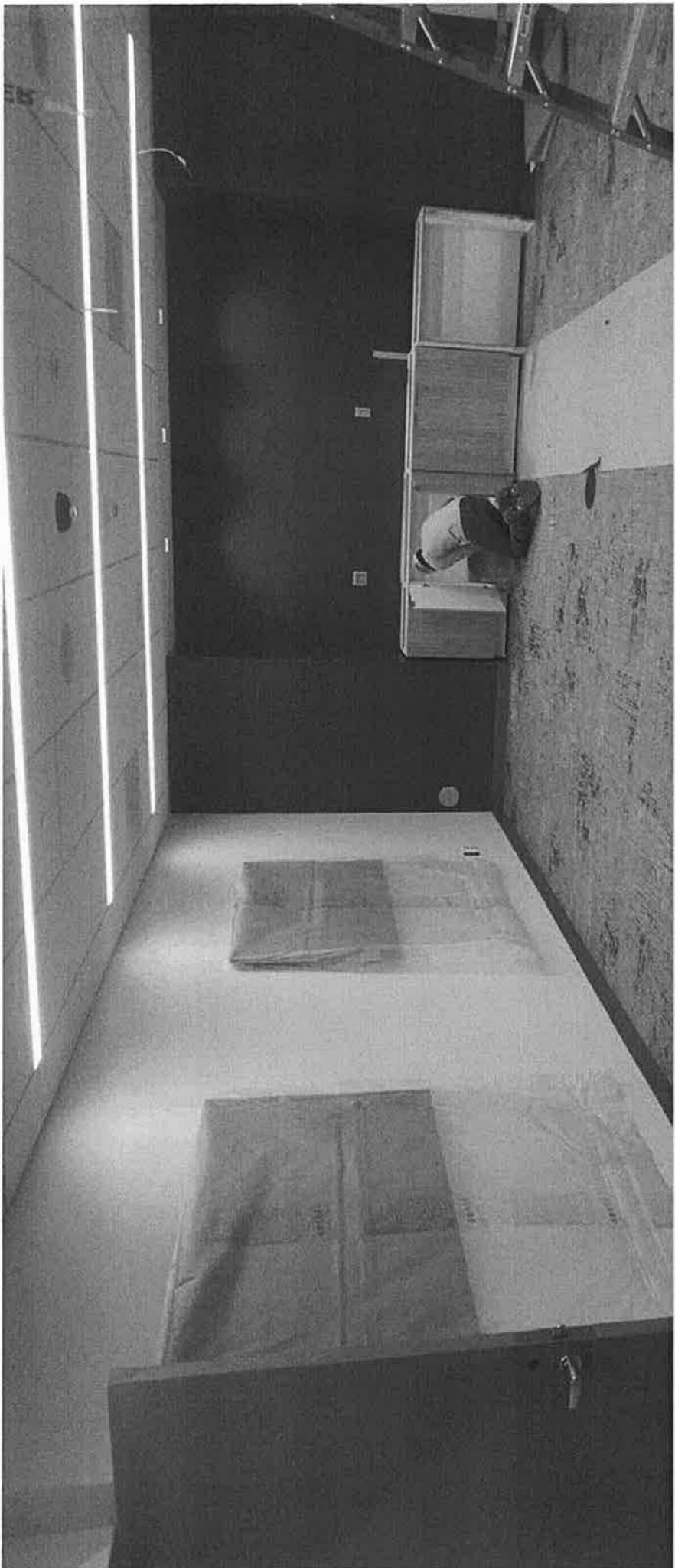
WEST SIDE ESCALATOR INSTALLATION PROGRESS



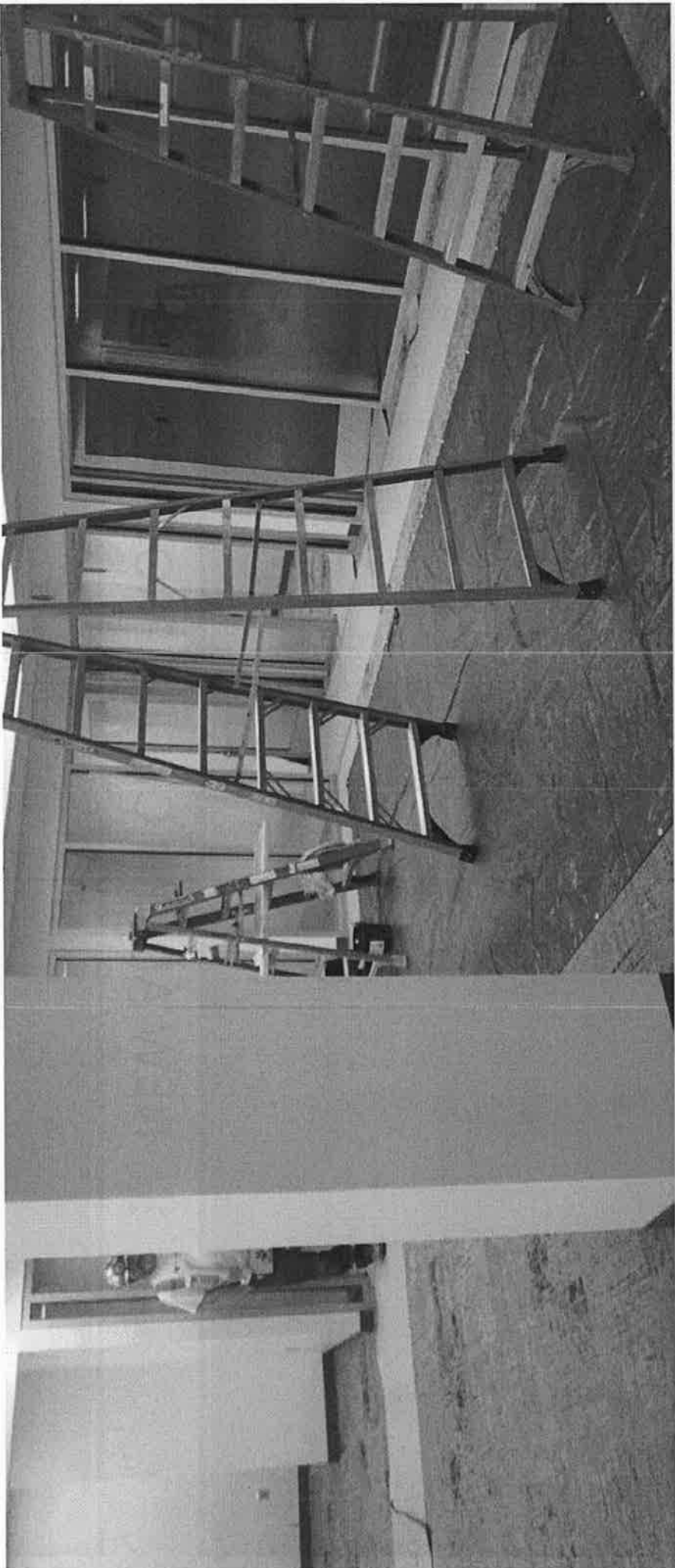
WEST SIDE ESCALATOR INSTALLATION PROGRESS



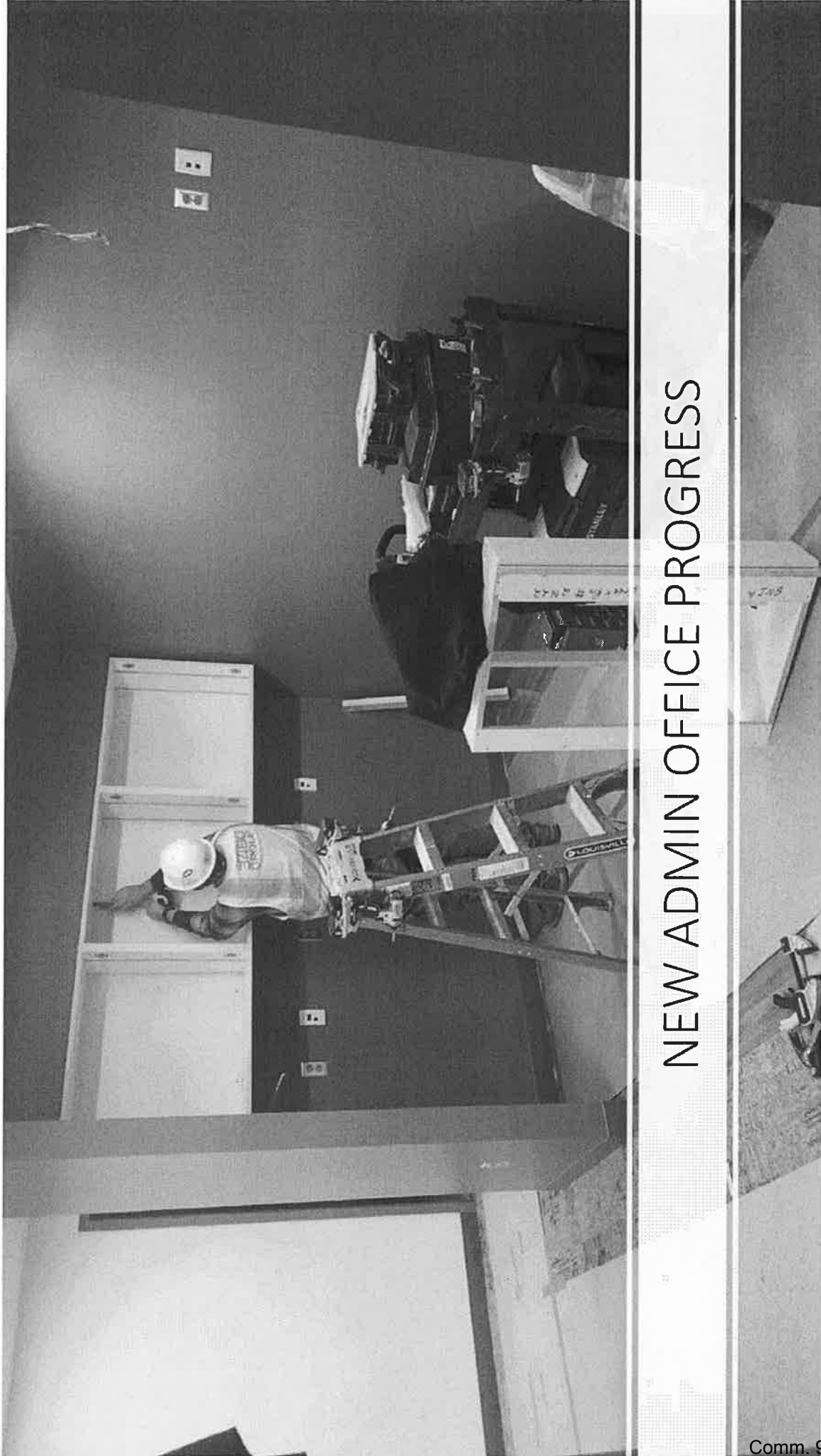
WEST SIDE ARRIVALS CURB FRONT



NEW ADMIN OFFICE PROGRESS



NEW ADMIN OFFICE PROGRESS



NEW ADMIN OFFICE PROGRESS

Questions?

7. Executive Session: none
8. Adjournment

At approximately 2:10 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 Aul and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, PERRY, PERSICO,
WILCOX**

NOES: NONE

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

1. REGULAR BOARD MEETING – JANUARY 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 January 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.

- A. Call to Order
- B. Approval of Minutes
- C. Executive Director's Report

2. NFTA CORPORATE REPORT

- A. Audit, Governance and Finance Committee Report (Acting Chair)
- B. Consolidated Financials (John Cox)
- C. Corporate Resolutions (Kim Minkel)
 - 1. Authorization of NYSDOT Mass Transportation Capital Project Agreement, Contract No. K007460
 - 2. Authorization for Agreement, Oliver Wyman Actuarial Consulting, Inc., Workers' Compensation Actuary Services, NFTA and Metro
 - 3. Authorization for Settlement, Yvette Gumas v. Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, Metro
 - 4. Authorization for Lease Agreement, David Jancetic d/b/a The Fragfather Corals, 485 Cayuga Road, NFTA
 - 5. Authorization for Lease Agreement, Glow Coral Reserve, Inc., 247 Cayuga Road, NFTA
 - 6. Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road, NFTA

3. AVIATION BUSINESS GROUP REPORT

- A. Aviation Committee Report (Adam Perry)
- B. Financial and Business Update (Bill Vanecek)
- C. Aviation Resolutions (Kim Minkel)
 - 1. Authorization for Award Contract, McLaughlin Construction Corp., d/b/a Edbauer Construction and C&S Companies, Rehabilitation and Reconstruction of Taxiway D, NFIA
 - 2. Authorization to Extend Agreement, Truman Arnold Company, FBO Agreement, BNIA
 - 3. Approval of Tariff, Niagara Falls International Airport (NFIA)
 - 4. Authorization for License Agreement, WNY Rapid Testing, LLC, Rapid COVID-19 Testing and Vaccination, BNIA
 - 5. Authorization for License Agreement, FEI Holdings LLC, COVID-19 Testing and Vaccination, NFIA

4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT

- A. Surface Transportation Committee Report (Michael Hughes)
- B. Financial and Business Update (Tom George)
- C. Surface Transportation Resolutions (Kim Minkel)
 - 1. Authorization for Agreement, WSP USA, Design Services, Metro
 - 2. Authorization for Agreement, SafeFleet/SEON, Surveillance System, Metro
 - 3. Authorization for Agreement, Tetra Tech, Inc., Environmental Compliance Review Services, Metro
 - 4. Authorization for Addendum, State University of New York, Erie Community College, CRAM Pass, Metro
 - 5. Authorization for Agreement, WBA Research, Consultant Services, GBNRTC
 - 6. Authorization for Agreement, Stantec Consulting Services, Inc., Consultant Services, GBNRTC

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 12:30 p.m.

B. Approval of Attendance and Minutes of the NFTA Regular Board Meeting held on December 10, 2020

It was moved by Commissioner Hughes, seconded by Commissioner Perry, that the Attendance and Minutes of the December 10, 2020 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: ROCHE, HUGHES, ANSARI, AUL, BLUE, PERRY, TUCKER,
WILCOX

NOES: NONE

ADOPTED

C. Executive Director Report:

Executive Director Kimberley Minkel began by reminding the Board that the quarterly reports were in the Committee packets that were emailed to the Board last week. The first was the quarterly capital report which shows that we are 12% under budget for capital projects. While some of this is timing, some of this is related to the pandemic in delaying purchases and controlling expenses.

The Executive Director further advised the Board that the injuries and illnesses at the Authority were the lowest on record. We had a 16% decrease in reportable injuries, 11% in lost time and 37% decrease in days away. Our self-insurance report is included along with our quarterly worker's compensation report. Of note is that our worker's compensation claims are down only 67 total year to date – again lowest on record – helping to control our workers compensation costs.

Public Affairs we partnered with Feedmore and collected over 450 pounds of food and funds and our Police delivered over \$2,000 in toys to needy families in Niagara and Erie Counties.

On the COVID front, we have our medical department and processes in place to help deliver the vaccine to our employees once it becomes available.

The Executive Director thanked Governor Cuomo for his continued support and investment in public transit and airports in Western New York. She advised the Board that the Governor released his Executive budget last week, which has \$55.4 million in state transit operating assistance for the NFTA. This is \$5.7 M less than last year's enacted budget and \$5.7 M less than what we have in our December budget of \$61.1 M. Like all transit systems in the nation, Kimberley Minkel acknowledged that we are challenged with an aging infrastructure and increase demand for fixed route and paratransit service that continues to stress our system along with the stress that we are still experiencing as part of the pandemic. As is the case each year, she recognized the Governor's budget is simply the starting point of the budget process. We look forward to working with the Governor and members of both the Senate and Assembly in finalizing a budget that addresses Western New York's needs.

Finally, the Executive Director wanted to recognize a few of our officers. Detective Thomas Dewey will be honored virtually by ASIS International on their website this year. She also mentioned our K-9 team Mike Bogulski and his dog Lyka who aided with explosive detection at the Inauguration last week. And our K-9 teams Officer Chrissy Clifford with her dog Harvey and Officer Mario Capozzi with his dog Dok who were aiding at the Superbowl in Tampa.

2. NFTA CORPORATE REPORT

- A. Audit, Governance and Finance Committee Report
- B. Consolidated Financial
- C. Corporate Resolutions

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

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	247	(804)	(1,051)
Revenues and Operating Assistance			518
Expenses			1,249
Non-Operating/Capital			(2,818)
			(1,051)
OPER REVENUES & ASST	20,629	21,147	518
Metro Passenger Fares - decreased ridership and no Buffalo Public Schools revenue			(1,862)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail revenues; significantly decreased enplanements			(1,401)
NFIA Concessions/Commissions - decreased parking lot and auto rental revenues; significantly decreased enplanements			(168)
Eric County Sales Tax			256
Local - 88c Funds			(419)
State - STOA - estimated reduction from New York State			(1,585)
Federal - FTA & FAA CARES Act			5,619
All Other			78
			518
TOTAL OPER EXPENSES	18,641	17,392	(1,249)
Personnel Services			
Metro - service modifications, unanticipated vacancies and lower student operator labor		(629)	
All Other		(9)	(638)
Maintenance & Repairs			
BNIA - lower materials/supplies/service costs, baggage maintenance and automotive expenses		(211)	
NFIA - lower materials/supplies costs, facility maintenance costs and environmental expenses		(30)	
Transportation Centers - lower materials/supplies costs at MTC and NFITC		(14)	
All Other		2	(254)
Metro Transit Fuel/Power - lower diesel and gasoline costs			(71)
Insurance & Injuries			
Metro - higher claim loss reserve appropriations		360	
All Other		14	374
General Business/Other			
BNIA - lower outside service costs and advertising expenses		(327)	
All Other		26	(301)
Inter Division Reimbursement			
Central Admin - higher allocated Metro support costs and police expenses allocated to business centers		(236)	
All Other		(8)	(244)
All Other			(114)
			(1,249)
NON-OPERATING/CAPITAL	(1,741)	(4,559)	(2,818)
Capital			
Metro		(317)	
BNIA		(42)	
All Other		(2)	(361)
Non-Operating			
Metro - SIF Reserve Funding		(2,000)	
BNIA Net Bond Debt Service		(569)	
BNIA Operating Expense Reserve		99	
All Other		13	(2,457)
			(2,818)

NFTA/METRO
KEY ITEM REPORT
DECEMBER 2020

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	Dec 2020	Dec 2020	Variance	%
	<u>Budget</u>	<u>Actual</u>		
Operating Revenues	9,371	5,664	(3,707)	-39.6%
Operating Assistance	11,258	15,483	4,225	37.5%
Total Oper. Revenues & Assistance	20,629	21,147	518	2.5%
Personnel Services	14,354	13,715	(638)	-4.4%
Maintenance & Repairs	1,897	1,643	(254)	-13.4%
Transit Fuel/Power	383	312	(71)	-18.5%
Utilities	477	383	(93)	-19.6%
Insurance & Injuries	438	812	374	85.4%
Safety & Security	1,360	1,391	31	2.3%
General Business/Other	2,507	2,206	(301)	-12.0%
Other	(2,775)	(3,072)	(296)	-10.7%
Total Operating Expenses	18,641	17,392	(1,249)	-6.7%
Operating Income/(Loss)	1,988	3,755	1,767	88.8%
Non-Operating/Capital	(1,741)	(4,559)	(2,818)	-161.8%
Net Surplus/(Deficit)	247	(804)	(1,051)	-425.1%

NFTA/METRO YEAR TO DATE DECEMBER 2020 PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	8,089	5,768	(2,320)
Revenues and Operating Assistance			(8,899)
Expenses			15,748
Non-Operating/Capital			(9,169)
			<u>(2,320)</u>
OPER REVENUES & ASST	183,431	174,532	(8,899)
Metro Passenger Fares - no fares collected April 1st through June 28th; decreased ridership and no Buffalo Public Schools revenue			(18,343)
BNIA Airport Fees & Services - lower compensatory billings based on decreased expenses			(618)
BNIA Rental Income - decreased compensatory airline billings due to lower direct expenses			(1,108)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail/other revenues; significantly decreased enplanements			(14,931)
NFIA Concessions/Commissions - decreased parking lot, ride share, auto rental and retail revenues; significantly decreased enplanements			(1,283)
Erie County Sales Tax			(782)
Local - 88c Funds			(3,772)
State - STOA - estimated reduction from New York State			(13,156)
Federal - FTA & FAA CARES Act			44,826
All Other			267
			<u>(8,899)</u>
TOTAL OPERATING EXPENSES	161,244	145,496	(15,748)
Personnel Services			
Metro - service modifications, unanticipated vacancies and lower overtime, instruction labor and student operator labor			(4,082)
BNIA - lower overtime, temporary help and unanticipated vacancies			(938)
NFIA - lower overtime and temporary help			(165)
Transportation Centers - lower overtime at MTC and NFTTC			(86)
Central Admin - vacancies, lower police, engineering and Metro support overtime			(1,178)
All Other			(36)
			<u>(6,485)</u>
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance, facility and rail contract costs			(601)
BNIA - lower materials/supplies/service costs, baggage maintenance, automotive and landscaping expenses			(1,540)
NFIA - lower facility maintenance costs, major repairs and environmental expenses			(157)
Transportation Centers - lower materials/supplies/service costs at MTC			(99)
Central Admin - lower police materials/supplies/service costs and automotive expenses			(80)
All Other			24
			<u>(2,453)</u>
Metro Transit Fuel/Power - lower diesel, gasoline and CNG costs			(1,167)
Utilities			
Metro - lower electric and gas billings			(136)
BNIA - lower electric and water billings			(226)
Transportation Centers - lower electric billings at MTC and NFTTC			(39)
Property Development - lower electric and gas billings at 247 and 485 Cayuga properties			(32)
All Other			(15)
			<u>(448)</u>
Insurance & Injuries			
Metro - lower insurance premiums, partially offset by higher claim loss reserve appropriations			(384)
BNIA - lower claim loss reserves			(25)
Central Admin - lower police claim loss reserves and insurance premiums			(36)
All Other			(17)
			<u>(462)</u>
General Business/Other			
Metro - lower outside service costs, advertising, training and general office expenses			(867)
BNIA - lower outside service costs, advertising, training/travel and general office expenses			(3,411)
NFIA - lower outside service costs and advertising expenses			(400)
Central Admin - higher MIS/technology expenses, partially offset by lower outside service costs			290
All Other			(4)
			<u>(4,392)</u>
All Other			(340)
			<u>(15,748)</u>
NON-OPERATING/CAPITAL	(14,098)	(23,267)	(9,169)
Capital			
Metro			(792)
BNIA			(136)
Transportation Centers			(58)
Central Admin			(181)
			<u>(1,167)</u>
Non-Operating			
Metro - SIF Reserve Funding			(8,000)
BNIA Net Bond Debt Service			(1,138)
BNIA Operating Expense Reserve			1,072
All Other			64
			<u>(8,002)</u>
			<u>(9,169)</u>

NFTA/METRO
KEY ITEM REPORT
DECEMBER YTD 2020

(\$000 Omitted)

<u>YTD ACTUAL TO BUDGET</u>	Dec 2020	Dec 2020	<u>Variance</u>	<u>%</u>
	<u>YTD Budget</u>	<u>YTD Actual</u>		
Operating Revenues	85,247	48,388	(36,858)	-43.2%
Operating Assistance	98,184	126,143	27,959	28.5%
Total Oper. Revenues & Assistance	183,431	174,532	(8,899)	-4.9%
Personnel Services	122,543	116,058	(6,485)	-5.3%
Maintenance & Repairs	16,366	13,912	(2,453)	-15.0%
Transit Fuel/Power	3,519	2,352	(1,167)	-33.2%
Utilities	3,274	2,826	(448)	-13.7%
Insurance & Injuries	3,943	3,481	(462)	-11.7%
Safety & Security	11,011	10,318	(693)	-6.3%
General Business/Other	23,900	19,508	(4,392)	-18.4%
Other	(23,312)	(22,959)	353	1.5%
Total Operating Expenses	161,244	145,496	(15,748)	-9.8%
Operating Income/(Loss)	22,187	29,036	6,849	30.9%
Non-Operating/Capital	(14,098)	(23,267)	(9,169)	-65.0%
Net Surplus/(Deficit)	8,089	5,768	(2,320)	-28.7%

NFTA/METRO
BUSINESS CENTERS
NET SURPLUS/(DEFICIT)
DECEMBER YTD 2020

(\$000 Omitted)

	Dec 2020	Dec 2020	<u>Variance</u>	<u>%</u>
	<u>YTD Budget</u>	<u>YTD Actual</u>		
NFTA				
BNIA	5,097	2,652	(2,446)	-48.0%
NFIA	(1,695)	(1,695)	0	0.0%
Transportation Centers	(941)	(981)	(41)	-4.3%
Property Development	341	506	166	48.7%
NFTA Total	2,802	482	(2,320)	-82.8%
Metro	5,286	5,286	0	0.0%
NFTA/Metro	8,089	5,768	(2,320)	-28.7%

NFTA/METRO YEAR TO DATE DECEMBER 2020 PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	8,089	5,768	(2,320)
Revenues and Operating Assistance			(8,899)
Expenses			15,748
Non-Operating/Capital			(9,169)
			(2,320)
OPER REVENUES & ASST	183,431	174,532	(8,899)
Metro Passenger Fares - no fares collected April 1st through June 28th; decreased ridership and no Buffalo Public Schools revenue			(18,343)
BNIA Airport Fees & Services - lower compensatory billings based on decreased expenses			(618)
BNIA Rental Income - decreased compensatory airline billings due to lower direct expenses			(1,108)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail/other revenues; significantly decreased enplanements			(14,931)
NFTA Concessions/Commissions - decreased parking lot, ride share, auto rental and retail revenues; significantly decreased enplanements			(1,283)
Erie County Sales Tax			(782)
Local - 88c Funds			(3,772)
State - STOA - estimated reduction from New York State			(13,156)
Federal - FTA & FAA CARES Act			44,826
All Other			267
			(8,899)
TOTAL OPERATING EXPENSES	161,244	145,496	(15,748)
Personnel Services			
Metro - service modifications, unanticipated vacancies and lower overtime, instruction labor and student operator labor			(4,082)
BNIA - lower overtime, temporary help and unanticipated vacancies			(938)
NFTA - lower overtime and temporary help			(165)
Transportation Centers - lower overtime at MTC and NFITC			(86)
Central Admin - vacancies, lower police, engineering and Metro support overtime			(1,178)
All Other			(36)
			(6,485)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance, facility and rail contract costs			(601)
BNIA - lower materials/supplies/service costs, baggage maintenance, automotive and landscaping expenses			(1,540)
NFTA - lower facility maintenance costs, major repairs and environmental expenses			(157)
Transportation Centers - lower materials/supplies/service costs at MTC			(99)
Central Admin - lower police materials/supplies/service costs and automotive expenses			(80)
All Other			24
			(2,453)
Metro Transit Fuel/Power - lower diesel, gasoline and CNG costs			(1,167)
Utilities			
Metro - lower electric and gas billings			(136)
BNIA - lower electric and water billings			(226)
Transportation Centers - lower electric billings at MTC and NFITC			(39)
Property Development - lower electric and gas billings at 247 and 485 Cayuga properties			(32)
All Other			(15)
			(448)
Insurance & Injuries			
Metro - lower insurance premiums, partially offset by higher claim loss reserve appropriations			(384)
BNIA - lower claim loss reserves			(25)
Central Admin - lower police claim loss reserves and insurance premiums			(36)
All Other			(17)
			(462)
General Business/Other			
Metro - lower outside service costs, advertising, training and general office expenses			(867)
BNIA - lower outside service costs, advertising, training/travel and general office expenses			(3,411)
NFTA - lower outside service costs and advertising expenses			(400)
Central Admin - higher MIS/technology expenses, partially offset by lower outside service costs			290
All Other			(4)
			(4,392)
All Other			(340)
			(15,748)
NON-OPERATING/CAPITAL	(14,098)	(23,267)	(9,169)
Capital			
Metro			(792)
BNIA			(136)
Transportation Centers			(58)
Central Admin			(181)
			(1,167)
Non-Operating			
Metro - SIF Reserve Funding			(8,000)
BNIA Net Bond Debt Service			(1,138)
BNIA Operating Expense Reserve			1,072
All Other			64
			(8,002)
			(9,169)

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

(\$000 Omitted)

<u>MONTH PRIOR YEAR COMPARISON</u>	Dec 2019	Dec 2020	Variance	%
	<u>Actual</u>	<u>Actual</u>		
Operating Revenues	8,586	5,664	(2,922)	-34.0%
Operating Assistance	10,771	15,483	4,712	43.7%
Total Oper. Revenues & Assistance	19,357	21,147	1,790	9.2%
Personnel Services	14,060	13,715	(345)	-2.5%
Maintenance & Repairs	2,107	1,643	(464)	-22.0%
Transit Fuel/Power	338	312	(26)	-7.6%
Utilities	407	383	(24)	-5.9%
Insurance & Injuries	471	812	341	72.4%
Safety & Security	1,391	1,391	(1)	0.0%
General Business/Other	2,624	2,206	(418)	-15.9%
Other	(2,942)	(3,072)	(130)	-4.4%
Total Operating Expenses	18,458	17,392	(1,066)	-5.8%
Operating Income/(Loss)	899	3,755	2,856	317.5%
Non-Operating/Capital	(1,738)	(4,559)	(2,821)	-162.4%
Net Surplus/(Deficit)	(838)	(804)	34	4.1%

NFTA/METRO YEAR TO DATE DECEMBER PERFORMANCE
 FYE 2021 vs. FYE 2020
 (\$000's)

	Dec 2019 YTD Actual	Dec 2020 YTD Actual	VARIANCE
NET SURPLUS/(DEFICIT)	5,086	5,768	682
Revenues and Operating Assistance			(3,459)
Expenses			11,838
Non-Operating/Capital			(7,697)
			682
OPER REVENUES & ASST	177,991	174,532	(3,459)
Metro Passenger Fares - no fares collected April 1st through June 28th of FYE21; ridership down significantly and no Buffalo Public Schools revenue in FYE21			(18,161)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail revenues; significantly decreased enplanements in FYE21			(15,193)
NFLA Concessions/Commissions - decreased parking lot, ride share, auto rental and retail revenues; significantly decreased enplanements in FYE21			(1,107)
Eric County Sales Tax			(492)
Mortgage Tax			1,533
Local - 88c Funds			(3,733)
State - STOA - estimated reduction from New York State			(11,292)
Federal - FTA & FAA CARES Act			44,826
All Other			160
			(3,459)
TOTAL OPERATING EXPENSES	157,334	145,496	(11,838)
Personnel Services			
Metro - modified service in FYE21, vacancies, and decreased overtime, instruction labor and student operator labor			(3,334)
BNIA - lower overtime and temporary help			(379)
NFLA - lower overtime and temporary help			(88)
All Other			(35)
			(3,836)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance and facility costs			(311)
BNIA - lower materials/supplies/services, snowplowing, baggage maintenance, automotive and landscaping expenses			(1,080)
NFLA - lower materials/supplies cost, facility maintenance, major repairs, automotive and environmental expenses			(211)
Transportation Centers - lower materials/supplies/service cost at MTC and NFITC			(142)
Property Development - lower service costs at 485 Cayuga			(74)
All Other			(8)
			(1,827)
Metro Transit Fuel/Power - lower diesel and gasoline costs			(1,002)
Utilities			
Metro - higher electric billings			65
BNIA - lower electric and water billings			(189)
All Other			(15)
			(139)
Insurance & Injuries			
Metro - decreased claim loss reserve appropriations and insurance premiums			(1,611)
BNIA - increased insurance premiums and claim loss reserves			97
Central Admin - higher police claim loss reserves			43
All Other			26
			(1,446)
General Business/Other			
Metro - lower outside service costs, advertising and training expenses			(503)
BNIA - lower outside service costs, advertising and training/travel expenses			(3,269)
NFLA - lower outside service costs and advertising expenses			(339)
Central Admin - timing of MIS/technology expenses and contracts in FYE21			755
All Other			23
			(3,333)
All Other			(255)
			(11,838)
NON-OPERATING/CAPITAL	(15,571)	(23,267)	(7,697)
Capital			
BNIA			156
Transportation Centers			(58)
Property Development			(183)
Central Admin			(763)
All Other			(12)
			(860)
Non-Operating			
Debt Service - Noresco			339
Metro - SIF Reserve Funding			(8,000)
BNIA Net Bond Debt Service			(1,263)
BNIA ADF Funding			1,255
BNIA Operating Expense Reserve			936
All Other			(104)
			(6,837)
			(7,697)

NFTA/METRO
KEY ITEM REPORT
FYE 2021 vs. FYE 2020
DECEMBER YTD

(\$000 Omitted)

	Dec 2019	Dec 2020		
	Prior	Current		
<u>YTD PRIOR YEAR COMPARISON</u>	<u>YTD Actual</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	82,054	48,388	(33,666)	-41.0%
Operating Assistance	95,937	126,143	30,207	31.5%
Total Oper. Revenues & Assistance	177,991	174,532	(3,459)	-1.9%
Personnel Services	119,894	116,058	(3,836)	-3.2%
Maintenance & Repairs	15,739	13,912	(1,827)	-11.6%
Transit Fuel/Power	3,354	2,352	(1,002)	-29.9%
Utilities	2,964	2,826	(139)	-4.7%
Insurance & Injuries	4,927	3,481	(1,446)	-29.3%
Safety & Security	10,587	10,318	(269)	-2.5%
General Business/Other	22,840	19,508	(3,333)	-14.6%
Other	(22,973)	(22,959)	14	0.1%
Total Operating Expenses	157,334	145,496	(11,838)	-7.5%
Operating Income/(Loss)	20,657	29,036	8,379	40.6%
Non-Operating/Capital	(15,571)	(23,267)	(7,697)	-49.4%
Net Surplus/(Deficit)	5,086	5,768	682	13.4%

Corporate Resolutions

1. Authorization of NYSDOT Mass Transportation Capital Project Agreement, Contract No. K007460
2. Authorization for Agreement, Oliver Wyman Actuarial Consulting, Inc., Workers' Compensation Actuary Services, NFTA and Metro
3. Authorization for Settlement, Yvette Gumas v. Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, Metro
4. Authorization for Lease Agreement, David Jancetic d/b/a The Fragfather Corals, 485 Cayuga Road, NFTA
5. Authorization for Lease Agreement, Glow Coral Reserve, Inc., 247 Cayuga Road, NFTA
6. Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road, NFTA

CORPORATE:

2. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (6)**

The Executive Director advised that Items 2. C. (1) through 2. C. (6) 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 Blue, 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. (6) dated January 28, 2021 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, BLUE, PERRY, PERSICO, TUCKER, WILCOX

ABSTAIN: HUGHES [Item 2.C. (3) Only]

NOES: NONE

ADOPTED

CORPORATE 2. C. (i)

CORPORATE:

2. C. (1) **Authorization of NYSDOT Mass Transportation Capital Project Agreement, Contract No. K007460**

RECOMMENDATION: Staff recommends that the Board authorize New York State Department of Transportation (NYSDOT) Mass Transportation Capital Project Main Grant Agreement identified by Contract Number K007460 in the amount of \$2,967,062.

INFORMATION: The NYSDOT Mass Transportation Capital Project Main Grant Agreement, Contract Number K007460 provides state funding to support the projects listed below.

FUNDING: 100% NYSDOT 2018 Modernization Enhancement Program (MEP) Supplemental (Competitive).

NYSDOT Mass Transportation Capital Project Main Grant Agreement, Contract No. K007460

<i>PIN</i>	<i>Project</i>	<i>State Share</i>
<i>5824.85.001</i>	<i>Design & Install Customer Communications System</i>	<i>\$2,967,062</i>
Total		\$2,967,062

“RESOLVED, that the Board hereby authorizes New York State Department of Transportation Mass Transportation Capital Project Agreement (Contract No. K007460) in the amount of \$2,967,062, as described above and relating to the above-referenced projects; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said agreement, as described above and relating to the above-referenced projects.”

CORPORATE:

2. C. (2) **Authorization for Agreement, Oliver Wyman Actuarial Consulting, Inc., Workers' Compensation Actuary Services, NFTA and Metro**

RECOMMENDATION: Staff recommends that the Board approve a seven-year Agreement with Oliver Wyman Actuarial Consulting, Inc. as the NFTA's Actuary for workers' compensation services effective April 1, 2021. The estimated annual cost is \$14,300 for the first year \$14,650 in the second year and \$15,000 in the third year. The Agreement may be renewed for four additional contract years for an estimated annual cost of \$15,350 in year four, \$15,700 in year five, \$16,050 in year six and \$16,400 in the seventh year.

INFORMATION: The NFTA/Metro utilize the services of an Actuary to ensure the liability reserves required for workers' compensation are properly stated as well as to project future year costs. This is beneficial financial information for the management of the authority as well as a necessary requirement under GASB (Governmental Accounting Standards Board) in order to properly state liabilities in the Authority's financial statements. The Actuary has also been beneficial in providing guidance on the effects of changes in the NYS Workers' Compensation Law on the NFTA/Metro.

A request for proposal was developed to outline the necessary services above. On October 28, 2020 the NFTA released Request for Proposal No. 4971 for Workers' Compensation Actuarial services. An NFTA review team consisting of staff from the Risk Management, Workers' Compensation, Accounting and Procurement Departments evaluated the proposals based on qualifications and experience, technical criteria, and compensation as reflected in the attachment. Seven proposals were received from:

AMI Risk Consultants, Inc. – Miami, FL
Analytic Solutions, LLC – Camden - Wyoming, DE
Huggins Actuarial Services, Inc. – Media, PA
Lewis & Ellis, Inc. – Allen, TX
Oliver Wyman Actuarial Consulting, Inc. – Melville, NY
Pinnacle Actuarial Resources, Inc. – Bloomington, IL
SGRisk, LLC – Lyndhurst, NJ

Oliver Wyman Actuarial Consulting, Inc. was ranked highest by the team based upon the evaluation criteria. Oliver Wyman Actuarial Consulting, Inc. is highly qualified and capable of performing the required services and has performed similar services for the Authority over the past seven years in an exemplary manner. Oliver Wyman Actuarial Consulting, Inc. has extensive knowledge of the continually evolving New York State Worker' Compensation Law.

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.

“RESOLVED, that the Board hereby authorizes an Agreement with Oliver Wyman Actuarial Consulting, Inc. for workers’ compensation actuarial services as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair be and hereby are authorized to execute an Agreement with Oliver Wyman Actuarial Consulting, Inc. for workers’ compensation actuarial services for a seven-year period with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Agreement and any renewals 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 he is hereby authorized to make payments upon the terms of the Agreement upon certification by the Director of Risk Management, that such payments are in order based upon receipt of all required supporting documentation.”

Workers' Comp Actuarial Services

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Analytic Solutions	Huggins	AMI Risk	Pinnacle	Oliver Wyman	SG Risk	Lewis & Ellis
	Camden-Wyoming, DE	Media, PA	Miami, FL	Bloomington, IL	Melville, NY	Lyndhurst, NJ	Allen, TX
SELECTION CRITERIA	(rate on a score of 1 -10, with 10 being the highest)						
(Completed by Team)							
Qualifications and Experience - demonstrated experience in the industry, references, past performance, depth of knowledge of key personnel, organization, management. 40%	3.00	5.00	3.00	7.00	9.50	7.00	3.00
Technical Criteria - project approach, methods, compliance with requirements.- 30%	3.50	3.50	4.00	7.00	9.00	7.50	5.00
Cost (Price) - 30%	6.16	5.50	10.00	5.24	5.02	7.03	5.92
RATING	4.10	4.70	5.40	6.47	8.01	7.16	4.48
Cost Proposals							
Annual Report	\$9,800	\$12,500	\$6,500	\$12,500	\$12,500	\$9,960	\$11,500
Yr 1	\$9,800	\$12,500	\$6,500	\$12,700	\$12,800	\$9,960	\$11,500
Yr 2	\$9,800	\$12,500	\$6,500	\$12,900	\$13,100	\$9,960	\$11,500
Yr 3	\$9,800	\$12,500	\$6,500	\$13,100	\$13,400	\$9,960	\$11,500
Yr 4	\$9,800	\$12,500	\$6,500	\$13,300	\$13,700	\$9,960	\$11,500
Yr 5	\$9,800	\$12,500	\$6,500	\$13,500	\$14,000	\$9,960	\$11,500
Yr 6	\$9,800	\$12,500	\$6,500	\$13,700	\$14,300	\$9,960	\$11,500
Yr 7	\$2,700	\$1,500	\$1,200	\$1,500	\$1,800	\$1,000	\$1,500
Monthly Update	\$2,700	\$1,500	\$1,200	\$1,530	\$1,850	\$1,000	\$1,500
Yr 1	\$2,700	\$1,500	\$1,200	\$1,560	\$1,900	\$1,000	\$1,500
Yr 2	\$2,700	\$1,500	\$1,200	\$1,590	\$1,950	\$1,000	\$1,500
Yr 3	\$2,700	\$1,500	\$1,200	\$1,620	\$2,000	\$1,000	\$1,500
Yr 4	\$2,700	\$1,500	\$1,200	\$1,650	\$2,050	\$1,000	\$1,500
Yr 5	\$2,700	\$1,500	\$1,200	\$1,680	\$2,100	\$1,000	\$1,500
Yr 6	\$2,700	\$1,500	\$1,200	\$1,680	\$2,100	\$1,000	\$1,500
Yr 7	\$2,700	\$1,500	\$1,200	\$1,680	\$2,100	\$1,000	\$1,500
Total 7 yrs +1 monthly update per year	\$87,500	\$98,000	\$53,900	\$102,830	\$107,450	\$76,720	\$91,000
Travel if required (not to exceed)	\$1,000	\$0	\$800	\$0	\$0	\$1,500	\$0

CORPORATE:

2. C. (3) **Authorization for Settlement, Yvette Gumas v Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority**

RECOMMENDATION: Staff recommends that the Board authorize payment of the judgment, including costs and interest, in the amount of \$325,760.65 in the matter of Yvette Gumas v. Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority.

INFORMATION: The Plaintiff was injured on April 18, 2011 at 12:50 p.m. as she was alighting bus # 2120 at 3010 Walden Avenue, in the Village of Depew when the bus driver unintentionally closed the door on her arm. The Plaintiff, then 48, was on her way to work. The bus video confirms that Ms. Gumas was exiting at the front door of the bus holding onto the right bar with her right hand when the door closed on her right upper arm.

Yvette Gumas went for medical attention three (3) days after the incident at DeGraff Memorial Hospital emergency department. She complained of a right arm injury with no numbness or tingling. X-rays were negative. She did not complain of shoulder pain. There were large gaps in her treatment records. She was working at the time of the incident and continued to work for two more years with her same employer without difficulty. The file indicated that the plaintiff lost only four hours of time from work.

Ms. Gumas eventually came under the care of Excelsior Orthopedics and began complaining of right shoulder pain that she claimed came about with no known mechanism and had been ongoing for a short period of time. Excelsior records indicated that the right shoulder complaints were non-traumatic. Eventually, on November 29, 2017, over six (6) years after the loss in question, the Plaintiff underwent a right shoulder cuff arthroscopic procedure. All Excelsior medical records indicated that the injury and resulting surgery were a result of primary osteoarthritis and not trauma.

The Plaintiff was examined by an orthopedic surgeon at our request on June 22, 2018. In his initial report he found a causal relationship to a rotator cuff tear, impingement syndrome and surgery. He did opine that with respect to the arthrosis that there was no reasonable mechanism of injury for the accident to have caused an aggravation of the degenerative process.

Various settlement negotiations took place before trial but were unavailing. The matter proceeded to a jury trial before Judge Catherine Nugent-Panepinto on April 4, 2019. The trial resulted in a verdict on April 16, 2019. The jury determined the Defendants were negligent and that the Plaintiff sustained a causally related "serious injury" as defined by the Insurance Law. The Plaintiff was awarded past pain and suffering and loss of enjoyment of life in the amount of \$115,000 and an award for future damages in the amount of \$187,500. Post-trial motions and an appeal to the Fourth Department Appellate Division were pursued unsuccessfully. The Plaintiff is entitled to statutory interest on the judgment at 4% per annum.

FUNDING: Provided by NFT Metro System, Inc. through Self-Insurance Reserves.

“RESOLVED, that the Board hereby authorizes payment of the judgement , including costs and interest (calculated to February 4, 2021), in the amount of \$325,760.65 in the matter concerning the accident that occurred on April 18, 2011;

BE IT FURTHER RESOLVED, that the Executive Director, her designee, and/or the Chair be and hereby are authorized to execute such payments as necessary to resolve the matter of Yvette Gumas v. Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority;

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

CORPORATE:

2. C. (4) **Authorization for Lease Agreement, David Jancetic d/b/a The Fragfather Corals, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with David Jancetic d/b/a The Fragfather Corals for space at 485 Cayuga Road, Cheektowaga.

INFORMATION: The Fragfather is an internet seller of aquaculture coral. Mr. Jancetic has requested to renew his lease of 1,941 square feet in Bay 4 of 485 Cayuga Road. His current lease expires on January 31, 2021.

The initial term of this lease is for one (1) year commencing February 1, 2021 and expiring January 31, 2022. Mr. Jancetic will have the option for one (1) additional one-year period with NFTA approval. The initial rental rate is \$7.83 per square foot or \$15,198.03 for the first year and is subject to a three percent (3%) annual escalator.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with David Jancetic d/b/a The Fragfather, for use of office space at 485 Cayuga Road on the terms set forth above; and

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

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

CORPORATE:

2. C. (5) **Authorization for Lease Agreement, Glow Coral Reserve, Inc., 247 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Glow Coral Reserve, Inc. (Philip Szudzik, President) for space at 247 Cayuga Road.

INFORMATION: Glow Coral Reserve, Inc., formally known as Aquapros, is an aquarium service business and has been a tenant with NFTA at 485 Cayuga Road since 2017. Their current lease of 648 square feet expires on January 31, 2021. Glow Coral Reserve, Inc. requested a new lease with additional space. This will be accommodated by moving their operations to 247 Cayuga. Due to difficulty moving live coral over the winter months, Glow Coral Reserve, Inc. requested to remain at 485 Cayuga for an additional three (3) months to April 30, 2021 under the current contract terms and lease rate of \$8.05 per square foot.

The new lease will be with Glow Coral Reserve, Inc. for 1,233 square feet of light industrial space at 247 Cayuga Road. The annual rental rate for the space is \$8.22 per square foot, or \$10,135.26 for the year. The initial term of the lease is for three (3) years commencing May 1, 2021 and expiring on April 30, 2024. Glow Coral Reserve, Inc. will have the option to renew for one (1) additional two-year period with NFTA approval. The rental rate will carry a 3% escalator each year.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Glow Coral Reserve, Inc, for use of office space at 247 Cayuga Road on the terms set forth above; and

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

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

CORPORATE:

2. C. (6) **Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Richard Reinhart d/b/a Mailmasters for the continued lease of light industrial space at 247 Cayuga Road.

INFORMATION: Mr. Reinhart has leased 663 square feet of light industrial space to accommodate his direct mail business at 247 Cayuga Road since 2010. The current lease expires on January 31, 2021. This new 2-year agreement will commence on February 1, 2021 and end on January 31, 2023. The rental rate in the first year will be \$8.49 per square foot, or \$5,628.87 for the year. This initial rental rate will increase by 3% each year.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Richard Reinhart d/b/a Mailmasters, for use of office space at 247 Cayuga Road on the terms set forth above; and

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

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

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

1. Authorization for Award Contract, McLaughlin Construction Corp., d/b/a Edbauer Construction and C&S Companies, Rehabilitation and Reconstruction of Taxiway D, NFIA
2. Authorization to Extend Agreement, Truman Arnold Company, FBO Agreement, BNIA
3. Approval of Tariff, Niagara Falls International Airport (NFIA)
4. Authorization for License Agreement, WNY Rapid Testing, LLC, Rapid COVID-19 Testing and Vaccination, BNIA
5. Authorization for License Agreement, FEI Holdings LLC, COVID-19 Testing and Vaccination, NFIA

AVIATION:

3. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. C. (1) through 3. C. (5)**

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

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. C. (1) through 3. C. (5) and dated January 28, 2021 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, BLUE, PERRY, PERSICO, TUCKER, WILCOX

NOES: BAYNES [Item 3.(C)(4)]

ADOPTED

AVIATION 3. C. (i)

AVIATION:

3. C. (1) **Authorization for Award Contract, McLaughlin Construction Corp. d/b/a Edbauer Construction and C&S Companies, Rehabilitation and Reconstruction of Taxiway D, NFIA**

RECOMMENDATION: Staff recommends that the Board award the subject project construction contract to McLaughlin Construction Corp. d/b/a Edbauer Construction, for the total bid amount of \$4,986,649.00.

Further, award the corresponding design support and construction monitoring contract to C&S Companies (C&S) for a total cost-plus fixed fee amount not to exceed \$419,614.00.

INFORMATION: Taxiway D is 4,238 ft long and 75 ft wide and is the primary route commercial aircraft use when departing the Niagara Falls International airport via the main runway (Runway 28R). The 2013 Airport Pavement Management Study (APMS) was performed for the latest FAA approved Master Plan update. Current pavement condition is consistent with the APMS prediction the pavements would gradually degrade from fair to poor condition.

This project rehabilitates the taxiway's pavement and associated infrastructure. Rehabilitation will reduce the risk of aircraft damage due to foreign object debris and bring the pavement surface into compliance with FAA design standards. The project also provides geometry improvements such as pavement widening accommodating aircraft turning at intersecting taxiways, and removes pavement minimizing potential runway incursions.

Construction Contract:

The construction contract scope includes the following:

- Mill and overlay taxiway asphalt
- Rehabilitate intersecting taxiway C concrete pavement
- Adjust taxiway centerline height
- Provide new edge lighting and drainage at expanded pavement areas
- Removal Runway 28L intersection pavement
- Improve Adjacent taxiway field area drainage
- Remove old and apply new pavement markings
- Remove a fire hydrant obstruction within the taxiway object free area

Work will be in accordance with the project's approved FAA Construction Safety and Phasing Plan (CSPP). The phasing minimizes aircraft operational impacts and maintains security. The safety component protects aircraft, personnel, and equipment.

The construction project was publicly advertised in accordance with FAA and NFTA Procurement Guidelines. Five (5) sets of contract documents were distributed to potential prime bidders with three (3) responding as follows:

Company	Total Bid Amount
McLaughlin Construction Corp. dba Ed Bauer Construction West Seneca, NY Michael Mclaughlin, President	\$4,986,649.00
Union Concrete and Construction Company West Seneca, New York Robert Hill, President	\$5,466,902.00
Concrete Applied Technologies Corp. Alden, New York Michael Salvador, President	\$5,993,410.00

Analysis of the bids confirm the low bidder, McLaughlin Construction Corp. dba Edbauer Construction, has the knowledge, understanding, and ability to successfully accomplish the project work.

The NFTA Affirmative Action/EEO office assisted McLaughlin Construction Corp. dba Edbauer Construction identify 17.1% DBE participation exceeding the 17.0% goal.

Design Support and Construction Monitoring Contract:

The design support and construction monitoring contract scope includes the following:

- Construction submittal review
- Project administration
- Project schedule review
- Full time inspection
- Material testing
- Contract document interpretation
- Progress reporting and payment review
- Subcontractor/supplier review
- As-built drawing preparation
- Project closeout

C&S was selected for the design support and construction contract in accordance with the Design Services Contract that the Board awarded in December 2019.

The staff conducted negotiations with C&S with the following results:

Engineers Estimate	\$427,071.00
Original Proposal	\$498,476.00
Negotiated Cost Proposal	\$419,614.00

C&S proposes 17.2% DBE participation, exceeding the 17% goal.

FUNDING: The funding is distributed as shown below between an FAA AIP construction grant, future Passenger Facility Charges (PFC), and NYSDOT. The account codes are pending.

	Construction	Design Support & Construction Monitoring
FAA AIP	\$4,487,984.10	\$377,652.60
PFC	\$249,332.45	\$20,980.70
NYSDOT	\$249,332.45	\$20,980.70
TOTAL	\$4,986,649.00	\$419,614.00

“RESOLVED, that the Board hereby authorizes an Agreement with McLaughlin Construction Corp. d/b/a Edbauer Construction for rehabilitation and reconstruction of Taxiway D, as described above; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes an Agreement with C&S Companies for design support and construction monitoring, as described above; and

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

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

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

AVIATION:

3. C. (2) **Authorization to Extend Agreement, Truman Arnold Company, FBO Agreement, BNIA**

RECOMMENDATION: Authorization to approve the extension of the term of Truman Arnold Companies' Agreement for the conduct of a fixed base operation at the Buffalo Niagara International Airport (BNIA) for an additional term of ten (10) years and further provide for an adjustment to the rental rates as set forth herein.

INFORMATION: The NFTA and Prior Aviation Service, Inc. (Prior Aviation) entered into a certain Lease and Operating Agreement dated December 21, 2006 for the conduct of a fixed base operation at BNIA (FBO Agreement). Truman Arnold Companies d/b/a TAC Air acquired Prior Aviation effective October 1, 2020 and assumed all of Prior Aviation's duties, obligations and rights under the FBO Agreement. The FBO Agreement provides that TAC Air has the ability to extend the term of the FBO Agreement for an additional ten-year period, subject to mutually acceptable terms and NFTA Board of Commissioner approval.

TAC Air desires to make an investment of \$3,000,000 in renovation, restoration, and beautification of the FBO facilities by June 30, 2022. TAC Air requested that the NFTA consent to the exercise of the option to extend the FBO Agreement, prior to the original expiration date of December 31, 2026, to enable TAC Air to amortize its \$3,000,000 investment. Staff commissioned a market rent analysis of the leased FBO facilities. The market rent analysis recommended that the NFTA increase the rents for the FBO facilities. Staff negotiated with TAC Air and TAC Air agreed to increase the rents for the FBO facilities to recommended amounts and complete \$3,000,000 of capital improvements and upgrades to the FBO facilities in exchange for the approval of the exercise of the extension option. The new base rental rates, effective January 1, 2021, are set forth below:

Executive Terminal	\$10.00	per sq. ft. @	8,388 sq. ft.	83,880.00
Hangar 1	\$3.00	per sq. ft. @	24,815 sq. ft.	74,445.00
Hangar 2	\$5.50	per sq. ft. @	29,375 sq. ft.	161,562.50
Hangar 3	\$5.00	per sq. ft. @	64,063 sq. ft.	320,315.00
Unimproved Areas	\$0.25	per sq. ft. @	224,003 sq. ft.	56,000.75
Associated Ramp	\$0.45	per sq. ft. @	345,564 sq. ft.	<u>155,503.80</u>
Total Rent for first Lease Year			1/1/2021-12/31/2021	\$851,707.05

The base rental rates set forth above will be adjusted annually based upon CPI. The authorization to approve the extension will result in a new expiration date of December 31, 2036 and a \$3,000,000 investment to NFTA's FBO facilities and provide for an immediate increase in the rental rates for the FBO facilities. The capital improvements will enhance and modernize the look of the FBO facilities. TAC Air believes that the investment will increase business opportunities.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes the extension of the Agreement with Truman Arnold Company for an additional 10 years, 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 extension of 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.

AVIATION:

3. C. (3) Approval of Tariff, Niagara Falls International Airport (NFIA)

RECOMMENDATION: Staff recommends that the Board approve the Niagara Falls International Airport (NFIA) Tariff set forth in the attachment to this resolution. The Tariff rates will be effective February 1, 2021.

INFORMATION: The landing fee rate and terminal rental rate for scheduled air carrier service are not increasing. The revised Tariff schedule is intended to distinguish commercial operations from general aviation operations at NFIA and require non-signatory commercial operators to pay a non-signatory rate for landing fees and terminal rental fee equal to 125% of the signatory rate to cover the additional administrative and overhead costs associated with providing services and maintaining the facilities for use by non-signatory commercial operators at NFIA. While the BNIA Tariff rates are not the same as those at NFIA, the new format of the NFIA Tariff will be consistent with the BNIA Tariff. The revised Tariff schedule further distinguishes the landing fees applicable to non-based general aviation aircraft. This approach will make the implementation of the NFIA Tariff easier.

FUNDING: No funding required.

“**RESOLVED**, that the Board hereby approves the Niagara Falls International Airport Tariff, as set forth in the attachment, effective February 1, 2021; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver such documents and agreements as may be necessary to give effect to said tariffs, as described above and in the attachment.”

NIAGARA FALLS INTERNATIONAL AIRPORT

TARIFF - EFFECTIVE FEBRUARY 1, 2021

I. LANDING FEES

1. Scheduled passenger air carriers, air cargo carriers, and charter operators to pay \$1.64 per 1,000 lbs. maximum gross certificated take-off weight (GCTOW) for signatory carriers¹ and \$2.05 per 1,000 lbs. of GCTOW for non-signatory carriers including itinerant air carriers, air cargo carriers, and charter operators. Any aircraft, regardless of weight, that carries passengers, cargo for hire, or other commercial use shall pay the landing fee set forth in this section.
2. Other operators or aircraft, when the aircraft is not carrying passenger for hire, cargo for hire, or other commercial use, are to be charged as follows²:

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

¹ Signatory carriers are defined as Part 121 scheduled passenger air carriers operating at the Terminal Building or scheduled cargo carriers operating at airport pursuant to an agreement with the NFTA.

² Does not apply to general aviation aircraft permanently based at Niagara Falls International Airport provided that the aircraft is not carrying passengers or cargo for hire or other commercial use.

II. PUBLIC AIRCRAFT AREA PARKING FEES

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

	<u>Each 24 Hours or Fraction Thereof</u>
Below 8,000 lbs. GCTOW	\$ 7.00
8,001 - 12,500 lbs. GCTOW	\$ 15.00
12,501 - 55,000 lbs. GCTOW	\$ 20.00
Above 55,001 GCTOW	\$ 40.00

III. TERMINAL USE FEES

1. A charge of \$ 127.00 or \$ 1.27 per one-way seat, whichever is greater per operation for signatory carriers and \$ 159.00 or \$ 1.59 per one-way seat, whichever is greater per operation for non-signatory carriers including itinerant air carriers, and charter operators.

IV. FUEL FLOWAGE FEES³

1. A charge of \$.07 per gallon will be assessed for all fuel delivered to the airport premises.

2. A charge of \$.07 per gallon will be assessed for all aircraft lubricants delivered to the airport premises.

³ Fee does not apply to Part 121 signatory scheduled passenger air carriers operating at the Terminal Building or scheduled cargo carriers operating at airport pursuant to an agreement with the NFTA.

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

1. All signatory commercial air carriers to pay \$110.00 per 12 hours or fraction thereof.
2. All non-signatory commercial air carriers to pay \$137.50 per 12 hours or fraction thereof.
3. Parking areas as designated by the Director of Aviation.
4. In areas designated for public aircraft parking at Niagara Falls International Airport, owners assume complete responsibility for their aircraft.

All applicable Fees established by this Tariff are due and owing upon landing at the airport. Users are subject to a late fee for failure to remit payment when due at the maximum rate amount allowable by law.

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

AVIATION:

3. C. (4) Authorization for License Agreement, WNY Rapid Testing, LLC, Rapid COVID-19 Testing and Vaccination, BNIA

RECOMMENDATION: Buffalo Niagara International Airport (BNIA) Administration staff recommends that the Board authorize a month to month License Agreement with WNY Rapid Testing, LLC (Licensee) for use of an assigned area of the BNIA Terminal Building for the operation of a rapid COVID-19 testing and vaccination site.

INFORMATION: BNIA Administration staff negotiated a License Agreement with Licensee for the use of space located on the eastern side of the baggage claim area of the BNIA Terminal Building for the operation of a rapid COVID-19 testing and vaccination site. The Licensed Premises consists of approximately 400 square feet of space. The operation will consist of the temporary installation of privacy walls. The License Fee is \$1,100 per month. Licensee is responsible for all maintenance of the Licensed Premises. Licensee will provide the requisite insurance for the operations and the License Agreement provides for the indemnification of the NFTA from any and all claims and damages that may arise out of the Licensee's use of the Licensed Premises.

The testing site provides a valuable service to the community and generates revenue for the NFTA.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes a License Agreement with WNY Rapid Testing, LLC for use of an assigned area at the BNIA Terminal Building for COVID-19 rapid testing and vaccination, as described above; and

BE IT FURTHER RESOLVED, the Board hereby authorizes a License Agreement with an additional testing company under the same terms and conditions described above if demand dictates a second provider is warranted; 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.

AVIATION:

3. C. (5) **Authorization for License Agreement, FEI Holdings LLC, COVID-19 Testing and Vaccination, NFIA**

RECOMMENDATION: Niagara Falls International Airport (NFIA) Administration staff recommends that the Board ratify a month to month License Agreement with FEI Holdings LLC (Licensee) for use of NFIA's Parking Lot No. 3 located on Niagara Falls Boulevard, Wheatfield, New York for operation of a drive through COVID-19 testing and vaccination site. The term of License Agreement commenced on January 15, 2021.

INFORMATION: NFIA Administration staff negotiated a License Agreement with Licensee for the use of the parking lot for the operation of a COVID-19 drive through testing site. Licensee may also use the site for as a COVID-19 vaccination site if that option becomes available. The operation will consist of the temporary installation of two tents for passenger vehicle drive through for testing and/or vaccination, one tent for Licensee's employees, one lavatory trailer for Licensee's employees, two garbage dumpsters, and miscellaneous traffic control equipment. The License Fee is \$2,500 per month. Licensee is responsible for all maintenance and repairs on the premises, including snow removal. The short-term use of this parking lot will not impact NFIA parking operations. Licensee has provided the requisite insurance for the operations and the License Agreement provides for the indemnification of the NFTA from any and all claims and damages that may arise out of the Licensee's use of the premises.

The Executive Director canvassed the Board to ascertain whether there was any objection to executing the License Agreement prior to obtaining authorization of the License Agreement through a formal Board resolution. No objections were noted. The testing site provides a valuable service to the community and generates revenue for the NFTA which helps to recoup lost parking revenues.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby ratifies a License Agreement with FEI Holdings LLC (Licensee) for use of NFIA's Parking Lot No. 3 for operation of a drive through COVID-19 testing and vaccination site, 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.

- 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, WSP USA, Design Services, Metro
2. Authorization for Agreement, SafeFleet/SEON, Surveillance System, Metro
3. Authorization for Agreement, Tetra Tech, Inc., Environmental Compliance Review Services, Metro
4. Authorization for Addendum, State University of New York, Erie Community College, CRAM Pass, Metro
5. Authorization for Agreement, WBA Research, Consultant Services, GBNRTC
6. Authorization for Agreement, Stantec Consultant Services, Inc. GBNRTC

SURFACE:

4. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. C. (1) through 4. C. (6)**

The Executive Director advised that Items 4. C. (1) through 4. C. (6) 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 Wilcox, 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. (6) and dated January 28, 2021 as set forth herein, be and hereby are accepted and approved in their entirety.

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, BLUE, PERRY,
PERSICO, TUCKER, WILCOX

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

NOES: NONE

ADOPTED

SURFACE 4. C. (i)

SURFACE:

4. C. (1) **Authorization for Agreement, WSP USA, Design Services, Metro**

RECOMMENDATION: Staff recommends the Board award the subject design services contract to WSP USA for a total lump sum amount of \$290,386.00.

INFORMATION: The purpose of this project is to rehabilitate the existing inbound and outbound Erie Canal Harbor stations.

The existing rail stations, circa 1984, have undergone routine repairs and minor improvements to date. The project will update the stations to increase passenger utilization and amenities that reflect the increase in development of Buffalo's Canalside area. The station design will provide for safe egress of the railcars (lighting, positive traction surfaces, crosswalks, etc.) and ease of maintenance (snow and ice management, routine maintenance and cleaning, etc.). In addition, its esthetics will complement the surrounding area.

WSP USA will provide Architectural and Engineering design services to prepare conceptual designs and construction bid documents for the rehabilitation of the rail stations.

The consultant selection process was initiated on October 19, 2020 by publicly soliciting a qualification-based Requests for Proposals (RFP) pursuant to NFTA and NYSDOT guidelines. The RFP included design services, construction monitoring services, and design support services during construction. Technical proposals were received on November 13, 2020. The proposals were evaluated for the following:

- Key Personnel
- Related Projects
- Background Experience
- Quality Assurance/Quality Control
- Standards and Codes
- Drawings and Specifications
- Scope of Work
- Project Implementation
- Project Organization
- Manpower Plan
- Work Location

The evaluation committee consisted of the Rail General Manager, Senior Transportation Planner, Facilities & Property Manager, Construction Manager and Engineering Project Manager. The committee evaluated proposals and selected the highest ranked qualified technical proposer, WSP USA.

The committee ranked the respondents in the following descending order of selection:

WSP USA Buffalo, NY Mark Tytko, Area Manager
Bergmann Buffalo, NY Carmen Garozzo, National Practice Leader - Rail
Foit Albert Associates Buffalo, NY Gwen Howard, AIA, Vice President
EI TEAM Buffalo, NY Hormoz Mansouri, Ph.D., P.E., President

Following the evaluation, a detailed scope and corresponding independent engineers estimate was developed. The results of the negotiations are as follows:

Engineer's Estimate	\$287,077.00
Initial Cost Proposal	\$442,575.00
Negotiated Cost Proposal	\$290,386.00

The established MBE, WBE and SDVOB goals were 10%, 12%, and 7% respectively. WSP USA identified their MBE participation as 8.8%, and WBE participation as 27%. WSP USA identified their SDVOB participation as 11.4%.

Only the design services contract is being requested now. Staff will negotiate construction monitoring and design support services prior to award of the construction contract.

FUNDING: Funding is provided 100% by MEP 20/21.

“RESOLVED, that the Board hereby authorizes an Agreement with WSP USA for design services as set forth above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute and deliver an Agreement with WSP USA, 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

SURFACE 2. C. (1)

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

LRRT - Erie Canal Harbor Station Rehabilitation
 Project No. 31LS2003
 Proposal Evaluation Scoring

LRRT - Erie Canal Harbor Station Rehabilitation

Scoring for Proposals

	Bergmann	EI Team	Foit-Albert	WSP	Average
Scope of Work / Project Implementation	21	12	17	22	18
Project Organization / Manpower Plan	8	5	8	8	7
Work Locations	13	10	12	13	12
Key Personnel	15	11	14	17	14
Related Projects / Background Experience	16	10	16	18	15
Quality Assurance / Quality Control	7	5	8	8	7
Score	79	54	73	87	73

Scoring for Proposals & Presentations

	Bergmann	EI Team	Foit-Albert	WSP	Average
Scope of Work / Project Implementation	22	12	17	22	18
Project Organization / Manpower Plan	8	5	8	8	7
Work Locations	13	10	12	13	12
Key Personnel	16	11	14	18	15
Related Projects / Background Experience	16	10	16	18	15
Quality Assurance / Quality Control	8	5	8	8	7
Score	83	54	73	87	75

SURFACE:

4. C. (2) **Authorization for Agreement, Safe Fleet/SEON, Surveillance System, Metro**

RECOMMENDATION: Staff recommends the approval of the subject material procurement contract to Safe Fleet/SEON in the amount of \$190,828.00 to purchase new components to upgrade existing surveillance system.

INFORMATION: The current recording component of the CCTV surveillance system housed within the LRV fleet is obsolete and has reached the end of its useful life resulting in irretrievable recordings and inadequate recording storage space. Associated software and hardware are unsupported and frequently fails to operate as designed. The remainder of the system including cameras, wiring and system connectivity remain operational and supported. All options to repair and maintain the current recording system have been exhausted and have failed to provide a sustainable solution.

Within the contract provided by Safe Fleet, recording system updates integrated into the existing surveillance system will lead to a more durable and dependable surveillance system providing benefits for NFTA staff to better assist in investigations and improve the overall safety of our passengers and staff. It will also provide flexibility to add cameras and extend storage capacity to address new guidelines being implemented and recommended by FTA, USDOT and APTA to have a forward-facing camera in each of the operating cabs.

This is a sole source procurement and is in accordance with NFTA and FTA guidelines; whereby Safe Fleet's design allows for the use of our current cameras and vehicle infrastructure while being able to add additional cameras in the future that are required by FTA along with being expandable for future needs of the video system.

A sole source audit of this procurement was performed by the NFTA Procurement Department and it was determined that the cost was fair and reasonable.

The NFTA Affirmative Action/EEO office has been briefed on the proposal results and concurs with the recommendation for Board approval. Empire State Development has deemed sole source procurements exempt from MWBE requirements. OGS has deemed sole source procurements exempt from SDVOB requirements.

FUNDING: Funding for this project is provided through Metro's Capital Budget as NYS funding.

“RESOLVED, that the Board hereby authorizes an Agreement with Safe Fleet/SEON, to purchase new components to upgrade existing surveillance system. as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with Safe Fleet/SEON as described above; and

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

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

SURFACE:

4. C. (3) **Authorization for Agreement, Tetra Tech, Inc., Environmental Compliance Review Services, Metro**

RECOMMENDATION: Staff recommends that the Board award the subject environmental compliance review services for the Federal Transit Administration (FTA) under 23 U.S.C.§ 139(j) cost plus contract to Tetra Tech, Inc. in amount of \$216,765 for FTA National Environmental Policy Act (NEPA) Support.

INFORMATION: In early 2020, as lead agency, the Niagara Frontier Transportation Authority (the "NFTA"), completed, published and received public and agency comments on the New York State Environmental Quality Review Act (SEQRA) Draft Environmental Impact Statement (DEIS) for the proposed Amherst-Buffalo Light Rail Expansion (the "Project").

In April 2020, in response to the DEIS FTA submitted a letter to the NFTA stating that in anticipation of the NFTA to seek federal funding for the Project, FTA would support development of the Project under the NEPA process and that it would now serve at the federal lead agency for this review. Additionally, as becoming the federal lead agency, the FTA indicated that the Project should proceed as a federal Environmental Impact Statement (EIS). The FTA also strongly recommended the use of a third-party contractor to assist FTA's review of the NEPA EIS under 23 U.S.C.§ 139(j).

FTA and NFTA will execute a Memorandum of Agreement to provide contractor support under 23 U.S.C.§ 139(j) to FTA to expedite and improve environmental compliance, planning, preparation, consultation and review activities for the Project.

The consultant will provide on call services to FTA to assist with the environmental review process for the Project at FTA discretion and in accordance with FTA direction. The assistance to FTA will include reviewing technical methodologies and analysis for environmental review, assisting FTA with outreach efforts at FTA's direction, and utilizing documentation completed by NFTA to date in the present environmental review.

Consultant service proposals were requested to provide contractor support to FTA to complete the environmental compliance review services on the proposed Amherst-Buffalo Light Rail Extension EIS required under the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA).

The consultant selection process was initiated on October 2, 2020 through publicly advertised Requests for Proposals (RFP) pursuant to NFTA Procurement Guidelines. Proposals were received on November 2, 2020. The three (3) responsive proposals were evaluated based on qualifications and experience, technical criteria and cost.

The evaluation committee consisted of the Manager of Procurement, Environmental Engineer, Deputy Project Manager and Project Manager. The committee evaluated proposals and ranked the respondents in the following order by evaluation score:

Tetra Tech, Inc. Buffalo, NY Sandy Lare, Project Manager
HDR, Inc. New York, NY Tom Waldron, Global Director, Transit
Zoghlin Group Rochester, NY Bridget O'Toole, Partner

The following is the independent cost estimate and the highest ranked respondent's cost.

Independent Cost Estimate	\$245,280
Tetra Tech Cost Proposal	\$216,765

Tetra Tech, Inc. is a global environmental and engineering firm providing a full range of services to the transportation industry. Services will be managed through their Buffalo office.

The established MBE, WBE and SDVOB goals were 8% MBE, 9% WBE and 0% SDVOB respectively. Tetra Tech, Inc. identified their Minority-owned Business Enterprise (MBE) participation as 0.0% and Women-owned Business Enterprise (WBE) participation as 9.0%. Tetra Tech requested that Empire State Development (ESD) approve a waiver of MBE requirements because there are no certified providers of this service. ESD has approved this request. The NFTA excluded this procurement from SDVOB goals because the number of NYS certified suppliers is limited.

FUNDING: Funding is provided by New York State Department of Transportation State Metro Rail Capital funds.

“RESOLVED, that the Board hereby authorizes an Agreement with Tetra Tech for environmental compliance review services as described above; and

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

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

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

RFP 4973		Zoghlin Group	HDR	Tetra Tech
Consultant for Environmental Compliance		Rochester, NY	New York, NY	Buffalo, NY
SELECTION CRITERIA				
(Completed by Team)				
(Rate on a scale of 1 - 10, with 10 being the highest)				
Team Consensus				
Qualifications and Experience- Demonstrated ability in the industry, references, past performance, depth of knowledge of key personnel in critical areas- 40%		5.00	9.00	8.00
Technical Criteria- Compliance with Requirements, Project approach, methods- 30%		3.00	7.00	8.00
Cost- 30%		4.53	5.00	10.00
TOTAL		4.26	7.20	8.60
Estimated Cost Proposal		\$ 478,000.00	\$ 433,142.00	\$ 216,765.00

SURFACE:

4. C. (4) **Authorization for Addendum, State University of New York, Erie Community College, CRAM Pass, Metro**

RECOMMENDATION: Staff recommends that the Board authorize an Addendum to the CRAM Pass Agreement with the State University of New York, Erie Community College pursuant to which Metro would provide SUNY Erie a temporary suspension to the CRAM pass contract for the Spring 2021 semester due to significant reduction in student fees.

INFORMATION: SUNY Erie is requesting a temporary suspension of the current NFTA Unlimited CRAM Pass contract due to the COVID-19 pandemic. SUNY Erie implemented remote learning, not as many students needed transportation and SUNY Erie waived the transportation fee for the Fall term. SUNY Erie expects the lack of interest in transportation passes to continue in the Spring 2021 term. During the five-month suspension period, SUNY Erie agrees to pay \$65.00 per pass, per month, per student that requests a pass. Under the current agreement SUNY Erie pays for a pass for each enrolled student.

The NFTA will provide access for use by designated SUNY Erie students during the suspension period. The temporary pass will function as a monthly pass used exclusively for transit access and requires monthly renewal at the cost of \$65.00 per pass per month, beginning January 19, 2021, and expiring May 31, 2021 (5 months), after which the current CRAM pass agreement will continue in force until May 31, 2022.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Addendum to the CRAM Pass Agreement with State University of New York, Erie Community College as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Addendum to the CRAM Pass Agreement with State University of New York, Erie Community College 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.

SURFACE:

4. C. (5) Authorization for Agreement, WBA Research, Consultant Services, GBNRTC

RECOMMENDATION: Staff recommends that the Board authorize execution of an agreement with WBA Research, in an amount not to exceed \$206,594 for consultant services to conduct the NFTA On Board Transit Survey

INFORMATION: The Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) is the regional decision-making forum designated by the Governor to cooperatively develop transportation plans for the Erie and Niagara Counties of Upstate New York. The Council's primary focus is on formulating regional transportation policy, planning for future transportation development, and programming transportation facilities and services based on regional travel needs. As requested by NFTA, the overall objective of this study is to conduct a comprehensive Origin/Destination (O/D) study regarding the fixed-route travel patterns and demographic characteristics of current patrons within the NFTA Metro service area.

This information will serve a variety of purposes. Uses include, but are not limited, to the support of NFTA Title VI, demographic analysis of current patrons, market share assessment, use of various fare media and transfer activity and calibration and validation of ridership models. This information, when coupled with historical O/D data can provide an assessment of service area demographic shifts and trends as well as identifying untapped market areas.

The contract was publicly advertised in accordance with NFTA Procurement Guidelines on December 2, 2020 (RFP 4999). Proposals were reviewed by representatives of NFTA and GBNRTC. This review was based on criteria that included: technical criteria, personnel qualifications and experience, and cost. Three proposals were received on December 23, 2020. One proposal was deemed unresponsive. The Committee ranked the responsive respondents in the following descending order by evaluation score:

WBA Research Lanham, MD Kevin Bullis, Vice President
ETC Institute Olathe, KS Christopher Tatham Owner, President

Following the evaluation and virtual interviews, WBA Research was deemed preferred consultant. Costs proposal and independent engineers estimate were reviewed, results indicated:

Engineers Estimate	\$261,577
Consultant Proposal	\$206,594

The NFTA serves as the administrative host agency for, GBNRT, which means that the NFTA's only responsibility pertains to providing certain administrative needs of GBNRTC as agreed to by the NFTA in the Host Agency Agreement between the NFTA and NYSDOT.

FUNDING: Funding for this effort has been made available by GBNRTC through its Unified Planning Work Program funded by USDOT. No NFTA funds are involved in this study. Distribution is as follows:

Funding Source	Percentage	Value
GBNRTC Planning (USDOT)	100%	\$206,594

“RESOLVED, that the Board hereby authorizes an Agreement with WBA Research, for consultant services as described above; and

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

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

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

RFP 4999	ETC Institute	WBA Research
Consultant To Provide Transit Survey	Olathe, KS	Lanham, MD
SELECTION CRITERIA (Completed by Team)	(Rate on a scale of 1 - 10, with 10 being the highest)	
Qualifications and Experience- Demonstrated ability in the industry, references, past performance, key personnel, organization, management, lead-time- 40%	Team Consensus	
Technical Criteria- Project approach, methods proposed, Compliance with Requirements- 30%	9.00	9.13
Cost- 30%	7.75	9.25
	9.10	10.00
TOTAL	8.66	9.43
Estimated Cost Proposal	\$ 226,940.14	\$ 206,594.14

SURFACE:

4. C. (6) **Authorization for Agreement, Stantec Consulting Services, Inc.,
Consultant Services, GBNRTC**

RECOMMENDATION: Staff recommends that the Board authorize execution of an agreement with Stantec Consulting Services, Inc, in an amount not to exceed \$851,725 for consultant services to prepare a Regional Central Planning Study for GBNRTC.

INFORMATION: The Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) is the regional decision-making forum designated by the Governor to cooperatively develop multimodal transportation plans for the Erie and Niagara Counties of Upstate New York. GBNRTC has been requested to prepare a planning study to examine transportation and access needs in the central part of the Buffalo Niagara region as served by the Route 198 expressway and prepare recommendations based on technical assessment and community and stakeholder involvement.

The Planning initiative will develop a collaborative planning process and establish a 20-30 year vision for the study area, integrating plans from cultural, educational and environmental institutions, neighborhoods, businesses and other stakeholders. Mobility and access needs will be established and a full range of options to satisfy those needs and achieve the vision will be developed and evaluated. Most desirable options will be selected through the collaborative stakeholder and public engagement process.

Specific tasks include:

- Identify a future land use and community development vision for region central
- Assess mobility needs and recommend multimodal options
- Deliver a communications and engagement process for projects selection

The Request for Qualifications was publicly advertised in accordance with NFTA Procurement Guidelines with nine proposals received on November 10, 2020. Proposals were reviewed by representatives of Empire State Development, Local Initiatives Support Corporation, New York State Office of Parks and Recreation and GBNRTC. This review was based on criteria that included:

- Directly Applicable Experience
- Evidence of Effectiveness
- Qualifications of Team
- Availability of Staff
- Understanding of Project and Approach

The committee ranked the respondents in the following descending order by evaluation score:

<p>Stantec Consulting Services, Inc. Arlington, VA David Dixon FAIA Principal in Charge; Greg Rodriguez Project Manager</p>
<p>Toole Design Group Orlando, FL Jennifer L. Toole, AICP, ASLA; President</p>
<p>UBRI Buffalo, NY Laura Quebral; Director</p>
<p>PAU New York, NY Vishaan Chakrabarti FAIA, FRAIC; Founder</p>
<p>HDR Inc Syracuse, NY Jordan Block AICP; Project Manager</p>
<p>TRANSPPO Group New York, NY John Duesing; Executive Director</p>
<p>Gallis and Assoc Charlotte, NC Michael Gallis; Principal</p>
<p>SWBR Syracuse, NY Randal R. Sickler AIA; Principal; Donald P. Naetzke RLA; Project Manager</p>
<p>Urban3 Ashville, NC Cate Ryba; Project Director/Planner</p>

Following the evaluation, a detailed scope and corresponding independent engineers estimate was developed. NFTA asked the highest rank consultant, Stantec, Inc to submit a services cost proposal. Negotiation results follow:

Engineer's Estimate	\$882,352.00
Initial Proposal	\$894,000.00
Negotiated Cost	\$851,725.00

The established Disadvantage Business Enterprise (DBE) goal is 12.85%. Stantec Consulting Services, Inc committed to exceeding this goal, proposing 15% DBE participation.

The NFTA serves as the administrative host agency for, GBNRT, which means that the NFTA's only responsibility pertains to providing certain administrative needs of GBNRTC as agreed to by the NFTA in the Host Agency Agreement between the NFTA and NYSDOT.

FUNDING: Funding for this effort has been made available to GBNRTC through federal State Planning and Research (SPR) funds from the State of New York and federal planning funds allocated in the Unified Planning Work Program. No NFTA funds are involved in this study. Fund distribution is as follows:

Funding Source	Percentage	Value
NYSDOT SPR	41%	\$350,000.00
FHWA PL	59%	\$501,725.00
	Total	\$851,725.00

“RESOLVED, that the Board hereby authorizes an Agreement with Stantec Consulting Services, Inc., for consulting services as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with Stantec Consulting Services, Inc. as described above; and

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

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

**Regional
Central
Planning
Proposals
Scoring**

Topic	SWBR	PAU	Gallis	HDR	TRANSPO	U3	Toole	Stantec	UBRI
Directly Applicable Experience	6.00	7.38	6.50	7.45	6.55	3.95	9.25	8.38	7.95
Evidence of Effectiveness	6.38	7.43	7.00	7.93	6.88	4.63	7.05	7.80	8.38
Qualifications of Team	8.81	12.00	10.31	10.61	10.76	6.19	11.74	12.64	11.63
Availability of Staff	5.48	5.91	4.69	6.06	5.10	3.19	6.00	5.63	5.94
Understand Project/Approach	4.97	6.00	4.88	6.15	4.93	3.51	5.63	6.53	5.63
Total Score	31.63	38.71	33.38	38.19	34.22	28.61	39.66	40.96	39.52

Federal COVID-19 Relief

Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA)

- Signed into law on December 27, 2020
- \$14 billion for public transit agencies for operational aid due to COVID-related revenue shortfalls
 - NFTA-Metro allocated \$43,182,780
- \$2 billion in economic relief to airports to prevent, prepare for, and respond to COVID-19 including relief from rent and minimum annual guarantees for eligible airport concessions with certain employment provisions
 - NFTA expects to receive approximately \$7.6 million
- \$15 billion in additional financial assistance to passenger air carriers with employment and maintenance of scheduled air transportation provisions

Federal COVID-19 Relief

President Biden's American Rescue Plan

- \$20 billion for “the hardest hit public transit agencies”
- No direct fiscal support for airports
- \$350 billion in “emergency funding for state, local, and territorial governments”
- \$130 billion to support schools in safely reopening
- \$20 billion for a national vaccination program
- \$1,400 per-person checks
- Provide emergency and expanded paid sick and family and medical leave through for a September 30, 2021 for COVID-19 exposure, school or day care closure, caring for a family member with COVID-19, and time to get the vaccine with reimbursement for state and local governments for the cost of this leave.

DL&W Station Development Planning

Savarino Companies and Project for Public Spaces – Scope and Schedule

Scope – Prepare interim and final reports to plan, program, manage and design a network of vibrant public spaces within at the DL&W Terminal based on key stakeholder and community input, site analysis, and benchmark research

Schedule – Key stakeholder interviews started the week of January 17. Next steps include:

- *February – April 2021*: develop branding and project website, stakeholder interviews continue, broader focus group session begin, general public survey available on website, and interim report complete
- *May – August 2021*: continued community engagement, complete final report, and prepare presentation to NFTA



Metro Rail Expansion - Consultant for Environmental Compliance, Section 139(j)

Surface Transportation Committee

January 28, 2021

Progress to Date

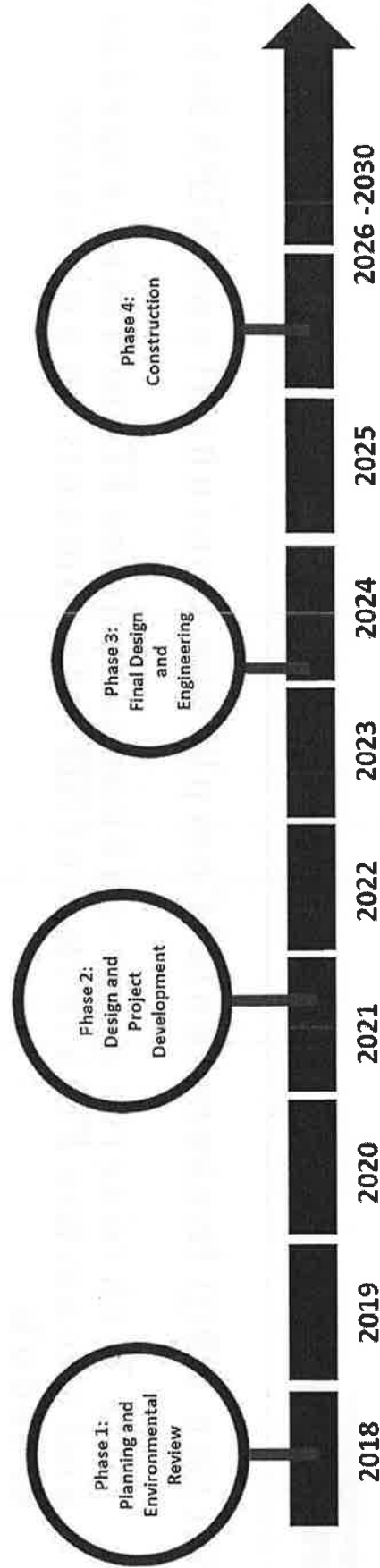
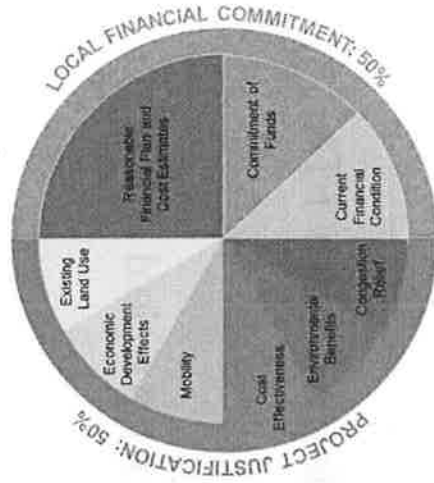
- SEQR DEIS issued last winter
- Public hearings held and comments received
- April 2020 – FTA sends letter indicating they will become Lead Agency under NEPA
 - Requires evaluation of BRT as an alternative
 - Requires NFTA to hire Section 139(j) consultant to work on behalf of FTA
- Published responses to SEQR DEIS comments
- Transition to development of a combined SEQR and NEPA EIS document (to include BRT evaluation)
- Procurement and selection of Section 139(j) consultant commenced in October
 - Selection committee reviewed and interviewed firms in November
 - Requires MOA with FTA

Section 139(j) Environmental Compliance Consultant and NEPA Schedule

- Tetra Tech to serve as on-call consultant for FTA to assist, expedite and streamline FTA's review of NEPA documents on aggressive schedule
- February - Contract/NTP
- March - Kick-off meeting with Tetra Tech and FTA
- Next Steps to complete NEPA (schedule to be developed with FTA):
 - FTA to issue Notice of Intent (NOI)
 - Conduct Scoping
 - Issue DEIS and commence with public comment period, hold public hearing(s)
 - Issue FEIS
 - Record of Decision

Phase 2 - Project Development

- Present consultant scope to Board in March
- Project Development
 - Project justification criteria
 - Financial plan
 - 30% non-New Starts funding committed
 - Approximately 30% design
 - Lock-in New Starts funding request
 - Project management plans and sub-plans



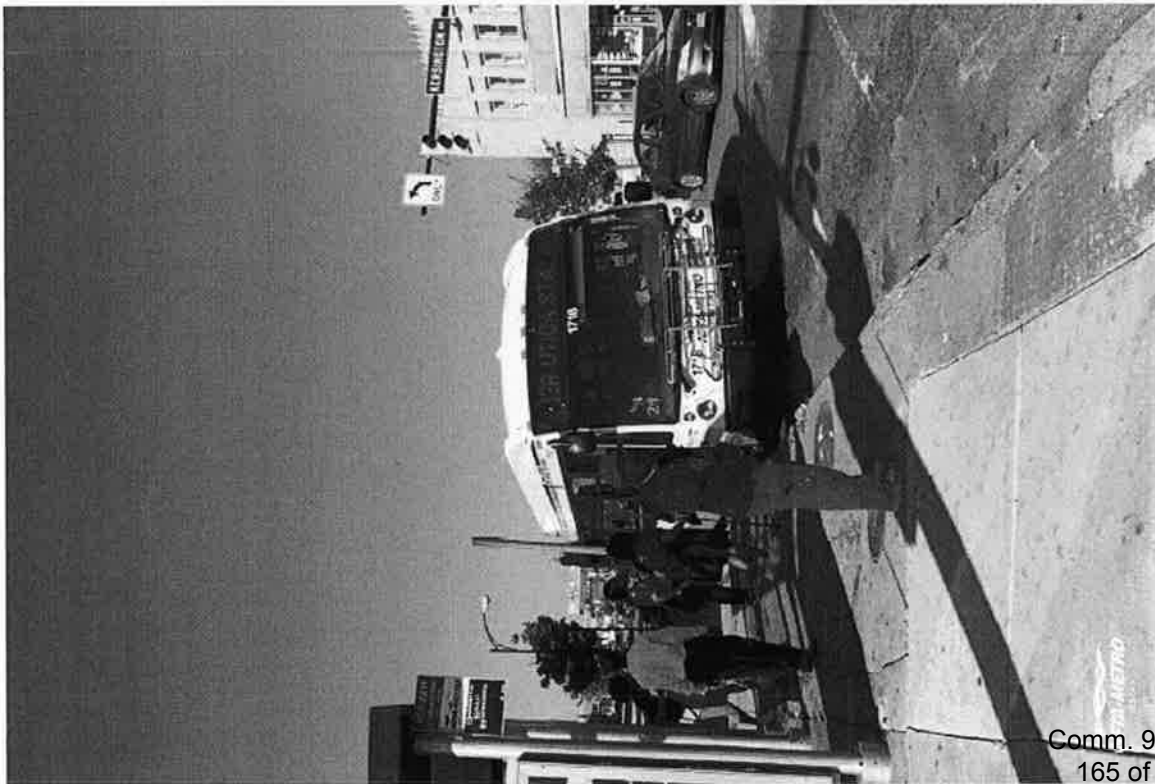
Bailey Avenue Corridor Improvements Study

Surface Transportation Committee
NFTA Board of Commissioners
January 28, 2021










Purpose of the Study

- Joint effort between GBNRTC, NFTA, and City of Buffalo
- Purpose: To analyze the existing transportation infrastructure and identify long-term approaches for streetscape and transit enhancements
- **NFTA Metro's focus: Feasibility of Bus Rapid Transit (BRT) and/or other major transit improvements along Bailey Avenue**
- City of Buffalo's focus: Streetscape improvements, corridor investment potential
- **Safety and mobility** a key focus for everyone





General Conditions

	Vital North – South corridor	7.5 miles in length
	5 routes	6 th highest ridership in Buffalo-Niagara • Routes 19, 12, 13, 81, and 1
	Pedestrian Safety	Poor sidewalk conditions, lack of safe crossings
	22 shelters	Mostly older models but in good condition
	Congestion	Road configuration and signalization causes delays • (e.g., near Kensington Ave)
	Dangerous Speeding	High average rate of speed in some areas • (e.g., near Dingens St)
	Lack of Bicycle Infrastructure	Few bike racks, and no bike lanes on the corridor



91% OF THOSE SURVEYED WALK TO THE BUS STOP

4X-5X PER WEEK

86% OF THOSE SURVEYED RIDE ROUTE 19 4-5X PER WEEK



MOST COMMON REQUEST WAS INCREASED FREQUENCY OF BUSES

Transit Conditions Route 19 Ridership (Fall 2019)

WEEKDAY HEADWAYS

PEAK: 10 MINS

OFF-PEAK: 20 MINS

BUS RIDERSHIP - ROUTE 19

4,296



WEEKDAY

1,680

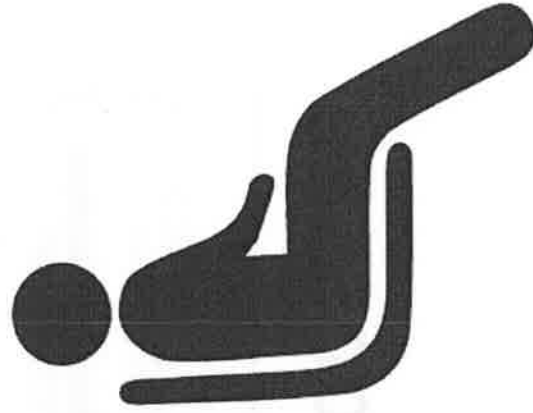


SATURDAY

1,112



SUNDAY



* Data is pre-COVID19 pandemic

Corridor Design Alternatives

Business as Usual

Alternative A – Enhanced
Local Transit

Alternative B – Enhanced
Local + Limited Stop

Alternative C – Enhanced
Local + Bus Rapid Transit

Business as Usual

- Base conditions
- No improvements to infrastructure or transit design
- Same service to the corridor as today
- Bus runs in mixed traffic with no prioritization
- New shelters added/replaced as-needed



Infrastructure Enhancements

- **Transit Supportive (Alternatives A and B)**
 - Queue jump lanes
 - Gives buses priorities at signalized intersections
 - Transit Signal Priority (TSP)
 - Holds the light when the bus is approaching
 - Modest improvements to stop infrastructure
 - More shelters and benches
 - Smart Cities Infrastructure
 - Traffic signal coordination and control
 - Control from a traffic management system designed for off-site control
 - MioVision
 - Video detection equipment that utilizes a 360-degree camera to collect traffic data, adjust signal timing, and enhance TSP
- **Bus Rapid Transit Supportive (Alternative C)**
 - Transit vehicle priority lanes
 - Allows for faster travel with dedicated bus lanes
 - Fare collection at stops
 - Reduces dwell time
 - Robust improvement of stop infrastructure
 - Creates stops that look and feel more like rail stations



Alternative A Enhanced Local Transit

- Incremental improvements to the existing Route 19 - Bailey
 - Lower in overall cost and scale
 - Implemented quickly
 - Results in faster, more frequent, more comfortable service
- Reduction of stops/stations
 - Increase in average stop spacing
 - 0.15 to 0.2 mi
 - Improvement of stop infrastructure
- Example: Arlington Transit (VA) TSP technology

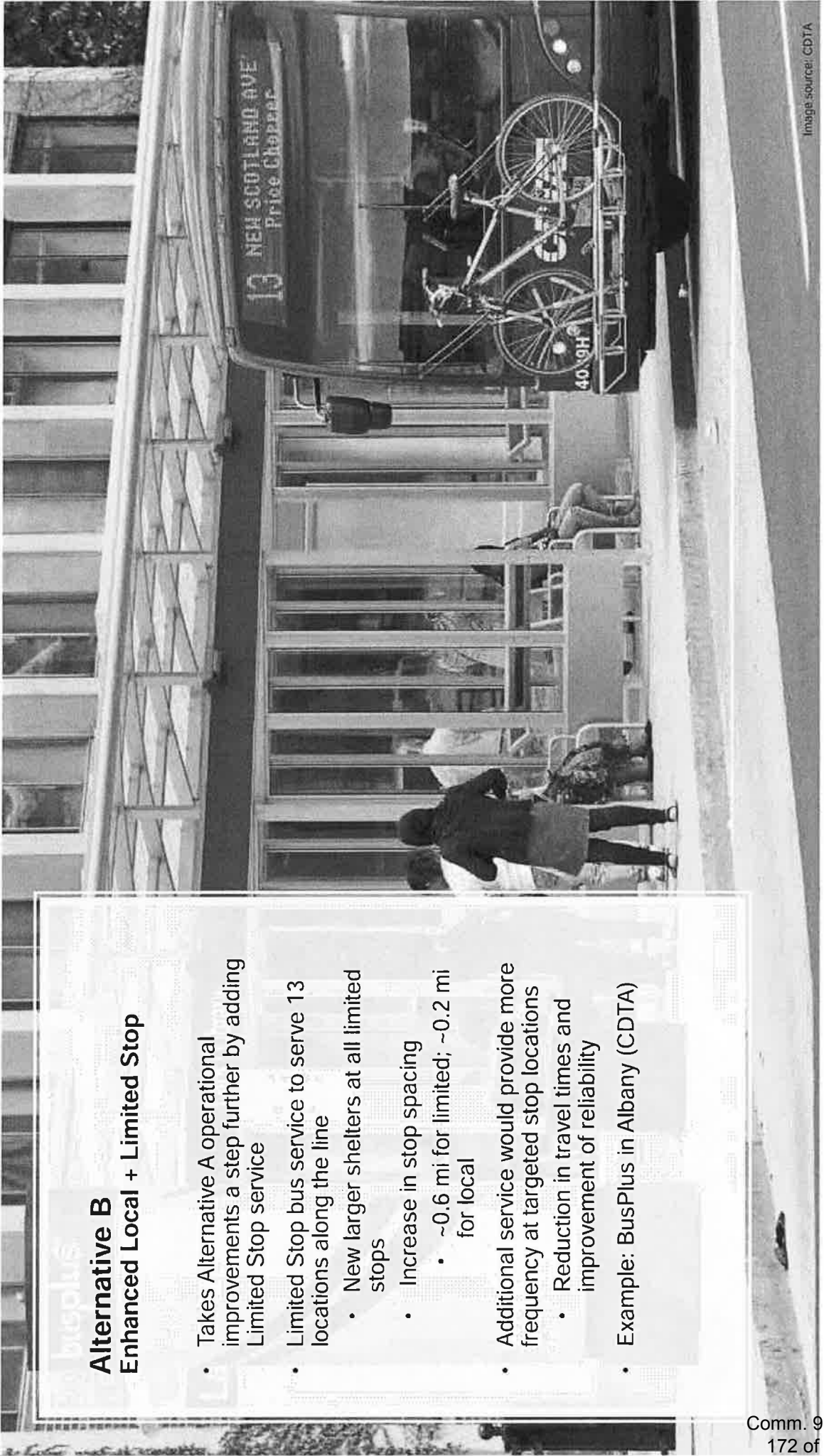


Image source: CDTA

Alternative B Enhanced Local + Limited Stop

- Takes Alternative A operational improvements a step further by adding Limited Stop service
 - Limited Stop bus service to serve 13 locations along the line
 - New larger shelters at all limited stops
 - Increase in stop spacing
 - ~0.6 mi for limited; ~0.2 mi for local
 - Additional service would provide more frequency at targeted stop locations
 - Reduction in travel times and improvement of reliability
 - Example: BusPlus in Albany (CDTA)

Alternative C

Enhanced Local + Bus Rapid Transit

- Enhances bus service to the highest degree – Bus Rapid Transit
 - High-quality, bus transit that is fast, comfortable, high capacity, and cost-effective
- Dedicated fleet of 40 ft buses with special branding
 - Potentially zero emission (ZEB), battery electric (BEB), or CNG
- Creates a mix of options for residents along the corridor
- Lowers overall travel time and enhances both the bus and rail network
- Example: CMAX in Columbus (COTA)

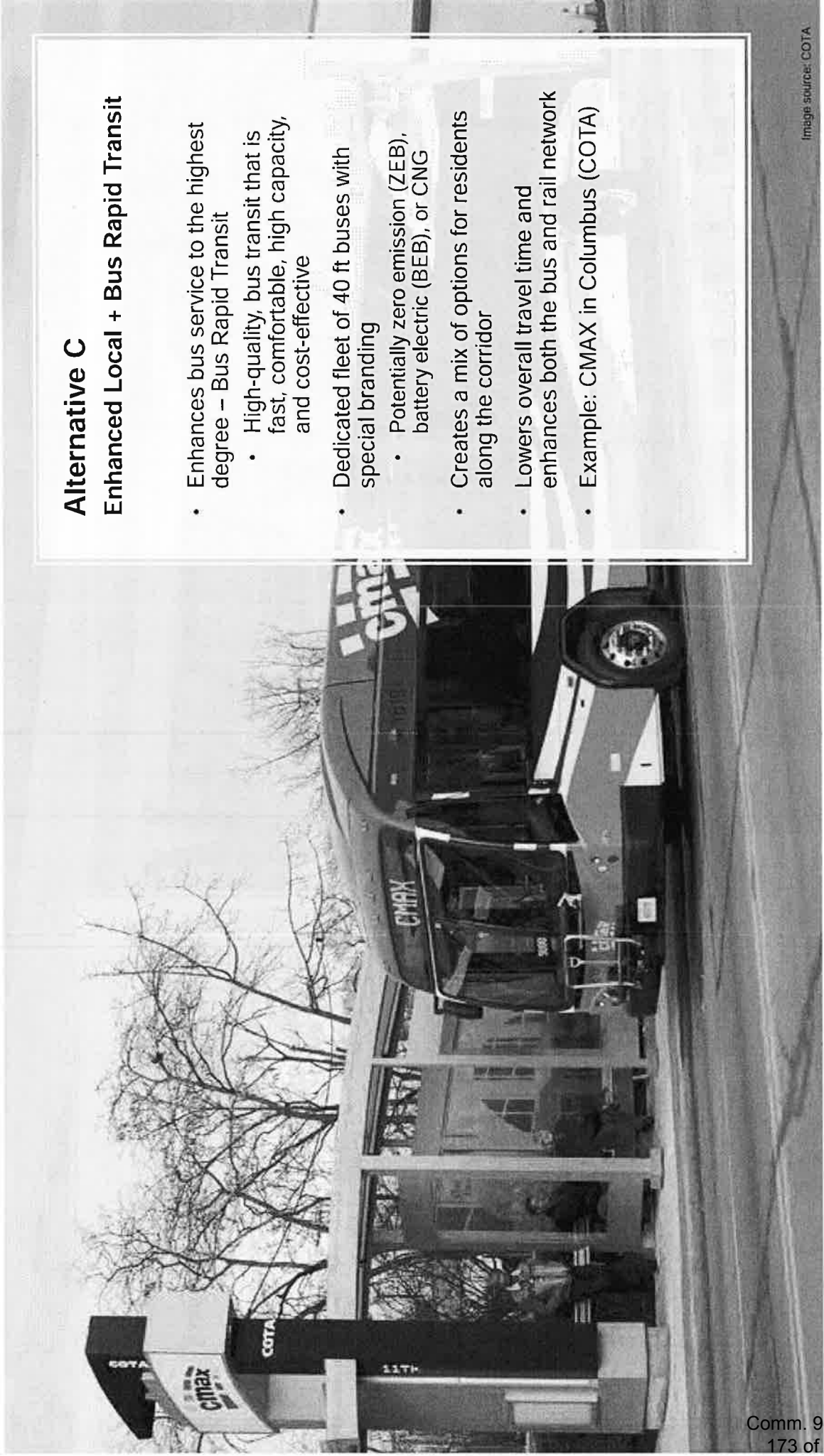


Image source: COTA

Mobility Hubs

- Serve as a connection to large capacity transit networks such as rail or BRT
- Range from bus shelters to full-service transit stations
- Often include access to bicycle facilities, bike-share, car-share, and serve as a community center.

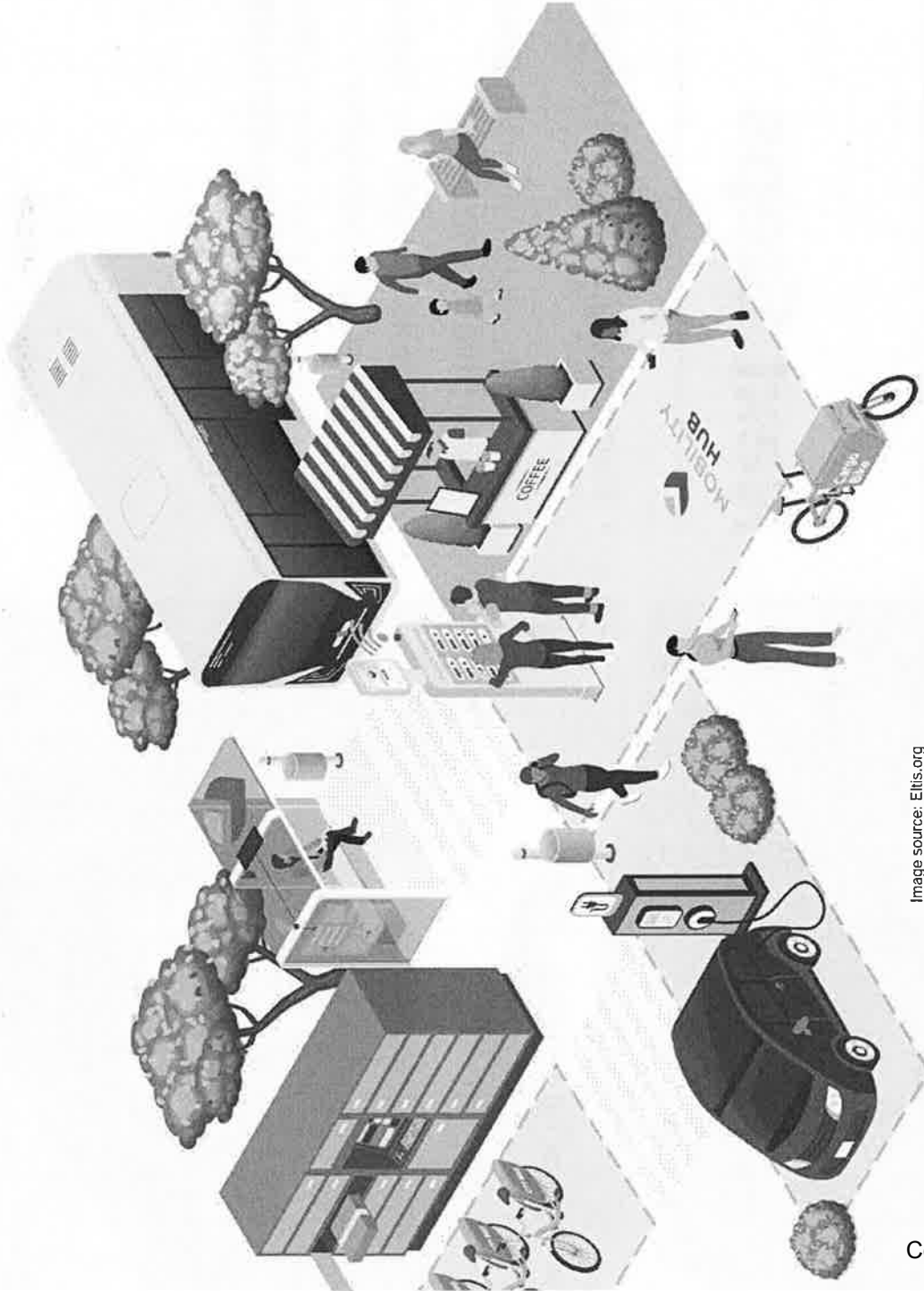


Image source: Eltis.org

Next Steps

- Begin designing a pilot Limited Stop service for Route 19
- Identify funding opportunities for a full-fledged BRT study (Alternative C)
- Partner with the City for low-cost infrastructure pilots
 - Temporary restriping
 - Temporary bus stop improvements, such as rubber curb extensions and bus boarding islands



Update: Norwegian Air & other European Carriers

NFTA Board Meeting

January 28, 2021

norwegian

Jet2.com

easyJet

Wizz

AIGLE AZUR

RYANAIR

XL
airways

ADRIANA

fly **bmi**

flybe

airberlin

Aer Lingus



Thomas Cook
Airlines

Monarch

Primera Air

wow
air

Germania

NIAGARA FALLS
INTERNATIONAL AIRPORT

Norwegian Air

Abandoning Transatlantic Reentry

- Announced plans in 2015 to launch flights between the U.S. and Europe
- Over 5 years of robust NFTA air service development efforts
- Since its launch in the transatlantic market, the low-cost carrier expanded its long-haul route network at a rapid pace
- Norwegian Route Planning representative visited WNY in May 2017
 - Meetings included the WNY business and tourism communities. NFTA developed a joint incentive including participation from NYS, WNY business community and WNY tourism organizations
- Norwegian ultimately selected Hamilton airport for service to Dublin, slated to start by spring 2019
 - Due to the 737-MAX grounding, this service was started with different planes, not capable to fly the route nonstop, requiring a fuel stop
 - By late summer 2019, Norwegian ended the Hamilton service



norwegian


Norwegian Air

Abandoning Transatlantic Reentry


- Norwegian's expansion plans were determined to be too robust and ultimately, they decided to focus on profitability versus growth
- Worldwide COVID-19 shutdowns resulted in just a few European flights in Scandinavia
- In May 2020, the carrier got \$354 million in loan guarantees from the Norwegian government, but the second call for aid was turned down
 - In November 2020, Norwegian filed for bankruptcy protection
 - In January 2021, Norwegian Air announced it is **abandoning all future plans to restart long-haul services** and will fly only short-haul flights focusing on Nordic routes in Europe
- The airline is targeting to reduce its debt to around \$2.3 billion

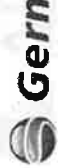
Recent European Low-Cost Carriers (LCC) Failures


- The Low-Cost carrier model has been extremely competitive in Europe
- Since 2017, there have been many LCC failures including:

 **airberlin AIR BERLIN** (Germany's 2nd largest airline) – Aug 2017 (had long-haul network)

 **Monarch MONARCH** (U.K.) – Oct 2017 (had long-haul network)

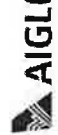
 **Primera Air PRIMERA AIR** (Danish) – Oct 2018 (had long-haul network)


 **Germania GERMANIA** (German) – Feb 2019 (Europe, North Africa & Middle East)


 **flybmi FLYBMI** (U.K.) – Feb 2019 (short-haul airline)

 **WOW AIR** (Iceland) – Mar 2019 (had long-haul network)

 **Thomas Cook THOMAS COOK** (U.K.) – Sep 2019 (had long-haul network)

 **AIGLE AZUR AIGLE AZUR** (France) – Sep 2019 (had long-haul network)

 **ADRIA ADRIA AIRWAYS** (Slovenia) – Sep 2019 (had long-haul network)

 **XL Airways XL Airways** (France) – Oct 2019 (had long-haul network)

 **flybe FLYBE** (U.K.) – Mar 2020 (short-haul airline)

Other European Carriers

- The top four surviving European LCCs are:

RYANAIR Ryanair (Ireland) – short haul fleet only

easyJet EasyJet (U.K.) – short haul fleet only

Jet2.com Jet2 (U.K.) – mostly short haul fleet, currently not operating

any long-haul services

Wizz Wizz (Hungary) – short haul fleet only

- None of these LCCs are viable transatlantic prospects for BNIA or NFIA

Aer Lingus 

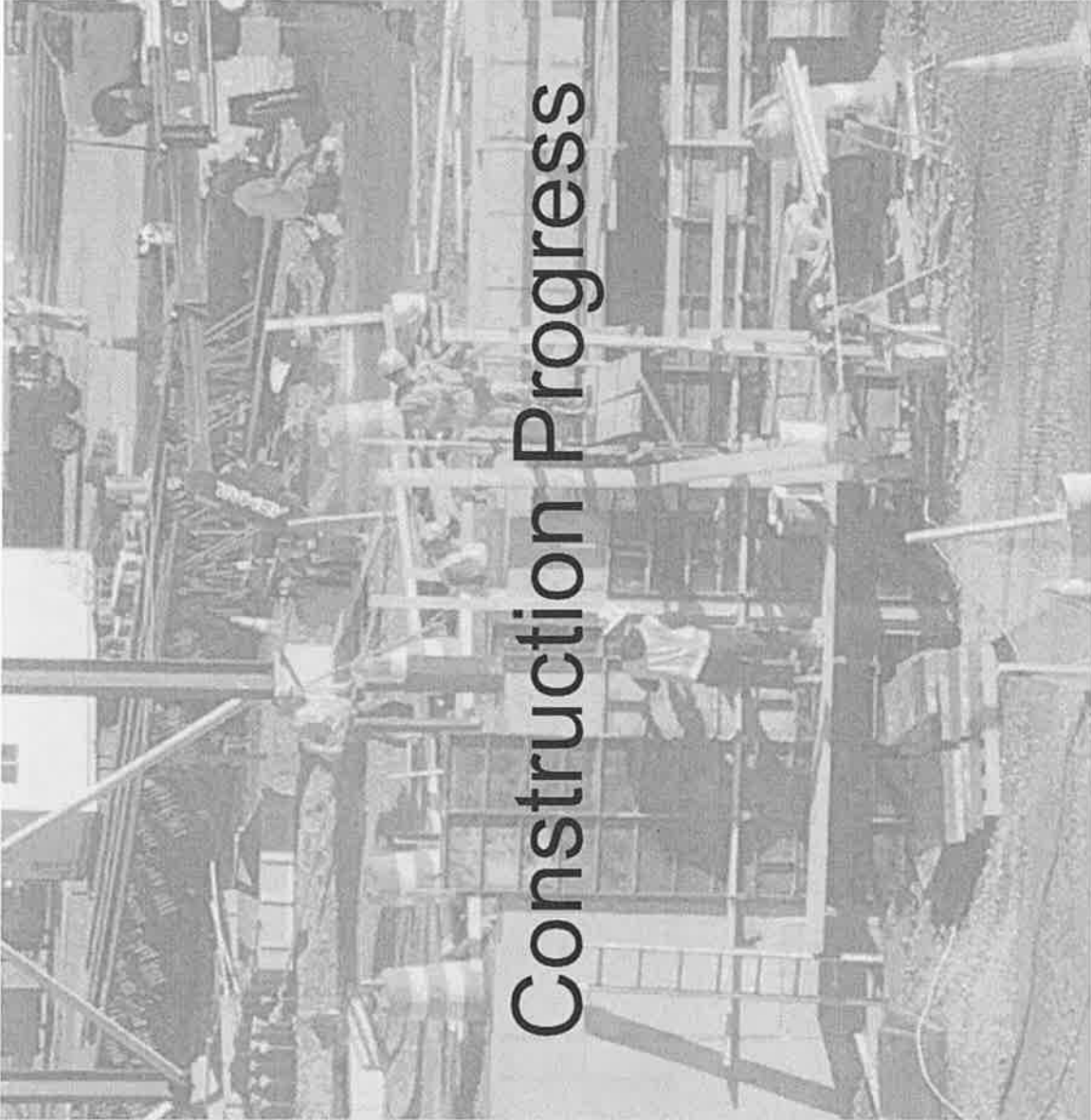
- NFTA's efforts with Aer Lingus (a network carrier, not a LCC) continue but due to COVID-19 industry impacts, we've been informed that transatlantic expansions are delayed

BNIA Baggage Claim Expansion Project

Progress Presentation

January 28, 2021

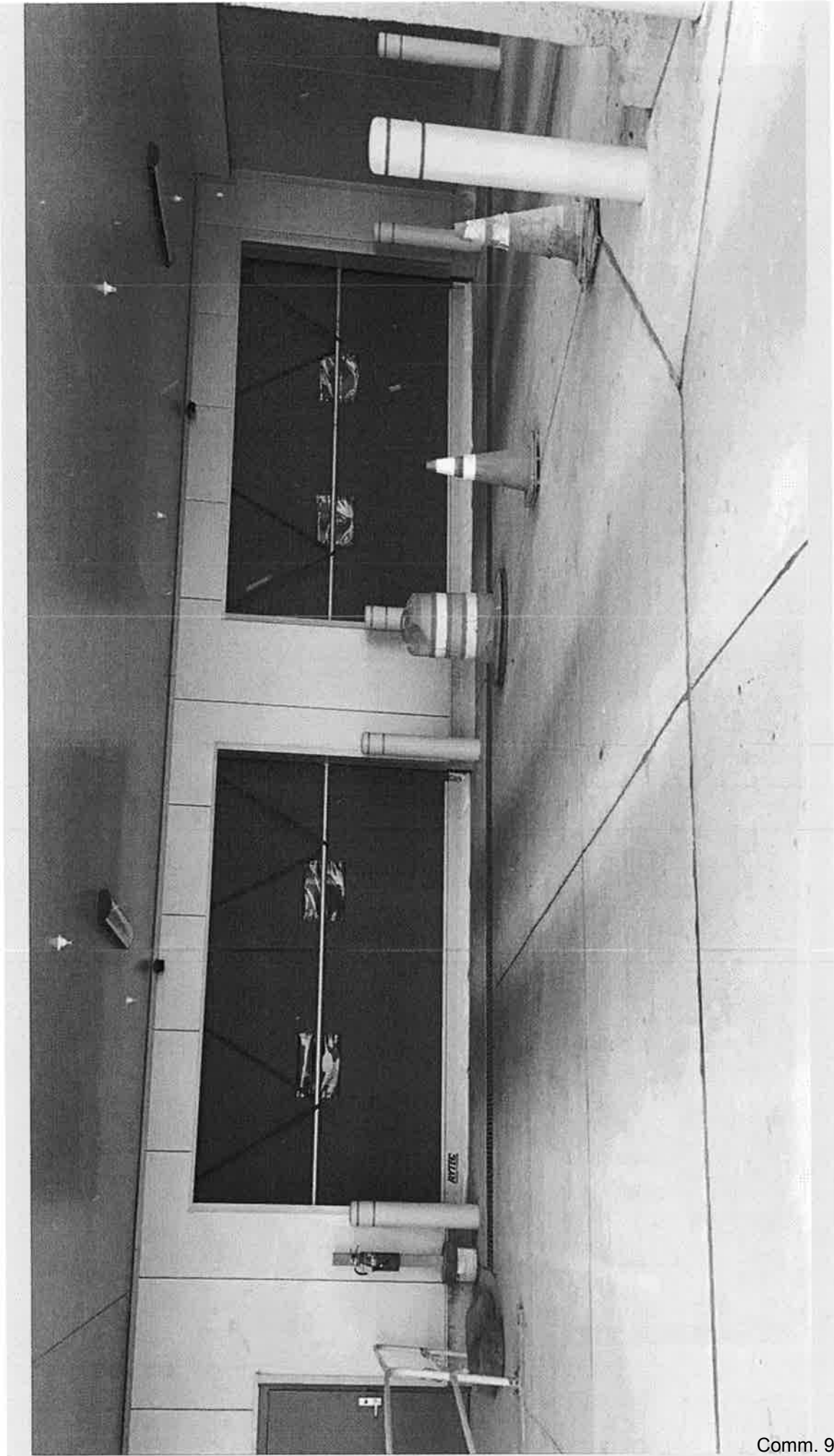




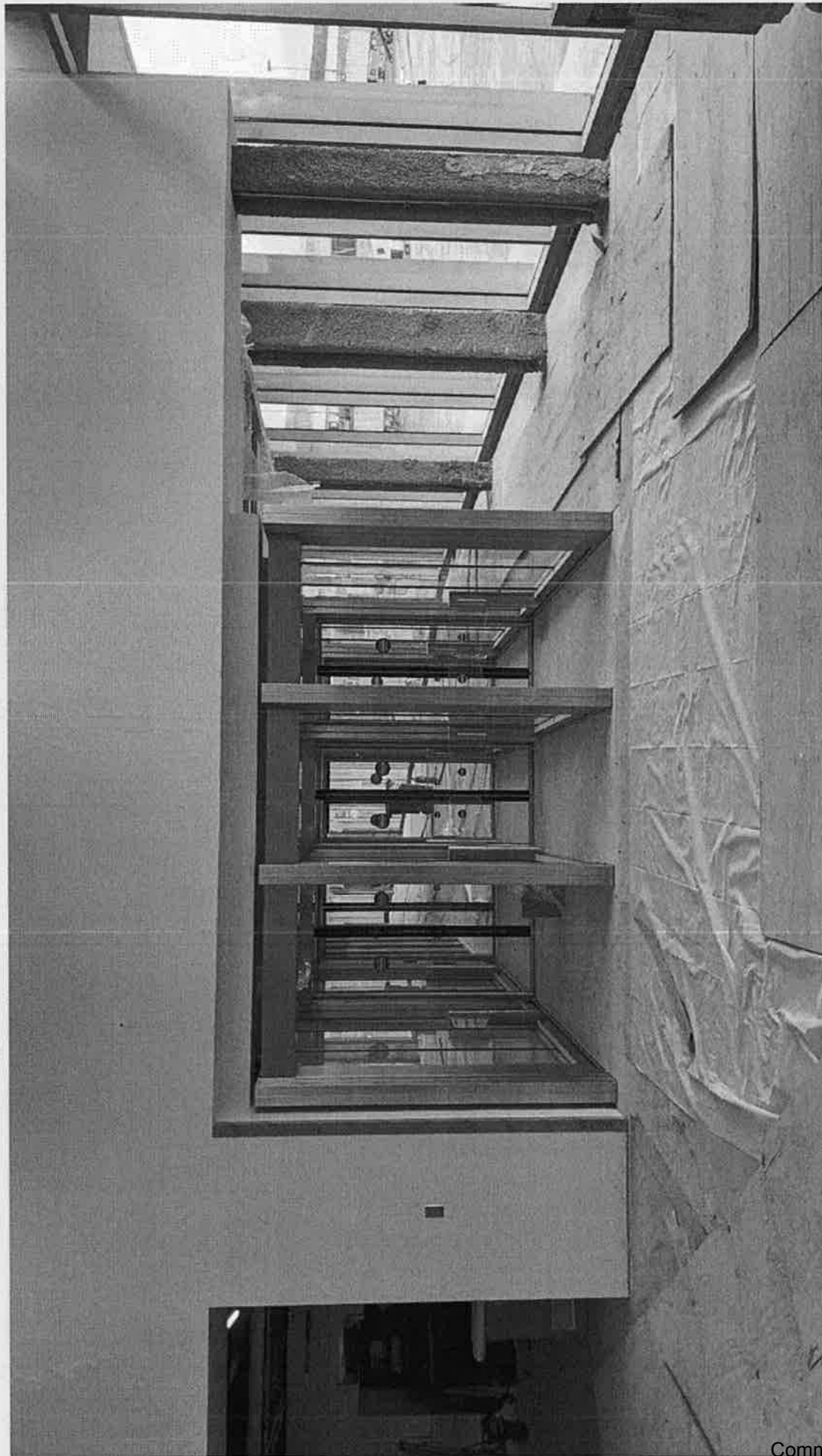
Construction Progress







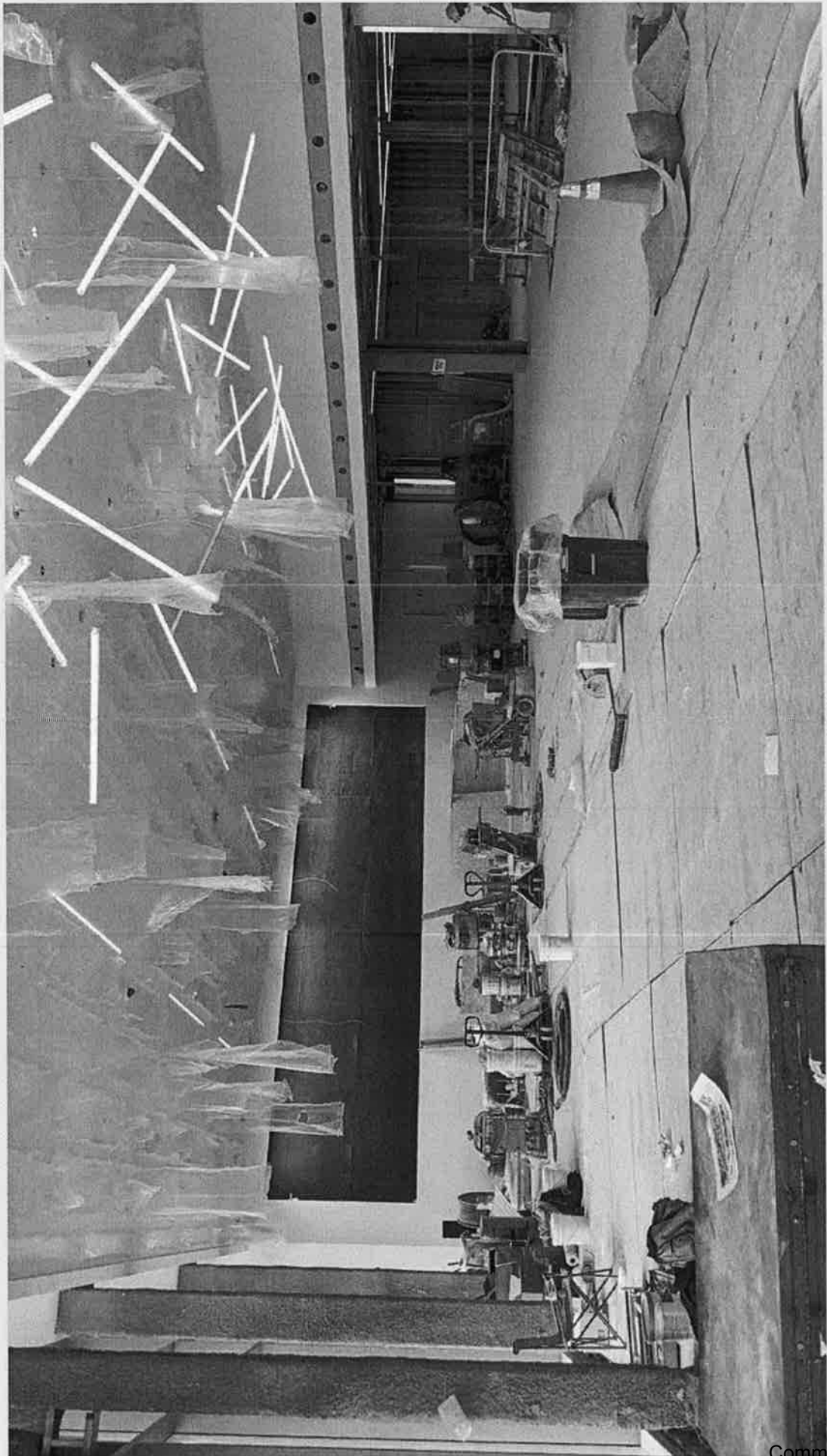


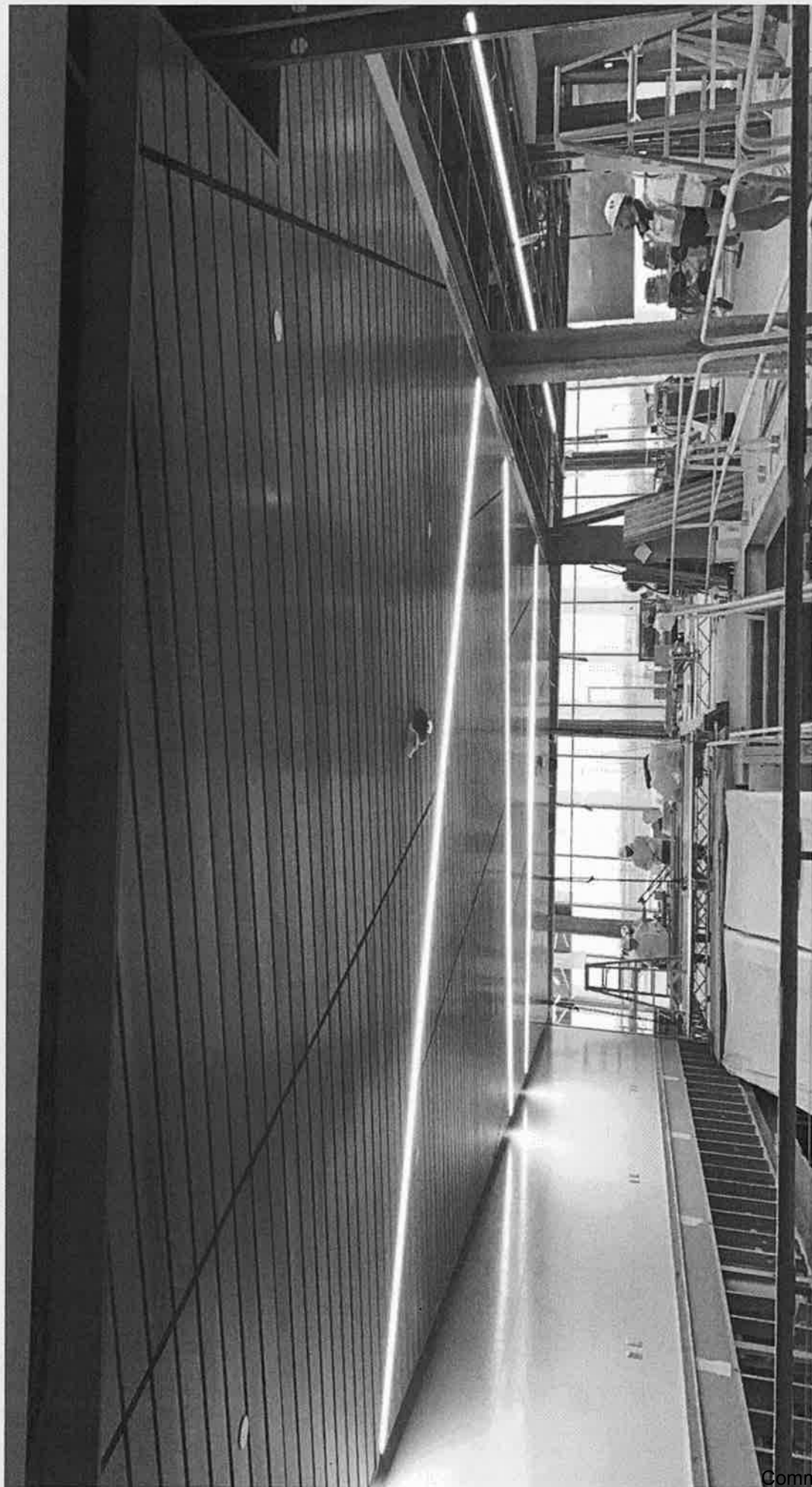






















**Regular Meeting
January 28, 2021**

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

At approximately 2:21 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 Aul and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
FEBRUARY 25, 2021 12:30 PM**

1. REGULAR BOARD MEETING – FEBRUARY 25, 2021 - 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 February 25, 2021 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.

- A. Call to Order
- B. Approval of Minutes
- C. Executive Director's Report

2. NFTA CORPORATE REPORT

- A. Audit, Governance and Finance Committee Report (Acting Chair)
- B. Consolidated Financials (John Cox)
- C. Corporate Resolutions (Kim Minkel)
 - 1. Authorization for Agreement, FirstLight, Smartnet Renewal, NFTA
 - 2. Authorization for Agreement, Crown Castle Fiber, LLC, Point to Point Network Connection, Portage Road Bus Terminal, Metro
 - 3. Authorization for Lease Agreement, Ciemmebi Corp., 485 Cayuga Road, NFTA

3. AVIATION BUSINESS GROUP REPORT

- A. Aviation Committee Report (Adam Perry)
- B. Financial and Business Update (Bill Vanecek)
- C. Aviation Resolutions (Kim Minkel)
 - 1. Authorization to Award Contract, Union Concrete and Construction Corp., Construction Contract, BNIA
 - 2. Authorization to Award Contract, Camco General Contracting, Inc. and CHA Consulting, Inc., Construction and Construction Monitoring, BNIA
 - 3. Authorization for Agreement, Turf Tec of WNY, Inc., Landscape Irrigation System Maintenance and Repair, BNIA
 - 4. Authorization for Agreement, Delacy Ford, Inc., Vehicle Maintenance Services, BNIA and NFIA

4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT

- A. Surface Transportation Committee Report (Michael Hughes)
- B. Financial and Business Update (Tom George)
- C. Surface Transportation Resolutions (Kim Minkel)
 - 1. Approval of Metro Public Transportation Agency Safety Plan, Metro
 - 2. Authorization for Procurement, Gorman Enterprises, Low-Floor Paratransit Vehicles, Metro
 - 3. Authorization for Agreement, New Flyer of America, Inc., Battery Electric Buses, Metro
 - 4. Authorization for Agreement, National Grid, Electrical Service, Metro
 - 5. Authorization for Agreement, New York Power Authority (NYPA), Design, Construction and Installation, Metro
 - 6. Authorization for Agreement, Smith-Emery Laboratories, Ultra Sonic Rail Testing, Metro
 - 7. Authorization for Annual Renewal of Maintenance Agreements, Trapeze Software Group, Inc., Metro

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 12:30 p.m.

B. **Approval of Attendance and Minutes of the NFTA Regular Board Meeting held on January 28, 2021**

It was moved by Commissioner Hughes, seconded by Commissioner Perry, that the Attendance and Minutes of the January 28, 2021 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, HICKS, PERRY, PERSICO

NOES: NONE

ADOPTED

C. Executive Director Report:

Executive Director Kimberley Minkel began her report by advising the Commissioners that the staff is working on the finalized budget that will incorporate what was included in the executive budget. This finalized budget, along with the 5-year Capital and Operating Plan will come to the Board in March for their approval. The challenge this year with the 5-year plan is determining what the Executive Director is calling the COVID tail- when does it end, when do things return to normal?

The Board should also know that all the staff has been doing a tremendous job of minimizing our expenses during this difficult time. For the past ten (10) months, we have reduced our operating expenses by over nineteen million dollars (\$19,000,000). Staff continues to look at every penny that is being spent.

The Authority is still working on scheduling the Police exam. We had over 1200 applicants sign up for the exam. In the past, we have given the exam in the Convention Center in one large room but due to the pandemic, this has been a challenge. We are looking to administer the exam over multiple days in smaller groups at several different hotel sites prior to the summer.

On the COVID front, we have our medical department and processes in place to help deliver the vaccine once it becomes available. We are hoping and working with the County and the State and hope that we have good news soon.

Our recruiting effort continues. We had a great event on Wednesday, February 24 where we sent one of our community buses to the Northland Training Facility. It was a wonderful opportunity to meet with over 75 students, some of whom are sitting for our skills testing on Friday.

The Executive Director also wanted to mention to the Board that we are working with the Niagara Falls National Heritage Area on mural concepts for our Portage Road Transportation Center. They have submitted 6 finalists for our consideration. Currently Commissioner Hicks sits on the selection committee, but the Executive Director wanted to extend the opportunity to any Board Member who might be interested in reviewing the 6 finalists.

Finally, the Executive Director wanted to recognize Officer David Zarbo for his efforts in the 10th Annual Coat Drive. Officer Zarbo, along with Customs and Border Patrol collected and donated over one hundred (100) coats to the Matt Urban Center for those in need in Western New York.

2. NFTA CORPORATE REPORT

- A. Audit, Governance and Finance Committee Report
- B. Consolidated Financial
- C. Corporate Resolutions

JANUARY 2021 NFTA/METRO PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	(1,993)	(929)	1,064
Revenues and Operating Assistance			2,475
Expenses			3,709
Non-Operating/Capital			(5,121)
			1,064
OPER REVENUES & ASST	19,880	22,356	2,475
Metro Passenger Fares - decreased ridership and no Buffalo Public Schools revenue			(1,906)
BNIA Rental Income - decreased compensatory airline billings due to lower direct expenses			(160)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share and food/retail revenues; significantly decreased enplanements			(1,419)
Local - 88c Funds			(419)
State - STOA - 4th quarter payment from New York State partially restores reductions from prior FYE21 payments			1,006
Federal - FTA & FAA CARES Act			5,308
All Other			66
			2,475
TOTAL OPER EXPENSES	19,697	15,987	(3,709)
Personnel Services			
Metro - service modifications, unanticipated vacancies and lower overtime, instruction labor and student operator labor			(1,041)
BNIA - lower overtime and unanticipated vacancies			(286)
NFIA - lower overtime			(75)
Transportation Centers - lower overtime and temporary help at MTC			(41)
Central Admin - vacancies, lower police, engineering and Metro support overtime			(546)
All Other			(1)
			(1,990)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance, facility and rail contract costs			(192)
BNIA - lower materials/supplies/service costs, snowplowing, major repairs and automotive expenses			(700)
All Other			(17)
			(909)
Metro Transit Fuel/Power - lower diesel and gasoline costs			(170)
Utilities			
Metro - lower electric and gas billings			(118)
BNIA - lower electric billings			(45)
All Other			(29)
			(192)
General Business/Other			
BNIA - lower outside service costs and advertising expenses			(542)
All Other			(3)
			(545)
All Other			97
			(3,709)
NON-OPERATING/CAPITAL	(2,177)	(7,298)	(5,121)
Capital			
Metro			(624)
BNIA			270
Central Admin			534
			180
Non-Operating			
Metro - SIF Reserve Funding			(5,000)
BNIA Net Bond Debt Service			(569)
BNIA Operating Expense Reserve			254
All Other			14
			(5,301)
			(5,121)

NFTA/METRO
KEY ITEM REPORT
JANUARY 2021

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	<u>Jan 2021</u> <u>Budget</u>	<u>Jan 2021</u> <u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	9,300	5,726	(3,573)	-38.4%
Operating Assistance	10,581	16,630	6,049	57.2%
Total Oper. Revenues & Assistance	19,880	22,356	2,475	12.5%
Personnel Services	14,556	12,566	(1,990)	-13.7%
Maintenance & Repairs	2,381	1,472	(909)	-38.2%
Transit Fuel/Power	448	278	(170)	-38.0%
Utilities	606	414	(192)	-31.8%
Insurance & Injuries	438	393	(45)	-10.2%
Safety & Security	1,390	1,248	(141)	-10.2%
General Business/Other	2,681	2,137	(545)	-20.3%
Other	(2,804)	(2,521)	283	10.1%
Total Operating Expenses	19,697	15,987	(3,709)	-18.8%
Operating Income/(Loss)	184	6,368	6,185	3368.6%
Non-Operating/Capital	(2,177)	(7,298)	(5,121)	-235.3%
Net Surplus/(Deficit)	(1,993)	(929)	1,064	53.4%

**Regular Meeting
February 25, 2021**

NFTA/METRO YEAR TO DATE JANUARY 2021 PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	6,096	4,839	(1,256)
Revenues and Operating Assistance			(6,424)
Expenses			19,457
Non-Operating/Capital			(14,290)
			<u>(1,256)</u>
OPER REVENUES & ASST	203,311	196,887	(6,424)
Metro Passenger Fares - no fares collected April 1st through June 28th; decreased ridership and no Buffalo Public Schools revenue			(20,249)
BNIA Rental Income - decreased compensatory airline billings due to lower direct expenses			(1,267)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail/other revenues; significantly decreased enplanements			(16,350)
NFIA Concessions/Commissions - decreased parking lot, ride share, auto rental and retail revenues; significantly decreased enplanements			(1,364)
Eric County Sales Tax			(1,054)
Local - 88c Funds			(4,191)
State - STOA - anticipated reduction from New York State			(12,150)
Federal - FTA & FAA CARES Act			50,134
All Other			68
			<u>(6,424)</u>
TOTAL OPERATING EXPENSES	180,940	161,483	(19,457)
Personnel Services			
Metro - service modifications, unanticipated vacancies and lower overtime, instruction labor and student operator labor			(5,123)
BNIA - lower overtime, temporary help and unanticipated vacancies			(1,224)
NFIA - lower overtime and temporary help			(240)
Transportation Centers - lower overtime at MTC and NFITC			(127)
Central Admin - vacancies, lower police, engineering and Metro support overtime			(1,724)
All Other			(36)
			<u>(8,475)</u>
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance, facility and rail contract costs			(793)
BNIA - lower materials/supplies/service costs, snowplowing, baggage maintenance, automotive and landscaping expenses			(2,240)
NFIA - lower facility maintenance costs, snowplowing, major repairs and environmental expenses			(200)
Transportation Centers - lower materials/supplies/service and elevator maintenance costs at MTC			(118)
All Other			(11)
			<u>(3,363)</u>
Metro Transit Fuel/Power - lower diesel, gasoline and CNG costs			(1,337)
Utilities			
Metro - lower electric and gas billings			(254)
BNIA - lower electric and water billings			(271)
Transportation Centers - lower electric billings at MTC and NFITC			(47)
Property Development - lower electric and gas billings at 247 and 485 Cayuga properties			(42)
All Other			(26)
			<u>(641)</u>
Insurance & Injuries			
Metro - lower insurance premiums, partially offset by higher claim loss reserve appropriations			(438)
Central Admin - lower police claim loss reserves and insurance premiums			(39)
All Other			(30)
			<u>(507)</u>
General Business/Other			
Metro - lower outside service costs, advertising, training and general office expenses			(981)
BNIA - lower outside service costs, advertising, training/travel and general office expenses			(3,954)
All Other			(2)
			<u>(4,937)</u>
All Other			(198)
			<u>(19,457)</u>
NON-OPERATING/CAPITAL	(16,275)	(30,565)	(14,290)
Capital			
Metro			(1,416)
BNIA			134
Transportation Centers			(58)
Central Admin			353
All Other			1
			<u>(986)</u>
Non-Operating			
Metro - SIF Reserve Funding			(13,000)
BNIA Net Bond Debt Service			(1,707)
BNIA Operating Expense Reserve			1,325
All Other			78
			<u>(13,304)</u>
			<u>(14,290)</u>

NFTA/METRO
KEY ITEM REPORT
JANUARY YTD 2021

(\$000 Omitted)

	Jan 2021	Jan 2021		
<u>YTD ACTUAL TO BUDGET</u>	<u>YTD Budget</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	94,546	54,115	(40,431)	-42.8%
Operating Assistance	108,765	142,773	34,008	31.3%
Total Oper. Revenues & Assistance	203,311	196,887	(6,424)	-3.2%
Personnel Services	137,099	128,624	(8,475)	-6.2%
Maintenance & Repairs	18,747	15,384	(3,363)	-17.9%
Transit Fuel/Power	3,967	2,630	(1,337)	-33.7%
Utilities	3,880	3,239	(641)	-16.5%
Insurance & Injuries	4,381	3,875	(507)	-11.6%
Safety & Security	12,400	11,566	(834)	-6.7%
General Business/Other	26,581	21,644	(4,937)	-18.6%
Other	(26,116)	(25,480)	636	2.4%
Total Operating Expenses	180,940	161,483	(19,457)	-10.8%
Operating Income/(Loss)	22,371	35,404	13,034	58.3%
Non-Operating/Capital	(16,275)	(30,565)	(14,290)	-87.8%
Net Surplus/(Deficit)	6,096	4,839	(1,256)	-20.6%

NFTA/METRO
BUSINESS CENTERS
NET SURPLUS/(DEFICIT)
JANUARY YTD 2021

(\$000 Omitted)

	Jan 2021	Jan 2021		
	<u>YTD Budget</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
NFTA				
BNIA	4,049	2,319	(1,730)	-42.7%
NFLA	(2,062)	(1,873)	189	9.2%
Transportation Centers	(1,118)	(1,050)	68	6.1%
Property Development	356	572	216	60.8%
NFTA Total	1,225	(31)	(1,256)	-102.5%
Metro	4,870	4,870	0	0.0%
NFTA/Metro	6,096	4,839	(1,256)	-20.6%

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

	Jan 2020 Actual	Jan 2021 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	(1,540)	(929)	610
Revenues and Operating Assistance			2,982
Expenses			2,698
Non-Operating/Capital			(5,070)
			610
OPER REVENUES & ASST	19,373	22,356	2,982
Metro Passenger Fares - decreased ridership and no Buffalo Public Schools revenue in FYE21			(1,861)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share and food/retail revenues; significantly decreased enplanements in FYE21			(1,305)
Local - 88c Funds			(415)
Erie County Sales Tax			(212)
Mortgage Tax			325
State - STOA - FYE21 4th quarter payment from New York State partially restores reductions from prior FYE21 payments			1,213
Federal - FTA & FAA CARES Act			5,308
All Other			(72)
			2,982
TOTAL OPERATING EXPENSES	18,686	15,987	(2,698)
Personnel Services			
Metro - modified service in FYE21, vacancies, and decreased overtime			(811)
BNIA - lower overtime and unanticipated vacancies			(189)
NFIA - lower overtime			(65)
Central Admin - vacancies, lower police, engineering and Metro support overtime			(385)
All Other			(33)
			(1,483)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance and facility costs			(166)
BNIA - lower baggage maintenance, major repairs, automotive and environmental expenses			(339)
Transportation Centers - lower materials/supplies/service costs			(23)
All Other			(13)
			(541)
General Business/Other			
Metro - lower outside service costs, advertising and training expenses			(89)
BNIA - lower outside service costs and advertising expenses			(497)
NFIA - lower outside service costs and advertising expenses			(54)
Central Admin - lower outside service costs			(93)
All Other			(2)
			(735)
All Other			61
			(2,698)
NON-OPERATING/CAPITAL	(2,227)	(7,298)	(5,070)
Capital			
Metro			(368)
BNIA			29
Property Development			53
Central Admin			376
All Other			9
			99
Non-Operating			
Metro - SIF Reserve Funding			(5,000)
BNIA Net Bond Debt Service			(583)
BNIA ADF Funding			139
BNIA Operating Expense Reserve			241
All Other			34
			(5,169)
			(5,070)

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

(\$000 Omitted)

	Jan 2020	Jan 2021		
<u>MONTH PRIOR YEAR COMPARISON</u>	<u>Actual</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	8,927	5,726	(3,201)	-35.9%
Operating Assistance	10,446	16,630	6,184	59.2%
Total Oper. Revenues & Assistance	19,373	22,356	2,982	15.4%
Personnel Services	14,050	12,566	(1,483)	-10.6%
Maintenance & Repairs	2,013	1,472	(541)	-26.9%
Transit Fuel/Power	404	278	(125)	-31.1%
Utilities	405	414	9	2.2%
Insurance & Injuries	332	393	61	18.4%
Safety & Security	1,326	1,248	(78)	-5.9%
General Business/Other	2,871	2,137	(735)	-25.6%
Other	(2,715)	(2,521)	194	7.1%
Total Operating Expenses	18,686	15,987	(2,698)	-14.4%
Operating Income/(Loss)	688	6,368	5,681	826.3%
Non-Operating/Capital	(2,227)	(7,298)	(5,070)	-227.7%
Net Surplus/(Deficit)	(1,540)	(929)	610	39.6%

**Regular Meeting
February 25, 2021**

NFTA/METRO YEAR TO DATE JANUARY PERFORMANCE
FYE 2021 vs. FYE 2020
(\$000's)

	Jan 2020 YTD Actual	Jan 2021 YTD Actual	VARIANCE
NET SURPLUS/(DEFICIT)	3,547	4,839	1,293
Revenues and Operating Assistance			(477)
Expenses			14,537
Non-Operating/Capital			(12,767)
			1,293
OPER REVENUES & ASST	197,364	196,887	(477)
Metro Passenger Fares - no fares collected April 1st through June 28th of FYE21; ridership down significantly and no Buffalo Public Schools revenue in FYE21			(20,022)
BNIA Concessions/Commissions - decreased parking lot/ramp, ride share, auto rental and food/retail revenues; significantly decreased enplanements in FYE21			(16,498)
NFIA Concessions/Commissions - decreased parking lot, ride share, auto rental and retail revenues; significantly decreased enplanements in FYE21			(1,196)
Erie County Sales Tax			(703)
Mortgage Tax			1,859
Local - 88c Funds			(4,148)
State - STOA - anticipated reduction from New York State			(10,079)
Federal - FTA & FAA CARES Act			50,134
All Other			176
			(477)
TOTAL OPERATING EXPENSES	176,020	161,483	(14,537)
Personnel Services			
Metro - modified service in FYE21, vacancies, and decreased overtime, instruction labor and student operator labor			(4,145)
BNIA - lower overtime and temporary help			(569)
NFIA - lower overtime and temporary help			(153)
Transportation Centers - lower overtime at MTC and NFITC			(113)
Central Admin - vacancies, lower police, engineering and Metro support overtime			(334)
All Other			(6)
			(5,320)
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance and facility costs			(477)
BNIA - lower materials/supplies/services, snowplowing, baggage maintenance, automotive and landscaping expenses			(1,419)
NFIA - lower materials/supplies cost, facility maintenance, major repairs, automotive and environmental expenses			(223)
Transportation Centers - lower materials/supplies/service cost at MTC and NFITC			(166)
Property Development - lower service costs at 485 Cayuga			(75)
All Other			(9)
			(2,368)
Metro Transit Fuel/Power - lower diesel and gasoline costs			(1,128)
Utilities			
Metro - higher electric billings			24
BNIA - lower electric and water billings			(163)
All Other			9
			(130)
Insurance & Injuries			
Metro - decreased claim loss reserve appropriations and insurance premiums			(1,594)
BNIA - increased insurance premiums and claim loss reserves			140
Central Admin - higher police claim loss reserves			43
All Other			26
			(1,385)
General Business/Other			
Metro - lower outside service costs, advertising and training expenses			(592)
BNIA - lower outside service costs, advertising and training/travel expenses			(3,766)
NFIA - lower outside service costs and advertising expenses			(393)
Central Admin - timing of MIS/technology expenses and contracts in FYE21			663
All Other			21
			(4,067)
All Other			(139)
			(14,537)
NON-OPERATING/CAPITAL	(17,798)	(30,565)	(12,767)
Capital			
Metro			(379)
BNIA			185
Property Development			(130)
Central Admin			(387)
All Other			(50)
			(761)
Non-Operating			
Debt Service - Noresco			377
Metro - SIF Reserve Funding			(13,000)
BNIA Net Bond Debt Service			(1,846)
BNIA ADF Funding			1,394
BNIA Operating Expense Reserve			1,177
All Other			(108)
			(12,006)
			(12,767)

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

JANUARY YTD

(\$000 Omitted)

	Jan 2020	Jan 2021		
	Prior	Current		
<u>YTD PRIOR YEAR COMPARISON</u>	<u>YTD Actual</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	90,982	54,115	(36,867)	-40.5%
Operating Assistance	106,383	142,773	36,390	34.2%
Total Oper. Revenues & Assistance	197,364	196,887	(477)	-0.2%
Personnel Services	133,944	128,624	(5,320)	-4.0%
Maintenance & Repairs	17,752	15,384	(2,368)	-13.3%
Transit Fuel/Power	3,758	2,630	(1,128)	-30.0%
Utilities	3,369	3,239	(130)	-3.8%
Insurance & Injuries	5,259	3,875	(1,385)	-26.3%
Safety & Security	11,913	11,566	(347)	-2.9%
General Business/Other	25,712	21,644	(4,067)	-15.8%
Other	(25,688)	(25,480)	208	0.8%
Total Operating Expenses	176,020	161,483	(14,537)	-8.3%
Operating Income/(Loss)	21,344	35,404	14,060	65.9%
Non-Operating/Capital	(17,798)	(30,565)	(12,767)	-71.7%
Net Surplus/(Deficit)	3,547	4,839	1,293	36.4%

Corporate Resolutions

1. Authorization for Agreement, FirstLight, Smartnet Renewal, NFTA
2. Authorization for Agreement, Crown Castle Fiber, LLC, Point to Point Network Connection, Portage Road Bus Terminal, Metro
3. Authorization for Lease Agreement, Ciemmebi Corp., 485 Cayuga Road, NFTA

CORPORATE:

2. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (3)**

The Executive Director advised that Items 2. C. (1) through 2. C. (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 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. (3) dated February 25, 2021 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, HICKS, PERRY, PERSICO, WILCOX

NOES: NONE

ADOPTED

CORPORATE:

2. C. (1) **Authorization for Agreement, FirstLight, Smartnet Renewal, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize the renewal of Smartnet with FirstLight for the total amount of \$136,256.04, inclusive of all taxes and fees, if any.

INFORMATION: The Authority network infrastructure is based on Cisco routers and switches. This agreement renews hardware and software support for this equipment. The support contract gives the Authority access to software feature and security upgrades and allows for replacement of failed components. The renewal is being procured under the NYS OGS PM20800 contract.

FUNDING: Funding is provided for in the operating budget.

“RESOLVED, that the Board hereby authorizes an Agreement with FirstLight to renew Smartnet support at a cost of \$136,256.04, 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 an Agreement with FirstLight for the services, and on the terms, set forth 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 Chief Information Officer, that such payments are in order based upon receipt of all necessary supporting documentation.”

CORPORATE:

2. C. (2) **Authorization for Agreement, Crown Castle Fiber, LLC, Point to Point Network Connection, Portage Road Bus Terminal, Metro**

RECOMMENDATION: Staff recommends that the Board authorize a three-year Agreement with Crown Castle Fiber, LLC for a point to point network connection between the Portage Road Bus Terminal and the Operation Control Center (OCC). The cost of this connection will be provided at a rate of \$500.00 per month plus estimated federal and FCC taxes at \$36.00 per month, for an approximate total of \$19,296.00. The Agreement will be for thirty-six (36) months that will commence on the date of installation.

INFORMATION: Currently, the OCC-NFITC connection at this bus terminal is a 20MB Point-To-Point (P2P) circuit. We have determined that the 20MB P2P is insufficient to support all the data traffic needed over the connection. The Authority reviewed quotes procured by OGS for a larger bandwidth connection to cover the data traffic needed. All the costs associated with this service are approved by NYS OGS PS68694.

This Agreement provides the Authority with 100 MB Point-To-Point circuit connections over a three-year period. The Agreement also provides the NFTA the ability to increase or decrease the circuit or connection based on need with no change fees. The NFTA also has the discretion to terminate the Agreement for convenience if necessary.

FUNDING: Funding is provided for in the operating budget.

“RESOLVED, that the Board hereby authorizes a three-year Agreement with Crown Castle Fiber, LLC for internet connection service at a cost of \$19,296.00 as described herein 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 an Agreement with Crown Castle Fiber, LLC for the services, and on the terms, set forth 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 Chief Information Officer, that such payments are in order based upon receipt of all necessary supporting documentation.”

CORPORATE:

2. C. (3) **Authorization for Lease Agreement, Ciemmebi Corp., 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Ciemmebi Corp (Nicolo Mirimin, Principal) for space at 485 Cayuga Road.

INFORMATION: Ciemmebi Corp. fabricates and assembles electrical cabinets for transportation and industrial use. They are headquartered in Torino, Italy and are based out of Brooklyn, New York. Ciemmebi Corp. requested to lease 3,607 square feet of light industrial space at 485 Cayuga Road, suite 205.

The initial term of the lease will be one (1) year commencing May 1, 2021 and ending April 30, 2022. Ciemmebi Corp. will have the option to renew for one (1) additional year with NFTA approval extending the lease to April 30, 2023. The initial rental rate will be \$8.06 per square foot for the space or \$29,072.42 for the first year with a three percent (3%) increase for the one (1) year lease renewal option.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Ciemmebi Corp., for use of light industrial space at 485 Cayuga Road on the terms set forth above; and

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

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

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

1. Authorization to Award Contract, Union Concrete and Construction Corp., Construction Contract, BNIA
2. Authorization to Award Contract, Camco General Contracting, Inc. and CHA Consulting, Inc., Construction and Construction Monitoring, BNIA
3. Authorization for Agreement, Turf Tec of WNY, Inc., Landscape Irrigation System Maintenance and Repair, BNIA
4. Authorization for Agreement, Delacy Ford, Inc., Vehicle Maintenance Services, BNIA and NFIA

AVIATION:

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

The Executive Director advised that Items 3. C. (1) through 3. 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 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. C. (1) through 3. C. (5) and dated February 25, 2021 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, HICKS, PERRY, PERSICO, WILCOX

NOES: NONE

ADOPTED

AVIATION:

3. C. (1) Authorization to Award, Union Concrete and Construction Corp., Construction Contract, BNIA

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Union Concrete and Construction Corp. for the total bid amount of \$714,245.00.

INFORMATION: BNIA Operations personnel has identified airport pavement repair priorities. The focus is to eliminate safety hazards to personnel, patrons, aircraft, automobiles, and operation equipment. This two-year contract provides infrastructure repairs to both airside and landside infrastructure:

Airside Component:

Foreign Object Debris (FOD) poses a safety hazard to aircraft. This project's airside component corrects pavement and drain inlet deterioration that produce FOD. There are two project work elements:

- Repair Runway 5-23 pavement
- Reconstruct Terminal apron Gates 12 & 15 area glycol collection trench drain

Airside work will be completed in accordance with the project's Safety and Phasing Plan. The phasing minimizes aircraft operational impacts and maintains security. The safety component protects aircraft, personnel, and equipment.

Landside Component:

The project's landside component addresses worn pavements, sidewalks and uneven storm drain inlets that are slip, trip, and fall hazards located in the airport's parking lots, and circulatory roadway.

The project was publicly advertised in accordance with NFTA Procurement Guidelines. Three potential prime bidders registered as document holders, with three bids received as follows:

Company	Verified Total Bid Amount
Union Concrete and Construction Company West Seneca, New York Robert Hill, President	\$714,245.00
Thomann Asphalt Paving Corp. Lancaster, NY Jack Thomann, President	\$1,388,113.00
Ed Bauer Construction West Seneca, New York Eric Bauer, President	\$1,540,731.00

A detailed bid evaluation was performed. It was concluded Union Concrete and Construction Corp., has the knowledge, understanding, and ability to successfully accomplish the project work.

The established MBE, WBE and SDVOB goals were 10.0%, 13.0%, and 3% respectively. Union Concrete and Construction Co. identified their MBE participation as 0.7%, and WBE participation as 1.02%. Union Concrete and Construction Co. identified their SDVOB participation as 0.7%. Empire State Development approved a partial waiver of MBE WBE requirements, and NFTA approved a partial waiver of SDVOB requirements because there are insufficient providers of these construction services.

FUNDING: The funding source for this construction work is found in the BNIA Operating Accounts as follows:

Area	Account	Amount
Airside Component	02-0219-520-5600	\$424,560.00
Landside Component	02-0274-520-5601	\$289,685.00
	Total	\$714,245.00

“RESOLVED, that the Board hereby awards a construction contract to Union Concrete and Construction Corp to provide infrastructure repairs to both airside and landside infrastructure at BNIA, as described above; and

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

AVIATION:

3. C. (2) **Authorization to Award, Camco General Contracting, Inc. and CHA Consulting, Inc., Construction and Construction Monitoring, BNIA**

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Camco General Contracting, Inc. (Camco) for a lump sum amount of \$2,299,986.83.

Further, award the corresponding design support and construction monitoring contract to CHA Consulting, Inc. (CHA) for a total cost-plus fixed fee amount not to exceed \$155,478.00.

INFORMATION: The Buffalo Niagara International Airport (BNIA) is working to improve the parking experience for its airline patrons by relocating approximately 373 employee and cell phone waiting parking spaces from its campus to a remote location at Buell Avenue. The Metro Park & Ride and TNC Staging area will also be relocated. The NFTA acquired the Buell Avenue site through a public benefit conveyance from the State of New York.

Construction Contract:

The project will develop a 3-1/2-acre parcel into two asphalt parking lots complete with drainage, lighting, pavement markings, and video surveillance.

Parking lot one will be developed into an 85-parking space multipurpose lot serving both BNIA and NFTA Metro patrons by providing a parking lot that offers:

- Park & Ride
- Cell Phone Waiting
- TNC Waiting Area (Lyft/Uber)
- Metro Bus Stop with real time passenger information.

Parking lot two will be developed into an access controlled 288 parking space, BNIA employee lot.

A detailed bid evaluation was performed, and it concluded that Camco has the knowledge, understanding, and ability to successfully accomplish the project work.

The project was publicly advertised in accordance with the NFTA Procurement Guidelines. Formal bids were received and publicly opened on January 19, 2021 for the above project. The bid results are shown below:

Bidder	Bid
Camco General Contracting Inc. Cameron P. Sitarek, President	\$ 2,299,986.83

Union Concrete Robert F. Hill, President	\$ 2,539,961.50
Northeast Diversification, Inc. Lee Cadby, President	\$ 2,731,935.00
Thomann Asphalt Jack Thomann, President	\$ 2,789,633.24
Occhino Corp Anthony Milone, Vice President	\$ 2,789,881.50
L.J. Quigliano II Larry J. Quigliano II, President	\$ 2,793,466.38
4th Generation Construction Nicholas Yarussi, President	\$ 2,794,183.00
Edbauer Construction Eric Bauer, President	\$ 2,853,358.50
Dmyles Inc. Darius Myles, President	\$ 2,893,303.00
Scott Lawn Yard Christine Miller - President	\$ 2,931,992.00
Mark Cerrone George Churakos, VP and Secretary	\$ 2,977,000.00
Anastasi Trucking Gary Anastasi - President	\$ 3,204,976.72

The established MBE, WBE and SDVOB goals were 18%,12.0%, and 6% respectively. Camco identified their MBE participation as 27%, and WBE participation as 21%. Camco identified their SDVOB participation as 12%.

Design Support and Construction Monitoring Contract:

The design support and construction monitoring contract scope include the following:

- Construction submittal review
- Project administration
- Project schedule review
- Full time inspection
- Material testing
- Contract document interpretation
- Progress reporting and payment review
- Subcontractor/supplier review
- As-built drawing preparation
- Project closeout

CHA was selected for the design support and construction contract in accordance with the Design Services Contract that the Board awarded in October 2019.

The staff conducted negotiations with CHA with the following results:

Engineers Estimate	\$151,370.00
Original Proposal	\$160,280.00
Negotiated Cost Proposal	\$155,478.00

The established MBE, WBE and SDVOB goals were 3%, 10%, and 0% respectively. CHA identified their MBE participation as 4.5%, and WBE participation as 11.4%. CHA identified their SDVOB participation as 0%.

FUNDING: The funding is distributed as shown below. The construction project account number is 12-0000000-3188-2-2785. The construction monitoring /design support project account number is 12-0000000-3113-22785.

Funding Source	Construction	Design Support & Construction Monitoring
C14 – NYS AIR 99 Program	\$1,500,000.00	\$0
A16 – Airport Development Fund	\$799,986.83	\$155,478.00
TOTAL	\$2,299,986.83	\$155,478.00

“RESOLVED, that the Board hereby authorizes an Agreement with Camco General Contracting, Inc. for construction of parking lots at Buelle Avenue adjacent to the BNIA, as described above; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes an Agreement with CHA Consulting, Inc. for design support and construction monitoring, 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.”

AVIATION:

3. C. (3) **Authorization for Agreement, Turf Tec of WNY, Inc., Landscape Irrigation System Maintenance and Repair, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with Turf Tec of WNY Inc. of Lockport, New York for landscape irrigation system maintenance and repair service at the Buffalo Niagara International Airport (BNIA). The term of the agreement will be three (3) years commencing April 1, 2021 with the option of two (2) additional one-year periods at the sole discretion of the NFTA. The estimated cost is \$85,111 for all five years.

INFORMATION: The irrigation system covers the 11 acres of landside landscaping at BNIA. The maintenance and repair service will consist of spring startup of the system including inspecting and adjusting all valves and rotor heads, and winterization shutdown of the system including removing all water to protect the lines. The service also provides for repairs of the system at an hourly rate on an "as needed" basis throughout the season which are estimated at 80 hours per year.

RFP 210003 was issued in accordance with NFTA Procurement Guidelines. One responsive proposal was received. The proposal was evaluated based on qualifications and experience, technical criteria and cost. The evaluation team, composed of representatives of the BNIA Airfield and Procurement, determined that Turf Tec of WNY Inc.'s proposal satisfies all requirements and provides the best overall value.

Empire State Development excluded this procurement from MWBE requirements because the number of NYS certified MWBE providers is limited. Even though the supplier pool was limited, the winning bidder, Turf Tec of WNY Inc., is a NYS certified WBE. The NFTA excluded this procurement from SDVOB participation goals because there are no NYS certified providers of this service in our area.

FUNDING: Funding is included in the BNIA annual operating budget.

"RESOLVED, that the Board hereby authorizes an Agreement with Turf Tec of WNY Inc. for landscape irrigation system maintenance and repair service at the Buffalo Niagara International Airport (BNIA) as described above; and

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

RFP 210003 LANDSCAPE IRRIGATION MAINTENANCE AND REPAIR SERVICE AT BNIA	TURF TEC OF WNY INC. Lockport, New York		
SELECTION CRITERIA (Completed by Team)	Rate on a score of 1 - 10 with 10 being the highest		
Compliance with technical specifications 40%	8.00		
Cost 40%	10.00		
Qualifications & Experience 20% - Demonstrated ability in the industry, References, Past performance, Depth of knowledge of key personnel in critical areas. 20%	8.00		
TOTAL	8.80		
COST			
MAINTENANCE	SPRING STARTUP	WINTERIZATION SHUTDOWN	TOTAL AMOUNT
Year 1	\$3,331.00	\$4,995.00	\$8,326.00
Year 2	\$3,395.00	\$5,095.00	\$8,490.00
Year 3	\$3,395.00	\$5,095.00	\$8,490.00
Year 4	\$3,465.00	\$5,195.00	\$8,660.00
Year 5	\$3,500.00	\$5,245.00	\$8,745.00
TOTAL AMOUNT			\$42,711.00
REPAIR WORK	ESTIMATED # OF HOURS	HOURLY RATE	ESTIMATED TOTAL
Year 1	80	\$103.00	\$8,240.00
Year 2	80	\$105.00	\$8,400.00
Year 3	80	\$105.00	\$8,400.00
Year 4	80	\$107.00	\$8,560.00
Year 5	80	\$110.00	\$8,800.00
TOTAL AMOUNT	400		\$42,400.00
GRAND TOTAL AMOUNT			\$85,111.00

AVIATION:

3. C. (4) **Authorization for Agreement, DeLacy Ford, Inc., Vehicle Maintenance Services, BNIA and NFIA**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with DeLacy Ford, Inc., Elma, New York. The contract period is a three-year term commencing March 1, 2021 with 2 additional one-year options at the sole discretion of the NFTA. The annual cost of vehicle maintenance is estimated at \$200,000 to \$250,000 whereby payment will be provided for actual services provided at agreed upon contractual rates.

INFORMATION: BNIA and NFIA provide parking accommodations to travelers and airport employees. Shuttle service is provided to transport people from/to the long-term parking lots to/from the terminal building. Shuttle service is continuously provided on a 24/7 basis. Currently, there are 17 shuttle vans and 3 service vehicles used in the airport parking operations. Each shuttle van is driven approximately 40,000 to 45,000 miles per year within the parking lots. Since they are not driven on highways, there is a high degree of maintenance required due to high idling time, frequent braking, constant tire wear, and general overall abuse from constant "parking lot mileage". Vehicle safety and reliability are integral components for efficient parking operations and service. The current shuttle service is provided by SP Plus Corporation (SP Plus) under a management agreement with the NFTA. SP Plus coordinates parking vehicle maintenance within the scope of their agreement.

A Request for Proposal No. 21006 (RFP) was solicited in accordance with NFTA Procurement guidelines to provide parking vehicle maintenance. The RFP identified scheduled maintenance and safety inspections within the scope of services including requirements for Automotive Service Excellence (ASE) mechanic certifications. The NFTA review team including BNIA Administration staff, BNIA Mechanic Supervisor, SP Plus General Manager, and NFTA Procurement staff evaluated the proposals taking into consideration:

- Technical criteria including compliance with technical specifications, reporting, and project approach,
- Cost, and
- Qualifications and experience.

The team determined that DeLacy Ford, Inc. ranked the highest and possesses the qualifications and resources required to perform the services. Staff estimates the annual cost of vehicle maintenance will range between \$200,000 and \$250,000.

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 included in the BNIA and NFIA operating budgets.

“RESOLVED, that the Board hereby authorizes an Agreement with DeLacy Ford, Inc. for vehicle maintenance services for the parking operations at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (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.”

RFP 210006 Vehicle Maintenance Services	DeLacy Ford Elma, NY	Valley Tire Buffalo, NY
SELECTION CRITERIA (Completed by Team)	(Rate on a scale of 1 - 10, with 10 being the highest) Team Consensus	
Technical Criteria: Compliance with technical specifications. 40%	9.00	8.00
Cost. 40%	10.00	7.64
Qualifications and Experience: Demonstrated ability in the industry, references, past performance, management. 20%	9.00	8.00
TOTAL	9.40	7.86
COSTS FOR BASIC SERVICES		
Safety and Equipment Inspections 6,000 mi or 60 days, whichever occurs first. Prices include tire rotations and OEM Required Services. (Year 1)	\$67.48	\$82.95
OEM Recommended Services 3000 mi or 12 months, whichever occurs first. Price include semi-synthetic oil. (Year 1)	\$38.85	\$56.95
Hourly Labor Rate (Year 1)	\$83.45	\$92.00
Parts Discount off MFG List (Year 1)	38.0%	5.0%

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

Surface Transportation Resolutions

1. Approval of Metro Public Transportation Agency Safety Plan, Metro
2. Authorization for Procurement, Gorman Enterprises, Low-Floor Paratransit Vehicles, Metro
3. Authorization for Agreement, New Flyer of America, Inc., Battery Electric Buses, Metro
4. Authorization for Agreement, National Grid, Electrical Service, Metro
5. Authorization for Agreement, New York Power Authority (NYPA), Design, Construction and Installation, Metro
6. Authorization for Annual Renewal of Maintenance Agreements, Trapeze Software Group, Inc., Metro
7. Authorization for Agreement, Smith-Emery Laboratories, Ultra Sonic Rail Testing, Metro

SURFACE:

4. C. (i) Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. C. (1) through 4. C. (7)

The Executive Director advised that Items 4. C. (1) through 4. 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 Hughes, seconded by Commissioner Perry, 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. (7) and dated February 25, 2021 as set forth herein, be and hereby are accepted and approved in their entirety.

AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, BLUE, HICKS, PERRY, PERSICO, WILCOX

NOES: NONE

ADOPTED

SURFACE:

4. C. (1) **Approval of Metro Public Transportation Agency Safety Plan, Metro**

RECOMMENDATION: Staff recommends that the Board of Commissioners approve the updated Metro Public Transportation Agency Safety Plan (PTASP) for its required annual certification. The NFTA/Metro is required to develop a PTASP per FTA rule CFR 673 and must certify the PTASP upon initial implementation and on an annual basis thereafter. Certification of the PTASP requires approval by both the NFTA's Executive Director and the Board of Commissioners.

INFORMATION: On July 19, 2018, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (PTASP) Final Rule (CFR 673), which requires certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop a PTASP by July 20, 2020. As per CFR 673, the PTASP is intended to replace the existing Rail & Bus System Safety Program Plans. The basis of the PTASP is to be inclusive of the processes and procedures required to implement and effectively manage Safety Management Systems (SMS).

SMS is a comprehensive, collaborative approach that brings management and labor together to build on NFTA's existing safety foundation to control risk, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more carefully. SMS proactively applies resources to control risk and is based on NFTA having the organizational infrastructure to support decision-making at all levels regarding the assignment of resources. The PTASP and the associated safety programs, plans, rules, orders, and processes define the Authority's comprehensive safety program. The responsibilities, roles, and processes are prescribed therein. The compilation of these documents also assures that the NFTA is in compliance with the applicable federal, state, and local regulations.

On February 27, 2020 the board approved the first version of the PTASP. The plan was then submitted to and certified by the New York State Department of Transportation Office of Modal Safety & Security formally in March of 2020.

The FTA PTASP requires Safety Management Systems (SMS) principles as its foundation. The four main elements required are as follows:

- 1) **Safety Policy:** to align NFTA/Metro under a safety management system for the purpose of prioritizing safety in management decision making;
- 2) **Safety Risk Management:** to implement processes that will identify, analyze, assess, resolve risks; and track risk controls;
- 3) **Safety Assurance:** to oversee that all safety objectives are met through effective data collection, monitoring and assessment; and
- 4) **Safety Promotion:** to encourage workplace and public confidence in, knowledge of, and engagement with NFTA's commitment to ensuring safety.

Additionally, the PTASP includes performance targets based on the safety performance criteria established by FTA and addresses all applicable requirements as set forth in 49 CFR 673.11.

The updates made to the PTASP in the 2021 revision are as summarized below:

- Language changes/edits
- Minor plan additions based on current Agency practices
- Goals Updated to reflect 2021 performance measures (see attached Safety Performance Matrix).

FUNDING: No funding is required

“RESOLVED, that the Board hereby authorizes the approval of the NFTA’s PTASP, as described herein.”

Regular Meeting

February 25, 2021

Performance Measure	Mode	2018	2019	2020	3-year average	2021 Goal	2021 Target
1. Total number of fatalities reported to NTD by mode	Light Rail	1	0	2	1.0	0	0
	Bus	0	0	1	0	0	0
	Paratransit Access Line (PAL)	0	0	0	0	0	0
2. Fatality rate per 1M vehicle revenue miles (VRM) by mode	Light Rail	0.03	0.0	1.94	0.66	0	0
	Bus	0.0	0.0	0.1	0.03	0	0
	Paratransit Access Line (PAL)	0.0	0.0	0.0	0.0	0	0
3. Total number of injuries reported to NTD by mode	Light Rail	24	18	18	20	5% Reduction	19
	Bus	77	97	48	74	5% Reduction	70.3
	Paratransit Access Line (PAL)	2	6	4	4	5% Reduction	3.8
4. Injury rate per 1M VRM by mode	Light Rail	25.6	19.2	17.66	20.82	5% Reduction	19.78
	Bus	7.56	9.47	4.96	7.33	5% Reduction	6.96
	Paratransit Access Line (PAL)	0.84	2.26	2.67	1.92	5% Reduction	1.83
5. Total number of safety events reported to NTD by mode	Light Rail	33	21	24	26	5% Reduction	24.7
	Bus	50	61	42	51	5% Reduction	48.45
	Paratransit Access Line (PAL)	2	6	3	3.67	5% Reduction	3.49
6. Safety event rate per 1M VRM by mode	Light Rail	35.2	22.4	23.55	27.05	5% Reduction	25.69
	Bus	4.91	5.96	4.34	5.07	5% Reduction	4.81
	Paratransit Access Line (PAL)	0.84	2.26	2.0	1.7	5% Reduction	1.61
7. System reliability rate per 1M VRM by mode*	Light Rail	558.00	438.63	331.37	442.45	Maintain Rate	442.45
	Bus	124.81	118.01	105.99	116.27	Maintain Rate	116.27
	Paratransit Access Line (PAL)	13.91	11.29	11.92	12.37	Maintain Rate	12.37

8. Authority Specific Goals	Metro Training Rates	75%	90%	92%	85%	5% Improvement	90%
	Metro Bus Reportable Injury Rates	6.1	7.2	5.2	6.2	5% Improvement	5.9
	Metro Rail Reportable Injury Rates	4.5	3.6	10.5	6.2	5% Improvement	5.9
	Metro Bus Hazard Resolution Rates	80%	54%	76%	70%	5% Improvement	73.5%
	Metro Rail Hazard Resolution Rates	64%	78%	80%	74%	5% Improvement	77.7%
	Metro Bus Accident Preventability Rates (per 100,000)	2.0	2.4	1.9	2.1	5% Improvement	2.0

SURFACE:

4. C. (2) **Authorization for Procurement, Gorman Enterprises, Low-Floor Paratransit Vehicles, Metro**

RECOMMENDATION: Staff recommends that the Board authorize the purchase of eight (8) low floor, 14-passenger, paratransit vehicles from Gorman Enterprises of Elma, New York at a unit price of \$142,481.84 for a total \$1,139,854.72.

INFORMATION: The requested vehicles are similar to fourteen (14) low floor vehicles currently utilized by Metro that are equipped with a ramp for customer access, motion activated sliding door and wheelchair locations near the front of the passenger area. The requested vehicles will replace vehicles that were purchased in 2008 through 2010 and have exceeded their useful lives.

On September 26, 2019, the Board approved a five-year contract with Gorman Enterprises pursuant to which the NFTA has the option to vehicles, from time to time, during the term.

FUNDING: Funding will be provided as listed below:

<u>Cost</u>	<u>Source</u>
\$ 911,883.78	FTA
\$ 113,985.47	NYSDOT
<u>\$ 113,985.47</u>	NFTA
\$ 1,139,854.72	

“RESOLVED, that the Board hereby authorizes the purchase of eight (8) low-floor paratransit vehicles from Gorman at a unit price of \$142,481.84 and a total price of \$1,139,854.72, as described above; and

BE IT FURTHER RESOLVED, that the Manager of Procurement, be, and hereby is, authorized to issue one or more purchase orders to Gorman Enterprises, which total, in the aggregate, not more than \$417,273.12 , as described above; and

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

SURFACE:

4. C. (3) **Authorization for Agreement, New Flyer of America, Inc., Battery Electric Buses, Metro**

RECOMMENDATION: Staff recommends that the Board authorize an agreement to purchase 10 Battery Electric Buses, support systems, associated manuals, spare components, and training classes from New Flyer of America Inc., of St. Cloud, Minnesota and Winnipeg, Manitoba, at a cost not to exceed \$10,141,118.99.

The Agreement will include an option to purchase up to 140 additional buses over a five-year period. The cost of the option buses is subject to price adjustments based on changes in the Producer Price Index included in the solicitation documents.

INFORMATION: This order of battery electric buses is a key piece in advancing NFTA's environmentally sustainable fleet deployment to assist in mitigating point source emissions within our community and is in alignment with Gov. Cuomo's ongoing and progressive initiative to improve air quality across New York State. This is the first step towards advancing the Governor's directive, announced in the 2020 State of the State address, requiring the five largest upstate transit authorities to electrify 25 percent of their fleets by 2025 and 100 percent by 2035.

These buses will be domiciled and charged at the Cold Spring Garage when not in revenue service.

The requested transit buses will replace model year 2000, 2001, 2002 and 2004 transit buses that have exceeded their useful life of 12 years.

Approximately 30 percent of the current fleet is beyond its useful life. Efforts to maintain a safe, efficient, and environmentally clean fleet includes the advancement of a battery electric bus (BEB) to meet the diverse needs of our system. The need to provide modern vehicles remains a priority for Metro and allows compliance with Title VI requirements.

The infrastructure necessary to charge these buses will be advanced concurrent with bus delivery through agreements with National Grid to design, construct and install a new electrical service and the New York Power Authority to design, construct and install a substation with charging equipment.

Initial BEB operation is tentatively scheduled for Spring 2022.

This procurement was solicited per the NFTA's Procurement Guidelines. The evaluation team included the Manager of Procurement, Manager of Bus Maintenance and Equipment, Operations Manager, Inventory Control Manager, Bus Maintenance Superintendents, and the Equipment Engineer.

Three proposals were received, and the evaluation results are attached.

FUNDING:

CMAQ	\$5,000,000.00
VWA	\$3,850,000.00
NYS DOT	\$900,000.00
NFTA	<u>\$391,118.99</u>
	\$10,141,118.99

“RESOLVED, that the Board hereby authorizes an Agreement with New Flyer of America, Inc. to purchase 10 battery electric buses, support systems, associated manuals, spare components, and training classes, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with New Flyer of America, Inc. as described above; and

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

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

RFP 5000	BYD	New Flyer	Nova Bus
Battery Electric Buses and Support Systems			
SELECTION CRITERIA			
	(Rate on a scale of 1 - 10, with 10 being the highest)		
Technical Criteria: Compliance with technical requirements and content of the Technical Proposal (section 2.1). 50%	5.50	10.00	9.47
Cost. 30%	9.97	10.00	8.77
Qualifications, Experience, and Resources: Including past performance; references regarding quality, adherence to schedules; warranty; resolution of warranty issues, lead time, and the content of Qualifications, Experience, and Resources Proposal (section 2.3). 20%	7.70	7.83	5.21
Total	7.28	9.57	8.41
COST PROPOSALS			
Bus Price - w/selected options, warranty and monitoring	\$1,019,244.00	\$1,002,869.00	\$1,191,711.26
Support Systems Price (no autonomous driving)	\$580,277.20	\$567,023.00	\$566,390.00
Spare Components and Manuals	\$81,964.10	\$84,938.00	\$186,305.00
Training	\$35,500.00	\$57,384.99	\$8,825.00
Total Evaluation Price - Bus+Support Systems+Spare+ Manuals+ Training	\$1,716,985.30	\$1,712,214.99	\$1,953,231.26



SURFACE:

4. C. (4) **Authorization for Agreement, National Grid, Electrical Service, Metro**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with National Grid to design, construct and install the electrical service required to charge buses at the Cold Spring Garage.

INFORMATION: This requested electric service is a key piece in advancing NFTA's environmentally sustainable fleet deployment to assist in mitigating point source emissions within our community and is in alignment with Gov. Cuomo's ongoing and progressive initiative to improve air quality across New York State. This is the first step towards advancing the Governor's directive, announced in the 2020 State of the State address, requiring the five largest upstate transit authorities to electrify 25 percent of their fleets by 2025 and 100 percent by 2035.

This electrical service will be connected to a new substation at the Cold Spring Garage. The substation and overhead charging equipment that will be designed, constructed, and installed through the e-Mobility Program of the New York Power Authority.

Like the substation, the electric service will be initially sized to charge 60 buses and will be scalable to charge over 100 buses as additional buses are ordered. The electric service will have geographically separate feeds so an emergency generator will not be required.

The agreement will document the NFTA's commitment to this project in order for National Grid to perform this work. Under this agreement National Grid commits to provide the infrastructure necessary through a commitment to expend up to \$3,000,000 of "make ready" infrastructure funds set aside for community benefit.

The completion of the project is scheduled to coincide with the arrival of Metro's first battery electric bus order in Spring 2022.

FUNDING: National Grid will perform the necessary work at no charge to the NFTA.

"RESOLVED, that the Board hereby authorizes an Agreement with National Grid to design, construct and install the electrical service required to charge buses at the Cold Spring Garage, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with National Grid 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.

SURFACE:

4. C. (5) **Authorization for Agreement, New York Power Authority (NYPA),
Design, Construction and Installation, Metro**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with the New York Power Authority (NYPA) to design, construct and install the infrastructure necessary to charge Battery Electric Buses at a not to exceed cost of \$8,167,803.64.

The Agreement will include options to purchase and install additional charging equipment over a five-year period. The cost of the additional charging equipment is subject to price adjustments contained in the NYPA procurement.

INFORMATION: This requested infrastructure is a key piece in advancing NFTA's environmentally sustainable fleet deployment to assist in mitigating point source emissions within our community and is in alignment with Gov. Cuomo's ongoing initiative to improve air quality across New York State. This is the first step towards advancing the Governor's directive, announced in the 2020 State of the State address that requires the five largest upstate transit authorities to electrify 25 percent of their fleets by 2025 and 100 percent by 2035.

The infrastructure will be located at the Cold Spring Garage and will include a new electrical substation that will be initially sized to charge 60 buses and will be scalable to charge over 100 buses. The substation will have geographically separate feeds so an emergency generator will not be required.

This initial project will include nine chargers with overhead equipment that consists of a pantograph and one smaller plug-in charger for a maintenance bay. Additional chargers and overhead equipment will be purchased as additional buses are ordered.

Staff selected NYPA to manage this project through their e-Mobility Program that has facilitated the installation and commissioning of electric vehicle charging infrastructure throughout New York State. This program has been utilized by the Tompkins Consolidated Area Transit (Ithaca) and the Regional Transportation Service (Rochester) to install charging infrastructure for their electric bus programs.

The completion of the project is scheduled to be coincide with the arrival of Metro's first battery electric bus order in Spring 2022.

The procurement efforts required by this project were conducted by NYPA

FUNDING: New York State has established grant funding in the amount of \$20,000,000 for non-MTA transit agencies use in procuring Battery Electric Buses and infrastructure for which NFTA is anticipating up to \$4,000,000 in 2021. NYPA loan proceeds will be utilized to advance the project as required to fund grant shortcomings or cash flow requirements at an annual percentage rate not to exceed 2.5% at a term of not greater than 10 years.

NYPA LOAN *	\$3,833,303.00
FTA LONO	\$2,500,000.00
VWA	\$1,534,500.64
NYSDOT	<u>\$300,000.00</u>
	\$8,167,803.64

* Interest not included

“RESOLVED, that the Board hereby authorizes an Agreement with the New York Power Authority (NYPA) to design, construct and install the infrastructure necessary to charge Battery Electric Buses at a not to exceed cost of \$8,167,803.64, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with New York Power Authority (NYPA), as described above; and

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

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

SURFACE:

4. C. (6) Authorization for Agreement, Smith-Emery Laboratories, Ultra Sonic Rail Testing, Metro

RECOMMENDATION: Staff recommends that the Board authorize an agreement with Smith-Emery Laboratories of New York, New York, for procurement of Ultra Sonic Rail testing. The term of the contract will be for three years, with two additional one-year renewals to be exercised at the sole discretion of the NFTA. The annual expenditure is \$4,999.00

INFORMATION: Ultra Sonic rail testing identifies faults and imperfections in our rail system to prevent any major failures ahead of time.

Request for Proposal No. 4963 was issued in accordance with NFTA Procurement Guidelines. Two responsive proposals were received. The proposals were evaluated based on technical criteria, cost, qualifications, and experience. The evaluation team, comprised of Manager, Metro Rail; Supervisor, Signals & Track; Assistant Supervisor, Capital Projects and Assistant Manager, Procurement, determined that Smith-Emery'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 service. The NFTA excluded this procurement from SDVOB goals because there are no NYS certified providers of this service.

FUNDING: Funding for this project is 100% operating budget using account code number 4040505200204.

“RESOLVED, that the Board hereby authorizes an Agreement with the with Smith-Emery Laboratories for procurement of Ultra Sonic Rail testing., as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute an Agreement with Smith-Emery Laboratories, as described above; and

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

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

RFP EVALUATION FORM

4963 ULTRASONIC RAIL TESTING AND ANALYSIS	DPR ULTRASONIC TECHNOLOGIES LLC Danbury, CT	SMITH-EMERY LABORATORIES New York, NY
SELECTION CRITERIA	Rate on a score of 1 - 10 with 10 being the highest	
Technical: Compliance with technical specifications, project approach, and system proposed. 40%	7.00	8.00
Cost. 40%	4.31	10.00
Qualifications and Experience: Demonstrated ability in the industry, references, past performance, depth of knowledge of key personnel in critical areas, warranty and delivery. 20%	8.00	7.00
TOTAL	6.13	8.60
COST		
YEAR 1	\$10,500.00	\$4,999.00
YEAR 2	\$11,025.00	\$4,999.00
YEAR 3	\$11,500.00	\$4,999.00
YEAR 4	\$12,150.00	\$4,999.00
YEAR 5	\$12,775.00	\$4,999.00
Total	\$57,950.00	\$24,995.00

SURFACE:

4. C. (7) **Authorization for Annual Renewal of Maintenance Agreements, Trapeze Software Group, Inc., Metro**

RECOMMENDATION: Staff recommends that the Board authorize renewal of the Trapeze Software Group, Inc. Annual Maintenance Agreements in the amount of \$297,022.00. This annual maintenance expenditure provides support services for multiple departments as discussed below.

INFORMATION:

The Customer Care Department currently utilizes Trapeze Software for the ATIS Trip Planner (Automated Transit Information System) which consists of ATIS-Agent/Com, which is the Trip Planner utilized by the agents; INFO IVR, which is the RTSI (real time feed for buses); INFO Email/SMS, which is the email and texting for our passengers; Voice Genie, which is text to speech; and ATIS WEB, which is the web portion of our Trip Planner. The annual maintenance cost of these products is \$163,927.00. This system consists of the following modules:

- 24-hours, 7 days a week support via phone, e-mail, fax, and web;
- Access to the Trapeze Customer Care website;
- Online tracking of support requests and the status of reported issues;
- Access to standard documentation and version release notes;
- Online training courses to update and/or enhance your skills;
- Access to online knowledge base;
- Quarterly user forums, along with software upgrades at least four to six times per year;
- Participation in the Trapeze Certification Program.

Paratransit currently utilizes Trapeze Software Xgate, which is the server for the mobile data terminals; Trapeze DriverMateVoiP, which is utilized on the iPads; PASS MON, which interfaces with Mobile Data Terminals (MDT) for up to 67 vehicles; INFO PASS (Info Server) for up to 900 booked trips and five (5) workstations; MapMaker, which are the digital maps; PASS IVR; PASS EMAIL/SMS, which is the texting and email for our passengers; and PASS WEB, which is the web portion. The annual maintenance cost of these products is \$114,008.00. This system consists of the following modules:

- 24-hours, 7 days a week support via phone, email, fax and web;
- Customer Care Web Site;
- Online tracking of support requests and the status of reported issues;
- Access to standard documentation and version release notes;
- Online training courses;
- Product upgrades for life;
- Participation in the Trapeze Certification program;
- Access to online knowledge base;
- Trapeze Times newsletter;
- Quarterly User forums for Trapeze products;
- Invitation to annual multi-day user training conference;

- Invitation to regional training workshops.

Service Planning currently utilizes Trapeze Software ATIS-Google Export, which allows for the integration between online trip planning tools and the NFTA transit schedules; and ATIS Interface-STP, which is used by the Buffalo Board of Education to identify the appropriate routing for students. The annual maintenance cost of these products is \$19,087.00. This system consists of the following modules:

- 24-hours, 7 days a week support via phone, email, fax and web;
- Customer Care Web Site;
- Online tracking of support requests and the status of reported issues;
- Access to standard documentation and version release notes;
- Online training courses;
- Product upgrades for life;
- Participation in the Trapeze Certification program;
- Access to online knowledge base;
- Trapeze Times newsletter;
- Quarterly User forums for Trapeze products;
- Invitation to annual multi-day user training conference;
- Invitation to regional training workshops.

In an effort to maintain efficient operating systems and be able to access standard documentation and version release notes, online training courses, and product upgrades, the NFTA maintains Maintenance Agreements with this vendor, Trapeze Software Group, Inc. These Maintenance Agreements are renewable every year that the NFTA continues to use these systems.

FUNDING: Funding is provided for in the FYE 2021-2022 operating budget.

“RESOLVED, that the Board hereby authorizes the renewal of the existing Trapeze maintenance agreements with Trapeze Group, 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 renewals; and

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

Federal COVID-19 Response

American Rescue Plan Act of 2021 – House Package

- \$30 billion for transit systems:
- Approximately \$26 billion through Section 5307 program formula to provide up to 132 percent of urbanized area's 2018 operating costs
- \$8 billion for airports:
- Approximately \$6 billion through the Airport Coronavirus Response Grant Program based on 2019 enplanements
- \$800 million for concessionaires
- \$608 million to pay 100 percent federal share for FY21 AIP grants
- \$195 billion emergency funding for state, local, and territorial governments distributed partially based on unemployment

Federal COVID-19 Response

American Rescue Plan Act of 2021 and Infrastructure Package – Next Steps

Week of February 22 – House Budget Committee marks up the bill; full House vote expected by the end of the week

Week of March 1 – Senate considers House-passed bill

Week of March 8 – The House takes up the Senate bill, if amended, and sends it back to the Senate

March 14, 2021 – Pandemic unemployment benefits expire and target date for signing the American Rescue Plan Act of 2021 into law

Sometime in March, likely after American Rescue Plan is Signed into Law – President Biden’s first address to a joint session of Congress where he is expected to lay out his infrastructure proposal

May 31, 2021 – Memorial Day recess and stated goal for adoption of an infrastructure package, possibly through a 2nd budget reconciliation process



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

**Aviation Committee Presentation
COVID-19's Impact on the Airport Business**

February 25, 2021

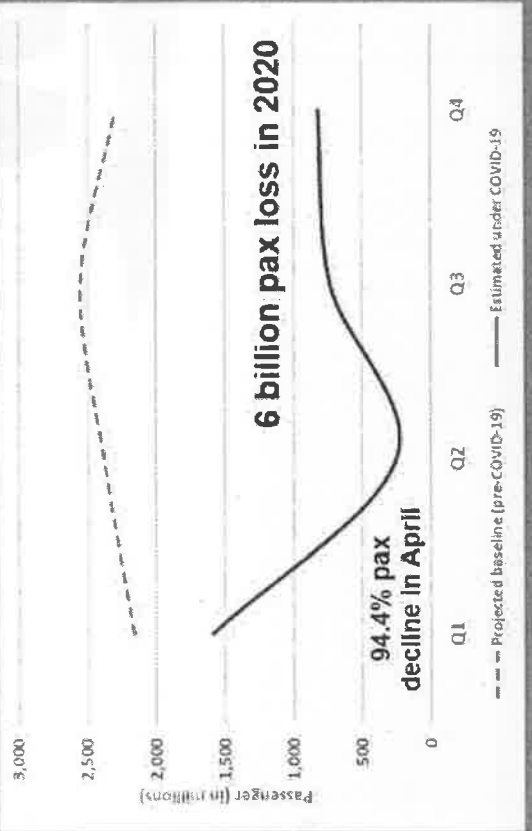


The impact of COVID-19 on the airport business

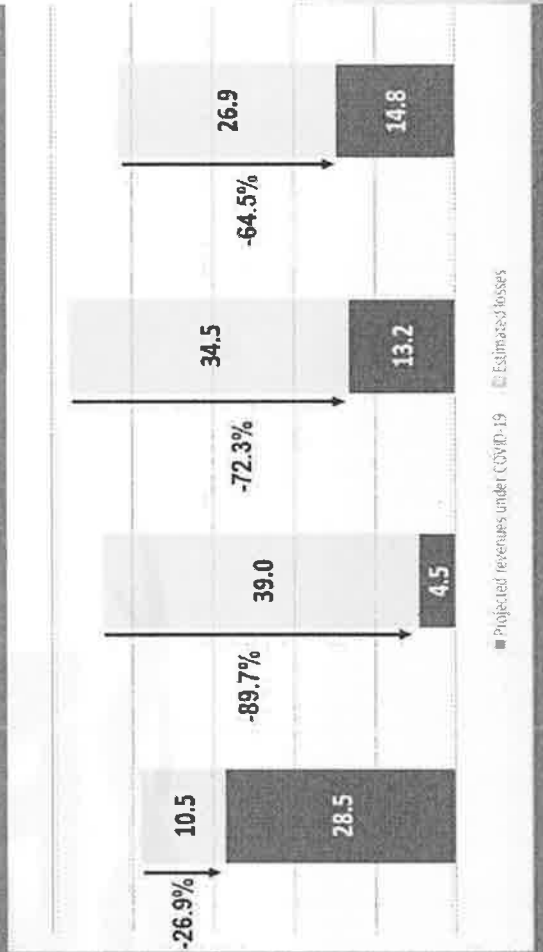
Fifth economic impact assessment: December 2020

64.2% decline in traffic and \$11.2 billion in revenue losses when compared to the projected baseline (full year 2020)

Traffic



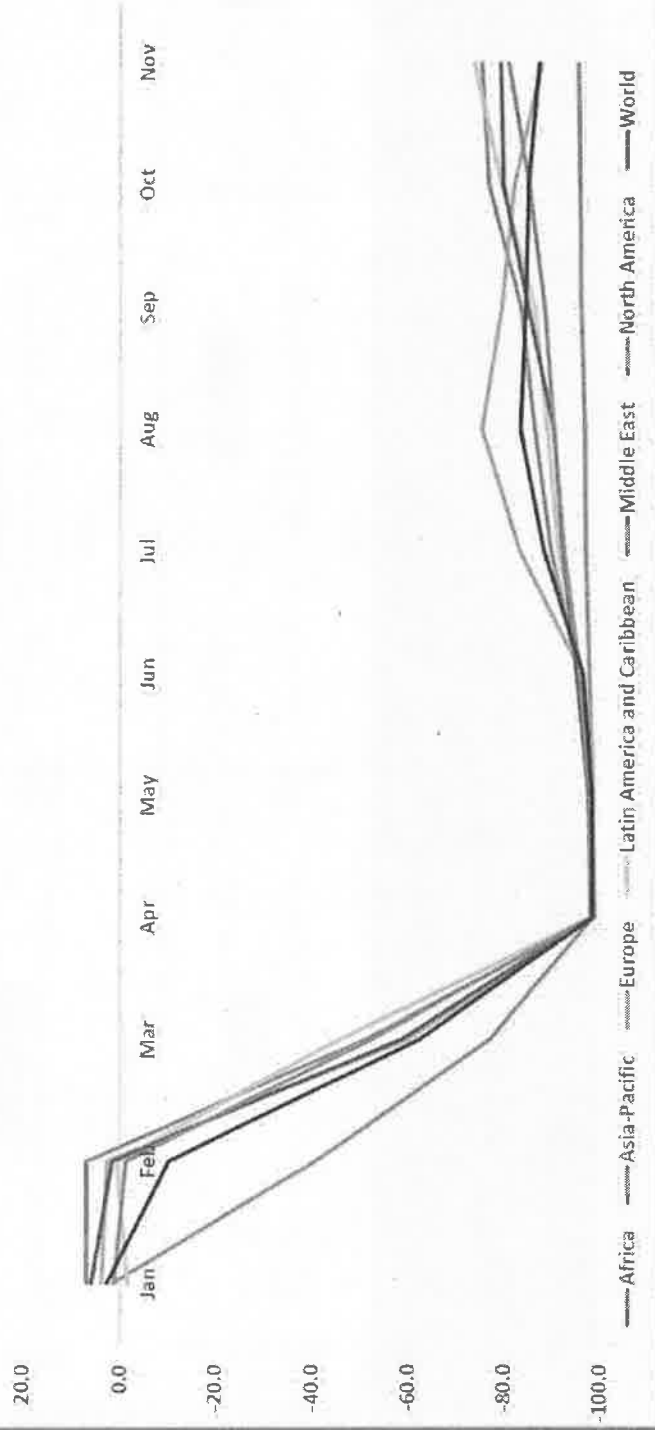
Revenues



International passenger growth (year-over-year) - Passengers

International travel still virtually non-existent

International passenger growth - 2020 (year-over-year)

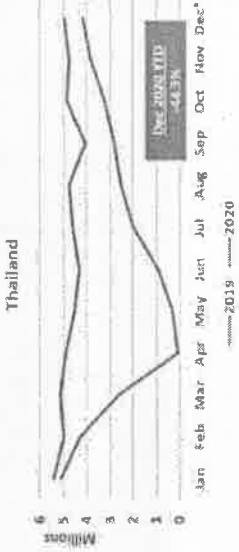
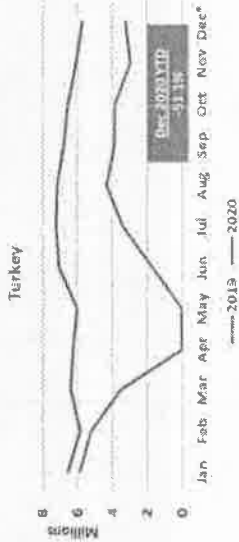
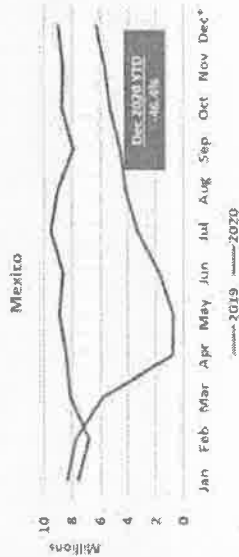
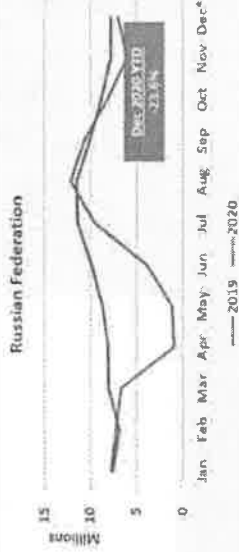
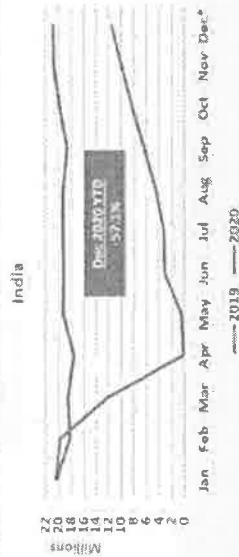
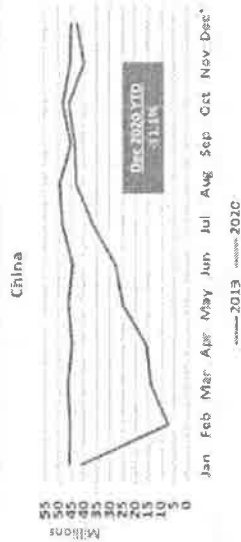
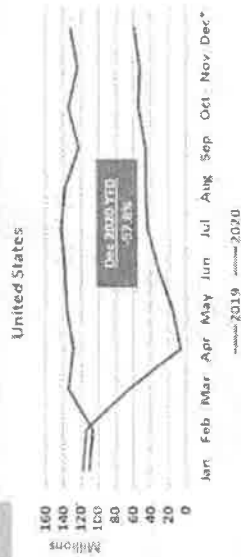


Actual November 2020 vs. 2019	
Africa	-75.6%
APAC	-95.8%
Europe	-88.3%
LAC	-74.0%
MEA	-79.6%
NAM	-81.2%
WORLD	-87.6%



Domestic passenger growth (year-over-year) - Passengers

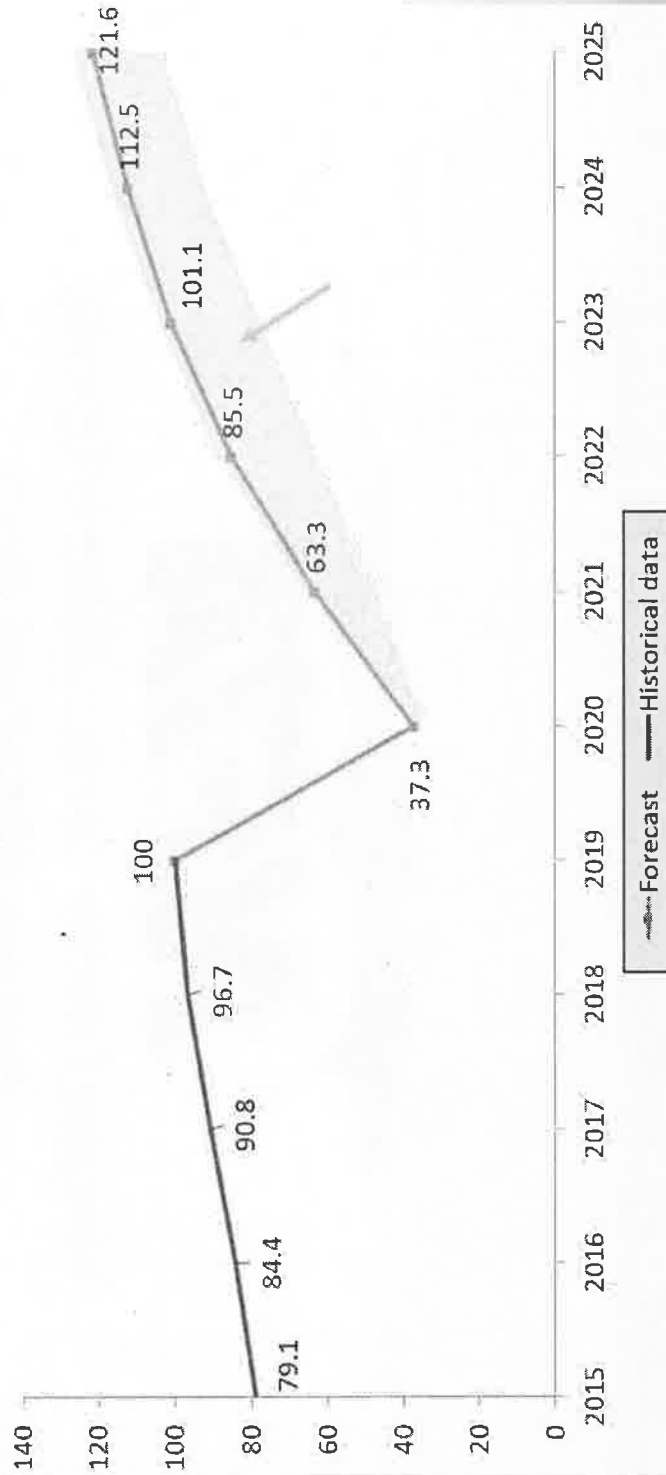
Signs of recovery in domestic markets



Dealing with uncertainty

Long-term projected pax recovery

Short-term global total passenger traffic projection
(indexed, 2019 = 100)





Niagara Frontier Transportation Authority
Serving Buffalo Niagara

**Surface Transportation Committee Presentation
Service Design Guidelines & Delivery Standards
2021 Revision**

February 25, 2021



Current Service and Delivery Evaluation Guidelines

- Technical guidelines for service delivery and design
- Adopted in 2012
- The text is not easily understandable for non-transit workers
- Service categories do not accurately describe current or planned services
- Transit demand potential index is no longer replicable by staff, and does not address equity/transit *need*

Niagara Frontier
Transportation Authority
Metro Bus & Rail
Service Delivery and
Evaluation Guidelines

June 2012
Adopted, July 23, 2012



Current Guidelines - Overview

Document addresses:

- Route design
- Span of service/hours of operation
- Service frequency
- Passenger load guidelines
- Service reliability
- Bus stop placement and spacing
- Productivity

Under the current guidelines, Metro evaluates the route performance on an annual basis using the following:

- Average number of weekday riders
- Riders per revenue hour
- Farebox recovery
- Community service needs
- Business arrangements

Route Design - Directness

Metro routes shall be designed to operate as directly as possible to and/or from a major destination in order to minimize passenger travel time.

- Routes should operate on major arterial streets as much as possible.
- To the extent possible, two-way service should be provided on the same street.
- Express service should be routed in the most direct manner with the least number of stops possible.
- Deviations from the basic route alignment to serve activity center or high potential demand neighborhoods should only be made when they have the potential to attract a significant number of new riders equal to or exceeding the riders per hour standard for the corresponding route category.
- Additional time to operate route deviations should not exceed five minutes, (one-way) or ten percent of the one-way run time, whichever is less.

Route Design - Variations

It is sometimes more efficient to provide service to a certain area with one route having several branches than to operate several different routes. In addition, some bus trips on a route may not go to the end of the line due to very low ridership in that area at certain times during the day (i.e. turn back/short turn). To provide a user-friendly service and to encourage maximum use of the system by all current and potential riders, the following guidelines shall apply:

- A route should have no more than two distinct branches/variations.
- A route should have no more than one turn back/short turn.

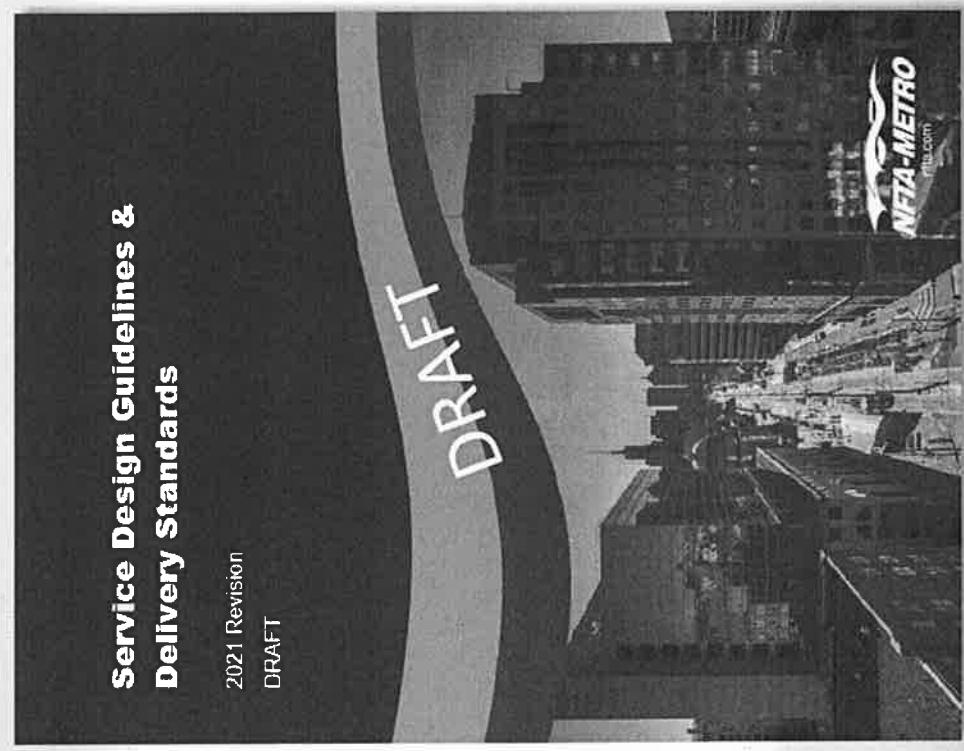
Span of Service/Hours of Operation

Span of service refers to the hours that service is available and is measured as the time between the first trip and last trip operated on a route. A wider span allows for more flexibility for passengers who work second shifts or use transit for non-work trips, but requires more service and higher operating costs. The table below displays the span of service guidelines by route type. Ridership levels on individual routes and funding levels may determine a shorter or longer span of service than the guideline listed.

Span of Service	
	Weekday
Primary/Core	6:00 am to 1:00 am 18 Hours
Secondary	6:00 am to 9:30 pm 15 Hours
Limited Express	AM and PM peaks
Collector Express	AM and PM peaks
Community Circulator	Will vary by route based on demand
School Bus Only	AM and PM peaks

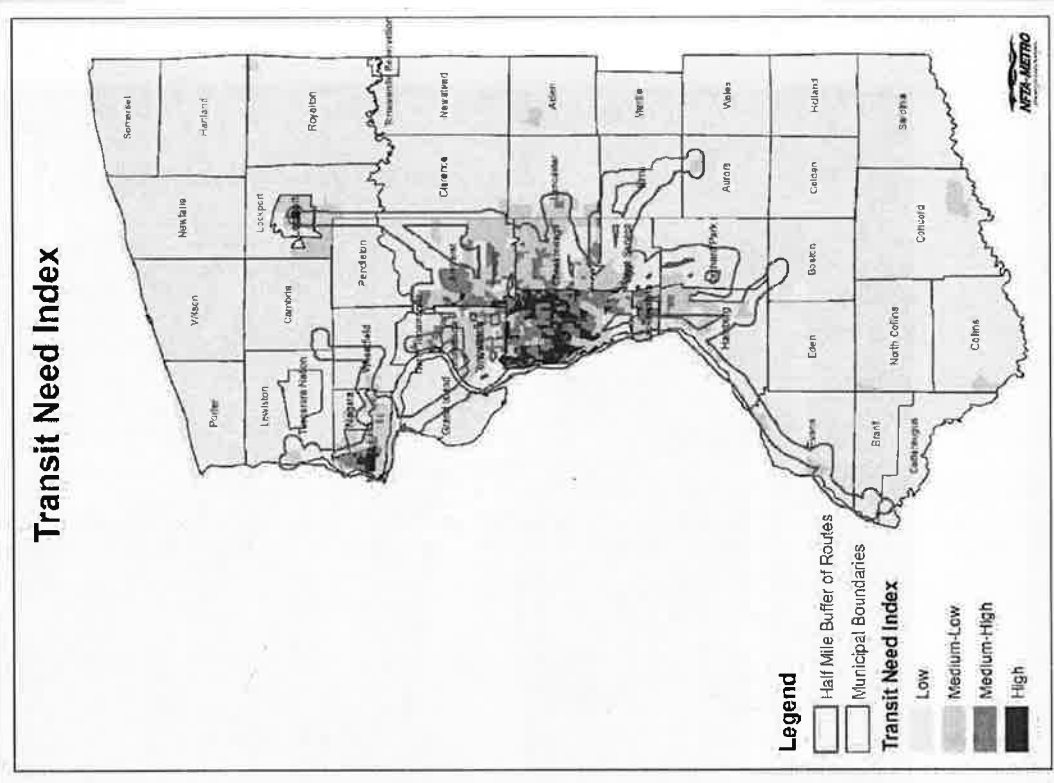
Revised Guidelines - Overview

- Updates and replaces the current guidelines
- Written explicitly for public and internal consumption with glossary and FAQs
- Separates Service Design Guidelines from Service Delivery Standards
- Includes detailed steps on evaluation processes
- Includes equity tools to assess Metro network coverage



Revised Guidelines - Service Design

- Establish principles to guide staff in how new and existing routes are designed
- Addresses:
 - Simple routing
 - Stop placement and design
 - Transit supportive entities
 - Infrastructural design
 - Equity
- Creates a five-factor **Transit Need Index** to determine if Metro is servicing the area equitably & if route changes/additions affect the areas deemed highest in transit need
 - Median income
 - Minority (non-white population)
 - Economically disadvantaged household
 - Zero-car household
 - Low-income job density



Revised Guidelines - Service Delivery

- Creates a framework for service tiers and defines metrics used in evaluation
- Addresses:
 - Service hours/span of service
 - Service frequency
 - On-time performance
 - Service productivity
 - Service capacity

CORE SERVICE

Tiers most important to maintaining regional transportation ridership and connectivity

METRO RAIL



High-capacity fixed light rail-based transit that operates in conjunction to the bus transit network

BUS RAPID TRANSIT



Bus transit service that operates like light rail separate from automobile traffic

FREQUENT



Primary urban core routes that operate in the City of Buffalo and have the highest ridership and demand

STANDARD



Used to improve transit coverage in areas not serviced by frequent bus routes. The objective of this service is to connect riders to frequent and above levels of service

SUPPORTING SERVICE

Tiers that benefit regional transportation connectivity and efficiency

LIMITED STOP



Transit route variant that only services selected stops to reduce travel time for through-riding customers

SUBURBAN EXPRESS



Operate during designated rush-hour times and serve downtown Buffalo to/from suburban park-and-rides or activity centers using highways

LOCAL EXPRESS



Operate as a faster variant of an existing bus route that follows the local route until near the City borders, then use highways to access downtown Buffalo

ON-DEMAND MICRO TRANSIT



Ride-hailing type of service that operates to increase coverage in an area not served by traditional fixed-route service

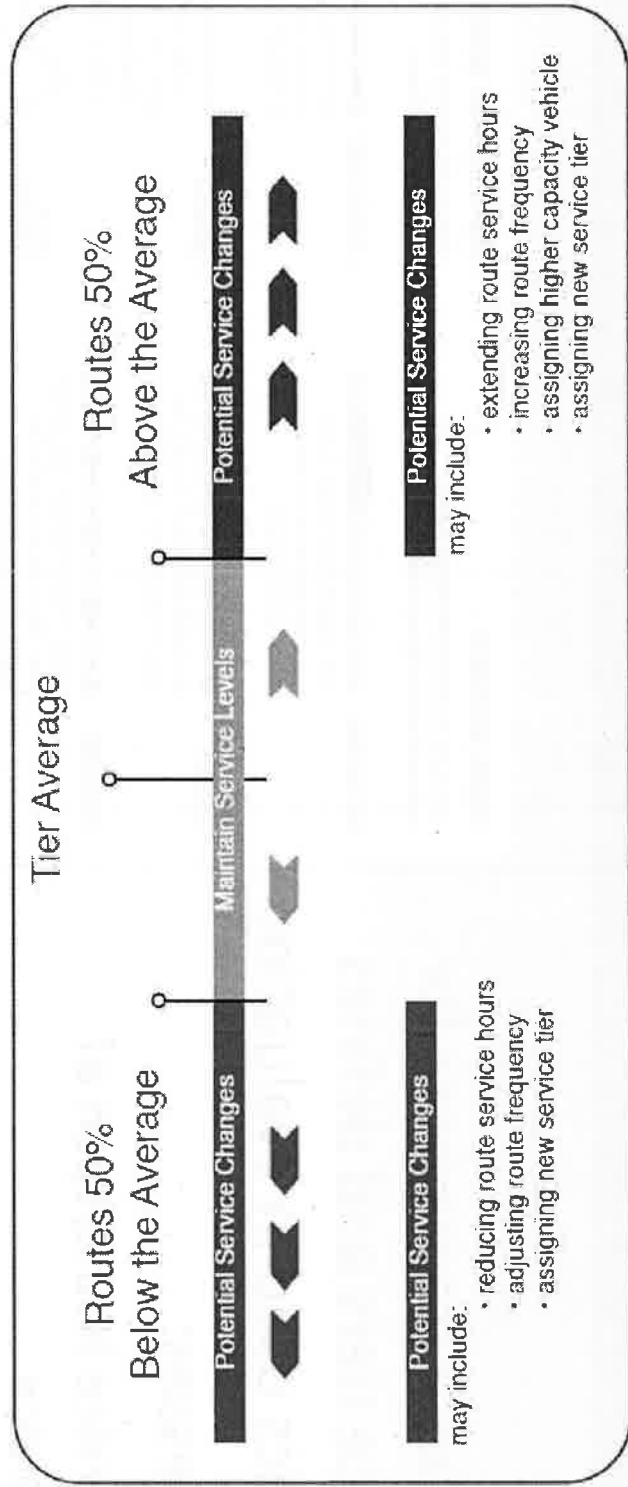
TROLLEY



Seasonal transit route that provides service as a circulator to promote connectivity of tourist destinations and hotel lodgings

Revised Guidelines - Evaluation Process

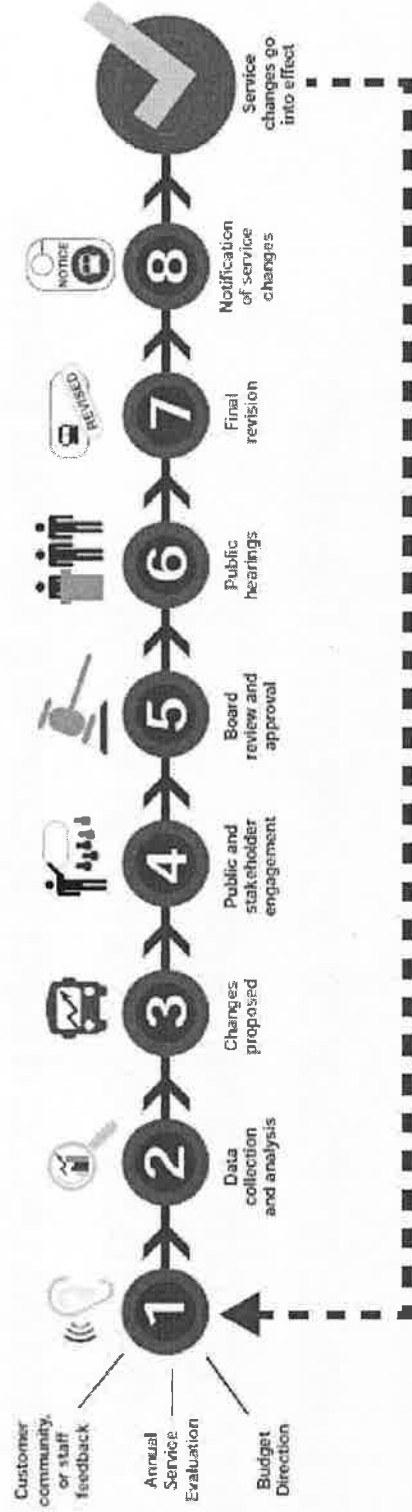
- Step-by-step processes outlined
- Service will be evaluated on a service tier level
 - Routes within a service tier will be compared to the overall tier average
 - Justification for decisions will be based on how close to the tier average each route is – providing flexibility in comparative statistics



Revised Guidelines - Evaluation Process

- Statistics evaluated:
 - Average ridership
 - Service productivity
 - Average farebox recovery rate
 - Average passenger load percentage
- The Transit Need Index is a primary driving force and is applied to any major route changes

SERVICE CHANGE PROCESS



Revised Guidelines - Next Steps

- Finalize document based on internal feedback
- Edit final graphics and layout
- Bring to the Board for approval in March
- Utilize guidelines to direct upcoming service plans & modifications

5. General Counsel Report: written
6. Executive Session: none
7. Adjournment

At approximately 1:56 p.m., the Chair indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Hughes seconded by Commissioner Aul and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: ROCHE, HUGHES, ANSARI, AUL, BAYNES, BLUE,
HICKS, PERRY, PERSICO, WILCOX**

NOES: NONE