

MINUTES OF THE REGULAR MEETING OF THE
NEW YORK STATE BRIDGE AUTHORITY

HELD AT HEADQUARTERS, HIGHLAND, N.Y. ON
January 19, 2016

Business agenda documents/reports are mailed to the Board Members and General Counsel one week prior to the meeting. Board meetings are web cast and are available on-line.

IN ATTENDANCE:

BOARD MEMBERS:

Gerentine, Richard A., Chairman
Ramaglia, Joseph, Vice Chairman
Dressel, Roderick O., Commissioner
Higgins, Roger P., Commissioner
Lashua, C. Vane, Commissioner

OFFICERS:

Ruggiero, Joseph, Secretary
Bushek, Brian, Treasurer
Whitbeck, Carl G., Counsel

Chairman Gerentine called the meeting to order at 3:26 pm. Chairman Gerentine called for a motion to adopt the minutes of the December 17, 2015 Regular meeting. On motion of Commissioner Dressel, seconded by Vice Chairman Ramaglia, the minutes of the December 17, 2015 Regular meeting were adopted unanimously.

ADMINISTRATION:1) Kapsch Contract Amendment

Mr. Russo reported to the board that in an offer to the E-ZPass IAG members dated, July 17, 2015, Kapsch TrafficCom IVHS Inc., proposed to reduce the prices of its E-ZPass tags and equipment for the remainder of the contract period which runs through November 1, 2021. In exchange the IAG members would extend Kapsch's exclusivity period under the contract an additional two years to July 16, 2018 and would agree to "level" load orders for E-ZPass tags to allow for more predictable manufacturing schedules. On October 8, 2015, the IAG Executive Management Committee passed a resolution to recommend to its member agencies an Amendment to the Kapsch Technology Agreement to accept the offer as summarized above. As the original Kapsch Technology Agreement is a separately executed contract with each member agency, the Amendment to the Agreement must be as well. Accordingly Mr. Russo recommended that the Authority Board accept the terms of the Amendment Number One to the E-ZPass Technology Agreement as recommended by resolution of the IAG EMC and further described in the Kapsch TrafficCom IVHS Offer dated July 17, 2015. Chairman Gerentine called for a motion. On a motion of Commissioner Higgins, seconded by Vice Chairman Ramaglia, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-001

Resolution Date: January 19, 2016

WHEREAS, the NYS Bridge Authority is a Full Member Agency of the E-ZPass Interagency Group ("IAG") to jointly and cooperatively implement an electronic toll collection system known as E-ZPass; and,

WHEREAS, the Executive Management Committee of the IAG passed a resolution recommending an Amendment to the Kapsch Technology Agreement accepting a proposal that would result in reduced pricing and increased productivity for its members in exchange for an extension of the exclusivity period by two years; and

WHEREAS the NYS Bridge Authority entered into the E-ZPass Technology Agreement with Kapsch Technology on April 11, 2012; now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority approves Amendment Number One to the E-ZPass Technology Agreement with Kapsch TrafficCom IVHS Inc. as presented in the accompanying documents and recommended by the E-ZPass Interagency Group in order that the Authority receives the more favorable terms offered by Kapsch; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

2) E-ZPass IAG Membership Dues for 2016

Mr. Russo indicated that he has received an invoice for the Authority's annual assessment as a full member of the E-ZPass Interagency Group (IAG) for 2016. The IAG is the operating structure comprised of the member agencies that facilitate operational consistency, reciprocity and shared decision-making with respect to E-ZPass and its implementation. The Authority is a full voting member of this organization. As a "small" member agency, the Authority's annual assessment for 2016 is \$25,000. Chairman Gerentine called for a motion. On a motion of Commissioner Higgins, seconded by Commissioner Lashua, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-002

Resolution Date: January 19, 2016

WHEREAS, the NYS Bridge Authority is a Full Member Agency of the E-ZPass Interagency Group ("IAG") to jointly and cooperatively implement an electronic toll collection system known as E-ZPass; and,

WHEREAS, the NYS Bridge Authority has received an invoice from the IAG for its 2016 annual assessment in the amount of \$25,000 in accordance with the E-ZPass Interagency Group Operating Agreement; and

WHEREAS the NYS Bridge Authority agrees it is in the public interest to continue its full voting membership in the E-ZPass Interagency Group; now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority approves the payment of the E-ZPass Interagency Group invoice for the 2016 annual membership assessment in the amount of \$25,000; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

ENGINEERING:1) Systemwide Street Sweeping Contract – 2nd Extension – BA-2013-OE-144-OT

Mr. Wright indicated to the Board that this contract was publicly advertised and bid in September of 2013, with one bid received from Community Custom Services at a price of \$946.00 per day. The contract ran from November 1, 2013 through October 31, 2014, with the option to renew up to an additional three (3) one (1) year terms, with allowances for prevailing wage increases, insurance and fuel costs. In November of 2014 the Authority extended the first of Community Custom Service's options for the next term of November 1, 2014 through October 31, 2015 at a rate of \$986.00 per day due to an increase in the prevailing wage. Their current price proposal of \$1,012.00 per day is up slightly due to an increase in the prevailing wage. Mr. Wright recommended exercising the second option to extend for another year, encompassing forty-five (45) days of service at a total contract cost of \$45,540.00. Chairman Gerentine called for a motion. On a motion of Commissioner Higgins seconded by Vice Chairman Ramaglia, the following was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-003Resolution Date: January 19, 2016

WHEREAS, the New York State Bridge Authority has determined that it is in the public interest to issue a second purchase order extension to Community Custom Services for the purchase of System-wide Street Sweeping Services (BA-2013-OE-004-OT); and

WHEREAS, the Authority's Engineering Department had publicly advertised the opportunity for this service in the NYS Contract Reporter with the right to extend the term for up to three (3) additional one (1) year periods due to increases in insurance, fuel costs or prevailing wages; now therefore

BE IT RESOLVED that the Board of Commissioners of the New York State Bridge Authority authorize that the existing contract BA-2013-OE-114-OT be extended for its second year to Community Custom Services for System-wide Street Sweeping Services at a rate of \$1,012.00 per day with a total purchase order not to exceed the amount of \$45,540.00 and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

2) Sidewalk & Railing Replacement Bid Award – BA-2014-RE-102-CM

Mr. Wright reported to the Board that the Authority advertised this project in the NYS Contract Reporter with bids due November 5th, 2015. Fourteen (14) contractors requested bid documents with two bids received. Piasecki Steel Construction Corporation submitted the low bid of \$5,362,400.00. Chairman Gerentine called for a motion. On a motion of Commissioner Lashua, seconded by Commissioner Higgins, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-004

Resolution Date: January 19, 2016

WHEREAS, bids were solicited through the New York State Contract Reporter for the contract entitled Rip Van Winkle Bridge “Sidewalk & Railing Replacement” as (BA2014-RE-102-CM) and 2 bids were received on November 5, 2015, the low bidder being Piasecki Steel Construction Corp. (“Piasecki”) at \$5,362,400.00 and Cianbro Corporation (“Cianbro”) submitted a bid of \$7,285,150.00, a difference of \$1,922,750.00; and

WHEREAS, the New York State Bridge Authority established an overall participation goal of 30% for certified Minority and Women-owned Business Enterprises (“MWBE”), 18% participation goal for certified Women-owned Business Enterprises (“WBE”) and 12% participation goal for certified Minority-owned Business Enterprises (“MBE”); and

WHEREAS, Piasecki submitted a utilization plan listing 0% MBE participation and .67% WBE participation. Cianbro submitted a utilization plan listing 12.01% MBE participation and 18.09% WBE participation; and

WHEREAS, review of both utilization plans indicates that the overall MWBE goal may not be realistically attainable at a reasonable price, partly due to the lack of certified MWBEs available in the major bridge repair and maintenance business (based on the current availability of qualified MBEs and WBEs). In comparing Piasecki’s utilization plan with Cianbro’s utilization plan, one WBE—Donnelly Construction Inc. raises issues. Cianbro includes a \$695,000.00 value for renting or purchasing an under bridge inspection truck. This value appears to be substantially more than a commercially available purchase of same and appears to be used to inflate the WBE percentage. There is no reasonable explanation why the truck would have any lasting economic value for the New York State Bridge Authority and should not be used as part of the utilization plan; and

WHEREAS, Cianbro proposes to utilize Baseline Supply, LLC (“Baseline”), a WBE, to furnish steel grid deck for \$622,944.00. Piasecki investigated utilizing Baseline, but determined that Baseline does not own or operate a fabrication facility and would be acting solely as a trade agent or broker. Piasecki contacted 27 MWBE firms for the concrete filled steel grid

sidewalk fabrication; only 1, Baseline, responded with a price quote which was \$120,000.00 higher than the non-MWBE bid by Bailey Bridge, Inc. 26 declined to bid or did not respond. It is unknown what company would actually create the steel grid deck submitted by Baseline; and

WHEREAS, Cianbro proposes to utilize Iroquois Bar Corp. ("Iroquois"), an MBE, to furnish steel railing for \$875,000.00. Piasecki contacted 16 M/WBE firms for the railing fabrication; 5 responded with price quotes and 11 declined to bid or did not respond. Iroquois did not respond to Piasecki's solicitation. B&B Ironwork of Dutchess LLC ("B&B"), an MBE, responded to Piasecki with the lowest quote out of all MWBEs. Piasecki had previously worked with B&B on a Thruway project where its purchase order was revoked due to non-compliance with material certifications, fabrication standards and delivery schedules. The other 4 quotes were \$500,000.00 or more than the B&B quote; the B&B quote was \$80,000.00 higher than the non-MWBE bid submitted with the Piasecki bid; and

WHEREAS, Piasecki filed written letters dated December 11, 2015 and January 12, 2016 setting forth the reasons for its inability to meet any or all of the participation requirements together with an explanation of the efforts undertaken to meet the MWBE participation goal; and

WHEREAS, in consideration of the following, Piasecki has submitted evidence to demonstrate "good faith efforts" pursuant to 5 NYCRR 142.8 and Executive Law § 313(7) to meet the MWBE participation goals of the contract, as follows:

1. MWBE Solicitation Log submitted by Piasecki shows Piasecki's attempt to contact 56 MWBEs via phone and/or email. Of the 56 MWBEs contacted, only 10 submitted quotations, 3 of which were included on Piasecki's utilization plan;
2. The remaining 7 MWBEs that submitted quotations were not selected by Piasecki because it deemed that they were not responsible and/or competitive based on the fact that utilization of the MWBEs would substantially increase total costs, the fact that some MWBEs did not provide quotations until after Piasecki submitted its bid, and unsatisfactory work by an MBE on a previous contract with Piasecki;

and

WHEREAS, after further review of the cost proposal by the Engineering Department, it is recommended that a contract be awarded to Piasecki.

NOW THEREFORE, BE IT RESOLVED, that the New York State Bridge Authority with Piasecki will seek a partial waiver pursuant to 5 NYCRR § 142.7 of the 18% WBE participation goal and a full waiver of the 12% MBE participation goal on the basis of Piasecki's good faith efforts to achieve higher MWBE utilization, the unreasonably high MWBE subcontractor/supplier quotations, and the extremely specialized nature of the work required under the contract; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the New York State Bridge Authority approve and award the contract to Piasecki in

the amount of \$5,362,400.00 once the waiver is approved as being the lowest responsible bid; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

3) NBB Steel and Deck Repairs and MHB Steel repairs – Design BA-2016-103-DE

Mr. Wright recommended this project to the Board as a Supplemental Agreement under M&M's current General Consultant Agreement, which will take care of the 2015 bridge inspection findings and keep the NBB North Span deck in fair condition until its replacement, which is scheduled for 2021. M&M's scope and cost proposal is \$236,750.00. Chairman Gerentine called for a motion. On a motion of Vice Chairman Ramaglia, seconded by Commissioner Higgins, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-005

Resolution Date: January 19, 2016

WHEREAS, the New York State Bridge Authority has determined it is in the public interest to award a professional services contract for the design of the "Mid-Hudson/Newburgh-Beacon Bridge North Span Deck Shoring and Repairs" project (BA-2016-RE-103-DE); and

WHEREAS, the Authority has determined that our General Consultant, Modjeski & Master, under their current term agreement, is uniquely qualified for this assignment; and

WHEREAS, the Authority's Engineering department has reviewed and approved the cost proposal; now therefore

BE IT RESOLVED that the Board of Commissioners of the New York State Bridge Authority award a Supplemental Agreement to Modjeski & Masters, Inc., of Poughkeepsie, New York to provide professional services at a not-to-exceed cost of \$236,750.00; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

4) Fourth Quarter 2015 Traffic Accident Summary Report

Mr. Wright stated that he and the Manager of Maintenance reviewed all of the accidents in the fourth quarter to determine if something could be done to possibly prevent similar accidents from happening in the future. All of the accidents were believed to be from driver error: driving too fast for weather conditions, not paying attention and distracted driving. No action was required by the Board.

5) Jobs In Monthly Progress

Mr. Wright advised the Board regarding the Engineering Jobs in Progress Report for the month of December. Mr. Wright anticipates shop drawing submittals to begin shortly regarding the Rip Van Winkle Bridge Railing project. Mr. Wright also mentioned the contractor is submitting shop drawings regarding the Walkway Over the Hudson Railing rehab project as well. Chairman Gerentine called for a motion. On a motion of Commissioner Higgins, seconded by Commissioner Lashua, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-006

Resolution Date: January 19, 2016

WHEREAS, the Board has reviewed the monthly Engineering Progress Report on Capital Project Status; and

BE IT RESOLVED that the Engineering Progress Report is accepted as an instrument documenting the Board's briefing of Capital Construction activities; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January 2016.

Joseph Ruggiero, Secretary

FINANCIAL:1) Investment Transaction Report

Mr. Bushek reviewed the Investment Report for the month of December noting eight investments for the month. Chairman Gerentine called for a motion. On a motion of Commissioner Higgins, seconded by Vice Chairman Ramaglia, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-007Resolution Date: January 19, 2016

WHEREAS, the investment control procedures for the New York State Bridge Authority provide that the Board shall review and approve the report of investment transactions completed since the meeting of the Board on December 17, 2015; now therefore and,

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority the New York State Bridge Authority does hereby concur with and approve the investment report as filed with this body on this date for the purpose noted; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

2) Insurance Fund Balance Determination

Mr. Bushek indicated to the Board that per requirements of its General Revenue Bond Resolution, the Authority maintains insurance policies to protect it against various risks. Where insurance carries a significant deductible, such as with the property damage and loss of revenue policy on the bridges, the Authority has determined to deposit in the Insurance Fund an amount necessary to cover the deductible. As evidenced by the Professional Certificate from Modjeski & Masters, Inc., independent Consulting Engineer, the Insurance Fund balance necessary to equal the deductible amount is now \$10,441,000, determined by multiplying the \$348,030,000 replacement value of the South Span at Newburgh-Beacon by the 3% deductible amount. As such, Mr. Bushek proposed increasing the Insurance Fund balance to \$10,441,000.00. Chairman Gerentine called for a motion. On a motion of Vice Chairman Ramaglia, seconded by Commissioner Higgins, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-008

Resolution Date: January 19, 2016

WHEREAS, the Board has reviewed the report relative to determining the adequate balance in the Insurance Fund; now therefore and,

BE IT RESOLVED, that the balance shall be increased from \$10,235,000 for 2015, to \$10,441,000 for 2016 as recommended by the consulting Engineers, Modjeski and Masters, Inc.; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

3) Accident Review Committee Report – 4th Quarter 2015

Mr. Bushek reported that there were 79 accidents on Authority facilities in the fourth quarter of 2015, compared with 70 the previous year. During this period there was 1 accident involving Authority personnel, this compares to 5 during the fourth quarter 2014. For the year, the total number of accidents, 310, was higher than the 277 experienced in 2014, a 12% increase. This translates into an accident roughly every 194,000 crossings. No action required by the Board.

Bridge Operations:

1) Transcom Annual Assessment

Mr. Ferguson indicated to the Board that the 2016 invoice for the Authority's membership contribution to TRANSCOM was received. The invoiced amount of \$67,280.00 is consistent with their 2016 budget, which was unanimously approved by the TRANSCOM Board in September. The Authority's annual contribution remains at 1.96% of TRANSCOM's overall operations cost and reflects no increase over 2015. This amount is budgeted for in the 2016 operating budget at each bridge (.8218 – Traffic Control). Chairman Gerentine called for a motion. On a motion of Commissioner Higgins, seconded by Vice Chairman Ramaglia, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-009

Resolution Date: January 19, 2016

WHEREAS, the Authority has reviewed the memorandum and invoice regarding the annual membership dues for TRANSCOM; now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority approves payment for 2016 TRANSCOM Annual Dues in the amount of \$67,280.00; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January 2016.

Joseph Ruggiero, Secretary

REPORTS TO BOARD:1) Monthly Activity Report of the Executive Director

The Monthly Activity Report was submitted by Executive Director Joseph Ruggiero noting no expenditures.

2) December 2015 Traffic and Revenue Analysis

Mr. Ruggiero noted for the month of December traffic increased 4.53% and revenue increased 4.55%. No action was required by the Board.

3) December 2015 E-ZPass Sales Analysis

Mr. Ruggiero indicated that year-to-date 2015 tag sales were 5,915, compared to 7,596 sold year-to-date 2014. No action was required by the Board.

NEW BUSINESS:1) Extension of Marketing

Mr. Bellucci informed the Board that the agreement with Travelers Marketing to provide comprehensive services to NYSBA for advertising will expire on January 31, 2016. The Agreement provides the option for two 2-year renewals under the terms of the agreement. Travelers has worked with the Authority for the last five years and has generated more than \$750,000.00 in revenue with annual net revenue projected at approximately \$150,000 per year. In addition, Travelers has worked well with Authority personnel regarding installations and in accommodating our requirements. Mr. Bellucci recommended that the Authority extend the existing agreement for a two-year period. Chairman Gerentine called for a motion. On a motion of Vice Chairman Ramaglia, seconded by Commissioner Higgins, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 016-010
Resolution Date: January 19, 2016

WHEREAS, the NYS Bridge Authority works to maximize revenues through all reasonable and responsible means to insure the proper maintenance and operation of the critical infrastructure under its stewardship; and,

WHEREAS, the Board of Commissioners awarded BA-2010-OA-017-PS to Travelers Marketing on January 20, 2011 for a License Agreement to propose, design, sell and implement a non-toll revenue program at no cost to the Authority for a period of five years with an option for two two-year renewals; and,

WHEREAS, Travelers Marketing has generated substantial net revenue for the Authority since the inception of the License Agreement with current revenue expected to be about \$150,000 per year; now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority authorizes the renewal of the License Agreement with Travelers Marketing for a two-year period encompassing February 1, 2016 thru January 31, 2018; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of January, 2016.

Joseph Ruggiero, Secretary

This concluded the regular meeting. Chairman Gerentine asked for a motion to adjourn the meeting. On a motion of Commissioner Lashua, seconded by Vice Chairman Ramaglia, and approved unanimously, the regular meeting adjourned at 3:40 P.M.

The next regular Meeting of the Board of Commissioners meeting is scheduled for February 18, 2015 at 3:00 P.M. at Headquarters.