



MINUTES

NEW YORK STATE THRUWAY AUTHORITY

BOARD MEETING NO. 653

SEPTEMBER 14, 2006

Minutes of a meeting of the New York State Thruway Authority, held in the Board Room at Administrative Headquarters, 200 Southern Boulevard, Albany, New York, 12209.

The meeting began at 10:35 a.m.

John L. Buono, Chairman
John R. Riedman, Board Member
Nancy E. Carey Cassidy, Board Member
Erin M. Crotty, Board Member
Jeffrey D. Williams, Board Member

Constituting all of the members of the Thruway Authority Board.

In addition, there were present the following staff personnel:

Michael R. Fleischer, Executive Director
John Bryan, Chief Financial Officer
Sharon O'Connor, General Counsel
William Rinaldi, Director, Albany Division
Joanne Riddett, Director, Information Technology
Christopher Waite, Director, Engineering Services and Chief Engineer
Jill Warner, Secretary and Board Administrator
Major George Beach, Troop T
Daniel Gilbert, Chief of Staff
Wendy Allen, Deputy Chief of Staff
Thomas Fitzgerald, Acting Director, Administrative Services
Donald Bell, Director, Operations and Maintenance
Carmella Mantello, Director of Canal Corporation

Michael Flynn, Director, Audit & Management Services
Kevin Allen, Unit Supervisor, Audit & Management Services
Dorraine Steele, Director, Office of Fiscal Audit and Budget
Lawrence Frame, Deputy Director of Canal Corporation
Richard Garrabrant, Director, Syracuse Division
William Leslie, Director, Buffalo Division
Ramesh Mehta, Director, New York Division
Cathy Sheridan, Canal Capital Program
David Boshart, Land Management, Canal Corporation
Richard Harris, Deputy Director of Canal Community Development and Land Management
Karen Osborn, Budget, Office of Fiscal Audit and Budget
Jim Chicoine, Director, Office of Capital Program Management
Charles Flynn, Assistant Director, Bureau of Management Analysis and Projects
Jennifer Meicht, Deputy Director, Canal Office of Communications and Marketing
Sharon Leighton, Community Relations, Canal Office of Community Development & Land Management
Betsy Graham, Acting Director, Office of Public Affairs
Patrick Noonan, Senior Public Information Specialist, Office of Public Affairs
Also in Attendance:
Cathy Woodruff, Reporter, Albany Times Union
Murray Bodin, public
Rick Goebelle, Vollmer & Associates

Chairman Buono noted that he, Mr. Riedman, Ms. Carey Cassidy, Ms. Crotty and Mr. Williams had received and reviewed the Agenda submitted for consideration at this meeting and were prepared to act on each of the items.

The Chairman called the meeting to order.

Ms. Warner recorded the minutes as contained herein.

Public notice of the meeting had been given, Ms. Warner said.

Chairman Buono asked for a moment of silence to commemorate 9-11 and the lives lost, as well as the one-year anniversary of the passing of former Executive Director John Platt and the recent passing of Trooper Longobardo.



Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting Nos. 651 and 652

On the motion of Ms. Crotty, seconded by Mr. Riedman, without any objections, the Board approved the minutes of Meeting Nos. 651 and 652 held on July 6, 2006 and August 18, 2006 respectively, which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Fleischer (Appendix B)
Report to Thruway Authority Board for Personal Service Contracts Up to \$150,000 for the Period April 1, 2006 through June 30, 2006

Mr. Fleischer submitted as Exhibit I a listing containing Personal Service Contracts up to \$150,000 for the period of April 1, 2006 through June 30, 2006.

Ms. Carey Cassidy disclosed that two of the companies listed in the report are tenants of Picotte Companies where she serves as Executive Vice President and Chief Operating Officer. She further indicated that staff at the State Ethics Commission had orally advised that there was no need for her to abstain on this Item.

After full discussion, on the motion of Mr. Riedman, seconded by Ms. Crotty, without any objections, the Board accepted Mr. Fleischer's report.

Item 3 by Mr. Bryan (Appendix C)
Investment Transactions

Following discussion regarding the purchase of authorized securities, repurchase agreements and certificates of deposit on the motion of Mr. Williams, seconded by Ms. Carey Cassidy, without any objections, the Board accepted the Authority's quarterly report on Investment Transactions.

Item 4 by Mr. Bryan (Appendix D)
Approving Revisions to Procurement Contracts Policy 25-5-01

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5545
APPROVING REVISIONS TO PROCUREMENT
CONTRACTS POLICY 25-5-01



Item 4 by Mr. Bryan (Appendix D)

Approving Revisions to Procurement Contracts Policy 25-5-01 (Continued)

RESOLVED, that the revisions to the Authority's Procurement Contracts Policy (25-5-01) identified in Exhibit A attached hereto (material to be deleted is struck through, while material to be added is underscored) be, and the same hereby are, approved; and be it further

RESOLVED, that the revised Policy shall take effect immediately; and be it further

RESOLVED, that the Executive Director be, and he hereby is, authorized to, in consultation with the Chief Financial Officer and the Chief of Staff, develop or modify operational and/or administrative procedures as necessary to implement the revised Policy; and be it further

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

Item 5 by Bryan (Appendix E)

Financial Reports – June and July 2006

Mr. Bryan reported that net toll revenue in the first seven months of 2006 was \$41.1 million over the level collected in the same period of 2005, representing an increase of 14.9 percent (\$22.6 million of this increase was from passenger vehicles and \$18.5 million was from commercial vehicles).

Higher fuel prices and their affect on demand have led to a 3.36 percent reduction in gasoline deliveries to Authority service areas and have caused a 4.3 percent decline in gasoline revenues due to the Authority. Despite small growth in restaurant sales, restaurant revenues were down due to a contractual decrease in the rental rate at the HMS Host food facilities that started in October 2005. As a result, for the first seven months of 2006 total concession revenue is about 9.9 percent or \$784,000 below the level collected in the first seven months of 2005.

Sundry and other revenue collections continue to significantly exceed last year's levels – up by just over \$4.4 million or 39.3 percent. Most of this increase is due to higher interest earnings received on investments, higher rental income and higher business/commercial tag fees.



Item 5 by Bryan (Appendix E)
Financial Reports – June and July 2006(Continued)

Accounting for toll, concession, sundry and other revenue collections, total operating revenue in the first seven months of 2006 reached just under \$339 million which was about \$45.0 million or 15.2 percent above the level collected in the first seven months of 2005.

While the Authority had strong growth in commercial toll collections due to consistently strong traffic growth this summer, I am concerned about the very low or negative growth seen in passenger toll collections. Based on traffic and revenue data, passenger traffic and revenue growth, particularly on weekends, has been very low compared to last year's levels. I attribute this trend to higher than anticipated fuel prices having a negative impact on discretionary trips, like vacations, on passenger traffic. Unfortunately the summer months are the strongest revenue months, so this trend has been a concern and as a result I will be recommending to the Board in a subsequent item today, we should reduce our revenue estimates for 2006.

On the operating expense side, for the first seven months of 2006 total operating expenses were \$15.7 million or 7.7 percent above expenses for the same period in 2005. However, these expense numbers include a \$5.0 million deposit made to Claims Reserves. After adjusting for this reserve deposit, expenses increased by only 5.2 percent or \$10.7 million, which highlights the success of the Authority's ongoing cost containment efforts when compared to inflationary growth of the inputs that are commonly used by the Authority.

Following discussion regarding the financial condition of the Authority, on the motion of Mr. Williams, seconded by Ms. Carey Cassidy, without any objections, the Board accepted the Financial Reports for the months of June and July 2006.

Item 6 by Mr. Bryan (Appendix F)
Report on the 2006 Financial Plan

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Williams, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5546
REPORT ON THE 2006 FINANCIAL PLAN



Item 6 by Mr. Bryan (Appendix F)
Report on the 2006 Financial Plan (Continued)

RESOLVED, that the Report on the 2006 Financial Plan 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 revised financial plan for 2006, 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 this resolution be incorporated in the minutes of this meeting

Report by Michael Fleischer

Mr. Fleischer reported that more than 1135 customers have subscribed to the TRANSalert service since August 21, 2006. TRANSalert is a free service provided by the Authority. Customers can select the days/time they wish to receive TRANSalert notifications and they can select the region(s) they wish to receive alerts for along the Thruway. Modifications are still being made to the available timeframes, locations to send/receive alerts, and volume of alerts.

EXAMPLE:

With CAD and ATMS Integration, travelers would be notified of traffic incidents sooner on the road enabling them to make advance choices to either stay on the highway or, to seek an alternate route before backups prohibit them from doing so.

For example, with CAD & ATMS integration if there were an accident at mp 145.7 northbound at 3:01 p.m. the dispatcher would enter the accident information into CAD, and the system would handle the incident management with State Police, tow services, ambulance, etc.



Report by Michael Fleischer (Continued)

At 3:02 p.m. the CAD event would be sent automatically to the ATMS where the event is entered and an alarm would warn the operator. The operator would then acknowledge the event, and would activate the suggested response.

DMS mp 139 northbound would read "ACCIDENT AHEAD WATCH FOR SLOW OR STOPPED TRAFFIC." Similar wording would then be used for the Albany HAR, and if necessary would detail a diversion of traffic off at Interchange 23. Automatic notifications would be sent to the Capital District TMC, information service providers and to pre-approved media outlets. At 3:05 p.m., the operator would verify the situation, invoke the response automatically and, within minutes, travelers would be warned.

All of the systems mentioned above are components of the Authority's Intelligent Transportation Systems (ITS). Staff is currently completing an ITS strategic plan that by the end of 2007 will provide an automated, interoperable, responsive, maintainable ITS program that provides customers with readily accessible information that is complete, timely, accurate and actionable.

To accelerate the Authority's ITS Program, the Authority included projects totaling more than \$34 million into the proposed 2007 Capital Plan including more Closed Circuit Televisions (CCTV), Traffic Loops, and TRANSMIT devices that translate delays into travel times between locations; and the devices that allow for dissemination of this information to travelers namely Dynamic Message Signs (DMS). While included in the 2007 Contracts Program, some of these projects will not be operational until 2008 and 2009.

At this time, there are nine cameras available on the Authority's website. By the end of this year, the Authority hopes to have another 50 cameras available online. Again, the Authority included projects totaling more than \$34 million into the proposed 2007 Capital Plan that will result in the installation in 2008 and 2009 of an additional 60 cameras in the Syracuse Division and remaining areas.

The Authority is looking to work with media outlets to further promote E-ZPass and TRANSystem. In order for Thruwayvideo images to be captured by News12 for broadcast, it is necessary for the Authority to upgrade encoders (the older encoders are no longer available on the open market). While only 29 camera encoders would be needed for News12, this is technology that would be needed for all our



Report by Michael Fleischer (Continued)

cameras to make the images available for others. The Authority will be upgrading cameras for approximately \$250,000. NYSTA would purchase all the equipment this year and target installation at the 29 initially, to be followed by all the others.

By the end of 2006, 70 cameras will be in operation; the majority will be available on the Authority's website. In 2007, an additional 16 cameras will be operational (Buffalo metropolitan area). In 2008, an additional 60 cameras will be operational (including the Syracuse Division & remaining areas). By the end of 2008, there will be approximately 150 cameras operational. The Authority will make every effort to make cameras available on the website.

The Authority is also working with DMV to actively promote E-ZPass On-the-Go and TRANSsystem. 250,000 handouts will be included in DMV registration renewals beginning this October. The outreach will take place over a six-month period.

Currently there are a total of 424 toll lanes in operation at the 61 toll collection points along the Thruway. E-ZPass customers can travel at speeds up to 35 miles per hour in designated lanes at the Tappan Zee Bridge and 20 miles per hour at a total of 12 toll collection points.

Since January, the Authority has been working to implement the first New York State Thruway Highway Speed E-ZPass lanes at the existing Spring Valley Toll Barrier. The initiative will allow commercial E-ZPass customers to drive through the area at highway speeds by December 2006. The Authority also plans to begin work on Highway Speed E-ZPass at the Woodbury Toll Barrier (Orange County) in 2007 and the Williamsville Toll Barrier (Erie County) in 2008, which will allow E-ZPass customers to travel from one end of the state to the other without slowing down to pay a toll.

The Authority has already, striped 27 toll plazas, installed 410 signs and dedicated 18 lanes to E-ZPass traffic. The lane striping includes extending the current striping on the approach pavement, numbering each lane on the pavement to correspond with the overhead canopies and installing signs in advance of the plazas to identify E-ZPass designated lanes. To more clearly distinguish dedicated E-ZPass lanes, the Authority painted the E-ZPass logo in purple on the lanes in an effort to reduce weaving and improve traffic flow through the toll plazas.



Report by Michael Fleischer (Continued)

By the end of 2006, the Authority will activate 32 additional higher speed lanes, stripe 17 additional toll plazas, install 75 additional signs, and dedicate 61 additional lanes to E-ZPass.

Alternative fuels are included in improvements to Authority Travel Plazas. The E85 dispenser will be in place at the New Baltimore Travel Plaza before the end of the year. Other locations will be announced pending the results from a collaborative report prepared by NYSEERDA, DEC and the Authority, which is due out at the end of the year. The Authority is working to identify a list of locations to recommend to NYSEERDA, however they are required by law to issue a report on how to implement alternative fuels on the Thruway by the end of December. The law requires implementation of alternative fuels by the end of 2007.

Plans for maintaining the infrastructure of the Thruway in 2007 include 191 miles of new and/or rehabilitated highway; 16 new and/or rehabilitated bridges; four new highway-speed E-ZPass lanes at Woodbury and one new higher-speed E-ZPass lane at LeRoy.

Mr. Fleischer concluded his report to the Board by stating that the Authority will continue its commitment to service through maintenance and operation of the highway, delivering high levels of safety and service, working to improve the travelers' experience and implementing the 2007 Contracts Program.

Item 7 by Mr. Bryan (Appendix G)

Approval of the 2007 Recommended Budget for the New York State Thruway Authority

After full discussion, on the motion of Ms. Crotty, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5547
**APPROVAL OF THE 2007 RECOMMENDED BUDGET
FOR THE NEW YORK STATE THRUWAY
AUTHORITY**

**RESOLVED, that the Authority's proposed Budget
for the fiscal year 2007, submitted by the Executive**



Item 7 by Mr. Bryan (Appendix G)

Approval of the 2007 Recommended Budget for the New York State Thruway Authority (Continued)

Director, the Chief of Staff 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 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 in accordance with Section 2801 of the Public Authorities Law, and be it further

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

Item 8 by Mr. Bryan (Appendix H)

Approving the Thruway Authority Real Property Management Standard Operating Procedures (500-2)

After full discussion, on the motion of Mr. Williams, seconded by Ms. Crotty, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5548
APPROVING THE THRUWAY AUTHORITY REAL PROPERTY MANAGEMENT STANDARD OPERATING PROCEDURES (500-2)

RESOLVED, that the Thruway Authority Real Property Management Standard Operating Procedures



Item 8 by Mr. Bryan (Appendix H)

Approving the Thruway Authority Real Property Management Standard Operating Procedures (500-2) (Continued)

(Thruway SOPs) (500-2), attached hereto as Exhibit A be, and the same hereby is, approved; and be it further

RESOLVED, that thereafter, the Executive Director be, and hereby is authorized to, in consultation with the Chief Financial Officer and the Chief of Staff, modify and/or develop additional Thruway SOPs as necessary to insure that they incorporate and are consistent with the Thruway Authority Real Property Management Policy; and be it further

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

Item 9 by Mr. Mehta (Appendix I)

Authorizing the Executive Director to Execute an Agreement with the National Multiple Sclerosis Society-Southern New York Chapter to Conduct “The 2006 Great TZ Bike Tour for MS” and Undertake such Other Measures as may be Required to Facilitate the Event

After full discussion, on the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5549

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH THE NATIONAL MULTIPLE SCLEROSIS SOCIETY - SOUTHERN NEW YORK CHAPTER TO CONDUCT ‘THE 2006 GREAT TZ BIKE TOUR FOR MS’ AND UNDERTAKE SUCH OTHER MEASURES AS MAY BE REQUIRED TO FACILITATE THE EVENT

RESOLVED, that the Executive Director be, and he hereby is, authorized to execute an agreement with the National Multiple Sclerosis Society- Southern New York Chapter (“MS Society”) to hold a bicycling event – “The 2006 Great TZ Bike Tour for MS” (“Event”) – under such



Item 9 by Mr. Mehta (Appendix I)

Authorizing the Executive Director to Execute an Agreement with the National Multiple Sclerosis Society-Southern New York Chapter to Conduct “The 2006 Great TZ Bike Tour for MS” and Undertake such Other Measures as may be Required to Facilitate the Event (Continued)

terms and conditions as the Executive Director, in consultation with the General Counsel, determines to be in the best interest of the Authority; and be it further

RESOLVED, that the agreement will require that the MS Society remit \$27,000 to the Authority to offset the cost of assisting with the Event; 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 Executive Director or his designee be, and he hereby is, authorized to take all appropriate actions to facilitate the Event; and be it further

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

Item 10 by Ms. Allen (Appendix J)

Approving Revisions to Records Retention and Disposal Policy (25-1-03)

After full discussion, on the motion of Mr. Williams, seconded by Ms. Crotty, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5550
APPROVING REVISIONS TO RECORDS RETENTION
AND DISPOSAL POLICY (25-1-03)



Item 10 by Ms. Allen (Appendix J)

Approving Revisions to Records Retention and Disposal Policy (25-1-03) (Continued)

RESOLVED, that the Records Retention and Disposal Policy approved by the Board pursuant to Resolution No. 3191 adopted on September 24, 1986 at Meeting No. 455 is hereby revoked and rescinded; and be it further

RESOLVED, that the General Policy on Records Retention and Disposal (25-1-03) attached hereto as Exhibit A be, and hereby is, approved; and be it further

RESOLVED, that such Policy shall take effect immediately; and be it further

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

Item 11 by Mr. Bell (Appendix K)

Authorizing the Executive Director to Execute a Fourth Amendment to Agreement C100246 with ACS State & Local Solutions, Inc. for E-ZPass New York Customer Service Center Services

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Williams, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5551

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FOURTH AMENDMENT TO AGREEMENT C100246 WITH ACS STATE & LOCAL SOLUTIONS, INC. FOR E-ZPASS NEW YORK CUSTOMER SERVICE CENTER SERVICES

RESOLVED, that the Executive Director be, and hereby is, authorized to execute a Fourth Amendment to Agreement C100246 with ACS State and Local Solutions, Inc. to provide the Authority with E-ZPass Customer Service Center services; and be it further



Item 11 by Mr. Bell (Appendix K)

Authorizing the Executive Director to Execute a Fourth Amendment to Agreement C100246 with ACS State & Local Solutions, Inc. for E-ZPass New York Customer Service Center Services (Continued)

RESOLVED, that such Fourth Amendment shall extend the term of the Agreement for 15 months to February 29, 2008, increase the monetary cap by \$18.8 million (to \$168.3 million), and shall be on such other terms and conditions as 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 Authority's Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered pursuant to such Agreement to the Operating Budget; 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 12 by Mr. Bell (Appendix L)

Authorizing a Contract with Sunoco, Inc. (R&M) from October 1, 2006 to September 30, 2016 to Operate and Maintain Fuel Service Facilities

After full discussion, on the motion of Mr. Williams, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5552

**AUTHORIZING A TEN YEAR CONTRACT WITH
SUNOCO, INC. (R&M) FROM OCTOBER 1, 2006 TO
SEPTEMBER 30, 2016**



Item 12 by Mr. Bell (Appendix L)

Authorizing a Contract with Sunoco, Inc. (R&M) from October 1, 2006 to September 30, 2016 to Operate and Maintain Fuel Service Facilities (Continued)

RESOLVED, that a ten year contract with Sunoco, Inc. (R&M) is, and the same hereby is authorized, on the terms contained herein, and be it further

RESOLVED, that the Executive Director or his designee be, and he hereby is, authorized to execute and take all actions necessary to implement such contract on behalf 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 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 Resolution No. 5508 adopted at Meeting No. 650 held on May 4, 2006 be and the same hereby is withdrawn; and be it further

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

Item 13 by Mr. Waite (Appendix M)

Approving the 2007 Contracts Program

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5553
APPROVING THE 2007 CONTRACTS PROGRAM

RESOLVED, that the 2007 Contracts Program for Highway, Bridge, Intelligent Transportation Systems,



Item 13 by Mr. Waite (Appendix M)
Approving the 2007 Contracts Program (Continued)

Architectural and Mandated Projects be, and the same hereby is, approved, and be it further

RESOLVED, that the Chief Engineer 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 2007 Contracts Program;**
- B. to hold the respective Engineer's/ Architect's Estimate of Cost for such contracts confidential;**
- C. to advertise for receipt of bids for those projects which are tabulated in the 2007 Contracts Program:**
 - 1. when the final Engineer's/Architect's Estimates of Cost are equal to or less than the project's budget allocations, and**
 - 2. when the final Engineer's/Architect's Estimate of Cost does not exceed the project's budget allocation by more than \$75,000 for projects with budget allocations of up to \$500,000 or by more than 15 percent for projects with budget allocations that exceed \$500,000 provided confirmation is received from the Department of Finance and Accounts that sufficient funds are available in the 2007 Contracts Program, or**
 - 3. when the final Engineer's/Architect's Estimate of Cost exceeds the project's budget allocation beyond the limits in (2), provided that he receives prior approval of the Executive Director and confirmation from the Department of Finance and Accounts that sufficient funds are available in the 2007 Contracts Program;**
- D. to award any such contract to the lowest responsible bidder when it is deemed to be an acceptable bid, and:**



Item 13 by Mr. Waite (Appendix M)
Approving the 2007 Contracts Program (Continued)

1. the low bid is equal to or less than the Engineer's/Architect's Estimate; or
 2. the low bid exceeds the Engineer's/Architect's Estimate by up to \$75,000 on contracts up to and including \$500,000, or 15 percent on contracts over \$500,000 and confirmation is received from the Department of Finance and Accounts that, by virtue of bid savings and/or deferrals, sufficient funds are available for the additional difference between the Estimate amount and the low bid; or
 3. the low bid exceeds the Engineer's/Architect's Estimate by up to \$100,000 on contracts up to and including \$500,000, or 20 percent on contracts over \$500,000, provided that he receives prior approval of the Executive Director and confirmation from the Department of Finance and Accounts that, by virtue of bid savings and/or deferrals, sufficient funds are available for the additional difference between the Estimate amount and the low bid; or
 4. the low bid exceed the limits of (1), (2) or (3) provided he obtains Board authorization for the necessary additional funds;
- E. 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 interests, 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;
- F. to approve contingent or extra work on such construction contracts, when necessary, provided the additional cost shall not exceed the bid price by more than \$150,000, for contracts bid up to and including \$1,000,000, or 15 percent for contracts bid in excess



Item 13 by Mr. Waite (Appendix M)
Approving the 2007 Contracts Program (Continued)

of \$1,000,000 and to approve additional extra work, beyond that authorized above with the prior approval of the Executive Director, provided the final cost of the respective contracts shall not exceed the total bid price by more than \$200,000, for contracts bid up to and including \$1,000,000, or 20 percent for contracts bid in excess of \$1,000,000; and to adjust and determine disputed contract claims in accordance with contract documents;

- G. to enter into, extend, and modify project specific agreements or multi-project agreements with localities, utility companies, railroads, and/or others as may be necessary in order to facilitate the administration, award, progress and completion of such contracts;
- H. to acquire and grant such 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 2007 Contracts Program; provided that the total amount of acquisitions or the amount of grants for any one project shall not exceed \$150,000 each without Board authorization;
- I. to execute engineering agreements approved by the Board, or where otherwise authorized by the Executive Director, including amendments thereto, for services relating to projects included in the 2007 Contracts Program;
- J. to approve a supplemental agreement, for expenditure of additional funds in furtherance of a Board approved engineering agreement, including any Board approved supplemental agreement, provided that the amount of such additional funds does not exceed \$150,000 in the case of agreements up to and including \$3,000,000, or 5 percent, in the case of agreements of over \$3,000,000;
- K. to approve, with the prior approval of the Executive Director, a supplemental agreement for expenditure



Item 13 by Mr. Waite (Appendix M)
Approving the 2007 Contracts Program (Continued)

of additional funds in furtherance of a Board approved engineering agreement, including any Board approved supplemental agreement, provided that the amount of such additional funds does not exceed 25 percent including any additional funds authorized in paragraph J; and provided further, when such supplemental agreement includes additional new design or construction inspection tasks, such approval must be based upon the following: it is determined that the assignment of the additional tasks is in the best interests of the Authority when considering the proximity of the additional tasks to the ongoing tasks, or it is determined to be in the best interests of the Authority to expedite the additional tasks through such assignment, or it is determined that significant savings to the Authority will result through the assignment of the additional tasks;

- L. to exercise all powers reserved to the Authority under the provisions of any contracts or agreements executed pursuant to this item, 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 by the Board to approve expenditures or to increase expenditures for contracts and agreements shall be in addition to those powers granted under this resolution and any action taken pursuant thereto shall be deemed to be authorized under this resolution and be it further



Item 13 by Mr. Waite (Appendix M)
Approving the 2007 Contracts Program (Continued)

RESOLVED, that in accordance with the other powers delegated herein, the Chief Engineer shall be, and hereby is, authorized to make all necessary decisions pursuant to the State Environmental Quality Review Act (SEQRA) with relation to the 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; on approved additional funds for construction contracts over and above the contingency funds; on all engineering agreements and supplemental engineering agreements, approved pursuant to the provisions of this resolution, and be it further

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

- A.** upon award of such contracts to return such funds budgeted for such projects in the respective 2007 Budgets which are otherwise not required for expenditure during 2007 to its proper fund in accordance with acceptable budgeting and accounting procedure;
- B.** to monitor total cash expenditures for the 2007 Contracts Program to insure that they do not exceed \$389,014,458 during the 2007 Fiscal Year;
- C.** to return bid checks submitted for such contracts to unsuccessful bidders; and to make necessary adjustments in the respective 2007 approved Budgets as required by implementation of any part of the Resolution relative to the 2007 Contracts Program; and be it further

RESOLVED, that the Executive Director or Chief Engineer be, and they hereby are, authorized to execute such contracts, including any amendments thereto, provided such amendments do not increase the authorized contract



Item 13 by Mr. Waite (Appendix M)
Approving the 2007 Contracts Program (Continued)

value beyond that which is otherwise authorized; and be it further

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

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

Item 14 by Mr. Waite (Appendix N)
Approving Supplemental Agreement No. 2 to D213122 with DMJM+ Harris, Inc. for the Tappan Zee Bridge/I-287 Corridor Environmental Review

This Item was withdrawn from consideration at this time.

Item 15 by Mr. Waite (Appendix O)
Authorizing Negotiation and Execution of Engineering Agreement D213633 with Tectonic Engineering & Surveying Consultants P.C for Construction Inspection Services Relative to TANY 06-43, Roadway Resurfacing with Safety Improvements from M.P. 29.5 to M.P. 38.7 in the New York Division

After full discussion, on the motion of Mr. Williams, seconded by Ms. Carey Cassidy, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5554

**AUTHORIZING NEGOTIATION AND EXECUTION OF
ENGINEERING AGREEMENT D213633 WITH
TECTONIC ENGINEERING & SURVEYING
CONSULTANTS P.C. FOR CONSTRUCTION
INSPECTION SERVICES RELATIVE TO TANY 06-43,
ROADWAY RESURFACING WITH SAFETY
IMPROVEMENTS FROM M.P. 29.5 TO M.P. 38.7 IN THE
NEW YORK DIVISION**



Item 15 by Mr. Waite (Appendix O)

Authorizing Negotiation and Execution of Engineering Agreement D213633 with Tectonic Engineering & Surveying Consultants P.C for Construction Inspection Services Relative to TANY 06-43, Roadway Resurfacing with Safety Improvements from M.P. 29.5 to M.P. 38.7 in the New York Division (Continued)

RESOLVED, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213633 with Tectonic Engineering & Surveying Consultants P.C., 70 Pleasant Hill Road, Mountainville, New York 10953 for construction inspection services relative to TANY 06-43, Roadway Resurfacing with Safety Improvements from M.P. 29.5 to M.P. 38.7 in the New York Division, provided that the Maximum Amount Payable does not exceed the \$1,250,000 which is currently provided through the 2007 Contracts Program (Items H881.1 and B608.1), 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 2007 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further

RESOLVED, that the information relating to this agreement be included in the Chief Engineer's Quarterly Report to the Board on Contracts Program activities, such information to include the exact Maximum Amount Payable and date of execution of the agreement and be it further

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



Adjournment

There being no further business to come before the Board, on the motion Ms. Crotty, seconded by Mr. Williams, without any objections, the meeting was adjourned.

**Jill B. Warner
Secretary**

