



**Thruway
Authority**

BOARD OF DIRECTORS MEETING

DECEMBER 5, 2022

ALBANY, NEW YORK



BOARD MEETING AGENDA

Meeting Number 756

December 5, 2022

Albany, New York

A. Public Comment Period on the Agenda Items

B. Consent Items

1. To consider and act upon the Minutes of Thruway Authority Board Meeting No. 755
2. Review and Approval of the July, August & September 2022 Financial Reports
3. Approval of the 2022 Revised Budget and the 2023 Proposed Budget for the New York State Thruway Authority
4. Approval of the 2023 Thruway Authority Contracts Program
5. Authorizing the Executive Director to Proceed with Necessary Actions to Implement Toll Rate Adjustments
6. Approval of the Authority's Investment Transactions – Third Quarter 2022
7. Update to the Procurement Contracts Policy: Discretionary Purchases from M/WBE and SDVOB Businesses

C. Action Items

8. Authorizing the Waiver of Competitive Procedures for a Sole Source Contract with Daktronics, Inc. for Spare Parts/Depot Repair for Electronic Signs
9. Authorizing the Executive Director to Execute a Contract with CPR & Safety Consulting and Training, LLC. DBA Compliance Training for the Chainsaw Safety Training
10. Authorization of a Two-Year Extension to the Multi-Year Extension Agreement Between the New York State Thruway Authority and TRANSCOM, Inc. for the Years 2024-2025
11. Authorizing the Executive Director to Execute a Fourth Amendment to Agreement (C010078) with Kapsch TrafficCom USA Inc.
12. Authorizing the Executive Director to Execute an Agreement with Blackburn Group, Inc. for Mandatory Medicare Reporting Services
13. Declaring Partial Jurisdiction Over Title, Real Property Reference No. TB22-1 Located in the Town of Hamburg and County of Erie, as Not Necessary for the Authority's Corporate Purposes; and Consenting to the Transfer of Such Partial Jurisdiction to the New York State Department of Transportation

14. Declaring Partial Jurisdiction Over Title to Real Property Reference No. TB22-2 Located in the City of Buffalo and County of Erie, as Not Necessary for the Authority's Corporate Purposes; and Consenting to the Transfer of Such Jurisdiction to the New York State Department of Transportation
15. Declaring Real Property Reference No. TS21-1, Located in the Village of Canastota, Town of Lenox, and County of Madison as Not Necessary for the Authority's Corporate Purposes and Authorizing the Sale Thereof
16. Declaring Real Property Reference No. TN21-4, Located in the City of New Rochelle and County of Westchester, as Not Necessary for Authority Corporate Purposes and Authorizing the Auction Thereof
17. Authorizing an Agreement with MCI Communications for the Use of the New York State Thruway Authority's Fiber Optic System
18. Term Agreement D214908 for Transportation Grant Application Development Services
19. Authorizing Additional Funding for TA 22-30/D214899, Albany & Syracuse Divisions Pavement Striping – Various Locations
20. Authorizing Additional Funding for TAB 22-32/D214901, Buffalo Division Pavement Striping – Various Locations

D. Report to the Board

Director Driscoll

E. Public Comment Period for General Thruway Authority Matters (15 Minute Limit)

F. Other Business

21. Proposed 2023 Board Meeting Dates

G. Adjournment

Meeting No. 756
Item 1
Appendix A

TO: The Thruway Authority Board

DATE: December 5, 2022

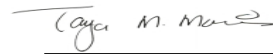
FROM: Tanya M. Morris
Secretary

SUBJECT: Approval of Minutes of Board Meeting No. 755

Copies of the Minutes of Board Meeting No. 755 was made available to the Board Members as part of the Agenda.

RECOMMENDATION

It is recommended that the Minutes of Board Meeting No. 755 held on September 12, 2022 be approved by the Board.


Secretary

RECOMMENDATION APPROVED:


Executive Director



**MINUTES
NEW YORK STATE THRUWAY AUTHORITY
BOARD MEETING NO. 755
September 12, 2022**

Meeting minutes of the New York Thruway Authority, due to COVID19 was held by Webinar.

The meeting of the New York State Thruway Authority Board opened in session for the consideration of various matters. These minutes reflect only the items considered by the New York State Thruway Authority Board. The meeting began approximately at 11:15 a.m.

The following committee members were present on Webinar:

Joanne M. Mahoney, Chair
Robert Megna, Vice-Chair
Jose Holguin-Veras, Ph.D., Board Member
Donald Rice, Board Member
Heather Briccetti Mulligan, Board Member

Constituting a majority of the members of the Thruway Authority Board.

Staff present on Webinar:

Matthew J. Driscoll, Executive Director
Matthew Trapasso, Chief of Staff
Matt Howard, Treasurer and Chief Financial Officer
Frank Hoare, General Counsel
Rich Lee, Chief Engineer
Jim Konstalid, Director of Maintenance & Operations
Jen Givner, Director Media Relations
Mary Boehm, Acting Director, Audit Management Services
Josh Klemm, Director, Chief Information Officer
John Barr, Director of Administrative Services
Eric Christensen, Deputy Director of Maintenance & Operations
Andrew Trombley, Director of Procurement Services
Peter Nilsson, Information Technology Specialist
Tanya Morris, Board Secretary

Chair Mahoney called the meeting of the Thruway Authority Board to order.

Ms. Morris recorded the minutes as contained herein (public notice of the meeting had been given).

PUBLIC COMMENT PERIOD RELATED TO THE MEETING AGENDA

Chair Mahoney stated that due to COVID19 and Executive Order 202.1, we are able to have our Board Meeting by Webinar. Individuals who wish to address items on today's agenda would have had to submit their written comments via email prior to this Board Meeting to the Board Administrator.

Chair Mahoney asked Ms. Morris if there were any public comments. Ms. Morris stated there were no public comments.

Item 1 by Chair Mahoney (Appendix A)
Approval of the Minutes of Meeting No 754

Chair Mahoney asked for a motion to approve the minutes of the previous meeting.

Upon motion duly made and seconded, the Board approved the minutes of Meeting No. 754 held June 6, 2022, which was made available to the Board Members as part of the Agenda.

Item 2 by Matt Howard (Appendix B)
Financial Report– April, May & June 2022

The Item was advanced to the Board at the recommendation of the Finance Committee.

Details of the presentation and discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board accepted the Financial Reports for April, May & June.

Item 3 by Matt Howard (Appendix C)
Review and Approval of the Investment Transactions – Second Quarter

The Item was advanced to the Board at the recommendation of the Finance Committee.

Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board accepted the Investment Transactions – Second Quarter.

Item 4 by Executive Director Matthew J. Driscoll (Appendix D)
Staff Appointment of Mary F. Boehm as Director of Audit and Management Services

Executive Director Driscoll presented the resolution on the above Item.

Details of the presentation and discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board approved the Amendment and adopted the following resolution:

RESOLUTION NO. 6372

**STAFF APPOINTMENT OF MARY BOEHM AS
DIRECTOR OF AUDIT AND MANAGEMENT SERVICES**

RESOLVED, that the BOARD hereby appoints
Mary Boehm as Director of Audit and Management
Services effective September 12, 2022 with an annual
salary of \$156,074, for which funds are available in
the 2022 Operating Budget, and it be further

RESOLVED, that this resolution be
incorporated in the minutes of this meeting.

Item 5 by Jim Konstalid (Appendix E)

Authorize the Waiver of Competitive Procedures for a Sole Source Contract with INEX Technologies LLC for Spare Parts/Depot Repair of License Plate Reading Systems

Mr. Konstalid presented the resolution for Authorizing the Waiver of Competitive Procedures for a Sole Source Contract with INEX Technologies LLC for Spare Parts/Depot Repair of License Plate Reading Systems.

Details of the presentation and discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board approved the Amendment and adopted the following resolution:

RESOLUTION NO.6373

AUTHORIZING THE WAIVER OF COMPETITIVE PROCEDURES FOR A SOLE SOURCE CONTRACT WITH INEX TECHNOLOGIES LLC FOR SPARE PARTS/DEPOT REPAIR OF LICENSE PLATE READING SYSTEMS

RESOLVED, that the competitive procedures required by the Thruway Authority Procurement Contracts Policy are waived and the Executive Director or his designee be, and hereby is, authorized to execute an agreement with INEX Technologies LLC for spare parts/depot repair of license plate reading systems; and be it further

RESOLVED, that the Agreement shall be for a term through December 31, 2026, for a maximum amount payable of \$1,580,000.00; and be it further

RESOLVED, that the Agreement shall be on such other terms and conditions as the Executive Director, in consultation

with the Department of Maintenance and Operations and General Counsel, determines to be in the best interests of the Authority; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, to manage and administer the Agreement, amend provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority; and be it further

RESOLVED, that the Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered under such Agreement to the appropriate funds provided therefore, subject to reallocation and adjustment as determined by final audit of charges; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 6 by Jim Konstalid (Appendix F)

Authorizing the Executive Director to Execute an Agreement C010678 with Kapsch TrafficCom USA, Inc. to Purchase E-ZPass Transponders and Equipment

Mr. Konstalid presented the resolution for Authorizing the Executive Director to Execute an Agreement C010678 with Kapsch TrafficCom USA, Inc. to Purchase E-ZPass Transponders and Equipment.

Details of the presentation and discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board approved the Agreement C010678 and adopted the following resolution:

RESOLUTION NO. 6374

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH KAPSCH TRAFFICOM USA, INC. TO PURCHASE E-ZPASS TRANSPONDERS AND EQUIPMENT

RESOLVED, that the Executive Director, or his designee, be, and hereby is, authorized to execute Agreement C010678 with Kapsch TrafficCom USA, Inc. to purchase E-ZPass transponders and equipment; and be it further

RESOLVED, that the term of the Agreement shall expire on December 12, 2028 with an option for the Authority to renew for three 1-year periods; and be it further

RESOLVED, that the maximum amount payable of the Agreement is \$25,000,000, and the Agreement shall be on such other terms and conditions as the Executive Director, Director of Maintenance and Operations and General Counsel determine to be in the best interests of the Authority; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, manage and administer the Agreement, amend the provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority; and be it further

RESOLVED, that the Authority's Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered pursuant to such Agreement to the appropriate fund; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 7 by Jim Konstalid (Appendix G)

Authorizing the Executive Director to Execute an Agreement C010679 with TransCore, LP to Purchase E-ZPass Transponders and Equipment

Mr. Konstalid presented the resolution to Authorize the Executive Director to Execute Agreement C010679 with TransCore, LP to Purchase E-ZPass Transponders and Equipment.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board Authorized the Executive Director to Execute a Agreement C010679 with TransCore, LP and adopted the following resolution:

RESOLUTION NO. 6375

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH TRANSCORE, LP TO PURCHASE E-ZPASS TRANSPONDERS AND EQUIPMENT

RESOLVED, that the Executive Director, or his designee, be, and hereby is, authorized to execute Agreement C010679 with TransCore, LP to purchase E-ZPass transponders and equipment; and be it further

RESOLVED, that the term of the Agreement shall expire on December 12, 2028 with an option for the Authority to renew for three 1-year periods; and be it further

RESOLVED, that the maximum amount payable of the Agreement is \$25,000,000, and the Agreement shall be on such other terms and conditions as the Executive Director, Director of Maintenance and Operations and General Counsel determine to be in the best interests of the Authority; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, manage and administer the Agreement, amend the provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority; and be it further

RESOLVED, that the Authority's Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered pursuant to such Agreement to the appropriate fund; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 8 by Jim Konstalid (Appendix H)

Authorizing the Executive Director to Enter into a Contract Amendment with the Town of Grand Island for the Provision of Sewer Services for the Western New York Welcome Center

Mr. Konstalid presented the resolution to Authorize the Executive Director to Enter into a Contract Amendment with the Town of Grand Island for the Provision of Sewer Services for the Western New York Welcome Center.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board Authorized the Executive Director to Enter into a Contract Amendment with the Town of Grand Island and adopted the following resolution:

RESOLUTION NO. 6376

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH THE TOWN OF GRAND ISLAND FOR THE PROVISION OF SEWER SERVICES FOR THE WESTERN NEW YORK WELCOME CENTER

RESOLVED, that the Executive Director, or his designee, be, and hereby is, authorized to negotiate and execute a contract amendment with the Town of Grand Island to provide sewer services for the Western New York Welcome Center; and be it further

RESOLVED, that such amendment will be for a term of twenty-five (25) years, shall have a maximum amount payable not to exceed \$125,000, and shall be on such other terms and conditions as the Executive Director, Director of Maintenance and Operations and General Counsel determine to be in the best interest of the Authority; and be it further

RESOLVED, that Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered pursuant to such agreement to the Department of Maintenance and Operations Budget; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 9 by Jim Konstalid (Appendix I)
Authorizing the Executive Director to Execute a First Amendment to Agreement C010601 with Mission Critical Partners, LLC for Tiburon CAD/RMS System Support

Mr. Konstalid presented the resolution to Authorize the Executive Director to Execute a First Amendment to Agreement C010601 with Mission Critical Partners, LLC for Tiburon CAD/RMS System Support .

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board authorized the First Amendment to Agreement C010601 and adopted the following resolution:

RESOLUTION NO. 6377

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A
FIRST AMENDMENT TO AGREEMENT C010601 WITH
MISSION CRITICAL PARTNERS, LLC. FOR TIBURON
CAD/RMS SYSTEM SUPPORT**

RESOLVED, that the competitive procedures required by the Thruway Authority Procurement Contracts Policy are waived and the Executive Director be, and hereby is, authorized to negotiate and execute an Agreement with Mission Critical Partners, LLC to provide maintenance for the Authority's Tiburon CAD/RMS System; and be it further

RESOLVED, that such Agreement will be for a term of one (1) year, shall have a maximum amount payable not to exceed \$59,700.00, and shall be on such other terms and conditions as the Executive Director and General Counsel determine to be in the best interest of the Authority; and be it further

RESOLVED, that Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered pursuant to such Agreement to the Department of Maintenance and Operations Budget; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 10 by Josh Klemm (Appendix J)

Authorizing the Executive Director to execute a Non-Engineering Personal Services Contract with Fugro USA Land, Inc. to provide data conversion, iVision5 software cloud hosting and maintenance support services

Mr. Klemm presented the resolution for Authorizing the Executive Director to execute a Non-Engineering Personal Services Contract with Fugro USA Land, Inc. to provide data conversion, iVision5 software cloud hosting and maintenance support services.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board authorized the Executive Director to Execute a Non-Personal Services Contract with Fugro USA Land, Inc. and adopted the following resolution:

RESOLUTION NO. 6378

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A NON-ENGINEERING PERSONAL SERVICES CONTRACT WITH FUGRO USA LAND, INC. TO PROVIDE DATA CONVERSION, IVISION5 SOFTWARE CLOUD HOSTING AND MAINTENANCE AND SUPPORT SERVICES.

RESOLVED, that the Executive Director or his designee be, and hereby is, authorized to execute a Non-Engineering Personal Services Contract with Fugro USA Land, Inc. for a maximum amount payable of \$49,500.00 over a one year term with two optional one year renewals through December 31, 2024 for the purpose of providing personal services and cloud hosting related to the iVision5 software platform; and be it further

RESOLVED, that such agreement shall be on terms and conditions deemed to be in the best interest of the Authority and consistent with all Authority polices; and be it further

RESOLVED, that the Executive Director or his designee, shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the agreement in the best interests of the Authority; and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.

Item 11 by Josh Klemm (Appendix K)
Authorizing an Agreement with Crown Castle Fiber LLC for the Use of the New York State Thruway Authority's Fiber Optic System

Mr. Klemm presented the resolution for Authorizing an Agreement with Crown Castle Fiber LLC for the use of the New York State Thruway Authority's Fiber Optic System.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board authorized the Agreement with Crown Castle Fiber LLC and adopted the following resolution:

RESOLUTION NO. 6379

AUTHORIZING AN AGREEMENT WITH CROWN CASTLE FIBER LLC FOR THE USE OF THE NEW YORK STATE THRUWAY AUTHORITY'S FIBER OPTIC SYSTEM

RESOLVED, that agreement with Crown Castle Fiber LLC set forth in this agenda item for the use and maintenance of the Authority's fiber optic system ("System") on the terms and conditions contained in the agenda item and such other terms as are deemed to be in the best interest of the Authority by the Chief Information Officer, the General Counsel and the Chief Financial Officer, be, and hereby are, authorized, and be it further

RESOLVED, that the Executive Director, or his designee, be and hereby are, authorized to execute such agreement and any associated documentation; and be it further

RESOLVED, that the Executive Director, or his designee, shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the agreement in the best interests of the Authority; and be it further

RESOLVED, that the Chief Information Officer (“CIO”) shall be, and hereby is, authorized to undertake review and make all necessary decisions pursuant to the State Environmental Quality Review Act (“SEQRA”) with relation to activities necessary to support the agreement and any future agreements relative to any use of the System, and is authorized to execute the SEQRA documentation and to publish and distribute any required documents; and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.

1. New York State Environmental Conservation Law Article 8, and implementing regulations 6 NYCRR Part 617 et seq.

Item 12 by Frank Hoare(Appendix L)
Reaffirming Previously Approved Board Resolution No. 6343 Declaring Real Property Reference No. TN20-3 - Subject Property A, Located in the Town of Clarkstown and County of Rockland, as Not Necessary for Authority Corporate Purposes and Authorizing the Negotiated Sale Thereof

Mr. Hoare presented the resolution for Real Property Reference No. TN20-3 Located in the Town of Clarkstown and County of Rockland.

Details of the discussion with Board Members are included in the audio recording of the meeting.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. 6380

REAFFIRMING PREVIOUSLY APPROVED BOARD RESOLUTION NO. 6343 DECLARING REAL PROPERTY REFERENCE NO. TN20-3 – SUBJECT PROPERTY A, LOCATED IN THE TOWN OF CLARKSTOWN AND COUNTY OF ROCKLAND, AS NOT NECESSARY FOR THE AUTHORITY’S CORPORATE PURPOSES AND AUTHORIZING THE NEGOTIATED SALE THEREOF

RESOLVED, that the Board reaffirms Resolution No. 6343 and hereby finds, determines and declares that all remaining right, title and interest in and to Real Property Reference No. TN20-3 (hereinafter, “Subject Property A”), as shown and delineated on Exhibits II and III attached hereto and made a part hereof, are not necessary for the Authority’s corporate purposes and, therefore, available for auction; and be it further

RESOLVED, that the Executive Director, or his designees, be and the same hereby is/are, authorized to negotiate the disposal of real property because the public auction of the Property resulted in bids below the minimum-bid in open competition; and be it further

RESOLVED, that Subject Property A be, and the same hereby is, authorized for conveyance to 304 Nanuet Realty, LLC (hereinafter, “Applicant”) pursuant to Public Authorities Law Section 2897, subsec. 6, par. C, subpar. iii.; and be it further

RESOLVED, that such conveyance to the Applicant be predicated upon Applicant's payment consideration in the amount of \$85,000; and be it further

RESOLVED, that the Executive Director, or his designee, be, and the same hereby is, authorized to execute an agreement for Subject Property A with the Applicant on the terms and conditions specified herein and other terms and conditions deemed by General Counsel to be in the Authority's best interest, and to take all necessary actions to convey Subject Property A to the Applicant; and be it further

RESOLVED, that the Chief Engineer, or his designee, be and the same hereby is, authorized to execute the SEQRA Short Environmental Assessment form and SEQRA Negative Declaration, and to distribute any required documents on behalf of the Board relative to such adoption; and be it further

RESOLVED, that the Executive Director, Chief Engineer, Chief Financial Officer, and General Counsel be, and the same hereby are, authorized to take all steps necessary to implement this Board action; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 13 by Frank Hoare (Appendix M) Declaring a Permanent Easement, Real Property Reference No. TB21-1, as Not Necessary for the Authority's Corporate Purposes and Authorizing its Release to GRHS Foundation, Inc

Mr. Hoare presented the resolution for Real Property Reference No. TB21-1 Authorizing its Release to GRHS Foundation, Inc.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, Real Property Reference No. TB21-1 and adopted the following resolution:

RESOLUTION NO. 6381

DECLARING A PERMANENT EASEMENT, REAL PROPERTY REFERENCE NO. TB21-1, AS NOT NECESSARY FOR THE AUTHORITY'S CORPORATE PURPOSES AND AUTHORIZING ITS RELEASE TO GRHS FOUNDATION, INC.

RESOLVED, that the Board of the New York State Thruway Authority (hereinafter, "Board") hereby finds, determines, and declares that all remaining right, title and interest in and to Real Property Reference No. TB21-1 (hereinafter, "Subject Easement"), as shown and delineated on Exhibits I and II attached hereto and made a part hereof, is not necessary for the Authority's corporate purposes and, therefore, available to be released; and be it further

RESOLVED, that the Subject Easement be, and the same hereby is, authorized to be released to GRHS Foundation Inc. (hereinafter, "Applicant"), pursuant to the New York Public Authorities Law section 354, subd. 4, without competitive solicitation; and be it further

RESOLVED, that such release of the Subject Easement to the Applicant be predicated upon payment of consideration in the amount of \$88,500; and be it further

RESOLVED, that the Executive Director or his designee, be, and the same hereby is, authorized to execute an agreement for release of easement with the Applicant on the terms and conditions specified herein and other terms and conditions deemed by General Counsel to be in the Authority's best interest; and be it further

RESOLVED, that the recommendation regarding the environmental significance of this Board action, pursuant to the State Environmental Quality Review Act (hereinafter, "SEQRA"), be, and the same hereby is, approved; and be it further

RESOLVED, that the Chief Engineer, or his designee, be, and the same hereby is, authorized to execute the SEQRA Short Environmental Assessment Form and SEQRA Negative Declaration, and to distribute any required documents on behalf of the board relative to such adoption; and be it further

RESOLVED, that the Executive Director, Chief Engineer, General Counsel, and Chief Financial Officer be, and the same hereby are, authorized to take all steps necessary to implement this Board action; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 14 by Frank Hoare (Appendix N) Authorizing the Executive Director to Execute a Contract with Greenman-Pedersen Inc. for Land Acquisition Services

Mr. Hoare presented the resolution for Authorizing the Executive Director to Execute a Contract with Greenman-Pedersen Inc. for Land Acquisition Services.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, to Execute a Contract with Greeman-Pedersen Inc. and adopted the following resolution:

RESOLUTION NO. 6382

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A
CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR LAND
ACQUISITION SERVICES

RESOLVED, that the Executive Director, or his designees, be and the same hereby is, authorized to execute an agreement with Greenman-Pedersen Inc. to provide land acquisition services, and be it further

RESOLVED, that the Agreement shall be for a term of five years, for a maximum amount payable of approximately \$150,000.00, and be it further

RESOLVED, that the Agreement shall be on such other terms and conditions as the Executive Director, in consultation with General Counsel, determines to be in the best interests of the Authority, and be it further

RESOLVED, that the Executive Director, or his designees, shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, to manage and administer the

Agreement, amend provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority, and be it further

RESOLVED, that the Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered under such Agreement to the appropriate funds provided therefore, subject to reallocation and adjustment as determined by final audit of charges, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 15 by Frank Hoare (Appendix 0) Authorizing the Executive Director to Execute a Lease Agreement for Office Space at 455 Cayuga Road, Cheektowaga, New York with Airport Commerce Park II, LLC

Mr. Hoare presented the resolution for Authorizing the Executive Director to Execute a Lease Agreement for Office Space at 455 Cayuga Road, Cheektowaga New York with Airport Commerce Park II, LLC.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, Authorize the Executive Director to Execute a Lease Agreement for Office Space at 455 Cayuga Road, Cheektowaga, New York and adopted the following resolution:

RESOLUTION NO. 6383

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A LEASE AGREEMENT FOR OFFICE SPACE AT 455 CAYUGA ROAD, CHEEKTOWAGA, NEW YORK WITH AIRPORT COMMERCE PARK II, LLC.

RESOLVED, that a lease agreement (hereinafter, "Lease"), between the Authority and Airport Commerce Park II, LLC. for the purposes and consistent with the provisions described in this agenda item, be, and the same hereby is, authorized; and be it further

RESOLVED, that the Executive Director, or his designee, be, and the same hereby is, authorized to execute the Lease, along with all other documents necessary to effectuate such execution in accordance with the terms authorized during this meeting; and be it further

RESOLVED, that the Executive Director, or his designee, shall, relative to the Lease, have the authority to: (1) exercise all powers reserved to the Authority under the provisions of the Lease, including, but not limited to, exercising any termination right the Authority has, (2) manage and administer the Lease, and (3) alter the provisions of the Lease, consistent with terms of this agenda item and other applicable Board authorizations; and be it further

RESOLVED, the Executive Director, the Chief Financial Officer, and the General Counsel be, and the same hereby are, authorized to take all steps necessary to implement this Board action; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 16 by Rich Lee (Appendix P) D214886 Term Agreement for Bridge Design Support Services – New York Division with AECOM USA Inc.

Mr. Lee presented the resolution for D214886 Term Agreement for Bridge Design Support Services – New York Division.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, D214886 Term Agreement for Bridge Design Support Services with AECOM USA Inc. and adopted the following resolution:

RESOLUTION NO. 6384

**AUTHORIZING THE EXECUTION OF AGREEMENT D214886
WITH AECOM USA, INC.**

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement D214886 with AECOM USA, Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this Item and in accordance with the 2022 Contracts Program

Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further
RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 17 by Rich Lee (Appendix Q) - D214887 Term Agreement for Bridge Design Support Services – Albany and Syracuse Divisions with Greeman-Pedersen Inc.

Mr. Lee presented the resolution for D214887 Term Agreement for Bridge Design Support Services – Albany and Syracuse Divisions.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, for D214887 Term Agreement for Bridge and Design Support Services with Greenman-Pedersen Inc. and adopted the following resolution:

RESOLUTION NO. 6385

AUTHORIZING THE EXECUTION OF AGREEMENT D214887 WITH GREENMAN-PEDERSEN INC.

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement D214887 with Greenman-Pedersen Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this Item and in accordance with the 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 18 by Rich Lee (Appendix R) - D214888 Term Agreement for Bridge Design Support Services – Albany Division(primarily Castleton Bridge) with Greeman-Pedersen

Mr. Lee presented the resolution for D214888 Term Agreement for Bridge Design Support Services – Albany Division(primarily Castleton Bridge).

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, for D214888 Term Agreement for Bridge and Design Support Services with Greenman-Pedersen Inc. and adopted the following resolution:

RESOLUTION NO. 6386

**AUTHORIZING THE EXECUTION OF AGREEMENT D214888
WITH GREENMAN-PEDERSEN INC.**

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is,

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the

terms of this Item and in accordance with the 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 19 by Rich Lee (Appendix S) - D214889 Term Agreement for Highway Design Support Services – Buffalo Division with CHA Consulting, Inc.

Mr. Lee presented the resolution for D214889 Term Agreement for Highway Design Support Services – Buffalo.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, for D214889 Term Agreement for Highway Design Support Services with CHA Consulting, Inc. and adopted the following resolution:

RESOLUTION NO. 6387

**AUTHORIZING THE EXECUTION OF AGREEMENT D214889
WITH CHA CONSULTING, INC.**

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement D214889 with CHA Consulting, Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this Item and in accordance with the 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 20 by Rich Lee (Appendix T) - D214890 Term Agreement for Highway Design Support Services – Albany and Syracuse Divisions with Stantec Consulting Services Inc.

Mr. Lee presented the resolution for D214889 Term Agreement for Highway Design Support Services – Buffalo.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, for D214889 Term Agreement for Highway Design Support Services with Stantec Consulting Services Inc. and adopted the following resolution:

RESOLUTION NO. 6388

AUTHORIZING THE EXECUTION OF AGREEMENT D214890 WITH STANTEC CONSULTING SERVICES, INC.

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement D214890 with Stantec Consulting Services, Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in

the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this Item and in accordance with the 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 21 by Rich Lee (Appendix U) – D214891 Term Agreement for Highway Design Support Services with Mott McDonald NY, Inc.

Mr. Lee presented the resolution for D214891 Term Agreement for Highway Design Support Services Buffalo with Mott McDonald NY, Inc.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, for D214891 Term Agreement for Highway Design Support Services - Buffalo with Mott McDonald NY, Inc. and adopted the following resolution:

RESOLUTION NO. 6389

**AUTHORIZING THE EXECUTION OF AGREEMENT D214891
WITH MOTT MCDONALD NY, INC.**

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement D214891 with Mott McDonald NY, Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this Item and in accordance with the 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 22 by Rich Lee (Appendix V) – D214892 Term Agreement for Highway Design Support Services – New York Division(95 only) with Lockwood, Kessler & Bartlett, Inc.

Mr. Lee presented the resolution Authorizing the Execution of Agreement D214891 with Lockwood, Kessler & Bartlett, Inc.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, for Agreement D214892 with Lockwood, Kessler & Bartlett, Inc. and adopted the following resolution:

RESOLUTION NO. 6390

AUTHORIZING THE EXECUTION OF AGREEMENT D214892
WITH LOCKWOOD, KESSLER & BARTLETT, INC.

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement D214892 with Lockwood, Kessler & Bartlett, Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this Item and in accordance with the 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 23 by Rich Lee (Appendix W) – Authorize the Executive Director to Issue a Waiver of Competition and Execute a Contract with VSL International, Inc. for work on The Governor Mario M. Cuomo Bridge

Mr. Lee presented the resolution Authorized the Executive Director to Issue a Waiver of Competition and Execute a Contract with VSL International, Inc. for work on the Governor Mario M. Cuomo Bridge.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, to Authorize the Executive Director to issue a Waiver of Competition and Execute a Contract with VSL International for Agreement D214892 with Lockwood, Kessler & Bartlett, Inc. and adopted the following resolution:

RESOLUTION NO. 6391

AUTHORIZE THE EXECUTIVE DIRECTOR TO ISSUE A WAIVER OF COMPETITION AND EXECUTE A CONTRACT WITH VSL INTERNATIONAL, INC. FOR WORK ON THE GOVERNOR MARIO M. CUOMO BRIDGE

RESOLVED, that the competitive procedures required by the Thruway Authority Procurement Contracts Policy are waived and that the Executive Director or his designee be, and hereby is, authorized to execute an agreement with VSL International, Inc. to perform initial preparatory work on selected anchor pipes related to the installation of supplemental load paths for the Governor Mario M. Cuomo Bridge; and be it further

RESOLVED, that the agreement shall be for a term of three years, with the option for the Authority to extend for two additional one-year terms, and the maximum amount payable will be five million dollars (\$5,000,000); and be it further

RESOLVED, that the agreement shall be on such other terms and conditions as the Executive Director, in consultation with the Chief Engineer, Director of Maintenance and Operations, NNYB Project Director and General Counsel, determines to be in the best interests of the Authority; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, to manage and administer the agreement, amend provisions of the agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the agreement in the best interests of the Authority; and be it further

RESOLVED, that the Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered under such agreements to the appropriate funds provided therefore, subject to reallocation and adjustment as determined by final audit of charges; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 24 by Rich Lee (Appendix X) – Authorizing Additional Funding for TANE 22-22B/D214321A, Replacement of the North Avenue Bridge over I-95, New England Thruway at Milepost NE 5.76 in Westchester County

Mr. Lee presented the resolution Authorizing Additional Funding for TANE 22-22B/D214321A, Replacement of the North Avenue Bridge over I-95, New England Thruway at Milepost NE 5.76 in Westchester County.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, to Authorize Additional Funding for TANE 22-22B/D214321A and adopted the following resolution:

RESOLUTION NO. 6392

AUTHORIZING ADDITIONAL FUNDING FOR TANE 22-22B/D214321A, REPLACEMENT OF THE NORTH AVENUE BRIDGE OVER I-95, NEW ENGLAND THRUWAY AT MILEPOST NE 5.76 IN WESTCHESTER COUNTY

RESOLVED, that an additional \$5,827,000 (revising the total contract value to \$31,827,000) for TANE 22-22B/D214321A, and the same hereby is authorized, and be it further

RESOLVED, that the additional funding be allocated to TANE 22-22B/D214321A from project deferments and bid savings from the 2022 Contracts Program, and be it further

RESOLVED, that the Chief Engineer or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the provisions of the contract consistent with the terms of this Item and other Board authorizations and suspend or terminate the contract in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 25 by Andrew Trombley (Appendix Y) Report on Procurement Contracts and Other Agreements Up to \$300,000 Executed by the Executive Director During the Period April 1, 2022 through June 30, 2022

Mr. Trombley presented the report on Procurement Contracts to the Board.

Upon motion duly made and seconded, without any objections, the Board accepted the Report on Procurement Contracts and other Agreements Executed by the Executive Director during the period April 1, 2022 through June 31, 2022.

Report to the Board – Executive Director Matthew J. Driscoll

The Executive Director recognized John Barr and Eric Christensen on their upcoming retirements.

The Executive Director reported on the restarting of the Thruway Authority's Registration Suspension Enforcement Program.

Details of the discussion with Board Members are included in the audio recording of the meeting.

GENERAL PUBLIC COMMENT PERIOD

Chair Mahoney asked Ms. Morris if there was any public comment regarding the Board Meeting and Ms. Morris said yes comments were made by Maury Bodin and Cooper Young (Assistant Pastor) CrossRoads Community Church. Ms. Morris read the comments. Pastor Young's letter will be included with Transcript.

ADJOURNMENT

There being no other business, upon motion duly made and seconded, the board voted to adjourn the meeting at 12:05 p.m.

Tanya M. Morris
Board Secretary

Meeting No. 756
Item 2
Appendix B

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Matthew A. Howard
Chief Financial Officer

SUBJECT: Financial Report – July, August, and September 2022

The Chief Financial Officer is formally submitting a copy of the Financial Report for the months of July, August, and September 2022.

The Finance Committee considered this item at its December 5, 2022 meeting and recommended that this item be presented to the full Board for consideration.

SUBMISSION:

This report is submitted for inclusion as part of the official records for this meeting.



Chief Financial Officer

APPROVED:



Executive Director

**Please refer to Item 2 in the
Finance Committee Meeting
Book**

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Matthew A. Howard
Chief Financial Officer

SUBJECT: Approval of the 2022 Revised Budget and the 2023 Proposed Budget for the New York State Thruway Authority and Adoption of Declaration of Official Intent to Issue Tax-exempt and/or Taxable Obligations

The New York State Thruway Authority's (the "Authority") 2022 Revised Budget has been reviewed and is recommended for adjustment by the Department of Finance and Accounts. As noted in Exhibit I, the 2022 Revised Budget is adjusted downward from \$1.15 billion to \$1.08 billion, or by \$64.5 million or 5.6 percent. This downward revision is mainly attributable to a \$69.6 million decrease in Capital Program expenses. In addition, there is a \$1.7 million decrease in Debt Service expenses. These decreases are offset by a \$6.7 million increase in Operating Expenses and Provisions.

Revenues and other available sources in 2022 are also being adjusted downward by a total of \$64.5 million. This downward revision is the net result of a \$75.4 million decrease in the use of Senior Debt Proceeds and a \$50.0 million decrease in the use of Junior Debt Proceeds. These reductions were offset by a \$42.5 million increase in the use of Prior Year Reserve Balances; a \$17.4 million increase in Thruway Revenues and a \$1.0 million increase in Other Funds.

The Authority's Proposed 2023 Budget is a balanced budget that provides the necessary resources to preserve current levels of safety, service and maintenance. As noted in Exhibit II, the Proposed 2023 Budget totals \$1.24 billion, an increase of \$154.7 million or 14.3 percent from the 2022 Revised Budget, primarily due to the following factors:

- The Authority's Capital Program is expected to increase from \$327.8 million in 2022 to \$412.8 million in 2023, representing an increase of \$85.0 million or 25.9 percent. The increase is predominately related to a \$66.7 million increase in capital expenses for the Authority's highways and bridges program, as well as a \$25.0 million increase in capital expenses related to the New NY Bridge Project, a \$4.0 million increase in the Authority's architectural program and a \$0.2 million increase in the Authority's Facility Program. These increases are offset by a \$10.8 million reduction in the Authority's ITS programs, mainly due to completing the conversion to Cashless Tolling.
- Total Operating Expenses and Provisions are expected to increase by \$19.5 million, or 4.4%, in 2023. This increase is mainly attributable to higher personal service and fringe benefit costs as well as EZ-Pass and Tolls by Mail administrative costs.
- Debt Service Expenses are expected to increase by \$50.2 million, or 16.4%, in 2023.

Revenues and other sources in 2023 are expected to increase by \$154.7 million or 14.3 percent. This increase is the net result of a \$135.3 million increase in the use of Senior Debt Proceeds, a \$45.0 million increase in Junior Debt Proceeds and a \$0.3 million increase in Other Funds. These increases are offset by a \$8.4 million decrease in Thruway Revenues and a \$17.5 million decrease in Prior Year Reserve Balances.

The 2022 Revised Budget and 2023 Proposed Budget are summarized in Exhibit III. They are hereby submitted for consideration and approval by the Board.

The Finance Committee considered this item as well as adoption by the Board of a Declaration of Official Intent to issue tax-exempt and/or taxable obligations that qualify for reimbursement of certain costs incurred in connection with the capital projects described in or

contemplated by the Authority’s 2023-2027 Capital Program at its December 5, 2022 meeting and recommended that these items be presented to the full Board for consideration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

THRUWAY AUTHORITY RESOLUTION NO.

APPROVAL OF THE 2022 REVISED BUDGET AND THE 2023 PROPOSED BUDGET FOR THE NEW YORK STATE THRUWAY AUTHORITY AND ADOPTION OF A DECLARATION OF OFFICIAL INTENT TO ISSUE TAX-EXEMPT AND/OR TAXABLE OBLIGATIONS

RESOLVED, that the Report on the 2022 Revised Budget as presented in this item be, and the same hereby is, accepted by the Board, and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, authorized to make any and all adjustments to the appropriate funds consistent with this 2022 Revised Budget, and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, authorized to make any other adjustments based on actual results that are consistent with this projected plan, and report such actions to the Board, and be it further

RESOLVED, that the New York State Thruway Authority’s (the “Authority”) proposed Budget for the fiscal year 2023,

submitted by the Executive Director and the Chief Financial Officer, be, and the same hereby is, approved and funded in accordance with the attached Exhibit II, and be it further

RESOLVED, that the Executive Director or his designee be, and he hereby is, authorized to make such expenditures as set forth in this Budget, subject to compliance with Authority policies and procedures, and to make such internal adjustments and transfers within the Authority Budget as are necessary and proper, and to make any other adjustment with the concurrence of the Board, and be it further

RESOLVED, that a copy of the Budget approved herein, when printed in final form, be attached to these minutes and made a part thereof, and be submitted to the New York State entities in accordance with Section 2801 of the Public Authorities Law, and be it further

RESOLVED, that (1) the Authority hereby expresses its intention to issue tax-exempt and/or taxable obligations in one or more series in a maximum principal amount not to exceed \$1,500,000,000 (collectively, the “Bonds”) for the purpose of financing capital projects for the New York State Thruway sections and connections constituting roads or bridges as described in or contemplated by the Authority’s 2023-2027 Capital Program, including any facilities and equipment used for or in support thereof

(collectively, the “Project”); this Declaration of Official Intent (the “Declaration”) shall constitute a declaration of the official intent on behalf of the Authority, under Section 1.150-2 of the Income Tax Regulations promulgated by the Department of the Treasury, to use proceeds of the Bonds to reimburse itself for certain acquisition, construction, equipping, planning, design, legal or other costs and expenses originally paid by the Authority in connection with the Project with funds other than proceeds of the Bonds prior to the issuance of the Bonds (the "Advanced Funds"); (2) all of the expenditures initially made or to be made with the Advanced Funds and then to be reimbursed to the Authority from proceeds of the applicable series of Bonds will be for (a) costs of a type properly chargeable to the capital account of the Project under general income tax principles, (b) extraordinary, non-recurring working capital expenditures (of a type not customarily payable from current revenues) for which the Authority or a related party does not maintain a reserve for such items, or (c) costs of issuing the Bonds; (3) other than any preliminary expenditures for architectural, engineering, surveying, soil testing, costs of issuing the Bonds or similar purposes that may have been paid more than sixty days prior to the date of this Declaration, no expenditures to be reimbursed have been paid more than sixty days earlier than the date of this Declaration; and (4) the officers and employees of the Authority are

hereby authorized to do all acts and things required of them by this Declaration for the full, punctual and complete performance of all the terms, covenants and agreements contained herein or necessary or convenient to the issuance of the Bonds as provided herein.

RESOLVED, that this resolution be incorporated in the minutes of this meeting.


Chief Financial Officer

RECOMMENDATION APPROVED:


Executive Director

**Please refer to Item 3 in the
Finance Committee Meeting
Book**

Meeting No. 756
Item 4
Appendix D

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Richard W. Lee, P.E.
Chief Engineer

SUBJECT: Approving the 2023 Thruway Contracts Program

In conjunction with the Thruway Authority's 2023 Budget, Authority staff has prepared the 2023 Thruway Contracts Program for rehabilitation/reconstruction of highway, bridge facilities, and the progression of intelligent transportation systems and architectural projects.

The Thruway Authority's estimated cash flow (as shown on the attached Exhibit A) for the 2023 Thruway Program amounts to \$353,442,143. This amount includes the estimated cost of construction contracts, contingencies and engineering. Design and/or construction inspection will be provided by staff, designated engineering firms or the New York State Department of Transportation. A list of projects that will be let in 2023 is also attached (Exhibit B). These projects will be progressed using a combination of funding from Thruway revenues, bond proceeds, the State and other sources.

In order to effectively administer the 2023 Thruway Contracts Program and expedite the awarding of contracts, it is recommended that the Executive Director, Chief Engineer, and Chief Financial Officer be authorized to take the respective actions as outlined in the resolutions of this item.

The Finance Committee considered this item at its December 5, 2023 meeting and recommended that this item be presented to the Authority Board for consideration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. _____

APPROVING THE 2023 THRUWAY CONTRACTS PROGRAM

RESOLVED, that the 2023 Thruway Contracts Program for Highway, Bridge, Intelligent Transportation Systems, Architectural and related facility projects, full copies of which have been provided to the Board for review, be, and the same hereby are, approved, and be it further

RESOLVED, that the Chief Engineer or his designee be, and hereby is, authorized:

- A. to prepare and approve Official Proposals, Plans and Specifications, Engineer's/Architect's Estimates of Cost and Contract Documents for such projects as are tabulated in the 2023 Thruway Contracts Program;
- B. to hold the respective Engineer's/ Architect's Estimates of Cost for such contracts confidential until after contracts have been awarded;
- C. to advertise for receipt of bids and proposals for those projects which are tabulated in the 2023 Thruway Contracts Program using the following table regarding the approved budget allocation and current funding for the project:

Amount of Engineer's/Architect's Estimates of Cost (EE/AE) in Relation to Contracts Program Budget Allocation Prior to Letting	Action Required to Advertise Project			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
EE/AE is equal to or less than the project's budget allocation;	Approval	No Action Required	No Action Required	No Action Required
EE/AE exceeds the Contracts Program Budget Allocation by no more than 40 percent on contracts up to and including \$5,000,000	Concur	Confirm Funding	Approval	No Action Required
EE/AE exceeds the Contracts Program Budget Allocation by no more than 25 percent on contracts over \$5,000,000 and up to and including \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
EE/AE exceeds the Contracts Program Budget Allocation by no more than 20 percent on contracts over \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
EE/AE exceeds the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

D. to award any such contract to the lowest responsible bidder when it is deemed to be an acceptable bid, and further, the following table shall be used when determining the steps needed to award the contract:

Amount of the Low Bid in Relation to Contracts Program Budget Allocation	Action Required to Award Contract			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
Low bid is equal to or less than the ; Contracts Program Budget Allocation	Approval	No Action Required	No Action Required	No Action Required
Low bid exceeds the Contracts Program Budget Allocation by no more than 40 percent on contracts up to and including \$5,000,000	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the Contracts Program Budget Allocation by no more than 25 percent on contracts over \$5,000,000 and up to and including \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the Contracts Program Budget Allocation by no more than 20 percent on contracts over \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

E. to award any such best value and design-build contracts to the firm with the best combined technical and cost score, and further, the following table shall be used when determining the steps to award the contract:

Amount of the Cost in the Best Value/Design-Build Proposal in Relation to Contracts Program Budget Allocation	Action Required to Award Contract			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
Low bid is equal to or less than the Contracts Program Budget Allocation;	Approval	No Action Required	No Action Required	No Action Required
Low bid exceeds the Contracts Program Budget Allocation by no more than 40 percent on contracts up to and including \$5,000,000	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the Contracts Program Budget Allocation by no more than 25 percent on contracts over \$5,000,000 and up to and including \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the Contracts Program Budget Allocation by no more than 20 percent on contracts over \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

F. to reject bids for any such contract which are determined to be not in accordance with bid documents and specifications thereof, or not in the Authority’s best interest, or which are submitted by bidders determined to be not responsible. In these cases, and where no bids are received, he may again advertise for receipt of bids pursuant to paragraph C;

- G. to prepare and approve, for declared emergency work, Official Proposals, Plans and Specifications, Engineer's/Architect's Estimates of Cost and Contract Documents, including amendments and order-on-contracts, award (pursuant to paragraph D) and reject bids (pursuant to paragraph F) for such work being progressed to address a declared emergency, provided that the total of the Engineer's/Architect's Estimate of Cost for any such contract, amendment or order-on-contract does not exceed \$2,000,000; the Board will receive contemporaneous notifications of those actions taken for emergency work;
- H. to approve contingent or extra work on construction and design-build contracts, when necessary, and to adjust and determine disputed contract claims in accordance with contract documents, using the following table for the additional funding:

Amount of the Additional Funds for Construction and Design-Build Contracts in Relation to Contracts Program Budget Allocation	Action Required for Additional Funding for Construction Contract			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
Additional Funds exceed the Contracts Program Budget Allocation by no more than 40 percent on contracts up to and including \$5,000,000	Concur	Confirm Funding	Approval	No Action Required
Additional Funds exceed the Contracts Program Budget Allocation by no more than 25 percent on contracts over \$5,000,000 and up to and including \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Additional Funds exceed the Contracts Program Budget Allocation by no more than 20 percent on contracts over \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

- I. to enter into, extend, and modify project specific agreements or multi-project agreements with federal and state agencies, localities, utility companies, railroads, and/or others as may be necessary in order to facilitate the administration, award, progress and completion of such contracts;
- J. to acquire such real property interests (fee title, easements, etc.) in accordance with the provisions of the Authority’s Real Property Management Policy, as may be necessary for

implementation of the 2023 Thruway Contracts Program, provided that the total amount of acquisitions shall not exceed \$1,000,000 without Board authorization;

K. to advertise for, and upon receiving approval by the Board, or where otherwise authorized by the Executive Director, to execute engineering agreements, including amendments thereto, for services relating to projects included in the 2023 Thruway Contracts Program;

L. to execute a supplemental agreement for expenditure of additional funds of an engineering agreement, provided that such supplemental agreement be based upon a determination that the assignment of the additional tasks is in the best interest of the Authority when considering the proximity of the additional tasks to the ongoing tasks, or to expedite the additional tasks through such assignment, or that significant savings to the Authority will result through the assignment of the additional tasks; and further, such approval of additional funds shall be based upon the following table:

Amount of the Additional Funds for Supplemental Agreements in Relation to Contracts Program Budget Allocation	Action Required for Supplemental Agreement Funding			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
Additional funds do not exceed the Board-approved Maximum Amount Payable (MAP) by more than 40% for agreements with a Board-approved MAP up to and including \$5,000,000, or 25 percent for agreements with a Board-approved MAP that is over \$5,000,000 and up to and including \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Additional funds do not exceed the Board-approved MAP by more 20 percent for agreements with a Board-approved MAP that exceeds \$10,000,000;	Concur	Confirm Funding	Approval	No Action Required
Additional funds exceed the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

M. To exercise all powers reserved to the Authority under the provisions of any contracts or agreements executed pursuant to these items, manage, and administer any such contracts or agreements amend the provisions of any such contracts or agreements consistent with the terms of this item and in accordance with other applicable Board authorizations, and suspend or terminate any such contracts or agreements in the best interests of the Authority, and be it further

RESOLVED, that any powers granted to the Executive Director or designee by the Board to approve expenditures or to increase expenditures for contracts and agreements shall be in addition to those powers granted under these resolutions and any action taken pursuant thereto shall be deemed to be authorized under this resolution, and be it further

RESOLVED, that in accordance with the other powers delegated herein, the Chief Engineer or designee shall be, and hereby is, authorized to make all necessary decisions pursuant to the State Environmental Quality Review Act (SEQRA) with relation to the 2023 Thruway Contracts Program, and be it further

RESOLVED, that quarterly reports shall be submitted to the Board by the Chief Engineer on all awarded construction contracts; approved additional funds for construction contracts over and above the contingency funds; and all engineering agreements and supplemental engineering agreements, approved pursuant to the provisions of these resolutions, and be it further

RESOLVED, that the Chief Financial Officer or designee be, and he hereby is, authorized:

- A. upon award of such contracts to return such funds budgeted for such projects in the 2023 Budget which are otherwise not required for expenditure during 2023 to the proper fund in

accordance with acceptable budgeting and accounting procedures;

- B. to monitor total cash expenditures for the 2023 Contracts Program to ensure that they do not exceed \$353,442,143. for the Thruway Authority during the 2023 Fiscal Year;
- C. to return bid checks submitted for such contracts to unsuccessful bidders, and to make necessary adjustments in the respective 2023 approved Budget as required by implementation of any part of this Resolution;
- D. to consummate transfers of jurisdiction of real property with other State agencies or authorities, and to dispose of real property interests (fee title, easements, etc.) in accordance with the provisions of the Authority's Real Property Management Policy, as may be necessary for implementation of the 2023 Thruway Contracts Program; and be it further

RESOLVED, that the provisions of this resolution shall be deemed to supersede all other inconsistent Authority policies and procedures to the extent necessary to implement the approved 2023 Thruway Contracts Program and for no other purposes, and be it further

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Item 4
Appendix D

RESOLVED, that these resolutions be incorporated
in the minutes of this meeting.



Chief Engineer

RECOMMENDATION APPROVED:



Executive Director

**Please refer to Item 4 in the
Finance Committee Meeting
Book**

charges which provides sufficient net revenue in ensuing Authority fiscal years to comply with the rate covenant to eliminate any deficiency in funds and accounts at the earliest practicable time. Pursuant to the General Revenue Bond Resolution, any schedule of tolls, fees and charges must be concurred with by an independent consultant's certificate.

Considering the foregoing, Authority staff requested that Stantec perform the following services:

1. Estimate the revenues required to meet the Authority's capital, operating, maintenance and other needs;
2. Review revenues and expenditures under the Authority's existing toll rates and long-term financial plan for the period 2022-2031; and,
3. Recommend a plan to implement a new schedule of toll rates which will provide sufficient net revenues to the Authority and comply with 2 NYCRR Part 203, the General Revenue Bond Resolution and the Authority's Fiscal Management Guidelines.

As noted in the attached report provided by Stantec (Exhibit 1), a toll adjustment incorporating the following components will provide sufficient net revenues to meet projected revenue needs and provide debt service coverage ratios that comply with the General Revenue Bond Resolution:

Changes Specific to the Governor Mario M. Cuomo Bridge

- Increase the NY E-ZPass rate to \$7.75 by 2027: Beginning on January 1, 2024, provide annual increases to the NY E-ZPass toll rates on the Governor Mario M. Cuomo Bridge during the period 2024-2027 in the amount of 50 cents annually.
- Maintain the Commuter Discount and Resident Discount Program: Beginning on January 1, 2024, maintain the commuter discounts to equal 40 percent of the Base NY E-ZPass rate for passenger vehicles. In addition, the resident discount E-ZPass Plan for qualified Westchester and Rockland residents will increase from its current 17 percent discount to a 20 percent discount off the NY E-ZPass rate. This program is only offered to class 2L passenger vehicles with a NY E-ZPass who opt into the plan and provide proof of residency.

System-wide Changes

- Tolls by Mail Toll Rates: Beginning on January 1, 2024, increase the current 30 percent Tolls by Mail rate differential (a toll rate 30 percent above the NY E-ZPass rate) to a 75 percent differential. With this change, NY E-ZPass customers will receive a 75% discount from the Tolls by Mail and Non-NY E-ZPass toll rates.
- Non-NY E-ZPass Rates: Beginning on January 1, 2024, increase the current Non-NY E-ZPass toll rate differential from a 15 percent rate differential (a toll rate 15 percent above the NY E-ZPass rate for Non-NY E-ZPass tolls) to a 75 percent differential. With this change, NY E-ZPass customers will receive a 75% discount from the Tolls by Mail and Non-NY E-ZPass toll rates.

- Increase the NY E-ZPass Rates System-wide: Beginning on January 1, 2024, provide a 5% increase in NY E-ZPass toll rates on the rest of the system. Beginning on January 1, 2027, provide a 5% increase in NY E-ZPass toll rates on the rest of the system.

Continuation of Toll Practices

The Authority will continue the following practices implemented as of January 1, 2021:

- Impose a \$2 Administrative Surcharge on Tolls by Mail Bills for non-E-ZPass statements to support the administrative costs associated with processing transactions through the Tolls by Mail program and to incentivize more customers to sign up for an E-ZPass account.
- Image Tolls Policy: All transactions that are processed through a license plate image review pay the Tolls by Mail toll rate. Customers who have an E-ZPass account yet their toll transaction must be processed via the Tolls by Mail process (ex. due to failure to mount the E-ZPass transponder properly and a toll transaction is processed through a license plate image review under the Tolls by Mail process) are charged the Tolls by Mail toll rate to account for the higher administrative cost incurred for processing the transaction.

In order to implement a toll adjustment, the Authority will need to follow procedures set forth in the Public Authorities Law, the Executive Law, the State Administrative Procedure Act, and the State Environmental Quality Review Act. The following describes the specific requirements:

Public Authorities Law Section 2804 (PAL)

PAL § 2804 establishes the procedures governing any prospective “increase in fees, tolls or other charges for the use of the highway, bridge or tunnel facilities” and provides that any proposed statewide toll increase be accompanied by at least 3 public hearings.

In addition, PAL § 2804 requires financial reports indicating the need for the toll increase be submitted to the Governor, Comptroller, Chairman of the Senate Finance Committee, Chairman of the Assembly Ways and Means Committee, and the Ranking Minority members of the Senate Finance Committee and the Assembly Ways and Means Committee 120 days prior to the proposed increase taking effect. The required financial reports have been completed and are attached as Exhibit 1 and Exhibit 2.

Executive Law Section 101-a

Executive Law Section 101-a requires that at least sixty days prior to the first required public hearing on a proposed rule, the Temporary President of the Senate and the Speaker of the Assembly shall be sent a notification of such proposed action with (a) the statutory authority under which the action is proposed, (b) the time and place of any public hearing that may be scheduled concerning the proposed action, or the manner in which data, views or arguments may be submitted to the Authority concerning the proposed action, (c) the complete text of the proposed rule, and (d) a fiscal statement setting forth the fiscal consequences of the proposed action on the state and its local governments.

State Administrative Procedures Act (SAPA)

The Authority would undertake a formal rule making process under SAPA to modify the Authority’s toll structure. Proposed toll schedules, based on the recommended changes attached

as Exhibit 3. These rule making documents will be submitted to the Secretary of the State for publication, the Temporary President of the Senate, the Speaker of the Assembly, and the Administrative Regulations Review Commission. SAPA also provides the public an opportunity to submit comments regarding the rule making to the Authority and requires the Authority to make an assessment of the public comments received.

State Environmental Quality Review Act (SEQRA)

Rule making regarding toll modifications constitutes an action under SEQRA. Environmental review relating to the implementation of toll adjustments will be conducted concurrently with rule making and satisfaction of the PAL § 2804 hearing requirements. A consultant will assist the Authority with satisfaction of the SEQRA process within the same 120-day time frame as is needed to comply with the PAL requirements.

Because the aforementioned toll adjustment process will take a minimum of 120 days, it is recommended that the Executive Director be authorized to immediately proceed with the necessary preparatory actions to implement the toll adjustments, including but not limited to filing the proposed rule making, submission of the required reports, conducting public hearings and all other action necessary to fulfill the statutory, regulatory and other requirements for the toll adjustment.

The Finance Committee considered this item at its December 5, 2022 meeting and recommended that this item be presented to the full Board for consideration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO PROCEED WITH NECESSARY PREPARATORY ACTIONS TO IMPLEMENT TOLL RATE ADJUSTMENTS NECESSARY FOR SUFFICIENT NET REVENUE TO FINANCE THE AUTHORITY'S CAPITAL PROGRAM AND TO COMPLY WITH 2 NYCRR PART 203, THE GENERAL REVENUE BOND RESOLUTION AND THE AUTHORITY'S FISCAL MANAGEMENT GUIDELINES

RESOLVED, that under the New York State Public Authorities Law, the Authority has the definitive and unfettered ability to independently fix and collect fees for use of the Thruway system, as it deems necessary, to produce sufficient revenues to cover expenses and fulfill obligations to its bondholders; and be it further

RESOLVED, that under New York State and Federal law, the State of New York has expressly pledged to Authority bondholders that it will not limit or alter the rights vested in the Authority to fix and collect fees for use of the Thruway system; and be it further

RESOLVED, that the Executive Director, or his designee, be, and hereby is, authorized to take all actions necessary to prepare for the implementation of the toll adjustments consistent with this

Board item and Exhibits 1 and 2 attached hereto and that such actions shall conform with the General Revenue Bond Resolution and the applicable statutory procedures outlined in the Public Authorities Law, the Executive Law, the State Administrative Procedure Act, and the State Environmental Quality Review Act; and be it further

RESOLVED, that the financial documents satisfying the financial reporting requirements of the Public Authorities Law Section 2804, attached hereto as Exhibit 1 and Exhibit 2, be, and hereby are, approved; and be it further

RESOLVED, that after the necessary actions have been taken, the Executive Director shall present a recommendation to the Board regarding a specific schedule for the toll adjustments, consistent with this Board Item and Exhibit 1 and Exhibit 2, necessary to meet the requirements of 2 NYCRR Part 203, the General Revenue Bond Resolution, the Authority's Fiscal Management Guidelines and determining the environmental significance of any such actions; and be it further

RESOLVED, that the recommendation regarding the environmental significance of this action authorizing the Executive Director to perform and distribute studies, conduct preliminary

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planning and hearings and file the documents necessary to formulate a proposal for action be, and hereby is, approved; and be it further

RESOLVED, that this Resolution be incorporated in full in the minutes of the meeting.



Executive Director

**Please refer to Item 5 in the
Finance Committee Meeting
Book**

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Item 6
Appendix F

TO: The Thruway Authority Board
FROM: Matthew A. Howard
Chief Financial Officer

DATE: December 5, 2022

SUBJECT: Investment Transactions – Third Quarter Investments 2022

The Chief Financial Officer or designated representative has engaged in numerous financial transactions investing funds not immediately required for the fiscal management of the New York State Thruway Authority or for the Local Highway and Bridge Service Contract Bond Program, Second General Highway and Bridge Trust Fund Bond Program, or the State Personal Income Tax Revenue Bond Program. These transactions include the purchase of authorized securities, repurchase agreements and certificates of deposit.

The attached Exhibit A presents the details of all investments purchased during the Quarter ending September 30, 2022. The attached Exhibit B details the investments held as of September 30, 2022. These Exhibits are submitted in accordance with the Authority's Investment Policy as approved by the Board on March 28, 2022.

The Finance Committee considered this item at its December 5, 2022 meeting and recommended that this item be presented to the full Board for consideration.

RECOMMENDATION:

It is recommended that the Board accept these reports and that this item be included in the minutes of this meeting.



Chief Financial Officer

RECOMMENDATION APPROVED:



Executive Director

**Please refer to Item 6 in the
Finance Committee Meeting
Book**

- Requirement that for a Procurement Contract for professional services with a term in excess of one year that must be awarded prior to the next Board meeting, such contract will not be effective until approved by the Board at its next meeting.
- Updated and clarification of language regarding MWBEs, SDVOBEs, New York State Business Enterprises, New York State Residents including allowing for discretionary purchasing for goods and services without a competitive procurement from small business concerns, SDVOBEs or certified MWBEs in an amount up to \$500,000, and the requirement that relevant MWBE and SDVOBE directories be consulted.
- Clarification that the Executive Director or designee may waive the use of a competitive procedure for any Procurement Contract needed to respond to an emergency in accordance with an Executive Order of the Governor.

The Governance Committee considered this item at its December 5, 2022 meeting and recommended that this item be presented to the full Board for consideration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

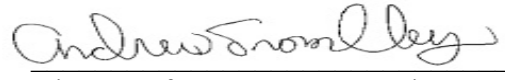
RESOLUTION NO.

APPROVING THE REVISED PROCUREMENT
CONTRACT POLICY (25-5-01)

RESOLVED, that the revisions proposed to be made to the current Procurement Contracts Policy (25-5-01), as described in this agenda item, and as contained in Exhibit 1, be, and the same hereby are, approved, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

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Director of Procurement Services

RECOMMENDATION APPROVED:



Executive Director

**Please refer to Item 2 in the
Governance Committee
Meeting Book**

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Item 8
Appendix H

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: James K. Konstalid
Director of Maintenance and Operations

SUBJECT: Authorizing the Waiver of Competitive Procedures for a Sole Source Contract with Daktronics, Inc. for Spare Parts/Depot Repair for Electronic Signs

The item seeks the waiver of competitive procedures for a sole source contract with Daktronics, Inc. (“Daktronics”) for spare parts/depot repair for electronic signs. The New York State Thruway Authority (“Authority”) utilizes Daktronics electronic signs in all four Thruway Divisions. There are over 160 electronic signs on the Governor Mario M. Cuomo Bridge (“GMMC Bridge”) alone. The Authority has installed different types of Daktronics electronic signs, including variable speed limit signs, lane control signs, permanent variable message signs, and electronic signs over the shared-use path on the GMMC Bridge.

This procurement is via a sole source for compatibility and compliance reasons. There are no other vendors that can supply or repair these proprietary components for the Daktronics electronic signs. No substitutes are allowed, and this contract only covers components and parts that are manufactured by or sold only through Daktronics. All components supplied by Daktronics satisfy compatibility, compliance, quality, service, and support requirements.

In accordance with Purchasing Policy 25-5-01, Section IV, Waiver of Competition, the Board may waive the use of the competitive procedure for procurement contracts when there is a condition that exists that makes it impractical or not in the Authority’s best interest to seek competition due to the specialized nature of goods and services required, or there is a historical relationship, the continuation of which is in the best interest of the Authority. Given the inability of the Authority to purchase spare parts and depot repair for Daktronics electronic signs from any

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other provider, waiving the competitive process is clearly in the best interest of the Authority. The necessary exemption approval has been sought and granted from the New York State Office of the Comptroller.

The term of this agreement will begin upon approval from NYS Office of the State Comptroller, with a maximum amount payable that will not exceed \$570,000.00. The Department of Maintenance and Operations has sufficient funds in the ITS Maintenance Budget to cover the costs in 2023. The Department of Maintenance and Operations will allocate funds in future budget years to continue funding these services and spare parts pursuant to this agreement.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE WAIVER OF COMPETITIVE PROCEDURES FOR A SOLE SOURCE CONTRACT WITH DAKTRONICS, INC. FOR SPARE PARTS/DEPOT REPAIR FOR ELECTRONIC SIGNS

RESOLVED, that the competitive procedures required by the Thruway Authority Procurement Contracts Policy are waived and the Executive Director or his designee be, and hereby is, authorized to execute an agreement with Daktronics, Inc. for spare parts/depot repair of license plate reading systems; and be it further

RESOLVED, that the Agreement shall be for a term through December 31, 2027, for a maximum amount payable of \$570,000.00; and be it further

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RESOLVED, that the Agreement shall be on such other terms and conditions as the Executive Director, in consultation with the Department of Maintenance and Operations and General Counsel, determines to be in the best interests of the Authority; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, to manage and administer the Agreement, amend provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority; and be it further

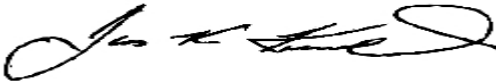
RESOLVED, that the Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered under such Agreement to the appropriate funds provided therefore, subject to reallocation and adjustment as determined by final audit of charges; and be it further

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RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Director of Maintenance and Operations

RECOMMENDATION APPROVED:



Executive Director

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Appendix I

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: James K. Konstalid
Director of Maintenance and Operations

SUBJECT: Authorizing the Executive Director to Execute a Contract with CPR & Safety Consulting and Training, LLC. DBA Compliance Training for the Chainsaw Safety Training

The New York State Thruway Authority (“Authority”) must comply with Occupational Safety and Health Administration (“OSHA”) regulation 1910.266. This will enhance employee safety and knowledge of working with chainsaws.

On May 18, 2022, the Authority advertised in the New York State Contract Reporter its issuance of the RFP #22C01 for Chainsaw Safety Training. The RFP was made available on the Authority’s website and an announcement was emailed to 138 potential vendors who were on the Authority’s bidders list. By the due date of June 29, 2022, the Authority received one proposal in response to the RFP. An evaluation committee representing the Authority’s Bureau of Highway Management, and Bureau of Labor Relations and Employee Safety reviewed the proposal and scored the proposal against pre-defined evaluation criteria. The committee’s consensus scores were then multiplied by previously established weights for each evaluation criteria and a weighted score was assigned to the proposal. The firm, CPR & Safety Consulting and Training, LLC. DBA Compliance Training (“CPR & Safety Consulting”) was found to be fully responsive.

CPR & Safety Consulting has been in business since 2016 and became a Certified NYS WBE & NYC Small Business WBE (“Women Business Enterprise”) in 2020. They are a full-service safety training and consulting company that provides many options, both onsite and online, throughout the metropolitan area and further. CPR & Safety Consulting is a certified training organization and has certified instructors in a widely acknowledged premier chainsaw safety and

productivity training program. CPR & Safety Consulting instructors have been certified for 25 years and have 30 years in the field felling timber manually with a chainsaw. I recommend CPR & Safety Consulting to perform Chainsaw Safety Training.

It is recommended that the Board authorize the Executive Director to execute a contract with CPR & Safety Consulting and Training, LLC. DBA Compliance Training for a three-year period with the option to renew for two one-year periods. The contract term will begin on January 1, 2023. The total cost is not expected to exceed approximately \$173,430.00.

The Department of Maintenance and Operations has sufficient funds in the 2023 Budget. The Department of Maintenance and Operations will allocate funds in the future budget years to continue funding training pursuant to this agreement.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE
A CONTRACT WITH CPR & SAFETY CONSULTING AND
TRAINING, LLC. DBA COMPLIANCE TRAINING FOR THE
CHAINSAW SAFETY TRAINING

RESOLVED, that the Executive Director or his designee be,
and hereby is, authorized to execute an agreement with CPR &
Safety Consulting and Training, LLC. DBA Compliance Training
to provide Chainsaw Safety Training for Authority employees; and
be it further

RESOLVED, that the Agreement shall be for a term of three years with two one-year renewals, for a maximum amount payable of approximately \$173,430.00; and be it further

RESOLVED, that the Agreement shall be on such other terms and conditions as the Executive Director, in consultation with the Department of Maintenance and Operations and General Counsel, determines to be in the best interests of the Authority; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, to manage and administer the Agreement, amend provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority; and be it further

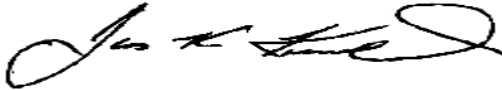
RESOLVED, that the Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered under such Agreement to the appropriate funds provided therefore, subject to reallocation and adjustment as determined by final audit of charges; and be it further

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RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Director of Maintenance and Operations

RECOMMENDATION APPROVED:



Executive Director

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Item 10
Appendix J

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: James K. Konstalid
Director of Maintenance and Operations

SUBJECT: Authorization of a Two-Year Extension to the Multi-Year Agreement Between the New York State Thruway Authority and TRANSCOM, Inc. for the Years 2024-2025

This Board Item seeks approval for the Authority to enter into an extension to the Multi-Year Agreement for membership in TRANSCOM, Inc. (“TRANSCOM”) for the years 2024-2025. TRANSCOM is a non-profit corporation whose mission is to provide support for a successful partnership of Metropolitan New York, New Jersey and Connecticut member agencies. TRANSCOM enhances traffic management through regional cooperation, facilitating communications across multi-jurisdictional lines during major incidents, coordinating of construction projects and the demonstration, implementation and support of various traffic management technologies. TRANSCOM’s member agencies represent the leading transportation, toll and transit agencies in the Metropolitan New York, New Jersey and Connecticut region. The Authority has been a member of TRANSCOM since 1985 and has entered into multi-year agreements for the years 1991-1994, 1995-1998, 1999-2003, 2004-2008, 2009-2013, 2014-2018, and 2019-2023.

TRANSCOM operates a twenty-four hour a day information center which provides notification to participating agencies regarding incidents which impact the transportation network in the region. TRANSCOM has been instrumental in regional incident management plan development and coordination, and new technology research and development. With respect to technology, TRANSCOM has been among the leaders in Intelligent Transportation Systems development as realized with the TI-MED system (formerly known as TRANSMIT),

TRANSCOM's System for managing incidents and traffic. TI-MED utilizes roadside equipment and E-ZPass technology, along with a pre-determined set of algorithms, to measure travel times. This information allows for the detection of incidents based on a variation in travel times. TI-MED, deployed in the Governor Mario M. Cuomo Bridge Corridor, and along the entire Thruway system, has been an extremely useful incident detection, congestion management, and incident management tool. TRANSCOM also developed a system that allows its members to share incident and traffic video information; the Authority is able to receive video feeds into the Thruway Statewide Operations Center from adjacent highways in the greater New York Metro Area.

TRANSCOM is funded by a combination of federal funds and member agency contributions. The member agency funds specifically support base operational costs. The Authority, as a member agency, is allocated a percentage share of those costs. The Authority's annual share under the 2019-2023 Multi-Year Agreement, and for the two-year extension is 3.93% of TRANSCOM's total member dues. Based on TRANSCOM's 2024 Projected Base Operations budget, the Authority's share for calendar year/fiscal year 2024 is \$165,752. Sufficient funds will be available in the Authority's 2024 operating budget. The extension to the Multi-Year Agreement commits agencies to membership and funding for base level appropriations to allow for reasonable fiscal planning for operations. The extension to the Agreement commits the Authority to an annual member share for each year of the additional two-year term as mentioned above unless the Authority withdraws from TRANSCOM. The total cost of the Authority's membership in TRANSCOM is not expected to exceed \$350,000 for the two-year extension.

All TRANSCOM members recognize that the complexities of a multi-member corporation may necessitate further modifications or additions to the Agreement in the future. Further, the

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Agreement acknowledges that in order to fulfill its terms there will be the need for additional arrangements between individual agencies/authorities, not affecting Authority obligations. For that reason, on September 23, 2022 the TRANSCOM Board of Trustees, of which the Authority is a member, agreed that a two-year extension of the existing Multi-Year Agreement was in the best interest of all members. In addition to seeking authorization for the Executive Director to execute a two-year extension to the Multi-Year Agreement, I am recommending that the Board delegate authority to the Executive Director to, when in the best interests of the Authority, approve such ministerial additions and amendments to the Extension of the TRANSCOM Multi-Year Agreement which may in the future be approved by the Board of Trustees of TRANSCOM; and to execute any further agreements necessary or convenient to effectuate the provisions of the Multi-Year Agreement.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZATION OF A TWO-YEAR EXTENSION TO THE
MULTI-YEAR AGREEMENT BETWEEN THE NEW YORK
STATE THRUWAY AUTHORITY AND TRANSCOM, INC.
FOR THE YEARS 2024-2025

RESOLVED, that the Executive Director be, and hereby is,
authorized to executive an extension to the Multi-Year Agreement
for membership in TRANSCOM, Inc. for the years 2024-2025; and
be it further

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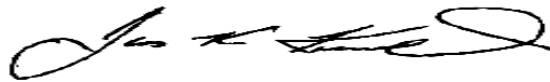
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RESOLVED, that the Executive Director be, and hereby is, authorized to approve and execute such future ministerial amendments and additions to the extension to the TRANSCOM Multi-Year Agreement that may be approved by the TRANSCOM Board of Trustees and which the Executive Director deems to be in the best interests of the Thruway Authority; and be it further

RESOLVED, that the Executive Director be, and hereby is, authorized to expend, in consultation with the Chief Financial Officer, an amount not to exceed \$350,000 for the two-year extension 2024-2025; and be it further

RESOLVED, that the Board will annually review its continued membership and funding for TRANSCOM as part of the Budget approval process; and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.



Director of Maintenance and Operations

RECOMMENDATION APPROVED:



Executive Director

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Item 11
Appendix K

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Diana Nebiolo
Director of Revenue Management

SUBJECT: Authorizing the Executive Director to Execute a Fourth Amendment to Agreement C010078 with Kapsch TrafficCom USA Inc. for E-ZPass Transponders and Equipment

On September 15, 2011 at Meeting No. 688, the Board adopted Resolution No. 5906 which authorized the Executive Director to execute an Agreement with Kapsch TrafficCom USA Inc. (“Kapsch”) to provide E-ZPass transponders, readers and other equipment. In accordance with such authorization, the Executive Director entered into Agreement C010078, which was fully executed on April 23, 2012. The Agreement had a term of ten (10) years with an option for one three (3) year extension. When executed the maximum amount payable was \$58,600,000.

On March 30, 2016, the Executive Director entered into the first contract Amendment which provided a revised pricing structure and a two (2) year extension of the exclusivity period, the maximum amount payable remained unchanged.

On June 3, 2020, as a direct result of the implementation of Cashless Tolling and the need to vastly expand E-ZPass usage, the Executive Director entered into the second contract Amendment to increase the maximum amount payable under the contract by \$10,000,000 to a total of \$68,600,000 in order meet the Authority’s needs for equipment for the remainder of the initial Agreement term until November 22, 2021.

In a third Amendment, the Executive Director exercised the Authority's option to extend the term of the contract with Kapsch to November 22, 2024.

In order to continue to purchase tags, transponders, readers and other critically important E-ZPass equipment, an increase of \$5,000,000 with a new not to exceed amount in the of \$73,600,000 is required. The Department of Revenue Management has sufficient funds in the 2022 and 2023 Budgets for the purchase of such equipment.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE
A FOURTH AMENDMENT TO AGREEMENT C010078 WITH
KAPSCH TRAFFICCOM USA INC. FOR E-ZPASS
TRANSPONDERS AND EQUIPMENT

RESOLVED, that the Executive Director be, and he hereby is, authorized to execute a Fourth Amendment to Agreement C010078 with Kapsch TrafficCom USA Inc. ("Agreement"), to ensure that the Authority has access to E-ZPass tags, readers and other equipment integral to the E-ZPass system; and be it further

RESOLVED, that such Second Amendment shall increase the monetary cap by \$5,000,000 to \$73,600,000 and shall be on such other terms and conditions as the Executive Director in consultation with the General Counsel and Director of Revenue

Management, determines to be in the best interests of the Authority; and be it further

RESOLVED, that the Authority's Chief Financial Officer be, and hereby is, authorized to charge expenditures for goods and services provided pursuant to such Agreement to the appropriate funds; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, manage and administer the Agreement, amend the provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority; and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.



Director of Revenue Management

RECOMMENDATION APPROVED:



Executive Director

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Appendix L

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Frank G. Hoare
General Counsel

SUBJECT: Authorizing the Executive Director to Execute an Agreement with Blackburn Group, Inc. for Mandatory Medicare Reporting Services

Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) contains mandatory reporting requirements with respect to Medicare beneficiaries who have coverage under group health plan (GHP) arrangements as well as for Medicare beneficiaries who receive settlements, judgments, awards or other payment from liability insurance, including self-insurance. The Authority, as a self-insured entity, is subject to MMSEA.

This item seeks the Board's approval of a contract with Blackburn Group, Inc. for services related to mandatory Medicare reporting. Services include completing required reports, performing necessary filings based on data supplied by the Authority where such reporting is required due to final disposition of a litigation matter, and monitoring cases as requested.

The Authority issued a Request for Proposals ("RFP") dated March 25, 2022 seeking firms interested in providing mandatory Medicare reporting services. The RFP established the criteria by which proposals received would be evaluated. A Weighting Committee established the weights for each of the evaluation criterion prior to issuance of the RFP.

The Authority received two proposals by the due date of May 6, 2022. An Evaluation Committee comprised of Authority staff having expertise in litigation issues evaluated the proposals in accordance with the criteria set forth in the RFP. The Evaluation Committee reached consensus scores for each criterion for each proposal. The weights previously established by the

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Item 12
Appendix L

Weighting Committee were applied to the evaluation scores to produce final weighted scores, and the proposals were then ranked. Blackburn Group, Inc. had the higher score of the two proposers.

It is recommended that the Board authorize the Executive Director to execute an agreement with Blackburn Group, Inc. with a maximum amount payable of \$35,000 and term of five (5) years commencing January 1, 2023. Sufficient funding is included in the 2023 Operating Budget for this agreement, and will be budgeted in subsequent years by the Legal Department. The Office of Procurement Services has undertaken an affirmative review of the proposed contractors' responsibility.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE
AN AGREEMENT WITH BLACKBURN GROUP, INC. FOR
MANDATORY MEDICARE REPORTING SERVICES


RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute an agreement with Blackburn Group, Inc. to provide mandatory Medicare reporting services to the Authority, and be it further

RESOLVED, that such agreement shall have a maximum amount payable of \$35,000 and shall be for a term of five (5) years commencing on January 1, 2023 and shall be on such other terms and conditions that the Executive Director, in consultation with the

General Counsel, determines to be in the best interests of the Authority, and be it further


RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this item and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



General Counsel

RECOMMENDATION APPROVED:



Executive Director

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Item 13
Appendix M

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Frank Hoare
General Counsel

SUBJECT: Declaring Partial Jurisdiction Over Title Real Property Reference No. TB22-1 Located in the Town of Hamburg and County of Erie, as Not Necessary for the Authority's Corporate Purposes; and Consenting to the Transfer of Such Partial Jurisdiction to the New York State Department of Transportation

TRANSACTION:

Pursuant to a request from the New York State Department of Transportation (hereinafter, "NYSDOT"), staff proposes the partial transfer of jurisdiction (hereinafter, "TJ") over title to Real Property Reference No. TB22-1 (hereinafter, "Subject Property") to New York State Department of Transportation.

FORMER USE AND PRESUMED INTENDED USE:

The partial TJ would involve a permanent right of concurrent use and occupancy without right of access to be exercised in, on, over and across the property shown on the attached survey map attached hereto, as Exhibit I, for the purpose of constructing, reconstructing and maintaining thereon a State Highway together with such bridges and other facilities in connection therewith as may be deemed necessary by the Commissioner of Transportation, but in a manner which will not interfere with the existing Thruway facilities and maintenance and operation thereof.

The Subject Property was intended to be conveyed to NYSDOT as a permanent easement for highway purposes (drainage) in conjunction with a 2017 Authority project: "The Removal of One Bridge and the Reconstruction of Exit 57 Terminus with Route 75 (Thruway Project No. TAB 17-30, Contract Plan D214577). This transaction was never completed and NYSDOT assumed maintenance responsibility over drainage structures under Project TAB 17-30 although the

Meeting No. 756
Item 13
Appendix M

Authority holds fee title to the land. The partial TJ is needed because the Subject Property is outside of NYSDOT's right-of-way and located on Authority property.

The Office of Real Property Management (hereinafter, "ORPM"), received an application (RPR No. TB21-2), reviewed and approved under the Authority's transactional analysis process, to dispose of Authority land where the Subject Property is located. Based on discussions with NYSDOT, it was determined that the partial TJ would be approved prior to the disposal of land under RPR No. TB21-2 and that the Authority and NYSDOT would share jurisdiction over the Subject Property. When the Authority land under RPR No. TB21-2 is sold, the partial TJ will be extinguished, and the Authority will reserve a permanent easement to NYSDOT over the Subject Property for highway purposes.

Lastly, it is anticipated that various responsibilities regarding maintenance, access and mutual accommodation thereof will need to be made obligatory and set forth in an interagency agreement between the Authority and NYSDOT in order to properly address joint jurisdiction between the two agencies, if necessary.

APPROVAL PROCESS:

A transactional analysis conducted by staff resulted in approved recommendations to proceed with the proposed partial TJ. ORPM recommended that no monetary consideration be given by NYSDOT to the Authority for the proposed partial TJ.

GENERAL COUNSEL'S CERTIFICATION:

In my capacity as General Counsel, I hereby advise that the Board grant its consent to the proposed partial TJ to NYSDOT in accordance with the foregoing findings and recommendations.

Further, I advise that the proposed transaction complies with all applicable provisions of law and with the Thruway Real Property Management Policy.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. _____

DECLARING PARTIAL JURISDICTION OVER TITLE TO REAL PROPERTY REFERENCE NO. TB22-1, LOCATED IN THE TOWN OF HAMBURG AND COUNTY OF ERIE, AS NOT NECESSARY FOR THE AUTHORITY’S CORPORATE PURPOSES; AND CONSENTING TO THE TRANSFER OF SUCH PARTIAL JURISDICTION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLVED, that partial jurisdiction over title in and to certain real property designated as Real Property Reference No. TB22-1 (hereinafter, “Subject Property”) and shown on, and described in Exhibit I attached hereto and made a part hereof, is hereby found to be not necessary for the Authority’s corporate purposes; and be it further

RESOLVED, that, pursuant to New York Public Lands Law § 3, subd. 4, and without any monetary consideration to be given by any party to the other, a transfer of partial jurisdiction over title in and to Real Property Reference No. TB22-1 (hereinafter, “TJ”) from the Authority to the New York State Department of Transportation (hereinafter, “NYSDOT”) be, and the same hereby is, authorized; and be it further

RESOLVED, that the partial TJ to NYSDOT shall be subject to the provisions of a mutually acceptable interagency agreement between the Authority and NYSDOT (hereinafter, "Agreement"), as described in this agenda item, to be executed by and between the parties that will address responsibilities and accommodation related to maintenance, access and other various issues with respect to of joint jurisdiction over the Subject Property if necessary; and be it further

RESOLVED, that the partial TJ and Agreement, if any, shall be subject to such other legal, financial, operational, engineering requirements and other provisions as may be deemed by the Executive Director, Chief Engineer, Chief Financial Officer, Director of Maintenance and Operations and General Counsel, to be in the best interest of the Authority and consistent with the terms of this agenda item; and be it further

RESOLVED, that the Executive Director, Chief Engineer, Chief Financial Officer, Director of Maintenance and Operations and General Counsel be, and the same hereby are, authorized to take all steps necessary to implement this board action; and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute the Agreement and all

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Item 13
Appendix M

other documents necessary to consummate the partial TJ; and be it
further

RESOLVED, that this resolution be incorporated in the
minutes of this meeting.



General Counsel

RECOMMENDATION APPROVED:



Executive Director

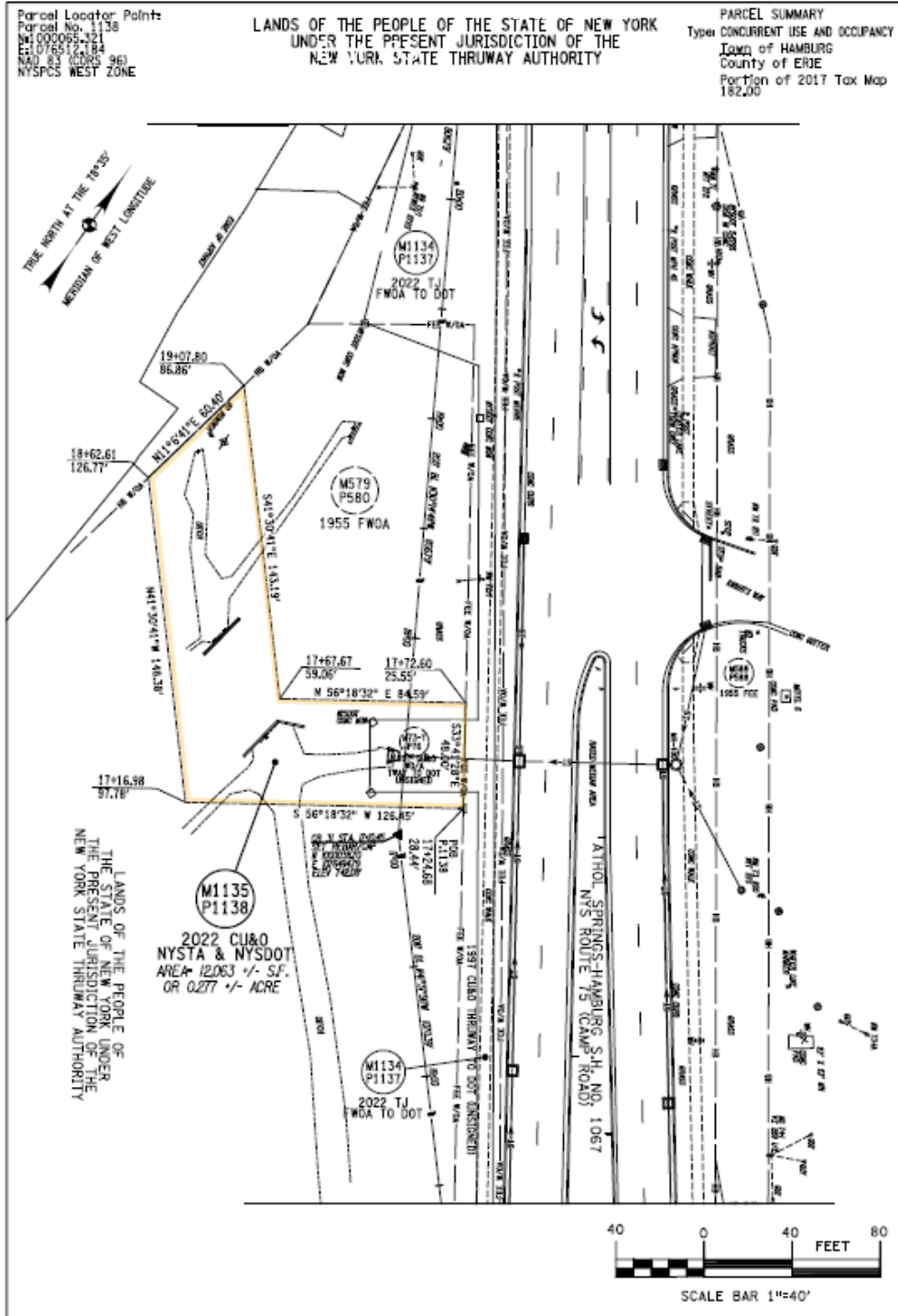
Exhibit I

NEW YORK STATE
THRUWAY AUTHORITY
CONCURRENT USE & OCCUPANCY MAP
ERIE SECTION SUBDIVISION E-8-A
DOT PIN 8873.1 NYSTA 85.2833
MAP NO. 1135-T
PARCEL NOS. 1138
SHEET 1 OF 3 SHEETS

Parcel Locator Points
Parcel No. 1138
E: 000065-261
E: 018915-184
NAD 83 (GDA83 96)
NYSPCS WEST ZONE

LANDS OF THE PEOPLE OF THE STATE OF NEW YORK
UNDER THE PRESENT JURISDICTION OF THE
NEW YORK STATE THRUWAY AUTHORITY

PARCEL SUMMARY
Type: CONCURRENT USE AND OCCUPANCY
Town of HAMBURG
County of ERIE
Portion of 2017 Tax Map
182.00



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Item 14
Appendix N

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Frank Hoare
General Counsel

SUBJECT: Declaring Partial Jurisdiction Over Title to Real Property Reference No. TB22-2 Located in the City of Buffalo and County of Erie, as Not Necessary for the Authority's Corporate Purposes; and Consenting to the Transfer of Such Jurisdiction to the New York State Department of Transportation

Pursuant to a request from the New York State Department of Transportation (hereinafter, "NYSDOT"), staff proposes the transfer of partial jurisdiction over title to Real Property Reference No. TB22-2 (hereinafter, "Subject Property") to NYSDOT.

The Subject Property is comprised of two separate parcels, rectangular and irregular shaped at milepost 4.8 in the City of Buffalo and County of Erie, as shown on the attached aerial site and survey map, respectively as Exhibits I and II and consists of a combined .571± acres. The site will be used for construction, operation, and maintenance of parking and pedestrian facilities for the Buffalo Amtrak Station pursuant to a lease agreement between Amtrak and NYSDOT.

Inasmuch as the Authority must maintain shared use over portions of the Subject Property, only a transfer of partial title jurisdiction (a/k/a concurrent use and occupancy) is being proposed as opposed to a full transfer of title jurisdiction when property is not in any way needed for Thruway purposes.

It is anticipated that various responsibilities regarding maintenance, access and mutual accommodation thereof may need to be set forth in an agreement between the Authority and NYSDOT in order to address joint jurisdiction by the two agencies if necessary.

A transactional analysis conducted by staff from the Office of Real Property Management (hereinafter, "ORPM") recommended proceeding with the proposed partial TJ.

No monetary consideration is recommended to be given by NYSDOT to the Authority for the proposed partial TJ.

In my capacity as General Counsel, I hereby recommend that the Board grant its consent to the proposed partial TJ to NYSDOT in accordance with the foregoing findings and recommendations by ORPM staff. Further, I advise that the proposed transaction complies with all applicable provisions of law and with the Thruway Real Property Management Policy.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. _____

DECLARING PARTIAL JURISDICTION OVER TITLE TO REAL PROPERTY REFERENCE NO. TB22-2, LOCATED IN THE CITY OF BUFFALO AND COUNTY OF ERIE, AS NOT NECESSARY FOR THE AUTHORITY'S CORPORATE PURPOSES; AND CONSENTING TO THE TRANSFER OF SUCH JURISDICTION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLVED, that partial jurisdiction over title in and to certain real property designated as Real Property Reference No. TB22-2 (hereinafter, "Subject Property") and shown on, and described in Exhibits I and II attached hereto and made a part hereof, is hereby found to be not necessary for the Authority's corporate purposes, and be it further

RESOLVED, that, pursuant to New York Public Lands Law § 3, subd. 4, and without any monetary consideration to be given by any party to the other, a transfer of partial jurisdiction (hereinafter,

“TJ”) over title in and to Real Property Reference No. TB22-2 from the Authority to the New York State Department of Transportation (hereinafter, “NYSDOT”) be, and the same hereby is, authorized and be it further

RESOLVED, that the Executive Director or his designee is authorized to execute the partial TJ and any documentation necessary or convenient to consummate the partial TJ; and be it further

RESOLVED, that the Executive Director or his designee be authorized to execute an agreement with NYSDOT to address responsibilities related to maintenance, access and other various issues with respect to the joint jurisdiction over the Subject Property; and be it further

RESOLVED, that the partial TJ and agreement shall be subject to such other legal, financial, operational, engineering and other provisions as may be deemed by the Executive Director, Chief Engineer, Chief Financial Officer, Director of Maintenance and Operations and General Counsel, to be in the best interest of the Authority and consistent with the terms of this agenda item, and be it further

RESOLVED, that the Executive Director, Chief Engineer, Chief Financial Officer, Director of Maintenance and Operations

Meeting No. 756
Item 14
Appendix N

and General Counsel be, and the same hereby are, authorized to take all steps necessary to implement this board action, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



General Counsel

RECOMMENDATION APPROVED:



Executive Director

Exhibit I

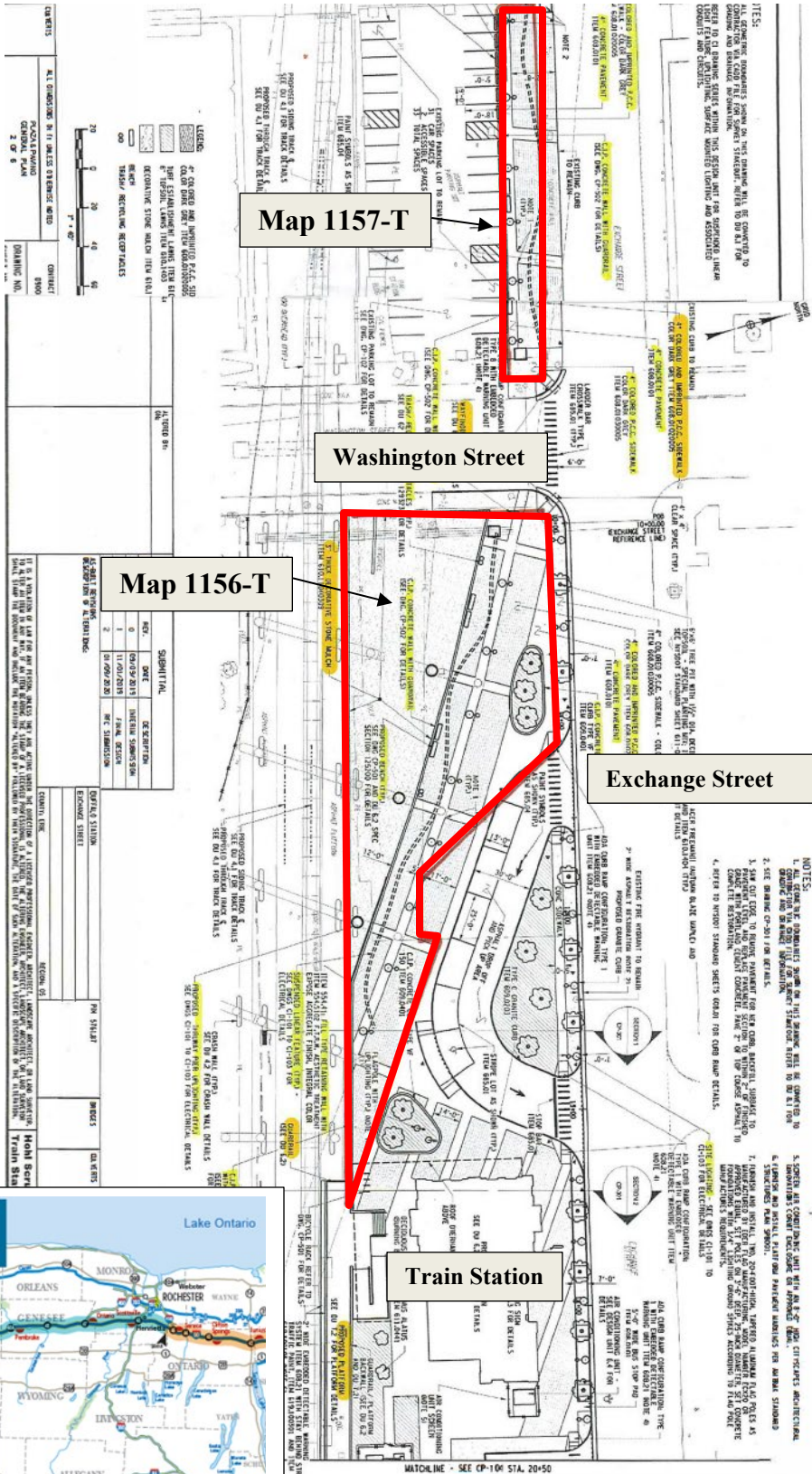


Exhibit II

UNOFFICIAL

NEW YORK STATE
 DEPARTMENT OF TRANSPORTATION
 CONCURRENT USE AND OCCUPANCY
 PIN 5761.87

MAP NO. 1156-T
 PARCEL NO. 1156
 SHEET 1 OF 3 SHEETS

NEW YORK STATE THRUWAY
 NIAGARA SECTION
 SUBDIVISION NO. N-3

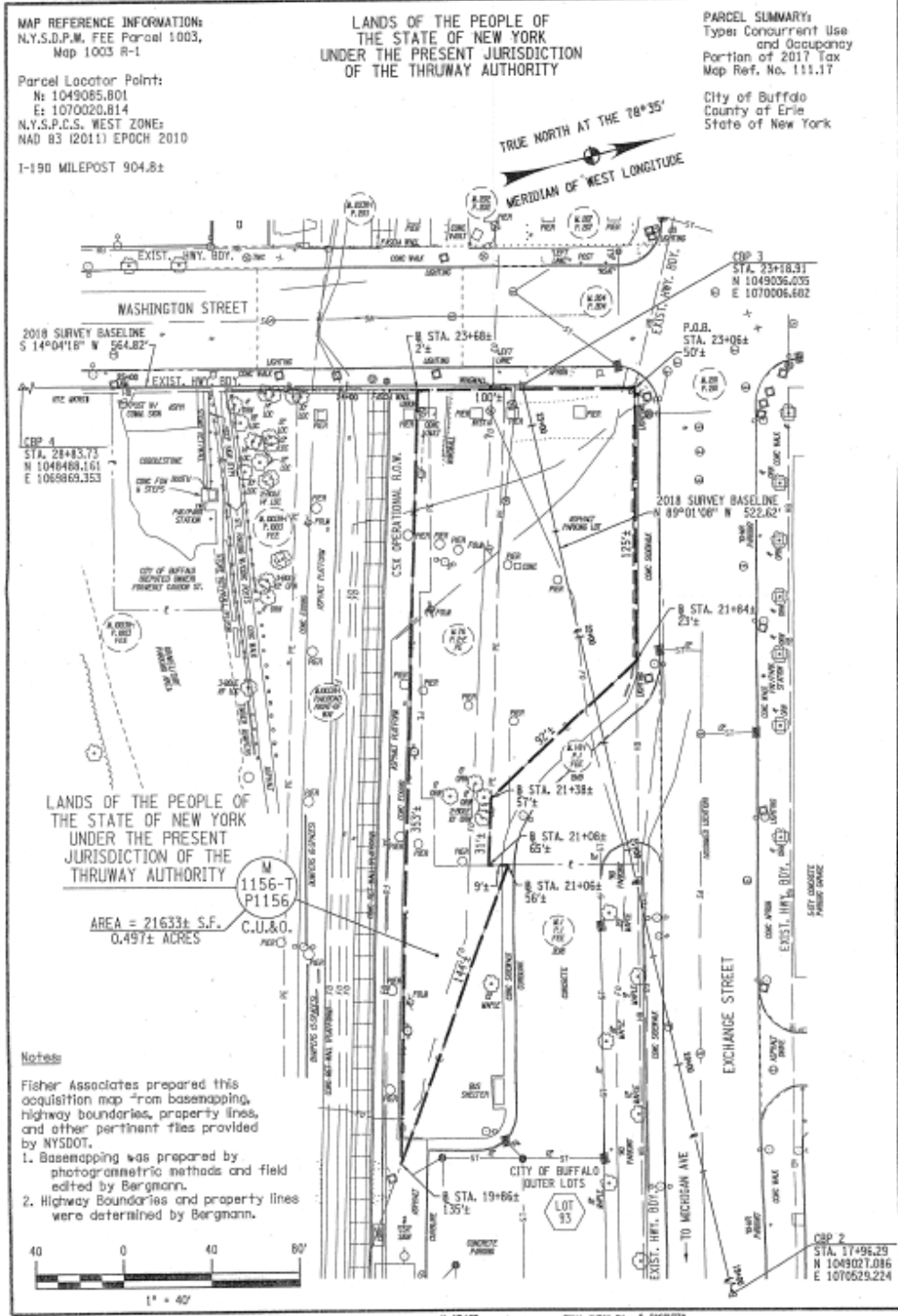
MAP REFERENCE INFORMATION:
 N.Y.S.D.P.M. FEE Parcel 1003,
 Map 1003 R-1

Parcel Locator Points:
 N: 1049085.801
 E: 1070020.814
 N.Y.S.P.C.S. WEST ZONE:
 NAD 83 (2011) EPOCH 2010
 I-190 MILEPOST 904.8±

LANDS OF THE PEOPLE OF
 THE STATE OF NEW YORK
 UNDER THE PRESENT JURISDICTION
 OF THE THRUWAY AUTHORITY

PARCEL SUMMARY:
 Type: Concurrent Use
 and Occupancy
 Portion of 2017 Tax
 Map Ref. No. 111.17

City of Buffalo
 County of Erie
 State of New York

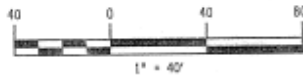


LANDS OF THE PEOPLE OF
 THE STATE OF NEW YORK
 UNDER THE PRESENT
 JURISDICTION OF THE
 THRUWAY AUTHORITY

AREA = 21633± S.F.
 0.497± ACRES

Notes

- Fisher Associates prepared this acquisition map from basemapping, highway boundaries, property lines, and other pertinent files provided by NYSOT.
1. Basemapping was prepared by photogrammetric methods and field edited by Bergmann.
 2. Highway Boundaries and property lines were determined by Bergmann.



ENR010001-1000-1000

NEW YORK STATE THRUWAY
NIAGARA SECTION
SUBDIVISION NO. N-4

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
CONCURRENT USE AND OCCUPANCY
PIN 5761.87

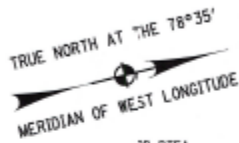
MAP NO. 1157-T
PARCEL NO. 1157
SHEET 1 OF 3 SHEETS

MAP REFERENCE INFORMATION:

- 1) N.Y.S.D.P.W. FEE Parcel 202, Map 202
- 2) N.Y.S.D.P.W. FEE Parcel 203, Map 203 F-1
- 3) N.Y.S.D.P.W. FEE Parcel 207, Map 207

Parcel Locator Point:
N: 1049101.207
E: 1069956.636
N.Y.S.P.C.S. WEST ZONE:
NAD 83 (2011) EPOCH 2010

I-190 MILEPOST 904.8±



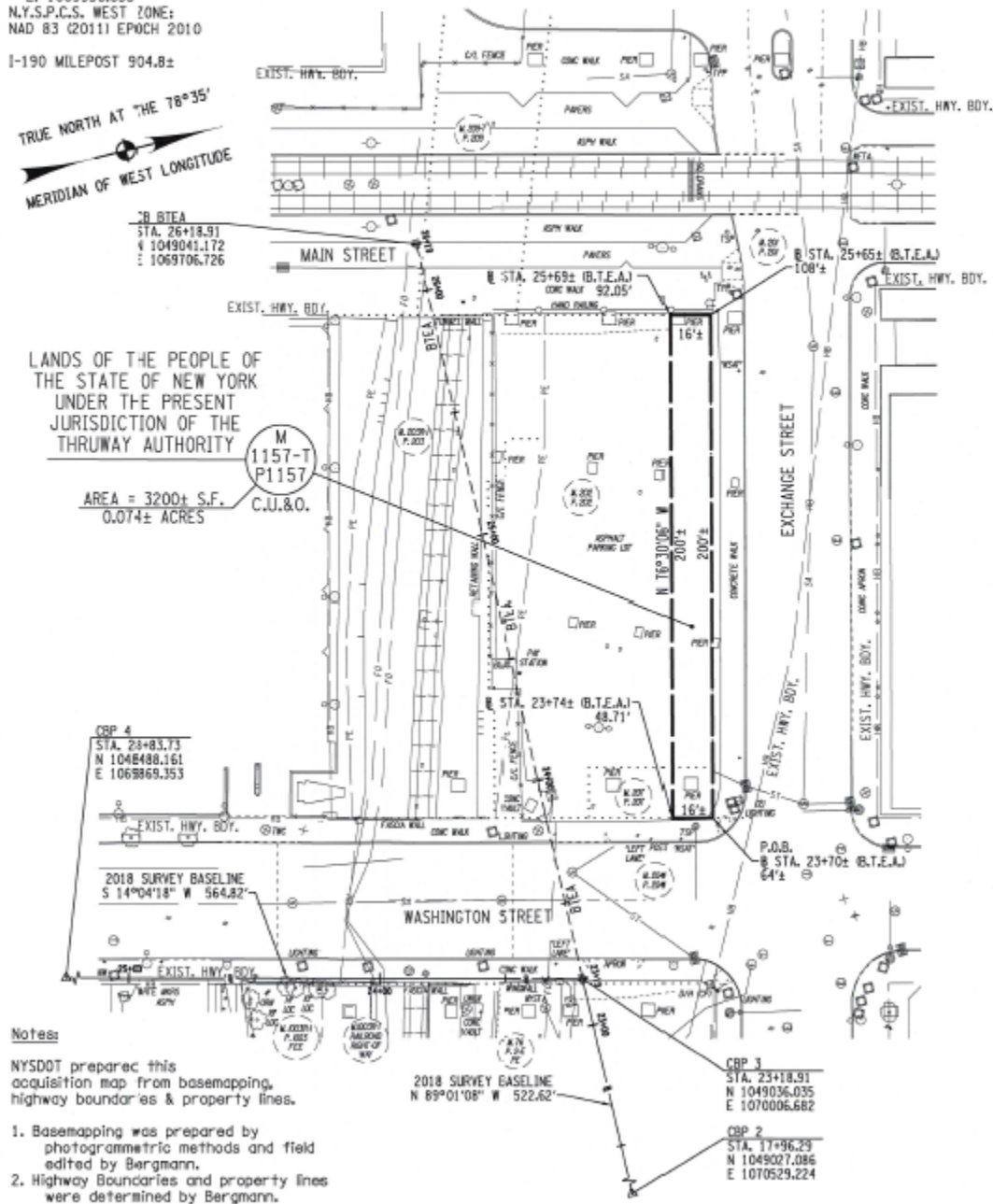
LANDS OF THE PEOPLE OF
THE STATE OF NEW YORK
UNDER THE PRESENT JURISDICTION
OF THE THRUWAY AUTHORITY

PARCEL SUMMARY:
Types Concurrent Use
and Occupancy
Portion of 2017 Tax
Map Ref. No. 111.17

City of Buffalo
County of Erie
State of New York

LANDS OF THE PEOPLE OF
THE STATE OF NEW YORK
UNDER THE PRESENT
JURISDICTION OF THE
THRUWAY AUTHORITY

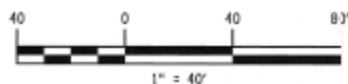
AREA = 3200± S.F.
0.074± ACRES
C.U.&O.



Notes:

NYS DOT prepared this acquisition map from basemapping, highway boundaries & property lines.

1. Basemapping was prepared by photogrammetric methods and field edited by Bergmann.
2. Highway Boundaries and property lines were determined by Bergmann.



Meeting No. 756

Item 15

Appendix 0

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Frank Hoare
General Counsel

SUBJECT: Declaring Real Property Reference No. TS21-1, Located in the Village of Canastota, Town of Lenox, and County of Madison as Not Necessary for the Authority's Corporate Purposes and Authorizing the Sale Thereof

TRANSACTION:

Proposed is the sale of Real Property Reference No. TS21-1 (hereinafter, "Subject Property") to the Madison County Industrial Development Agency (hereinafter, "Applicant") and then the International Boxing Hall of Fame.

SUBJECT PROPERTY DESCRIPTION:

The Subject Property is situated adjacent to the International Boxing Hall of Fame, which is located at 360 North Peterboro Street (NY Route 13), Village of Canastota, Town of Lenox, Madison County and consists of a vacant irregularly configured parcel at moderately below road grade with lawn, mature trees with an area of 4.609± acres.

The Subject Property is shown on the attached aerial site sketch and survey map attached hereto, respectively as Exhibits I and II.

INTENDED USE:

The sale of the Subject Property to the Applicant for \$1 payment waived is authorized by legislation adopted by the New York State Legislature and signed by the Governor in 2013 and amended in 2018 and 2022 attached hereto as Exhibit III, which authorization requires the land to be transferred to the International Boxing Hall of Fame, Inc via the Applicant. Such authorization is contingent upon the development, expansion, and operation of a boxing hall of fame and

museum. The parcel is independently developable under zoning and utilities are not currently available.

APPROVAL PROCESS:

The Subject Property was deemed to be appropriate for disposal to the Applicant based upon, and in accordance with, the legislation. The Authority has no present or future need for the Subject Property.

Inasmuch as the legislation authorizes it, Office of Real Property Management (hereinafter, "ORPM") staff has recommended that the Subject Property be conveyed to the Applicant for consideration in the amount of \$1 payment waived.

It is further recommended that the Executive Director be authorized to execute an agreement for the sale of the Subject Property. In accordance with the Thruway Real Property Management Policy, such agreement would be subject to approval by the Office of the Attorney General and by the State Comptroller. Following an approval of any agreement, a deed would be prepared by the Office of the Attorney General.

GENERAL COUNSEL'S CERTIFICATION:

In my capacity as General Counsel, I concur with the foregoing recommendations and advice by ORPM staff, and attest that the proposed sale complies with all applicable provisions of law relating to such transactions, the Thruway Real Property Management Policy and the legislation.

For the purpose of satisfying the Authority's obligations pursuant to the State Environmental Quality Review Act (hereinafter, "SEQRA"), a SEQRA Short Environmental

Assessment form was completed for the proposed transaction. The Chief Engineer has recommended execution of a SEQRA Negative Declaration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. _____

DECLARING REAL PROPERTY REFERENCE NO. TS21-1, LOCATED IN THE VILLAGE OF CANASTOTA, TOWN OF LENOX, COUNTY OF MADISON, AS NOT NECESSARY FOR THE AUTHORITY’S CORPORATE PURPOSES AND AUTHORIZING THE SALE THEREOF

RESOLVED, that the Board hereby finds, determines, and declares that all remaining right, title and interest in and to Real Property Reference No. TS21-1 (hereinafter, “Subject Property”), as shown and delineated on Exhibits I and II, attached hereto and made a part hereof, are not necessary for the Authority’s corporate purposes and, therefore, available for disposal, and be it further

RESOLVED, that the Subject Property be, and the same hereby is, authorized for conveyance to Madison County Industrial Development Agency (hereinafter, “Applicant”) pursuant to, and in accordance with, legislation adopted by New York State Legislature and signed by the Governor (“Legislation”), as shown in Exhibit III, and be it further

RESOLVED, that such conveyance of the Subject Property to the Applicant be predicated upon Applicant's payment of consideration in the amount of \$1 payment waived, and be it further

RESOLVED, that the Executive Director, or his designee, be, and the same hereby is, authorized to execute an agreement for the sale of the Subject Property with the Applicant on the terms and conditions specified herein, and in the Legislation, and other terms and conditions deemed by General Counsel to be in the Authority's best interest, and to take all necessary actions necessary to convey the Subject Property, and be it further

RESOLVED, that the recommendation regarding the environmental significance of this Board action pursuant to the State Environmental Quality Review Act (hereinafter, "SEQRA"), be, and the same hereby is, approved, and be it further

RESOLVED, that the Chief Engineer, or his designee, be, and the same hereby is, authorized to execute the SEQRA Short Environmental Assessment Form and SEQRA Negative Declaration, and to distribute any required documents on behalf of the Board relative to such adoption, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Meeting No. 756
Item 15
Appendix 0

RECOMMENDATION APPROVED:



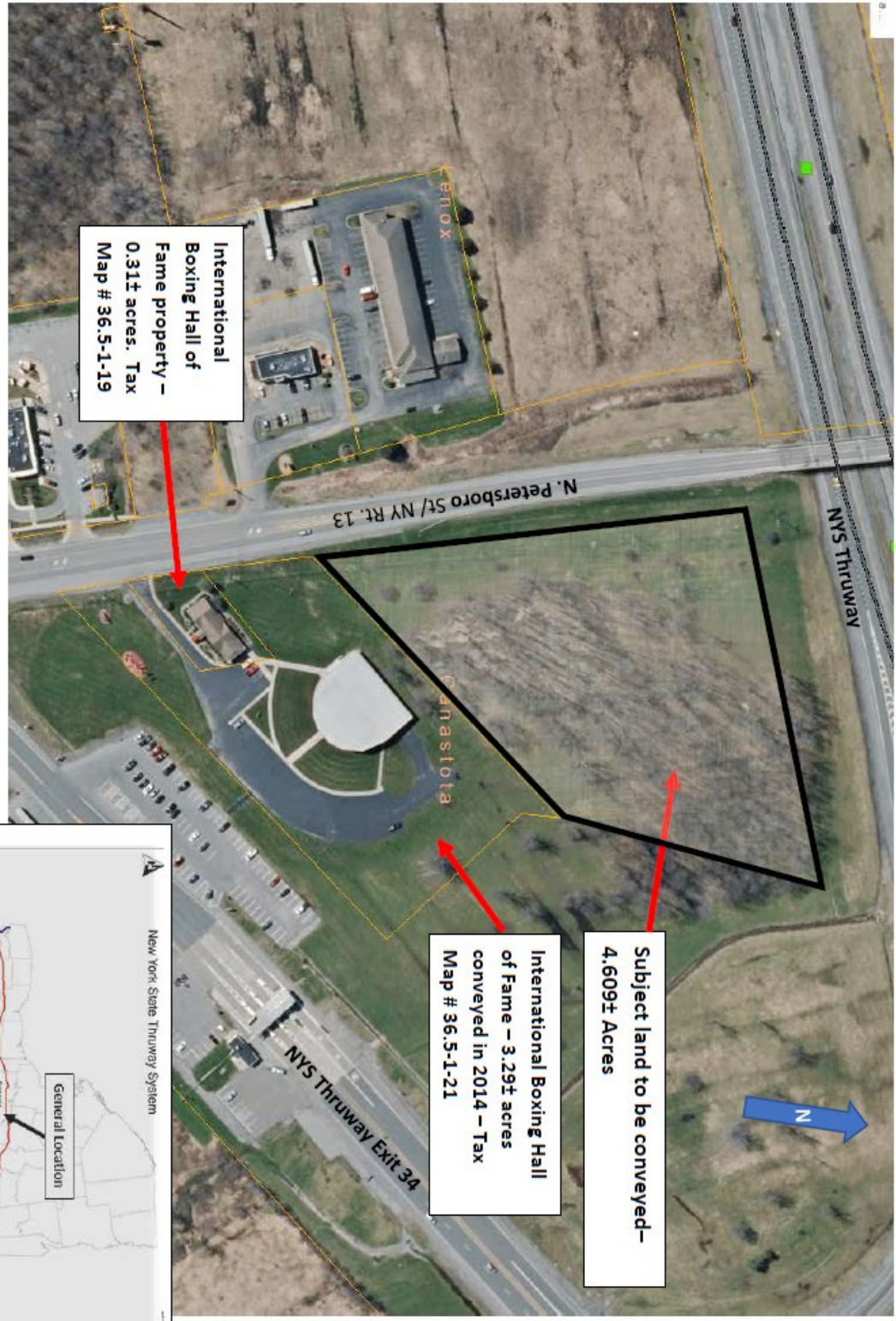
Executive Director



General Counsel

Exhibit I

**International Boxing Hall of Fame
Village of Canastota, Town of Lenox, Madison County**



**International
Boxing Hall of
Fame property –
0.31± acres. Tax
Map # 36.5-1-19**

**Subject land to be conveyed–
4.609± Acres**

**International Boxing Hall
of Fame – 3.29± acres
conveyed in 2014 – Tax
Map # 36.5-1-21**

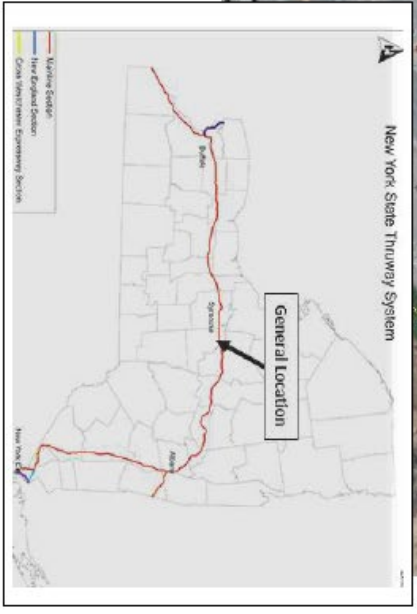


Exhibit II

NEW YORK STATE
THRUWAY AUTHORITY
MOHAWK SECTION
SUBDIVISION NO. 3

NEW YORK STATE
THRUWAY AUTHORITY
CONVEYANCE MAP

MAP NO. 289-C
PARCEL NO. 362
SHEET 1 OF 4 SHEETS

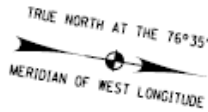
MAP REFERENCE INFORMATION

All of Map No. 144 Parcel No. 177 which map was filed in the Department of Public Works on July 25, 1950 and in the Office of the Clerk of Madison County on April 12, 1951 in Liber 450, Pg. 172.
A portion of Map No. 222 Parcel No. 276 which map was filed in the Department of Public Works on March 20, 1952 and in the Office of the Clerk of Madison County on August 20, 1952 in Liber 472, Pg. 153.
A portion of Map No. 223 Parcel No. 277 which map was filed in the Department of Public Works on March 20, 1952 and in the Office of the Clerk of Madison County on June 22, 1953 in Liber 484, Pg. 225.
A portion of Map No. 225 R-1 Parcel No. 280 which map was filed in the Department of Public Works on August 27, 1953 and in the Office of the Clerk of Madison County on October 6, 1953 in Liber 485, Pg. 52.

LANDS OF THE PEOPLE
OF THE STATE OF NEW YORK
UNDER PRESENT JURISDICTION OF
THE THRUWAY AUTHORITY

PARCEL SUMMARY:

Type: CONVEYANCE
Portion of 2020 Tax Map
Adjacent to
Ref. No. 36.05-1-19
Village of Canastota
County of Madison
State of New York

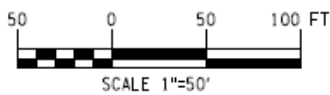
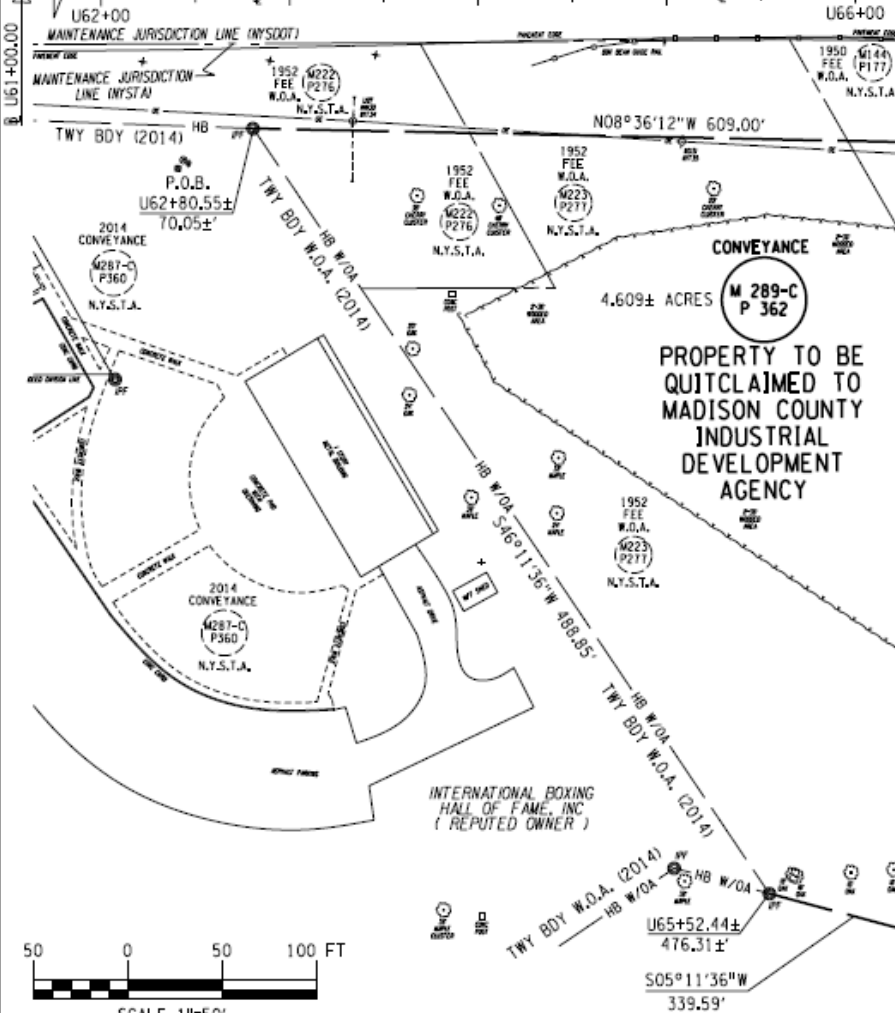


Parcel Locator Points
N 1126777.374
E 1042602.675

CANASTOTA VILLAGE S.H. 908

(N.Y.S. ROUTE 13)

(NORTH PETERBORD STREET) 1952 SURVEY BASELINE N 10°00'49" W



MATCH TO SHEET 2

NEW YORK STATE
THRUWAY AUTHORITY
MOHAWK SECTION
SUBDIVISION NO. 3

NEW YORK STATE
THRUWAY AUTHORITY
CONVEYANCE MAP

MAP NO. 289-C
PARCEL NO. 362
SHEET 2 OF 4 SHEETS

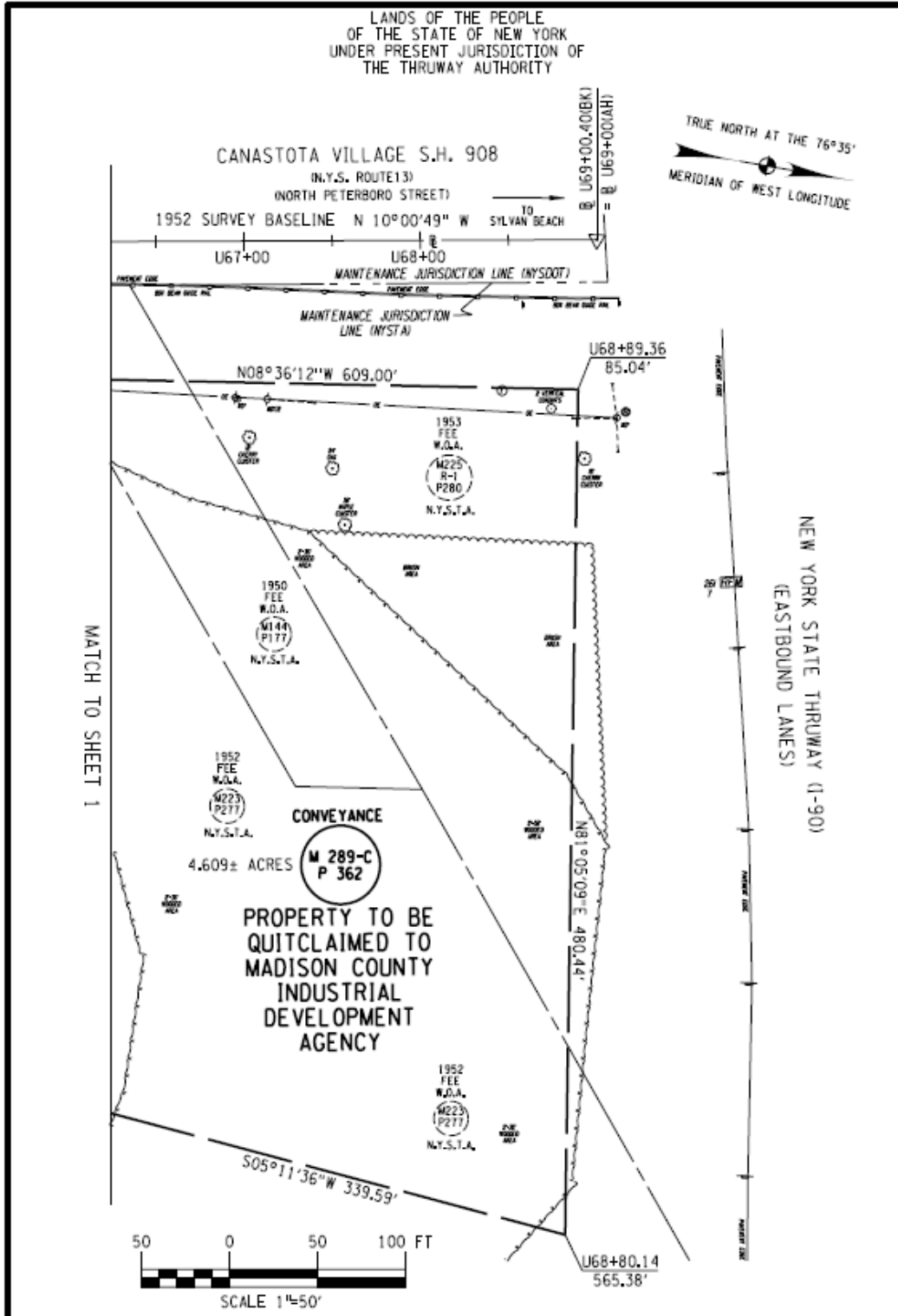


Exhibit III

LAWS OF NEW YORK, 2013

CHAPTER 254

AN ACT to authorize the New York state thruway authority to convey certain land located in the village of Canastota, county of Madison

Became a law July 31, 2013, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Declaration of purpose. The state of New York has determined that the development of the village of Canastota's underutilized property, uniquely located near the New York state thruway, may provide benefits to the local economy, such as job opportunities, expand tourism and recreational related industry, and increase municipal revenue for the residents of the village of Canastota and the overall Central New York region. In general, the state of New York desires to improve this corridor to create opportunities for tourism and recreation. A parcel of such certain land has been identified, which is under its present jurisdiction and owned by the people of the state of New York, that may be utilized by the International Boxing Hall of Fame to allow realization of such opportunities for tourism and recreation. The county of Madison has established an industrial development agency pursuant to section 893 of the general municipal law with the intention of using such agency for the purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, and such other purposes as may be authorized by section 893 of the general municipal law.

§ 2. Notwithstanding any other law to the contrary, the New York state thruway authority shall transfer and convey to the Madison county industrial development agency, created pursuant to section 893 of the general municipal law, those parcels of certain lands referenced and described in section four of this act.

§ 3. Within 180 days of such transfer and conveyance by the authority, the Madison county industrial development agency shall transfer and convey such land to the International Boxing Hall of Fame, Inc., a domestic not-for-profit corporation, upon terms and conditions as may be required by the agency.

§ 4. The lands authorized to be conveyed pursuant to section two of this act are generally described as follows:

1. All that tract or parcel of land, situated, lying, and being in the Village of Canastota, Town of Lenox, County of Madison, State of New York, more particularly bounded and described as follows:

Beginning at an iron pin set at the northeasterly corner of Parcel No. 273 heretofore appropriated by the People of the State of New York ("State") by virtue of Map No. 220 (Mohawk Thruway-Madison County) filed in the Madison County Clerk's Office ("Clerk's Office") on August 20, 1952, said pin also being set at the northwesterly corner of lands conveyed to The International Boxing Hall of Fame, Inc. ("IBHF") by deed recorded in the Clerk's Office on October 6, 1987 in Liber 848 at page

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

218, and at a point in the easterly boundary of state Route 13 (a/k/a North Peterboro Street); thence along said easterly boundary, North 7°-13'-07" East, 150.08 feet to an iron pin; thence through lands appropriated by the State the following four courses and distances: (1) North 47°-35'-00" East, 488.85 feet to an iron pin; (2) South 6°-35'-00" West, 52.00 feet to an iron pin; (3) South 42°-25'-00" East, 250.00 to an iron pin; and (4) South 47°-35'-00" West, 650.00 feet to an iron pin set at a point in the aforesaid easterly boundary of state Route 13; thence along said easterly boundary North 7°-13'-07" West, 97.60 feet to an iron pin set at the southeasterly corner of the aforesaid Parcel No. 273, said pin also being set at the southwesterly corner of the aforementioned lands conveyed to the IBHF; thence along the division line between lands appropriated by the State and lands conveyed to the IBHF the following three courses and distances: (1) North 52°-01'-00" East, 158.74 feet to an iron pin; (2) North 8°-27'-51" West, 98.75 feet to an iron pin; and (3) South 52°-01'-00" West, 156.25 feet to the point and place of beginning; containing 3.29 acres, more or less, all as shown on a map made by Myers and Associates, P.C., dated April 22, 1998 and last revised December 18, 1998, entitled "Portion of Lands of the New York State Thruway Authority," filed in the Clerk's Office on June 17, 2002 under Control No. 3867.

Being all of Parcel No. 274 appropriated by the State in fee without the right of access reserved to abutting owners, by virtue of Map No. 227 (Mohawk Thruway-Madison County) filed in the Clerk's Office on August 20, 1952; and a portion of Parcel Nos. 276 and 277 appropriated by the State in fee without the right of access reserved to abutting owners, by virtue of Map Nos. 222 and 223 (Mohawk Thruway-Madison County), respectively, filed in the Clerk's Office on August 20, 1952 and November 10, 1952, respectively.

Access to and/or from the above-described lands is restricted to the following described boundaries: North 7°-13'-07" West, 97.60 feet; North 52°-01'-00" East, 158.74 feet; North 8°-27'-51" West, 98.75 feet; South 52°-01'-00" West, 156.25 feet; and North 7°-13'-07" West, 150.08 feet. Access, therefore, is strictly prohibited across all other boundaries described hereinabove.

Such conveyance shall be subject to all covenants, conditions, easements and restrictions of record; and

2. All that tract or parcel of land, situated, lying, and being in the village of Canastota, town of Lenox, county of Madison, state of New York, abutting and bounded generally on the south by lands described in subdivision 1 of this section, state route 13 on the west, the thruway on the north, and other lands under the authority's jurisdiction on the east, having an area not to exceed five acres. Such specific area, configuration, and boundaries shall be determined by the authority.

Such conveyance shall be subject to all covenants, conditions, easements and restrictions of record.

§ 5. The authorizations to transfer and convey land pursuant to this act shall be subject to the requirement that such lands shall be used exclusively by the International Boxing Hall of Fame for the purposes of developing, expanding and operating a boxing hall of fame and museum. In the event that the lands cease to be used for such purposes, or if such lands are not developed within 5 years from the effective date of this act, title to such lands and any improvements thereon shall revert to the people of the state of New York under the jurisdiction of the New York state thruway authority.

§ 6. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly

2017-2018 Regular Sessions

IN SENATE

June 12, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 254 of the laws of 2013 relating to authorizing the New York state thruway authority to convey certain land located in the village of Canastota, county of Madison, in relation to the development of such land

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 5 of chapter 254 of the laws of 2013 relating to
2 authorizing the New York state thruway authority to convey certain land
3 located in the village of Canastota, county of Madison, is amended to
4 read as follows:
5 § 5. The authorizations to transfer and convey land pursuant to this
6 act shall be subject to the requirement that such lands shall be used
7 exclusively by the International Boxing Hall of Fame for the purposes of
8 developing, expanding and operating a boxing hall of fame and museum. In
9 the event that the lands cease to be used for such purposes, or if such
10 lands are not developed within [5] 10 years from the effective date of
11 this act, title to such lands and any improvements thereon shall revert
12 to the people of the state of New York under the jurisdiction of the New
13 York state thruway authority.
14 § 2. This act shall take effect immediately.

STATE OF NEW YORK

6925--A

Cal. No. 938

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee and committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend chapter 254 of the laws of 2013 relating to authorizing the New York state thruway authority to convey certain land located in the village of Canastota, county of Madison relating to the use and development of such land, in relation to providing the International Boxing Hall of Fame the option to purchase the reverter interest in such land

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 5 of chapter 254 of the laws of 2013 relating to
2 authorizing the New York state thruway authority to convey certain land
3 located in the village of Canastota, county of Madison, as amended by
4 chapter 129 of the laws of 2018, is amended to read as follows:

5 § 5. The authorizations to transfer and convey land pursuant to this
6 act shall be subject to the requirement that such lands shall be used
7 exclusively by the International Boxing Hall of Fame for the purposes of
8 developing, expanding and operating a boxing hall of fame and museum. In
9 the event that the lands cease to be used for such purposes, or if such
10 lands are not developed within 10 years from the effective date of this
11 act, title to such lands and any improvements thereon shall revert to
12 the people of the state of New York under the jurisdiction of the New
13 York state thruway authority. The International Boxing Hall of Fame may
14 purchase the reverter interest from the people of the state of New York
15 at the current fair market value less the value of any improvements
16 thereto as determined by independent certified appraisal or appraisals,
17 and less any proportionate consideration previously paid.

18 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD11445-05-2

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S6925A

SPONSOR: MAY

TITLE OF BILL:

An act to amend chapter 254 of the laws of 2013 relating to authorizing the New York state thruway authority to convey certain land located in the village of Canastota, county of Madison relating to the use and development of such land, in relation to providing the International Boxing Hall of Fame the option to purchase the reverter interest in such land

PURPOSE:

To allow transfer of land from the Thruway Authority to the Boxing Hall of Fame.

SUMMARY OF PROVISIONS:

Section 1: Amends Section 5 of Chapter 254 of the laws of 2013 to allow the International Boxing Hall of Fame to purchase the reverter interest on certain lands at current fair market value less the value of any improvements from the Thruway Authority.

Section 2 is the effective date.

JUSTIFICATION:

Prior legislation (S3859-A/A7072-A) that was signed and Chaptered in 2013 provided that lands conveyed to the International Boxing Hall of Fame had to be used for the purpose of having a boxing hall of fame and museum, and also required that development of this project had to be completed by 2018, which was later extended to 2023 by legislation that was signed and Chaptered in 2018 (S6677/A8457). If neither requirement was met, the land would revert back to the people of the state of New York under the jurisdiction of the New York State Thruway Authority. This bill will ensure that the Thruway Authority will make a permanent transfer of these lands to the International Boxing Hall of Fame, which not only attracts many tourists to the Central New York area, but also celebrates the rich history of the sport of boxing.

FISCAL IMPACT ON THE STATE:

To be determined.

LEGISLATIVE HISTORY:

None.

EFFECTIVE DATE:

Immediately.

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Item 16
Appendix P

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Frank Hoare
General Counsel

SUBJECT: Declaring Real Property Reference No. TN21-4, Located in the City of New Rochelle and County of Westchester, as Not Necessary for Authority Corporate Purposes and Authorizing the Auction Thereof

TRANSACTION:

Proposed is the sale of Real Property Reference No. TN21-4 (hereinafter, "Subject Property"), via a public auction.

PROPERTY DESCRIPTION:

The Subject Property is situated northwest of the New England Section of the Thruway (Interstate 95) and southeast of The Circle (a/k/a Manhattan Avenue) near mile post 6.0 and Interchange 16 in the City of New Rochelle, and County of Westchester as shown on the attached aerial site sketch and survey map attached hereto, respectively, as Exhibits I and II, and consists of an 8,716 square foot (.20± acres) site.

FORMER USE AND PRESUMED INTENDED USE:

The Subject Property is currently used as a buffer between the Thruway (Interstate 95) and The Circle, and located adjacent to 7 The Circle (hereinafter, "Applicant"). An applicant has submitted an application to purchase the Subject Property to assemble the Subject Property with their adjoining property with the intent to clear the overgrown brush on the land.

The Subject Property is encumbered with a Con Edison underground 138kv high voltage electrical transmission line, which limits the development potential of the Subject Property and is currently occupied pursuant to an Occupancy Permit with NYSTA. The Subject Property is zoned

residential and will require a zoning variance from the City of New Rochelle for a single-family home to be built due to the transmission line and not meeting setback requirements.

VALUATION:

In accordance with the Authority's Real Property Management Policy, the value of the Subject Property was independently appraised by one appraisal consultant. Hudson Valley Appraisal (hereinafter, "Appraiser") independently estimated the value of the Subject Property at \$72,000. The Appraiser considered the Subject Property's value as a single estimate of the present value.

In a review appraisal conducted by staff from the Office of Real Property Management (hereinafter, "ORPM"), the Appraiser's estimate of value was found to be justified, defensible and soundly reasoned.

APPROVAL PROCESS:

The Subject Property was deemed to be appropriate for disposal via auction under a transactional analysis and recommendation. Based upon the aforementioned valuation, ORPM staff has recommended that a minimum auction bid of \$72,000 be approved.

It is further recommended that the Executive Director be authorized to accept the highest bid that meets or exceeds the minimum bid, and to execute an agreement for the sale of real property with the highest bidder. In accordance with the Thruway Real Property Management Policy, such purchase agreement would be subject to approval by the Office of Attorney General and by the State Comptroller. The Office of Attorney General would prepare a deed that would be delivered.

GENERAL COUNSEL’S CERTIFICATION:

In my capacity as General Counsel, I concur with the foregoing recommendations and advice by ORPM staff, and attest that the proposed sale complies with all applicable provisions of law relating to such transactions and with the Thruway Real Property Management Policy.

For the purpose of satisfying the Authority’s obligations pursuant to the State Environmental Quality Review Act (hereinafter, “SEQRA”), a SEQRA Short Environmental Assessment form was completed for the proposed transaction. The Chief Engineer has recommended execution of a SEQRA Negative Declaration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. _____

DECLARING REAL PROPERTY REFERENCE NO. TN21-4, LOCATED IN THE TOWN OF NEW ROCHELLE AND COUNTY OF WESTCHESTER, AS NOT NECESSARY FOR THE AUTHORITY’S CORPORATE PURPOSES AND AUTHORIZING THE AUCTION THEREOF

RESOLVED, that the Board hereby finds, determines and declares that all remaining right, title and interest in and to Real Property Reference No. TN21-4 (hereinafter, “Subject Property”), as shown and delineated on Exhibits I and II attached hereto and made a part hereof, is not necessary for the Authority’s corporate purposes and, therefore, available for auction; and be it further

RESOLVED, that the Office of Real Property Management is authorized to conduct a public auction (hereinafter, “Auction”) of

the Property at a minimum-bid amount of \$72,000 (hereinafter, “Minimum Bid”); and be it further

RESOLVED, that the Executive Director be, and the same hereby is, authorized to accept the highest responsive bid that meets or exceeds the Minimum Bid, to memorialize such acceptance via the execution of an agreement for the sale of real property with the highest bidder on terms and conditions deemed by General Counsel to be in the Authority’s best interest, and to convey the Subject Property to such highest responsive bidder; and be it further

RESOLVED, that the Chief Engineer, or his designee, be and the same hereby is, authorized to execute the SEQRA Short Environmental Assessment form and SEQRA Negative Declaration, and to distribute any required documents on behalf of the Board relative to such adoption; and be it further

RESOLVED, that the Executive Director, Chief Engineer, Chief Operating and Financial Officer, and General Counsel be, and the same hereby are, authorized to take all steps necessary to implement this Board action; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



General Counsel

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Appendix P

RECOMMENDATION APPROVED:

A handwritten signature in black ink, appearing to read "M. Watson". The signature is written in a cursive style with some loops and flourishes.

Executive Director

Exhibit I

RPR # TN21-4
MP 6.05 – The Circle/Manhattan Avenue
City of New Rochelle, Westchester County

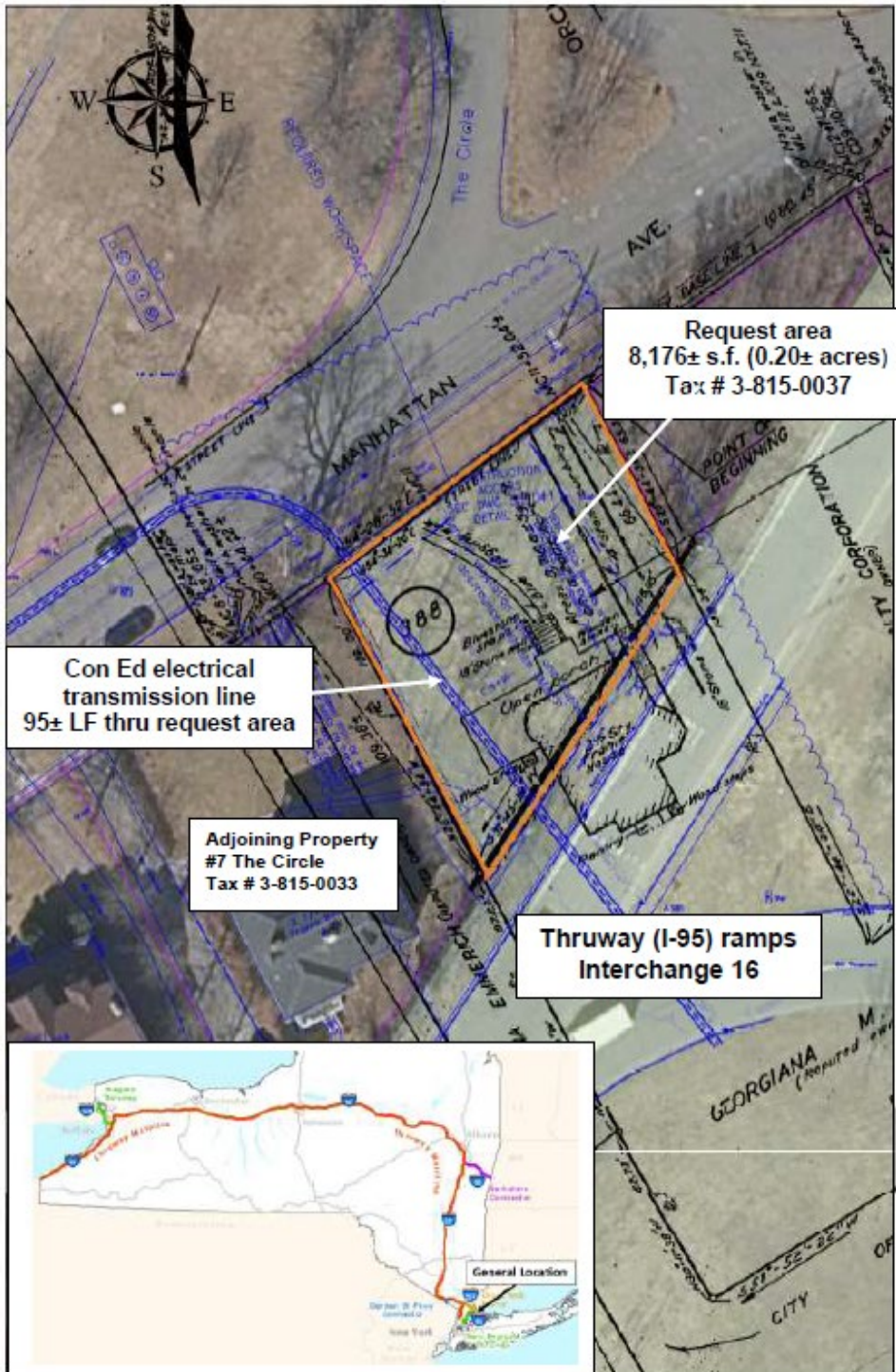
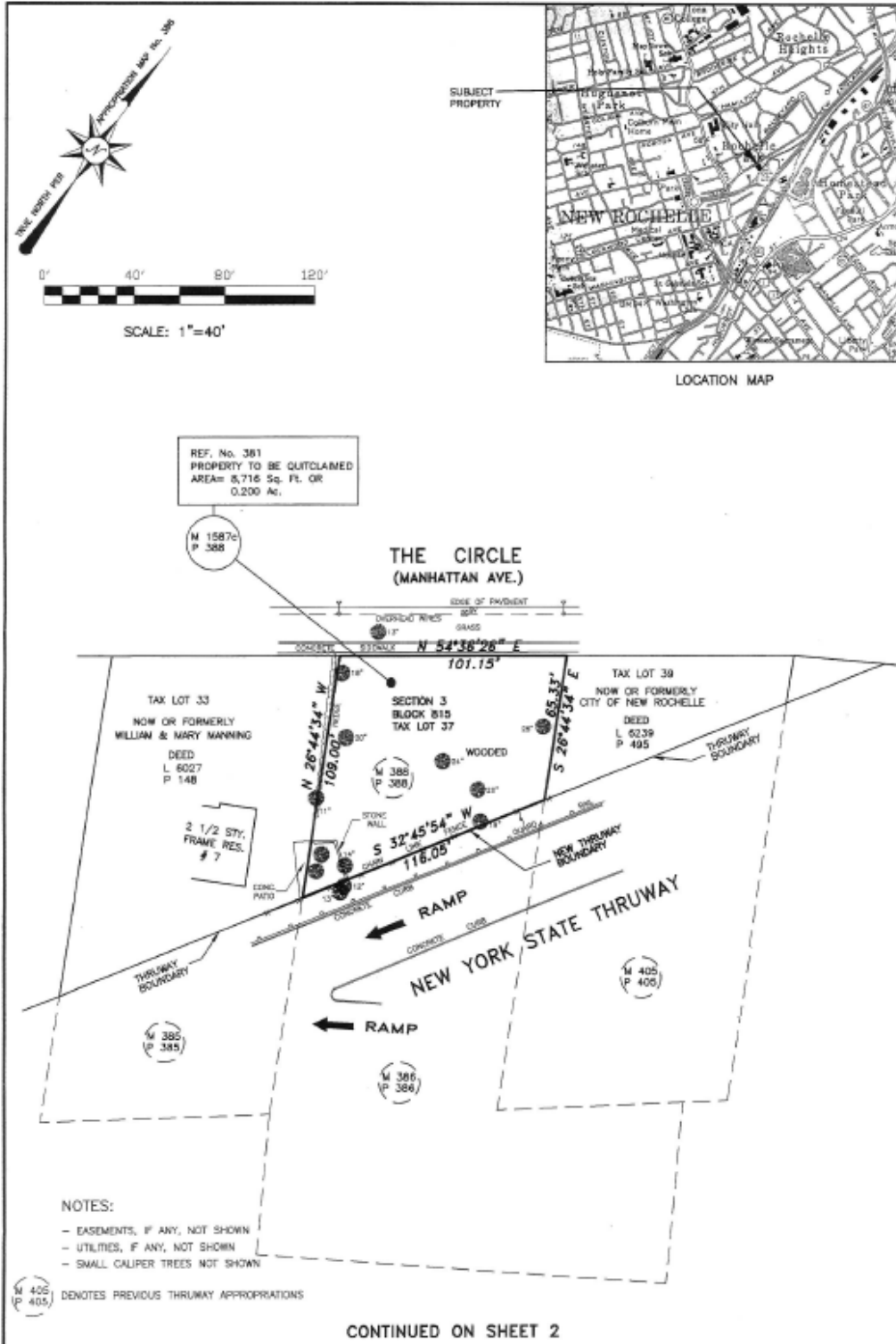


Exhibit II

NEW YORK STATE THRUWAY
 NEW ENGLAND SECTION
 SUBDIVISION NE-2

COUNTY OF : WESTCHESTER

MAP NO. 1587-C
 PARCEL NO. 388
 SHEET 1 OF 2



PAL § 2897 (6) (f) also requires that the agreements be sent to the Attorney General's Office and the Office of the State Comptroller for their review and approval.

Staff advises that the disposal: (i) is in the best interest of the Authority because it will provide value to the Authority through long-term agreement; and (ii) the disposal complies with all applicable terms of the PAL. The Authority obtained an independent appraisal establishing the fair market value of the duct, fiber optic cable and regeneration building space. The Authority's Finance Committee for Fiber Optics consisting of executive staff reviewed the valuation and approved the User fees for this disposal. The fees to be charged the User are set forth in the Exhibits.

In addition, it is recommended the Chief Information Officer ("CIO") be delegated the authority to make all necessary decisions pursuant to SEQRA¹ as needed to execute and administer the Agreement, and any future agreements relative to any use of the System.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. _____

AUTHORIZING AN AGREEMENT WITH MCI
COMMUNICATIONS SYSTEMS LLC FOR THE USE OF THE
NEW YORK STATE THRUWAY AUTHORITY'S FIBER OPTIC
SYSTEM

RESOLVED, that agreement with MCI Communications

1. New York State Environmental Conservation Law Article 8, and implementing regulations 6 NYCRR Part 617 et seq.

Services LLC set forth in this agenda item for the use and maintenance of the Authority's fiber optic system ("System") on the terms and conditions contained in the agenda item and such other terms as are deemed to be in the best interest of the Authority by the Chief Information Officer, the General Counsel and the Chief Financial Officer, be, and hereby are, authorized, and be it further

RESOLVED, that the Executive Director or his designee be, and hereby is, authorized to execute such agreement and any associated documentation; and be it further

RESOLVED, that the Executive Director or his designee, shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the agreement in the best interests of the Authority; and be it further

RESOLVED, that the Chief Information Officer ("CIO") or his designee shall be, and hereby are, authorized to undertake review and make all necessary decisions pursuant to the State Environmental Quality Review Act ("SEQRA") with relation to activities necessary to support the agreement and any future agreements relative to any use of the System, and is authorized to

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Appendix Q


execute the SEQRA documentation and to publish and distribute any required documents; and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.



Chief Information Officer

RECOMMENDATION APPROVED:



Executive Director

Exhibit 1



Fiber Users							
User	Contract Number	Lease Term (Years)	Lease Fee (One-Time)	First-Year Maintenance Fee (Annual)	First-Year Regen Bldg. Space Leased Space Fee (Annual)	Adesta Marketing Services Fee (16% of One-	Estimated Lease Term Agreement Value
MCI Communications Services, LLC (Verizon) - 12 Fiber	X010625	10	\$ 3,233,931.48	\$ 210,132.00	\$ 767,400.00	\$ 517,429.04	\$ 14,440,240.35
Totals for Fiber Customers:			\$ 3,233,931.48	\$ 210,132.00	\$ 767,400.00	\$ 517,429.04	\$ 14,440,240.35

November 6, 2022



**Thruway
Authority**

Exhibit 2

MCI Communications Services LLC

(10-Year IRU)



Memorandum

To: Finance Committee for Fiber Optics Date: October 26, 2022
From: Caitlin Cady Subject: Telecommunications Customer Agreement with MCI Communications Services LLC Contract # X010625

This is a notification of the proposed fees and charges for a telecommunications customer agreement with MCI Communications Services LLC ("MCI"). The Board previously approved a 20-year agreement with MCI at the June 6, 2022 Board meeting. Since that meeting MCI has requested a 10-year term for this agreement. If you have any questions or need additional information, do not hesitate to contact me at extension x3061.

BACKGROUND:

MCI is utilizing the Authority's fiber optic system ("System"), for the assets listed below. MCI has a pending occupancy permit application for the assets they're using along the System.

MCI has requested a lease agreement for use of the System. The lease proposal will be in accordance with Public Authorities Law Section 2897 (6)(f). The set fees described in the Law and included in the proposal has been determined by an independent appraisal by CBRE of the fair market value of the Authority's fiber optic network. The pricing recommendations included in the asset valuation report prepared by CBRE was approved by The Fiber Optic Steering Committee on November 4, 2020. The revised asset valuation report with additional pricing recommendations for alternate length terms was approved by the Finance Committee for Fiber Optics on June 7, 2021. The asset valuation report is attached for your reference.

In coordination with the Authority's Legal department, Adesta has provided marketing services in accordance with a Settlement Agreement and has drafted the IRU agreements for the telecom customers. The agreement with MCI is in the process of being finalized; however, the proposed fees are final.

PROPOSAL SUMMARY:

The summary below includes the fees, lease term in years, the assets to be leased and the egress connections for the user.

Term: 10 years from the date the agreement is approved by the Office of the New York State Comptroller ("OSC"). This agreement will include an option for MCI to terminate the agreement if MCI enters into a Duct IRU Agreement with the Authority for a minimum of 10 years.

User Route and User Fibers

The User Route consists of the following segments:

Table with 7 columns: Description, Number of Fibers, Route Miles, User Fee Per Fiber Mile, User Fee (10 Year Term), First Year Annual Maintenance Fee per Route Mile, First Year Annual Maintenance Fee. Rows include Mainline MP 0.30 to MP 494.92*, I-190, and Total.

* Includes Seneca re-route (30.11 miles)

User Regen Space

The User will have access to a cage space in the Regeneration Facilities listed below.

Regen Building Space

Location	User Square Feet	First Year Monthly Regen Space Fee (Per Sq. Ft.)	First Year Regen Space Fee
Regen 4 Dunkirk	98	\$25	\$29,400
Regen 5 Eden-Angola	98	\$25	\$29,400
Regen 6 Buffalo	383	\$25	\$114,900
Regen 7 Scottsville	381	\$25	\$114,300
Regen 8 Waterloo	116	\$25	\$34,800
Regen 9 Watertown	390	\$25	\$117,000
Regen 10 Utica	97	\$25	\$29,100
Regen 11 Lock 13	97	\$25	\$29,100
Regen 12 Albany	402	\$25	\$120,600
Regen 12A Selkirk	0	\$25	\$0
Regen 13 Saugerties	100	\$25	\$30,000
Regen 14 New Paltz	200	\$25	\$60,000
Regen 15 Woodbury	98	\$25	\$29,400
Regen 16 Ardsley	98	\$25	\$29,400
Total	2558		\$767,400

Egress Connections

Milepost Marker	Egress Description
16.45	Meet MH-South Nyack
76.35	To City of Poughkeepsie
142.40	To City of Albany
161.73	Meet MH at Niagara Mohawk ROW
163.28	Meet MY at Gregg Road
282.70	To city of Syracuse
366.35	To City of Rochester
494.92	Ripley Toll Barrier at Shortman Road
N-5.36	To City of Buffalo at Church Street
CW 0.17	Verizon (Worldcom) at Taxter Road

In accordance with the User Agreement for Fiber in progress between MCI and Authority, the following are the fees and charges that are applicable to this agreement:

- One-Time Use Fee: \$3,233,931.48
- Annual Maintenance Fee: \$210,132.00

Escallated annually using the lessor of the year-over-year CPI or 3%, but in no event less than 0.

- Annual Regen Facility Fee: \$767,400.00

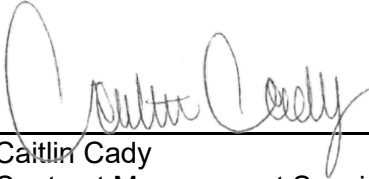
Escallated annually using the lessor of the year-over-year CPI or 3%, but in no event less than 0.

- Monthly Electric Power Fee:

$$\text{Electric Power Fee} = \text{Utility Charges} \times \frac{\text{User Regen Space (sq. ft)}}{\text{Total Leased Space (sq. ft)}} \times 120\%$$

The total estimated Lease Agreement value (10 years) is \$14,440,240.35.

In accordance with the Settlement agreement, the Authority is required to pay Adesta a Marketing Services Fee of 16% of the One-Time Use Fee. For this agreement with MCI the Marketing Services Fee to be paid to Adesta is \$517,429.04



Caitlin Cady
Contract Management Specialist 2

TO: The Thruway Authority Board DATE: December 5, 2022
FROM: Richard W. Lee, P.E.
Chief Engineer
SUBJECT: Authorizing the Execution of Agreement D214908; with Henningson, Durham & Richardson, Architecture and Engineering P.C. (HDR).

In accordance with Authority policy, Henningson, Durham & Richardson, Architecture and Engineering P.C, has been designated to provide services through agreement D214908; as presented in Exhibit A.

Board authorization is requested to execute an agreement Henningson, Durham & Richardson, Architecture and Engineering P.C for Transportation Grant Application Development Services. Sufficient funding for agreement D214908 is provided for in the 2023- 2027 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTION OF AGREEMENT D214908
WITH HENNINGSON, DURHAM & RICHARDSON,
ARCHITECTURE AND ENGINEERING P.C

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement (D214908) with Henningson, Durham & Richardson, Architecture and Engineering P.C, as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services

for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this Item and in accordance with the 2023 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Chief Engineer

RECOMMENDATION APPROVED:



Executive Director

Meeting No. 756

Item 18

Appendix R

EXHIBIT A
Agreements for Engineering Services

D No./Agreement/ Designation Date	Firm/Address	MAP/ Contracts Program Item No.	Term of Agreement	M/WBE and SDVOB Firms/Goals
D214908, Term Agreement for Transportation Grant Application Development Services	Henningson, Durham & Richardson, Architecture and Engineering P.C. (HDR); 711 Westchester Avenue, White Plains, NY 10604-3504	\$1,000,000	Three years, with an option for the Authority to extend for two (2) additional one (1) year terms	<ul style="list-style-type: none">• Hudson Valley Engineering Associates, P.C. DBA HVEA Engineers (HVEA)• Arch Street Communications, Inc. (ASC)• Hayduk Engineering, LLC

MAP = Maximum Amount Payable

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Appendix S

TO: The Thruway Authority Board
FROM: Richard W. Lee, P.E.
Chief Engineer

DATE: December 5, 2022

SUBJECT: Authorizing Additional Funding for TA 22-30/ D214899, Albany & Syracuse Divisions; Pavement Striping at Various Locations

TA 22-30/D214899, Albany & Syracuse Divisions; Pavement Striping at Various Locations was let on November 9, 2022. The low bid of \$1,096,069.50 was submitted by Straight Line Industries, Inc.

As presented in the attached additional funds memorandum (Exhibit A), at this time, an additional \$271,069.50 is needed to complete Albany & Syracuse Divisions; Pavement Striping at Various Locations. A majority of the cost increase was due to several economic factors including: supply chain issues, rising prices, labor shortages and increases in wages.

The additional funding to complete Albany & Syracuse Divisions; Pavement Striping at Various Locations is available from project deferments and bid savings from the 2023 Contracts Program. Board authorization is requested to approve an additional \$271,069.50 for TA 22-30/ D214899, thus revising the contract value to \$1,096,069.50.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING ADDITIONAL FUNDING FOR TA 22-30/
D214899, ALBANY & SYRACUSE DIVISIONS; PAVEMENT
STRIPING AT VARIOUS LOCATIONS

RESOLVED, that an additional \$271,069.50 (revising the total contract value to \$1,096,069.50.) for TA 20-30/D214899, Albany & Syracuse Divisions; Pavement Striping at Various Locations be, and the same hereby is authorized, and be it further

RESOLVED, that the additional funding be allocated to TAA 22-30/D214899 from project deferments and bid savings from the 2023 Contracts Program, and be it further

RESOLVED, that the Chief Engineer or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the provisions of the contract consistent with the terms of this Item and other Board authorizations and suspend or terminate the contract in the best interests of the Authority, and be it further

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RESOLVED, that this resolution be incorporated in the
minutes of this meeting.



Chief Engineer

RECOMMENDATION APPROVED:



Executive Director



Thruway Authority

KATHY HOCHUL
Governor

JOANNE M. MAHONEY
Chair

MATTHEW J. DRISCOLL
Executive Director

Memorandum

TO: Richard Lee, P.E. **DATE:** November 29, 2022
FROM: Al Mastroianni, P.E. **SUBJECT:** TA 22-30, D214899, H749.2
Albany and Syracuse Division:
Pavement Safety Striping – 2023
Bid Analysis Memo

Letting Date: 11/9/2022 Advertising Period: 3 Week	Bids received: 3
Capital Program Budget Allocation: \$825,000 Engineer's Estimate: \$ 975,000.00 Low Bid: \$ 1,096,069.50 EE Difference: + \$121,069.50 (+12.4%)	Items in Contract: 15 Amendments Issued: 0
Items bid 25% or more over EE: 3 Items bid 75% or more below EE: 0	

Contract TA 22-30 was let on November 9, 2022. There were (3) bids received and Straight Line Industries, Inc. submitted the apparent low bid of \$1,096,069.50, which is 12.4% above the Engineer's Estimate (EE) of \$975,000.00 and 32.9% above the Capital Program Budget Allocation of \$825,000.00. Prior to letting, the EE at the time of advertisement was modified in anticipation of increased commodity price increases and supply chain concerns. The bid analysis for the low bidder is attached.

There are fifteen (15) items in the project, three (3) of which were 25% more than the EE and are highlighted below.

Item 609.0101 Basic Work Zone Traffic Control (Daily Operations) (LS): The EE was based on the bid tabulations from last year's pavement marking project TAA 21-21, which had a low bid unit price of \$15,000.00. The low bidder's unit price was \$20,000.00, resulting in an overrun of \$5,000.00 (33%) over EE. The low bidder was contacted and attributed the increase to rising fuel costs, labor shortages and increases in labor wages as the primary reason for the increase.

Item 635.0303--25 Cleaning and Preparation of Pavement Surfaces-Symbols (Each): The Engineers Estimate (EE) was again based on the bid tabulations from last year's pavement marking project TAA 21-21, which had a low bid unit price of \$50.00. The low bidder's unit price was \$100.00, thus resulting in a minimal overrun of \$850.00 (200%) over EE. The low bidder was contacted and again attributed the increase to rising fuel costs, labor shortages and increases in labor wages as the primary reason for the increase.


Item 685.15 Black Epoxy Pavement Markings (LF): The Engineers Estimate (EE) was based on NYSTA Weighted Average Bid Price Tabulations (9/22/19-9/22/22). The low bidder's unit price was \$2.50, again resulting in a minimal overrun of \$300.00 (67%) over EE.

The remaining twelve (12) items were within acceptable tolerance and represent 95% of the differential between the EE and the low bid. A majority of the \$121,069.50 bid difference was in

the Triple Drop Epoxy Items 685.170X—25. The estimated price of \$0.61 was based on NYSTA Weighted Average Bid Price Tabulations (9/22/19-9/22/22) as well as the bid tabulations from last year's pavement marking project TAA 21-21 and engineering judgement. The low bidder's unit price of \$0.70 was 15% higher than the EE Unit price of \$0.61. This unit price differential represents \$119,677.05 (98.8%) of total difference between the EE and the low bid. The low bidder was contacted and cited supply chain issues, along with rising fuel costs as a combined reason for the increase.

Due to unaccounted economic factors, the unit costs were underestimated, and the bid prices appear reasonable. It is our opinion that the low bid prices represent the true cost of the work. We believe that the contract was competitively bid, and the Authority would not receive lower bids if the project was re-let. Therefore, we recommend that this contract be awarded to the low bidder, **Straight Line Industries Inc.** The additional \$271,069.50 in 2023 cash flow needed for this project is available from future bid savings and/or funding reallocations.

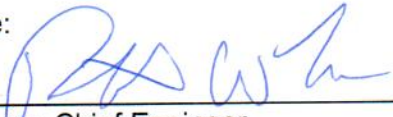
Upon receiving the necessary approvals, we will progress towards the award of this contract. Should you have any questions concerning this matter, please contact our Project Manager, Dan Wheeler, or myself.



Director, Office of Design

Reviewed by Director of Capital & Contracts Management  (Initials)

I Approve:



Richard Lee, Chief Engineer

11/29/22
Date

Funds Allocated:



Matthew Howard, Chief Financial Officer

11/29/22
Date

Attachment
"(ASM:RJC:dw)"

Cc: Division Director –**Phil Serafino, Pat Hoehn**
Div. Capital Plan Manager - **George Marinopoulos, Jerrin George**
Division ADDES –**George Marinopoulos, Remo Radicchi,**
Director, Maintenance and Operations – **James Konstalid**
Director of Capital Program Delivery – (**Vacant**) **Forward to Rich Lee**
Deputy Chief Engineer - **Bob Cournoyer**
Design Bureau Director – **Bob Cournoyer**
Director, OCM – **Darrin Scalzo**
Director, Office of Procurement Services – **Andrew Trombley**
Contracts Unit – **Ron Smith**
OCM Secretary – **Jill Carkner**

Meeting No. 756
Item 20
Appendix T

TO: The Thruway Authority Board

DATE: December 5, 2022

FROM: Richard W. Lee, P.E.
Chief Engineer

SUBJECT: Authorizing Additional Funding for TA 22-32/ D214901, Installation of pavement markings at various locations in the Buffalo Division of the New York State Thruway in Erie and Chautauqua counties

TA 22-32/D214901, Installation of pavement markings at various locations in the Buffalo Division of the New York State Thruway in Erie and Chautauqua counties was let on November 9, 2022. The low bid of \$1,363,196.74 was submitted by Accent Stripe, Inc.

As presented in the attached additional funds memorandum (Exhibit A), at this time, an additional \$238,196.74 is needed to complete Installation of pavement markings at various locations in the Buffalo Division of the New York State Thruway in Erie and Chautauqua counties. A majority of the cost increase was due to several economic factors including: supply chain issues, rising prices, labor shortages and increases in wages.

The additional funding to complete Installation of pavement markings at various locations in the Buffalo Division of the New York State Thruway in Erie and Chautauqua counties is available from project deferments and bid savings from the 2023 Contracts Program. Board authorization is requested to approve an additional \$238,196.74 for TA 22-32/ D214901, thus revising the contract value to \$1,363,196.74.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING ADDITIONAL FUNDING FOR TA 22-32/ D214901
INSTALLATION OF PAVEMENT MARKINGS AT VARIOUS
LOCATIONS IN THE BUFFALO DIVISION OF THE NEW YORK
STATE THRUWAY IN ERIE AND CHAUTAUQUA COUNTIES

RESOLVED, that an additional \$238,196.74 (revising the total contract value to \$1,363,196.74) for TA 20-32/D214901, Installation of pavement markings at various locations in the Buffalo Division of the New York State Thruway in Erie and Chautauqua counties be, and the same hereby is authorized, and be it further

RESOLVED, that the additional funding be allocated to TA 22-32/D214901 from project deferments and bid savings from the 2023 Contracts Program, and be it further

RESOLVED, that the Chief Engineer or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the provisions of the contract consistent with the

Meeting No. 256
Item 20
Appendix T

terms of this Item and other Board authorizations and suspend or terminate the contract in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Chief Engineer

RECOMMENDATION APPROVED:



Executive Director



Thruway Authority

KATHY HOCHUL
Governor

JOANNE M. MAHONEY
Chair

MATTHEW J. DRISCOLL
Executive Director

Memorandum

TO: Richard Lee, P.E.

DATE: November 29, 2022

FROM: Al Mastroianni, P.E.

SUBJECT: TA 22-32, D214901, H749.4
Buffalo and Syracuse Division:
Pavement Safety Striping – 2023
Bid Analysis Memo

Letting Date: 11/09/2022 Advertising Period: 3 weeks	Number of General Contractor Plan Buyers: 4 Bids received: 2
Capital Program Budget Allocation: \$1,125,000 Engineer's Estimate: \$1,300,000 Low Bid: \$1,363,196.74 EE Difference: +\$63,196.74 (+4.86%)	Items in Contract: 15 Amendments Issued: 0
Items bid 25% or more over EE: 0 Items bid 75% or more below EE: 0	

Contract TA 22-32 was let on November 9, 2022. There were (2) bids received and Accent Stripe, Inc. submitted the apparent low bid of \$1,363,196.74, which is 4.86% above the Engineer's Estimate (EE) of \$1,300,000.00 and 21.2% above the Capital Program Budget Allocation of \$1,125,000.00. Prior to letting, the EE at the time of advertisement was modified in anticipation of increased commodity price increases and supply chain concerns. Although only two bids were received, a third plan buyer who did not bid was contacted. That plan buyer, K5 Corporation stated that they did not bid due to the far distance to the project location, along with their anticipated workload for 2023.

There are fifteen (15) items in the project, and there were no items which were 25% more than the EE or 75% below the EE. The bid analysis for the low bidder is attached.

A majority of the \$63,196.74 overrun was in the Triple Drop Epoxy Items 685.170X—25. The estimated price of \$0.69 was based off NYSTA Weighted Average Bid Price Tabulations (9/22/19-9/22/22). The low bidder's unit price of \$0.72 was 4% higher than the EE unit price of \$0.69. This unit price differential represents \$44,302.20 (70%) of total difference between the EE and the low bid. The low bidder was contacted and cited supply chain issues, along with rising fuel costs as a combined reason for the increase.

Due to unaccounted economic factors, the unit costs were underestimated, and the bid prices appear reasonable. It is our opinion that the low bid prices are reasonable and represent the true cost of the work. We believe that the contract was competitively bid, and the Authority would not receive lower bids if the project was re-let. Therefore, we recommend that this contract be awarded to the low bidder, **Accent Stripe Inc.** The additional \$238,196.74 in 2023 cash flow needed for this project is available from future bid savings and/or funding reallocations.




Thruway Authority

KATHY HOCHUL
Governor

JOANNE M. MAHONEY
Chair

MATTHEW J. DRISCOLL
Executive Director


Upon receiving the necessary approvals, we will progress towards the award of this contract. Should you have any questions concerning this matter, please contact our Project Manager, Dan Wheeler, or myself.



Director, Office of Design

Reviewed by Director of Capital & Contracts Management  (Initials)

I Approve:



Richard Lee, Chief Engineer



Date

Funds Allocated:



Matthew Howard, Chief Financial Officer



Date

Attachment

- Cc: Division Director – **Pat Hoehn, Matt Latko**
Div. Capital Plan Manager - **Jerrin George, Scott Helser**
Division ADDES – **Remo Radicchi, Charles Whetstone**
Director, Maintenance and Operations – **James Konstalid**
Director of Capital Program Delivery – **(Vacant) Forward to Rich Lee**
Deputy Chief Engineer– **Bob Cournoyer**
Design Bureau Director – **Bob Cournoyer**
Director, OCM – **Darrin Scalzo**
Director, Office of Procurement Services – **Andrew Trombley**
Contracts Unit – **Ron Smith**
OCM Secretary – **Jill Carkner**

Meeting No. 755
Item: 21
Appendix: U

To: The Thruway Authority Board
From: Joanne M. Mahoney, Chair
Subject: 2023 Board of Directors Meeting Schedule

Date: December 5, 2022

The item seeks the Board to consider and adopt the proposed Board Meeting schedule for 2023, direct the Secretary to the Board to notify staff and publish the scheduled meeting dates on the Thruway Authority's public website. The meetings will be held in the Board Room at 200 Southern Boulevard, Albany, New York and shall commence at 11 a.m.

RECOMMENDATION:

I recommend the Board approve and adopt the revised meeting calendar for 2023 attached hereto Exhibit A.



TO: Board Members

FROM: Chair Mahoney

SUBJECT: Proposed 2023 Board Meeting Dates

Listed below are proposed dates for the 2023 Thruway Authority Board Meeting Calendar. If you have concerns regarding any of the proposed dates, please contact Tanya Morris and your concerns will be addressed prior to finalizing the schedule for the upcoming year. Thank you.

Board of Directors Meeting Schedule Calendar Year 2023

Start Time 11:00 a.m.

Jan 23, 2023

March 27, 2023

May 22, 2023

September 18, 2023

November 13, 2023