



# **BOARD OF DIRECTORS MEETING**

**JUNE 6, 2022**

**ALBANY, NEW YORK**



**NEW YORK**  
STATE OF  
OPPORTUNITY™

**Thruway  
Authority**

**BOARD MEETING AGENDA**

Meeting Number 754

June 6, 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. 753
2. Review and Approval of the January, February & March 2022 Financial Reports
3. Review and Approval of the Authority's Quarterly Investment Report
4. Approving and Adopting the Fourteenth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds (Transportation), Series 2022A, Approving the Forms of Certain Related Documents and Authorizing the Execution of Any Other Documents Thereto

**C. Report to the Board**

**D. Action Items**

5. Authorizing the Executive Director to Execute an Amendment to Agreement C010656 with Accenture LLP for Business Consulting and Implementation Advisory Services
6. Authorizing the Executive Director to Execute an Agreement C010674 with American Traffic Solutions, Inc. (DBA "Verra Mobility") for Automated Work Zone Speed Enforcement
7. Authorizing the Executive Director to Execute a Fourth Amendment to Agreement C100739 with Conduent State & Local Solutions, Inc. for E-ZPass New York Customer Service Center Services
8. Authorizing the Executive Director to Execute an Interagency Agreement C132945 with the Triborough Bridge & Tunnel Authority.
9. Declaring Real Property Reference No. 536, Located in the Villages of Suffern and Montebello and Town of Ramapo and County of Rockland, as Not Necessary for the Authority's Corporate Purposes and Authorizing the Sale Thereof
10. Authorizing Agreements with Various Telecommunications Providers for the Use of the New York State Thruway Authority's Fiber Optic System.

11. Term Agreement for D214876 Construction Inspection Support Services
12. Term Agreement for D214879 Material Testing and Inspection – Albany and Syracuse Divisions
13. Term Agreements for D214877 and D214878 Testing and Inspection of Structural Steel Statewide, Regional and National
14. Term Agreements for D214880 and D214881 Land Surveying and Right-of-Way Mapping Services – Albany, Buffalo, New York and Syracuse Divisions
15. Term Agreement for D214882 - Environmental Services - Statewide
16. Authorizing Additional Funding for D214341
17. Report on Procurement Contracts and Other Agreements Up to \$300,000 Executed by the Executive Director During the Period January 1, 2022 Through March 31, 2022
18. Authorization for the Executive Director to Approve 2022 Salary Actions for Management/Confidential Employees

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

**F. Other Business**

**G. Adjournment**

Meeting No. 754

Item 1

Appendix A

TO: The Thruway Authority Board

DATE: June 6, 2022

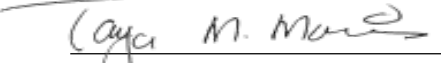
FROM: Tanya M. Morris  
Secretary

SUBJECT: Approval of Minutes of Board Meeting No. 753

Copies of the Minutes of Board Meeting No. 753 was made available to the Board Members as part of the Agenda.

RECOMMENDATION

It is recommended that the Minutes of Board Meeting No. 753 held on March 28, 2022 be approved by the Board.

  
Secretary

RECOMMENDATION APPROVED:

  
Executive Director



**MINUTES  
NEW YORK STATE THRUWAY AUTHORITY  
BOARD MEETING NO. 753  
March 28, 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 11:43 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, Board Member  
Steve Saland, 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  
John Barr, Acting Director Administrative Services  
Mary Boehm, Acting Director, Audit Management  
Services  
Andy Trombley, Director of Contracts & Procurements  
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 752**

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. 752 held January 31, 2022, which was made available to the Board Members as part of the Agenda.

#### **Item 2 by Matt Howard (Appendix B)** **Financial Report– December 2021**

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 Report for December 2021.

#### **Item 3 by Matt Howard (Appendix C)** **Review and Approval of the Authority's Annual Investment Report**

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 approved the Authority's Annual Investment Report and adopted the following resolution:

RESOLUTION NO.6348

REVIEW AND APPROVAL OF THE AUTHORITY'S ANNUAL  
INVESTMENT REPORT

RESOLVED, that the Authority's Investment Report including the revised policy statement FINANCIAL INVESTMENTS, the annual report by the independent auditors, and the listing of investment income has been reviewed and is hereby approved, and be it further

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

**Item 4 by Matthew Howard (Appendix D)**  
**Annual Report of the 2021 Procurement Contracts**

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 approved the Annual Report of the 2021 Procurement Contracts and adopted the following resolution:

RESOLUTION NO. 6349

ANNUAL REPORT OF 2021 PROCUREMENT ONTRACTS

---

RESOLVED, that the Schedules of 2021 Procurement Contracts (Exhibits A1, A2 and A3), as submitted, are hereby accepted, and be it further

RESOLVED, that all such contracts were executed in accordance with the applicable provisions of the following Board approved Policy Statement: PROCUREMENT CONTRACTS

(25-5-01), unless otherwise authorized by the Board, and be it further

RESOLVED, that the Bond Sale Report for Calendar Year 2021 (Exhibit B), as submitted, is hereby accepted, and be it further

RESOLVED, that staff is authorized to submit this report to the New York State entities as required by Section 2879 of the Public Authorities Law, and be it further

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

**Item 5 by Presentation by Brendan Kennedy (Appendix E)**  
**Report of BST & Co. CPAs, LLC's Audit of the Authority's Financial Statements,**  
**Report on Compliance with Single Audit Requirements, Report on Compliance with**  
**Investment Guidelines and Required Communications to the Authority's Board**

Mr. Kennedy 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 Report and adopted the following resolution:

**RESOLUTION NO. 6350**

**REVIEW AND APPROVAL OF THE REPORT OF BST & CO.**  
**CPAs, LLC's AUDIT OF THE AUTHORITY'S FINANCIAL**  
**STATEMENTS, REPORT ON COMPLIANCE WITH SINGLE**  
**AUDIT REQUIRMENTS, REPORT ON COMPLIANCE**  
**WITH INVESTMENT GUIDELINES AND REQUIRED**  
**COMMUNICATIONS TO THE AUTHORITY'S BOARD**



RESOLVED, that the Authority's Financial Statements, Report on Compliance with Single Audit Requirements, Report on Compliance with Investment Guidelines and Report on Internal Control Over Financial Reporting and Compliance and Other Matters Based on an Audit of the Authority's Financial Statements has been reviewed and is hereby approved, and be it further

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

**Item 6 by Frank Hoare (Appendix F)**  
**Review and Approval of Real Property Management Policy, Personal Property Disposal Policy, Procurement Contracts Policy, Whistleblower Policy, and Code of Ethics Policy**

Mr. Hoare presented the resolution for Review and Approval of Real Property Management Policy, Personal Property Disposal Policy, Procurement Contracts Policy, Whistleblower Policy, and Code of Ethics Policy.

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 Review and Approval of Thruway Policy's and adopted the following resolution:

**RESOLUTION NO. 6351**

REVIEW AND APPROVAL OF REAL PROPERTY  
MANAGEMENT POLICY, PERSONAL PROPERTY DISPOSAL  
POLICY, PROCUREMENT CONTRACTS POLICY,  
WHISTLEBLOWER POLICY, CODE OF ETHICS GOVERNING  
EMPLOYEES AND CODE OF ETHICS GOVERNING BOARD  
MEMBERS

---

RESOLVED, that the Real Property Management Policy, Personal Property Disposal Policy, Procurement Contracts Policy, Whistleblower Policy, Code of Ethics Governing Employees and Code of Ethics Governing Board Members, as contained in Exhibit A, be, and the same hereby are, approved, and be it further

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

**Item 7 by John Barr (Appendix G)**

**Authorizing a Contract with Joseph Bress to assist in negotiations of Authority Labor Agreements**

Mr. Barr presented the resolution to Authorize a Contract with Joseph Bress to assist in negotiations of Authority Labor Agreements.

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 contract with Joseph Bress and adopted the following resolution:

**RESOLUTION NO. 6352**

**AUTHORIZING A CONTRACT WITH JOSEPH BRESS TO ASSIST IN NEGOTIATIONS OF AUTHORITY LABOR AGREEMENTS**

RESOLVED, that an agreement with Joseph M. Bress on the terms and conditions contained in the agenda item, and such other terms and conditions as may be determined by the Executive Director and the General Counsel to be in the Authority's best interest be, and hereby is, authorized, and be it further

RESOLVED, that the competitive procedures required by the Thruway Authority Procurement Contracts Policy be, and hereby are, waived, and be it further

RESOLVED, that the Executive Director, or his designee be, and hereby is, authorized to execute an agreement with Mr. Joseph M. Bress and to take all such actions as may be necessary to effectuate such agreement, including execution of any and all documents in relation thereto, 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 contract with Mr. Bress; manage and administer such contract; amend the provisions of the contract consistent with the terms of this item and other Board authorizations; and suspend or terminate the contract as it may be in the best interest of the Authority, and be it further

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

**Item 8 by Matthew Howard (Appendix H)**  
**Authorizing the Execution of Supplemental Agreement No. 2 to Engineering Agreement D214695 with Stantec Consulting Services, Inc.**

Mr. Howard presented the resolution to Authorize the Execution of Supplemental Agreement No. 2 to Engineering Agreement D214695 with Stantec Consulting 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 Supplemental Agreement No. to Engineering Agreement D214695 with Stantec Consulting Services and adopted the following resolution:

RESOLUTION NO. 6353

AUTHORIZING THE EXECUTION OF SUPPLEMENTAL  
AGREEMENT NO. 2 TO ENGINEERING AGREEMENT  
D214695 WITH STANTEC CONSULTING SERVICES, INC.

---

RESOLVED, that the Chief Engineer be, and he hereby is, authorized to execute Supplemental Agreement No. 2 to D214695 with Stantec Consulting Services, Inc. for an additional sum of \$800,000 and a one-year extension, and such Supplemental 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 revised Maximum Amount Payable for this Agreement (D214695) be \$2,100,000, and the revised term be through October 31, 2023, 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 Supplemental Agreement, manage and administer the Supplemental Agreement, amend the provisions of the Supplemental 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 Supplemental 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 9 by Jim Konstalid (Appendix I)**

**Authorizing the Executive Director to Execute an Agreement C010633 with Precision Environmental Services, Inc. for Soil Remediation Services at the Verona Maintenance Facility**

Mr. Konstalid presented the resolution to Authorize the Executive Director to Execute an Agreement with Precision Environmental Services, Inc. for Soil Remediation Services at the Verona Maintenance Facility.

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 C010633 with Precision Environmental Services, Inc. and adopted the following resolution:

**RESOLUTION NO. 6354**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE  
AN AGREEMENT C010633 WITH PRECISION,  
ENVIRONMENTAL SERVICES, INC. FOR SOIL REMEDIATION  
SERVICES AT THE VERONA MAINTENANCE FACILITY**

RESOLVED, that the Executive Director be, and he hereby is,  
authorized to execute Agreement (C010633) with Precision  
Environmental Services, Inc., for a Maximum Amount Payable of  
\$550,000 with a term of April 1, 2022 to March 31, 2023 to conduct  
Soil Remediation Services at the Verona Maintenance Facility  
("Agreement"); and be it further

RESOLVED, that the Executive Director, or his designee, be,  
and hereby is, authorized to exercise all powers reserved to NYSTA  
under the amendments authorized hereby; and be it further

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

**Item 10 by Rich Lee (Appendix J)**

**Authorizing Additional Funding for TAGS 22-5/D214853, Garden State Parkway Connector (MP GS0.00 to MP GS2.40): Pavement Resurfacing**

Mr. Lee presented the resolution for Authorizing Additional Funding for TAGS 22-5/D214853, Garden State Parkway Connector (MP GS0.00 to MP GS2.40): Pavement Resurfacing.

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 Additional funding for TAGS 22-5/D214853, Garden State Parkway and adopted the following resolution:

**RESOLUTION NO. 6355**

**AUTHORIZING ADDITIONAL FUNDING FOR TAGS 22-5/ D214853,  
GARDEN STATE PARKWAY CONNECTOR (MP GS0.00 TO MP GS2.40)  
PAVEMENT RESURFACING**

---

RESOLVED, that an additional \$1,386,590 (revising the total contract value to \$6,386,590) for TAGS 22-5/D214853, Garden State Parkway Connector (MP GS0.00 to MP GS2.40) Pavement Resurfacing be, and the same hereby is authorized, and be it further

RESOLVED, that the additional funding be allocated to TAGS 22-5/D214853 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 11 by Rich Lee (Appendix K) Authorizing Additional Funding for TANE 22-22B/ D214321, North Avenue Bridge over I-95 MP 605.76**

Mr. Lee presented the resolution for Authorizing the Additional Funding for TANE 22-22B/D214321, North Avenue Bridge over I-95 MP 60.76.

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 Additional Funding for TANE 22-22B/D214321, North Avenue Bridge over I-95 MP 60.76 and adopted the following resolution:

**RESOLUTION NO. 6356**

**AUTHORIZING ADDITIONAL FUNDING FOR TANE 22-22B/ D214321,  
NORTH AVENUE BRIDGE OVER I-95 AT MP 605.76**

RESOLVED, that an additional \$8,000,000 (revising the total contract value to \$26,00,000) for North Avenue Bridge over I-95 at MP 605.76 be, and the same hereby is authorized, and be it further

RESOLVED, that the additional funding be allocated to TANE 22-22B/D214321 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 12 by Rich Lee (Appendix L Authorizing Additional Funding for TANY 22-21/ D214875, I-287/Route 17S (Exit 15, MP 29.4) to north of Suffern (MP 38.7) Pavement Resurfacing**

Mr. Lee presented the resolution for Authorizing Additional Funding for TANY 22-21/ D214875, I-287/Route 17S (Exit 15, MP 29.4) to north of Suffern (MP 38.7) Pavement Resurfacing.

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 Additional Funding for TANY 22-21/D214875 and adopted the following resolution:

**RESOLUTION NO. 6357**

**AUTHORIZING ADDITIONAL FUNDING FOR TANY 22-21/ D2143875, I-287/ROUTE 17S (EXIT 15, MP 29.4) TO NORTH OF SUFFERN (MP 38.7) MILL TO CONCRETE WITH 4.5” OVERLAY**

---

RESOLVED, that an additional \$15,000,000 (revising the total contract value to \$50,00,000) for I-287/Route 17S (Exit 15, MP 29.4) to north of Suffern (MP 38.7) mill to concrete with 4.5” overlay be, and the same hereby is authorized, and be it further

RESOLVED, that the additional funding be allocated to TANY 22-21/D214875 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.



## **GENERAL PUBLIC COMMENT PERIOD**

Chair Mahoney asked Ms. Morris if there was any public comment regarding the Board Meeting and Ms. Morris said no.

## **ADJOURNMENT**

There being no other business, upon motion duly made and seconded, the board voted to adjourn the meeting at 12:01 p.m.

---

Tanya M. Morris  
Board Secretary

Meeting No.	754
Item	2
Appendix	B

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Matthew A. Howard  
Chief Financial Officer

SUBJECT: Financial Report – January, February, and March 2022

The Chief Financial Officer is formally submitting a copy of the Financial Report for the months of January, February, and March 2022.

The Finance Committee considered this item at its June 6, 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**

Meeting No. 754  
Item 3  
Appendix C

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

DATE: June 6, 2022

SUBJECT: Investment Transactions – First Quarter Investments 2022

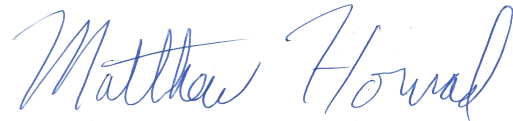
The Chief Financial Officer or designated representative has engaged in numerous financial transactions investing funds not immediately required for the fiscal management of the New York State Thruway Authority or for the Local Highway and Bridge Service Contract Bond Program, Second General Highway 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 March 31, 2022. The attached Exhibit B details the investments held as of March 31, 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 June 6, 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 3 in the  
Finance Committee Meeting  
Book**

Meeting No. 754  
Item 4  
Appendix D

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Matthew A. Howard  
Chief Financial Officer

SUBJECT: Approving and Adopting the Fourteenth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds Approving the Forms of Certain Related Documents and Authorizing the Execution of Any Other Documents Thereto

Part I of Chapter 383 of the Laws of New York of 2001 ("Chapter 383") provides for the issuance of, and a source of payment for, State Personal Income Tax Revenue Bonds by establishing the Revenue Bond Tax Fund held separate and apart from all other moneys of the State in the joint custody of the Commissioner of Taxation and Finance and the Comptroller of the State (the "State Comptroller"). The State Personal Income Tax Revenue Bonds are the primary financing vehicle for a broad range of existing transportation and transit State-supported programs previously secured by service contract or lease-purchase payments subject to appropriation by the State Legislature (collectively the "Programs").

Chapter 383 authorizes the Authority, as an Authorized Issuer, to issue State Personal Income Tax Revenue Bonds for Authorized Purposes. Authorized Purposes is defined by State Finance Law Section ("SFL") 68-a(2) to include any purpose for which state-supported debt (as defined in SFL Section 67-a) may be issued. As an Authorized Issuer, the Authority may issue State Personal Income Tax Revenue Bonds for any Authorized Purpose, including (but not limited to) the following Programs: (1) the Local Highway and Bridge Service Contract Bond Program (Public Authorities Law Section 380); (2) the financing of certain Metropolitan Transportation Authority ("MTA") transportation facilities (Public Authorities Law Section 386- a); (3) financing portions of certain high speed rail projects (Part R-1 of Chapter 109 of the Laws of New York of

2006 ("Chapter 109"); and (4) refunding previously issued bonds of the Authority. Additionally, Part EEE of Chapter 56 of the Laws of 2022 authorizes the Authority to issue up to \$200 million of State Personal Income Tax Revenue Bonds for the purpose of refunding obligations of the Power Authority of the State of New York ("NYPA") to fund energy efficiency projects at State agencies.

The State Personal Income Tax Revenue Bonds are secured by: (i) payments to be made pursuant to a financing agreement ("Financing Agreement Payments") entered into with the Director of the Division of the Budget of the State of New York (the "Director of the Budget"), as amended; (ii) the pledge of certain funds held by the applicable trustee or Authorized Issuer under a general resolution and the investment earnings thereon; and (iii) the lien on the pledged property created by a pledge under the applicable general resolution. Financing Agreement Payments are paid by the State Comptroller to the applicable trustee on behalf of the Authorized Issuers from amounts deposited to the Revenue Bond Tax Fund. Financing Agreement Payments will equal amounts necessary to pay the debt service and other cash requirements on all State Personal Income Tax Revenue Bonds based upon the certificate of cash requirements of the Director of the Division of the Budget.

All payments required by financing agreements entered into by the State are executory only to the extent of appropriations available for payment, which payments are made from revenues in the Revenue Bond Tax Fund. The obligation of the State to make Financing Agreement Payments is subject to the State Legislature making annual appropriations for such purpose and such obligation does not constitute or create a debt of the State, nor a contractual obligation in excess

of the amounts appropriated therefore. The State has no continuing obligation to appropriate money for payments due under any financing agreement.

The Division of the Budget notified Authority staff that on April 9, 2022, the Governor signed into law Chapter 52 of the Laws of New York of 2022 which authorizes the expenditure of funds to meet the debt service requirements of the State for the current year, including debt service payments in connection with the issuance of the proposed State Personal Income Tax Revenue Bonds (the "Series 2022-1 Bonds").

The Series 2022-1 Bonds are being issued to provide the Authority with funds expected to be used to: (a) fund or reimburse the cost of various transportation and transit projects throughout the State; (b) refund certain bonds previously issued by the Authority; (c) refinance certain obligations issued by NYPA to fund energy efficiency projects at various State agencies; and (d) pay certain costs relating to the issuance of the Series 2022-1 Bonds. The Series 2022-1 Bonds will be special obligations of the Authority secured by the pledged property, including the Authority's pledge of Financing Agreement Payments to be made by the State Comptroller to the Trustee on behalf of the Authority. There is no recourse against any other assets, revenues or funds of, or any other payments due to the Authority to secure the Series 2022-1 Bonds.

The Director of the Budget has asked the Authority to issue up to \$3,400,000,000 aggregate principal amount of such Series 2022-1 Bonds, for Authorized Purposes. The Series 2022-1 Bonds may be issued in one or more series or sub-series and on a tax-exempt and/or federally taxable basis, as determined by an Authorized Officer of the Authority. In addition, some or all of the Series 2022-1 Bonds may be issued as "Green Bonds." While it is currently anticipated that the Series 2022-1 Bonds will be offered and sold on a competitive basis, a final determination as to



whether to undertake a competitive or negotiated offering of the Series 2022-1 Bonds to the public is best determined closer to the anticipated offering date to investors. Accordingly, the Board is being asked to approve both a competitive offering and a negotiated offering.

The following necessary documents and agreements are before the Board for consideration and approval:

1. The Fourteenth Supplemental Bond Resolution.

The Fourteenth Supplemental Bond Resolution (the “Fourteenth Supplemental Resolution”) supplements and amends the State Personal Income Tax Revenue Bonds (Transportation) Resolution, authorizing the issuance of tax-exempt and/or federally taxable State Personal Income Tax Revenue Bonds, Series 2022-1, at any time prior to March 31, 2023, in one or more series or sub-series of an aggregate principal amount of not to exceed \$3,400,000,000 for certain expenditures made or to be made in connection with authorized new purposes for the Programs, to refinance certain obligations issued by NYPA to fund energy efficiency project at various State agencies, and to refund certain bonds previously issued by the Authority, and contains specific parameters relating to the terms of the Series 2022-1 Bonds. The Fourteenth Supplemental Bond Resolution also authorizes the amendment of the Authority’s State Personal Income Tax Revenue Bonds (Transportation) General Bond Resolution to replace all references therein to the “New York State Thruway Authority State Personal Income Tax Revenue Bonds (Transportation)” with references the “New York State Thruway Authority State Personal Income Tax Revenue Bonds” to clarify that the

Authority is currently authorized to issue State Personal Income Tax Revenue Bonds thereunder for any Authorized Purpose.

The Fourteenth Supplemental Resolution delegates to any Authorized Officers of the Authority within the parameters set forth therein, the authority to execute and deliver a supplement to the Financing Agreement relating to the issuance of the Series 2022-1 Bonds and the authority to determine the terms and conditions of the Series 2022-1 Bonds, including: (A) the final aggregate principal amount of the Series 2022-1 Bonds to be issued for new Program purposes, to refinance certain obligations issued by NYPA to fund energy efficiency project at various State agencies and, at any time prior to March 31, 2023 and to refund certain bonds previously issued by the Authority; (B) the final aggregate principal amount of the Series 2022-1 Bonds to be issued for refunding purposes; (C) the interest rates, maturities, principal amounts and prices or yields of the Series 2022-1 Bonds; (D) redemption provisions; (E) whether the Series 2022-1 Bonds shall be issued on a tax-exempt and/or federally taxable basis and as a single issue or with multiple subseries; (F) whether any of the Series 2022-1 Bonds shall be designated as “Green Bonds”; (G) whether any of the Series 2022-1 Bonds will be offered and sold on a competitive or negotiated basis; and (H) such other determinations not inconsistent with the parameters set forth in the Fourteenth Supplemental Resolution (including, but not limited to, whether one or more Credit Facilities will be obtained in connection with the Series 2022-1 Bonds).

The following documents are not before the Board, but are being authorized by the Board:

2. Notice of Sale and Bid Form (only used for a competitive offering) and Bond Purchase Agreement (only used for a negotiated offering).

A notice of sale and bid form (the "Notice of Sale") will be issued if the Series 2022-1 Bonds are to be competitively offered. Pursuant to the Notice of Sale, the Authority will award the Series 2022-1 Bonds to the winning bidder(s) at the lowest true interest cost to the Authority and the winning bidder(s) will agree to purchase on the closing date all of the Series 2022-1 Bonds pursuant to the prices, costs and other consideration included in the winning bid. Pursuant to the Fourteenth Supplemental Resolution, the Board has delegated to an Authorized Officer the authority to execute and deliver the Notice of Sale and to determine the winning bid(s) at the lowest true interest cost to the Authority and award the Series 2022-1 Bonds to the winning bidder(s) as may be approved by such Authorized Officer. If any Series 2022-1 Bonds are to be sold on a negotiated basis, a bond purchase agreement (the "Bond Purchase Agreement") will be entered into among the Authority and the underwriters named therein. Pursuant to the Fourteenth Supplemental Resolution, the Board has delegated to an Authorized Officer the authority to execute and deliver the Bond Purchase Agreement setting forth the terms and conditions of the sale of the Series 2022-1 Bonds.

3. Continuing Disclosure Agreement.

The Authority executed the Master Continuing Disclosure Agreement (as amended and restated on July 1, 2009, as of December 1, 2010 and as of June 10, 2019). Since State Personal Income Tax Bonds are issued by the Authority and four other State authorities

(collectively, the "Authorized Issuers") under disclosure documents containing significant amounts of common information, the Division of the Budget developed a Master Continuing Disclosure Agreement to which it and all of the Authorized Issuers became signatories. Upon the issuance of a series of State Personal Income Tax Bonds by an Authorized Issuer, such series of State Personal Income Tax Bonds is added to the master list of bond issues covered by the Master Continuing Disclosure Agreement. It is intended that the Series 2022-1 Bonds will be so added to such master list.

4. Preliminary Official Statement and Official Statement.

A form of Preliminary Official Statement will be provided to the Authority by the New York State Division of Budget for use in connection with the offering of the Series 2022-1 Bonds, and once modified and finalized, will be distributed to the potential investors of the Series 2022-1 Bonds. The Preliminary Official Statement distributed to investors is intended to meet federal securities law requirements that the material aspects of the financing (other than pricing terms) and the Series 2022-1 Bonds, the security therefor and related matters be adequately disclosed. To accomplish that goal, the Preliminary Official Statement will contain historic and current financial information relating to the State Personal Income Tax Revenue Bond financing program. A final Official Statement in substantially the same form as the Preliminary Official Statement and containing the final pricing terms shall be delivered to the successful bidder for timely delivery to the Electronic Municipal Market Access System of the Municipal Securities Rulemaking Board.

The resolution before the Board today would authorize the issuance of the Series 2022-1 Bonds, approve the form of and authorize the execution of the documents for the transaction and authorize the execution of any other documents deemed necessary or desirable for the sale of the Series 2022-1 Bonds.

The Finance Committee considered and approved this item at its June 6, 2022 meeting and authorized Authority staff to present this item to the Authority Board.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

APPROVING AND ADOPTING THE FOURTEENTH SUPPLEMENTAL BOND RESOLUTION AUTHORIZING THE ISSUANCE OF STATE PERSONAL INCOME TAX REVENUE BONDS, SERIES 2022-1, APPROVING THE FORMS OF CERTAIN RELATED DOCUMENTS AND AUTHORIZING THE EXECUTION OF ANY OTHER DOCUMENTS THERETO

RESOLVED, that Part I of Chapter 383 of the Laws of New York of 2001 ("Chapter 383") authorized the Authority solely upon the determination of the Director of the Division of the Budget of the State of New York ("Director of the Budget"), to issue State Personal Income Tax Revenue Bonds (exclusive of certain costs) to finance the costs of various projects which meet the statutory definition of Authorized Purposes; and be it further

RESOLVED, that Part EEE of Chapter 56 of the Laws of New York of 2022 authorized the Authority to issue up to \$200 million for the purpose of refinancing obligations previously issued

by the Power Authority of the State of New York (“NYPA”) to fund energy efficiency projects at State agencies, and be it further

RESOLVED, that Chapter 383 authorized the Director of the Budget to enter into a financing agreement (each, a "Financing Agreement") with Authorized Issuers to secure payment of debt service and other cash requirements in connection with the issuance of State Personal Income Tax Revenue Bonds; and be it further

RESOLVED, that on June 27, 2002, the Board approved the execution of a Financing Agreement to provide for the financing of Authorized Purposes pursuant to Chapter 383; and be it further

RESOLVED, that on August 7, 2002, the Executive Director and the Director of the Budget executed a Financing Agreement to provide for the financing of Authorized Purposes pursuant to Chapter 383; and be it further

RESOLVED, that on May 1, 2002, and as amended and restated on July 1, 2009, as of December 1, 2010 and as of June 10, 2019, the Authority executed the Master Continuing Disclosure Agreement, since State Personal Income Tax Bonds are issued by the Authority and four other State authorities (collectively, the "Authorized Issuers") under disclosure documents containing significant amounts of common information, the Division of the Budget developed a Master Continuing Disclosure Agreement to

which it and all of the Authorized Issuers became signatories. Upon the issuance of a series of State Personal Income Tax Bonds by an Authorized Issuer, such series of State Personal Income Tax Bonds is added to the master list of bond issues covered by the Master Continuing Disclosure Agreement and it is intended that the Series 2022-1 Bonds will be so added to such master list; and be it further,

RESOLVED, that on June 27, 2002, the Board adopted the State Personal Income Tax Revenue Bonds (Transportation) General Bond Resolution (the "General Bond Resolution") and the State Income Tax Revenue Bonds Standard Resolution Provisions ("Annex A") (the General Bond Resolution, as amended and supplemented, and Annex A collectively hereinafter referred to as the "Bond Resolution") which authorizes the bonds of the Authority, designated as State Personal Income Tax Revenue Bonds to finance all or a portion of the cost of projects which meet the statutory definition of Authorized Purposes, and to refinance prior bonds; and be it further

RESOLVED, that Sections 201 and A-201, A-202, A-204 of the Bond Resolution require that the issuance of State Personal Income Tax Revenue Bonds by the Authority shall be authorized by a supplemental resolution or resolutions of the Authority adopted at or prior to the time of issuance; and be it further

RESOLVED, that Section A-902 of the Bond Resolution empowers the Authority to adopt, for any one or more of the purposes set forth therein, a supplemental resolution; and be it further

RESOLVED, that upon the request of the Director of the Budget, the Authority intends to issue in one or more series or subseries up to \$3,400,000,000 aggregate principal amount of State Personal Income Tax Bonds Series 2022-1 (the "Series 2022-1 Bonds"), in order to finance the costs of various Authorized Purposes, and to refinance certain obligations issued by NYPA to fund energy efficiency project at various State agencies and to refund certain bonds previously issued by the Authority (the "Refunded Bonds"); and be it further

RESOLVED, that an Authorized Officer of the Authority is authorized to determine whether the Series 2022-1 Bonds shall be issued on a tax-exempt and/or federally taxable basis; and as a single issue or with multiple subseries; and be it further

RESOLVED, that there has been prepared and submitted to the Board a form of the Fourteenth Supplemental Bond Resolution Authorizing an Aggregate Principal Amount Not To Exceed \$3,400,000,000 of State Personal Income Tax Revenue Bonds,



Series 2022-1 (the "Fourteenth Supplemental Resolution"); and be it further

RESOLVED, that the Fourteenth Supplemental Resolution authorizes an Authorized Officer the power to determine whether the sale of the Series 2022-1 Bonds will be sold on a competitive or negotiated basis; and be it further

RESOLVED, that if an Authorized Officer determines to offer and sell the Series 2022-1 Bonds on a competitive basis, such offer and sale shall be pursuant to a Notice of Sale and award of the Series 2022-1 Bonds shall be made to the winning bidder(s) at the lowest true interest cost to the Authority; and be it further

RESOLVED, that the Board approves and adopts the form of the Fourteenth Supplemental Resolution as submitted at this meeting and made a part of this resolution as though set forth in full herein, and delegates and authorizes an Authorized Officer of the Authority the power to determine the terms and conditions of the Series 2022-1 Bonds in accordance with the parameters set forth in the Fourteenth Supplemental Resolution pursuant to a certificate or certificates of determination, including: (A) the final aggregate principal amount of the Series 2022-1 Bonds to be issued for new Program purposes; (B) the final aggregate principal amount of the Series 2022-1 Bonds to be issued for refunding purposes and to

refinance certain obligations issued by NYPA to fund energy efficiency project at various State agencies; (C) the interest rates, maturities and principal amounts of Series 2022-1 Bonds; (D) redemption provisions; (E) whether the Series 2022-1 Bonds shall be issued on a tax-exempt and/or federally taxable basis; and as a single issue or with multiple subseries; (F) whether any of the Series 2022-1 Bonds shall be designated as “Green Bonds”; (G) whether any of the Series 2022-1 Bonds will be offered and sold on a competitive or negotiated basis; and (H) such other terms and conditions not inconsistent with the parameters set forth in the Fourteenth Supplemental Resolution as may be deemed necessary or desirable to effectuate the purposes of the Fourteenth Supplemental Resolution; and be it further

RESOLVED, that the Fourteenth Supplemental Bond Resolution also authorizes the amendment of the Authority’s State Personal Income Tax Revenue Bonds (Transportation) General Bond Resolution to replace all references therein to the “New York State Thruway Authority State Personal Income Tax Revenue Bonds (Transportation)” with references to the “New York State Thruway Authority State Personal Income Tax Revenue Bonds” to clarify that the Authority is currently authorized to issue State Personal Income Tax Revenue Bonds thereunder for any Authorized

Purpose as defined in New York State Finance Law Section 68-a (2); and be it further

RESOLVED, that in connection with the offering and sale of the Series 2022-1 Bonds, the Board authorizes an Authorized Officer of the Authority to approve the form and distribution of one or more Preliminary Official Statements for the Series 2022-1 Bonds that is intended to meet federal securities law requirements that the material aspects of the financing (other than pricing terms) and the Series 2022-1 Bonds, the security therefor and related matters be adequately disclosed, and execute any amendments and supplements thereto as may be deemed necessary or desirable to effectuate the purposes thereof; and be it further

RESOLVED, that the Board authorizes an Authorized Officer of the Authority to confirm that any Preliminary Official Statement relating to the issuance of Series 2022-1 Bonds is deemed final for purposes of Rule 15c2-12, promulgated by the Securities and Exchange Commission under the Securities and Exchange Act of 1934, as amended, except for certain omissions relating to certain State information and information not required under said Rule to be included therein; and be it further

RESOLVED, that the Board authorizes an Authorized Officer of the Authority to execute and deliver, on behalf of the

Authority, one or more final Official Statements relating to the Series 2022-1 Bonds with such changes, insertions and/deletions as may be approved by such Authorized Officer of the Authority, said execution being conclusive evidence of such approval, and any amendments or supplements thereto which may be necessary or desirable. After execution, such Authorized Officer of the Authority or his or her designee is hereby authorized to deliver to the winning bidder(s) of the Series 2022-1 Bonds an executed copy or copies of such Official Statement(s) and any amendments or supplements thereto; and be it further

RESOLVED, that an Authorized Officer of the Authority is authorized to execute an updated schedule to the Financing Agreement relating to the Series 2022-1 Bonds; and be it further

RESOLVED, that an Authorized Officer of the Authority is authorized to execute: (i) one or more Escrow Deposit Agreements and establish one or more escrow funds or accounts to defease and refund the Refunded Bonds; and be it further

RESOLVED, that the Board confirms and ratifies the continuation and selection of The Bank of New York Mellon, New York, New York as Trustee and Paying Agent; and be it further

RESOLVED, that an Authorized Officer is authorized to: (i) make any determinations or selections and/or appointments of any


necessary or desirable consultants or agents; (ii) execute any additional certificates, agreements or other documents necessary to facilitate the authorization, sale, issuance and delivery of the Series 2022-1 Bonds; (iii) accomplish the other purposes of this Resolution, including but not limited to agreements with securities depositories and documents relating to credit enhancement; and (iv) do and cause to be done any and all acts and things necessary or desirable to carry out the transactions contemplated by this Resolution; and be it further

RESOLVED, that all the authorizations contained herein shall be effective until March 31, 2023.

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

  
\_\_\_\_\_  
Chief Financial Officer

RECOMMENDATION APPROVED:

  
\_\_\_\_\_  
Executive Director

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

Meeting No. 754  
Item 5  
Appendix E

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Matthew J. Driscoll  
Executive Director

SUBJECT: Authorizing the Executive Director to Execute an Amendment to Agreement C010656 with Accenture LLP for business consulting and implementation advisory services

On September 20, 2021 at Meeting No. 750, the Board adopted Resolution No. 6318 which authorized the Executive Director to execute an Agreement with Accenture, LLP, (hereinafter referred to as Accenture), for business consulting and implementation advisory services.

This item seeks Board authorization to increase the maximum amount payable by \$760,000 to a total of \$3,260,000. The revised contract amount will provide funding until December 2022. The original agreement with Accenture is for three years with the option to renew for two (2) one (1) year terms. Adequate funding will be provided in the 2022 budget for the 2022 expenses.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE  
AN AMENDMENT TO AGREEMENT C010656 WITH  
ACCENTURE, LLP FOR BUSINESS CONSULTING  
IMPLEMENTATION SERVICES

---

RESOLVED, that the maximum amount payable for  
the Agreement is increased by \$760,000 to \$3,260,000, and  
shall be on such other terms and conditions as the Executive

Director and General Counsel determine 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 this resolution be incorporated in full in the minutes of this meeting.



---

Executive Director



TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: James K. Konstalid  
Director of Maintenance and Operations

SUBJECT: Authorizing the Executive Director to Execute an Agreement C010674 with American Traffic Solutions, Inc. (DBA "Verra Mobility") for Automated Work Zone Speed Enforcement

Chapter 421 of the Laws of 2021 (S.4682-B/A.485-B) authorized the New York State Department of Transportation ("NYSDOT") and the Authority to develop a pilot program to use automated photo enforcement technologies to impose monetary liability on vehicle owners for speed violations in work zones.

On December 6, 2021, the Authority Board authorized the establishment of a Work Zone Demonstration Program and the Authority's participation with NYSDOT to issue a request for proposals to seek a qualified vendor for the required services.

On December 28, 2021, NYSDOT, on behalf of both NYSDOT and the Authority, placed an advertisement in the NYS Contract Reporter announcing a Request for Proposals #C038040 (hereinafter "RFP"). The RFP was sent to eleven (11) prospective vendors on January 14, 2022. Verra Mobility, Conduent State and Local Solutions, Inc., and Jenoptik Light & Safety/Traffipax, LLC submitted proposals by the March 4, 2022 due date. Jenoptik Light & Safety/Traffipax, LLC was deemed non-responsive because they failed to meet the M/WBE/SDVOB goals and did not provide a Goal Attainment Explanation Letter explaining why they were unable to meet these participation goals (in full or partially). An evaluation committee comprised of three individuals from each NYSDOT and the Authority evaluated the technical proposals of the other two proposers. In addition, Verra Mobility and Conduent State & Local Solutions, Inc. were invited for a technical Field Demonstration and Oral Presentation on April 5, 2022. After scores were

tabulated for the Technical Proposal, Field Demonstration/Oral Presentation and cost, Verra Mobility was determined to be the highest ranked proposer with the lowest overall cost.

Verra Mobility provides mobile enforcement solutions globally, including in North America, Europe, Middle East, Australia and New Zealand. In North America they provide work zone speed enforcement services for Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission and the red-light safety program for NYC Department of Transportation.

Verra Mobility will provide ten (10) mobile units that comply with New York laws and requirements to identify vehicles speeding in work zones using state of the art technology. Data obtained will be securely stored and secured to protect personal privacy at all stages of the process. Verra Mobility will subcontract with Content Critical to provide mailing services and with PRWT Services. Inc. to provide customer and payment services via mail, phone or a secured website. Verra Mobility will also support the Authority in interfacing with the courts for adjudication.

This item seeks Board authorization to execute an agreement for an initial three-year term and two (2) one-year options with the maximum amount payable of \$5,163,000. The contract amount only includes the initial three-year term. Funding for the 2022 expenses will be provided in the 2022 budget and will be budgeted for subsequent years by the Department of Maintenance and Operations.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE  
AN AGREEMENT C010674 WITH AMERICAN TRAFFIC  
SOLUTIONS, INC. (DBA "VERRA MOBILITY") FOR  
AUTOMATED WORK ZONE SPEED ENFORCEMENT

---

RESOLVED, that the Executive Director or designee be, and hereby is, authorized to execute an Agreement with American Traffic Solutions, Inc. (DBA “Verra Mobility”); and be it further

RESOLVED, that the initial term shall be for three years with an option for the Authority to renew for two, one-year periods; and be it further

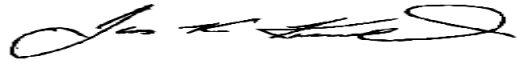
RESOLVED, that the maximum amount payable for this Agreement is \$5,163,000, and shall be on such other terms and conditions as the Executive Director and General Counsel determine to be in the best interests of the Authority; and be it further

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 and 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 Operating Budget; and be it further

Meeting No. 754  
Item 6  
Appendix F

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



Director of Maintenance and Operations

RECOMMENDATION APPROVED:



Executive Director

Meeting No. 754  
Item 7  
Appendix G

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: James K. Konstalid  
Director of Maintenance and Operations

SUBJECT: Authorizing the Executive Director to Execute a Fourth Amendment to Agreement C100739 with Conduent State & Local Solutions, Inc. for E-ZPass New York Customer Service Center Services

On January 17, 2007 at Meeting No. 656, the Board adopted Resolution No. 5571 which authorized the Executive Director to execute an Agreement with ACS State & Local Solutions, Inc., (now Conduent State & Local Solutions, Inc., and hereinafter referred to as Conduent), for E-ZPass New York Customer Service Center (CSC) services. On June 6, 2016, at Meeting No. 720, the Board adopted Resolution No. 6095 to exercise the three-year option and to increase the maximum amount payable to \$274,450,000 for the E-ZPass program and Tolls by Mail program related to the Governor Mario M. Cuomo Bridge cashless tolling conversion. On June 12, 2018 at Meeting No. 734, the Board adopted Resolution No. 6178 which authorized the Executive Director to increase the maximum amount payable to \$298,950,000 to support cashless tolling expansion at the seven toll barriers located in the lower Hudson Valley and Grand Island. On March 30, 2020 at Meeting No. 743, the Board adopted Resolution No. 6246 which authorized the Executive Director to extend the Agreement for two (2) years with an option for a 1-year extension and increase the maximum amount payable by \$139,000,000 to support cashless tolling expansion on the Mainline and Erie Section of the Thruway.

The MTA Bridges & Tunnels, the Port Authority of NY & NJ and the New York State Thruway Authority (hereinafter referred to as Agencies) share E-ZPass and Tolls by Mail services and have executed identical agreements with Conduent that are expiring on October 5, 2022.

On June 30, 2021 at Meeting No. 749, the Board adopted Resolutions Nos. 6309, 6310, 6311 which authorized the Executive Director to enter into three separate agreements with Conduent, Faneuil, Inc. and TransCore LP to develop and operate the New York E-ZPass and Tolls by Mail Customer Service Center. The new New York Customer Service Center is not expected to be operational until the end of February 2024.

The Authority will need to exercise the Agreement 1-year option previously authorized by the Board and is seeking an additional extension until February 29, 2024. This extension will also provide for transitioning to the new New York Customer Service Center and employee retention incentives to mitigate staffing shortages during the transition.

This item seeks Board authorization to extend the term of the Agreement until February 29, 2024 and increase the maximum amount payable by \$75,000,000 to a total of \$512,950,000. The revised contract amount will provide funding until February 29, 2024. Adequate funding is provided in the 2022 budget for the 2022 expenses and will be budgeted for in 2023 and 2024 by the Department of Maintenance and Operations.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE  
A FOURTH AMENDMENT TO AGREEMENT C100739 WITH  
CONDUENT STATE & LOCAL SOLUTIONS, INC. FOR  
E-ZPASS NEW YORK CUSTOMER SERVICE CENTER  
SERVICES

---

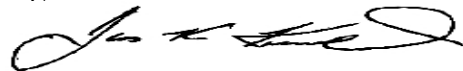
RESOLVED, that the term shall be extended until  
February 29, 2024, for Agreement C100739 with Conduent

State & Local Solutions Inc., for E-ZPass New York  
Customer Center Services; and be it further

RESOLVED, that the maximum amount payable for  
the Agreement is increased by \$75,000,000 to \$512,950,000,  
and shall be on such other terms and conditions as the  
Executive Director and General Counsel determine 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 this resolution be incorporated in  
full in the minutes of this meeting.



Director of Maintenance and Operations

RECOMMENDATION APPROVED:



Executive Director

Meeting No. 754  
Item 8  
Appendix H

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: James K. Konstalid  
Director of Maintenance and Operations

SUBJECT: Authorizing the Executive Director to Execute an Interagency Agreement C132945  
with the Triborough Bridge & Tunnel Authority

The New York E-ZPass Customer Service Center (“NYCSC”) is jointly operated by the NYS Thruway Authority (Authority), Triborough Bridge & Tunnel Authority (“TBTA”) and the Port Authority of NY & NJ (“PANYNJ”) (collectively referred to as the “Agencies”). The NYCSC provides E-ZPass and Tolls by Mail services to the NYS Bridge Authority, Buffalo and the Fort Erie Public Bridge Authority and the Thousand Island Bridge Authority under separate agreements with the Authority.

On June 6, 2014, at Meeting No. 704, the Board adopted Resolution No. 6003 which authorized the Executive Director to execute an Agreement with the TBTA to procure a consultant to develop a Request for Proposal (“RFP”) for the NYCSC with a term of 3 years and maximum amount payable of \$350,360. HNTB was the selected proposer and began supporting the NYCSC RFP development process in early 2015 and two RFP solicitations were issued in June 2017 and August 2017.

Cashless tolling implementation began in 2016 at the Governor Mario M. Cuomo Bridge and at many of the TBTA and PANYNJ facilities. Subsequently, the Agencies determined that it was necessary and in their best interests to further develop and re-issue the RFPs to increase competition and to obtain best in-class providers to meet the demand for cashless tolling by the Agencies. The Authorities issued two separate RFPs for provision of the NYCSC Systems and the Customer Contact Center that resulted in increased competition with best in-class proposals.



The TBTA, on behalf of the Agencies, issued the NYCSC Systems RFP on October 31, 2019, and the NYCSC Operations RFP on March 30, 2020. On June 30, 2021, at Meeting No. 749, the Board adopted Resolution Nos. 6309, 6310 and 6311 which authorized the Executive Director to enter into three separate agreements with Conduent, Faneuil, Inc. and TransCore LP to develop and operate the NYCSC.

As a result of re-issuing two RFPs, the TBTA incurred additional costs by HNTB for the expansion of this work. The total cost for the professional services provided by HNTB is \$3,317,983.83 and the Authority's one-third share is \$1,105,994.61.

This item seeks Board authorization to execute an interagency agreement with the TBTA for the Authority to reimburse the TBTA with a maximum amount payable of \$1,105,994.61. Adequate funding is provided in the Maintenance and Operations 2022 budget.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO  
EXECUTE AN INTERAGENCY AGREEMENT C132945  
WITH THE TRIBOROUGH BRIDGE & TUNNEL  
AUTHORITY

---

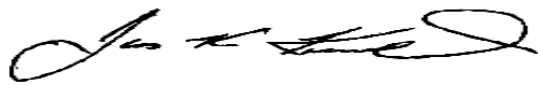
RESOLVED, that the Executive Director or his  
designee be, and hereby is, authorized to execute an  
interagency Agreement with the Triborough Bridge & Tunnel  
Authority; and be it further

RESOLVED, that the maximum amount payable for  
this Agreement is \$1,105,994.61, and shall be on such other

Meeting No. 754  
Item 8  
Appendix H

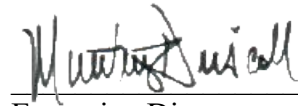
terms and conditions as the Executive Director and General  
Counsel determine to be in the best interests of the Authority;  
and be it further

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



Director of Maintenance and Operations

RECOMMENDATION APPROVED:



Executive Director

Meeting No.	754
Item	9
Appendix	I

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Frank Hoare  
General Counsel

SUBJECT: Declaring Real Property Reference No. 536, Located in the Villages of Suffern and Montebello and Town of Ramapo and County of Rockland, as Not Necessary for the Authority's Corporate Purposes and Authorizing the Auction Thereof

TRANSACTION:

Proposed is the sale of Real Property Reference No. 536 (hereinafter, "Subject Property"), via a public auction. This disposal is an Authority initiated transfer.

SUBJECT PROPERTY DESCRIPTION:

The Subject Property has a total area of 4.749± acres and consists of a vacant, mostly level, mostly rectangular shaped parcel with moderate grading; 2.7± acres is improved with guide rails, macadam and natural vegetation, serving as a private road providing access to the adjoining former pharmaceutical manufacturing campus, while 2.05± acres is unimproved and not part of the current town road. The Subject Property is shown on the attached aerial site sketch and draft survey map attached hereto, respectively as Exhibits I and II.

FORMER USE AND PRESUMED INTENDED USE:

The Subject Property is currently used as a buffer area to the Thruway to the north and as a private road to a former pharmaceutical company campus to the south and has the potential to be used as a secondary access to the old quarry property to the west, which can be used to extend the road if the unimproved section is developed. The Subject Property is not zoned; however, surrounding areas are zoned Planned Light Industrial, and all utilities are available. The Subject Property does not have a present or anticipated future use and the Subject Property was deemed to

be appropriate for disposal under a duly approved transactional analysis and recommendation in accordance with Thruway Standard Operating Procedures.

VALUATION:

In accordance with the Authority's Standard Operating Procedures, the value of the Subject Property was independently appraised by one appraisal consultant. The value of the Subject Property was independently appraised by Hudson Valley Appraisal Corp., (hereinafter, "Consultant"), at \$53,117 per acre, for a value of \$255,000.

In a review appraisal conducted by staff from the Office of Real Property Management (hereinafter, "ORPM"), the Consultant'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 that I affirmed. Based upon the aforementioned valuation, ORPM staff has recommended that a minimum auction bid of \$255,000 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.

CONTRACTING OFFICER’S CERTIFICATION:

In my capacity as Contracting Officer, 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. 536,  
LOCATED IN THE VILLAGES OF SUFFERN AND  
MONTEBELLO AND TOWN OF RAMAPO, COUNTY OF  
ROCKLAND, 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. 536 (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 Executive Director, or his designee(s), be and the same hereby is/are, authorized to conduct a public auction (hereinafter, "Auction") of the property at a minimum-bid amount of \$255,000 (hereinafter, "Minimum Bid"); and be it further

RESOLVED, that the Executive Director be, and the same hereby is, authorized to accept the highest bid that meets or exceeds the Auction's 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 bidder, and be it further

RESOLVED, that the Authority, as the SEQRA Lead Agency, has classified the proposed action as an Unlisted Action, and 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

Meeting No.	754
Item	9
Appendix	I

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



---

General Counsel

RECOMMENDATION APPROVED:



---

Executive Director

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Joshua Klemm  
Chief Information Officer

SUBJECT: Authorizing Agreements with Various Telecommunications Providers for the Use  
of the New York State Thruway Authority's Fiber Optic System.

The following telecommunications providers ("Users") have requested the use of the New York State Thruway Authority's ("Authority") fiber optic system ("System") for their own use: PEG Bandwidth NY Telephone Corporation ("PEG Bandwidth"), FirstLight Fiber Inc. ("FirstLight") and MCI Communications Services LLC ("MCI"). The assets to be leased to each User are detailed in the exhibit for each User (See Exhibits 2-5). Total fees payable by these Users to the Authority are \$36,578,680.66 and the breakdown of such is contained in Exhibit 1.

Under the agreements, the Authority will also provide maintenance of the System and electric power in the regeneration facilities. Maintenance will be furnished through a third-party contractor retained by the Authority, presently Adesta LLC.

Public Authorities Law ("PAL") § 2897 (6) (f) allows for disposals of the Authority's System, or any part thereof, through agreements based on set fees and does not require public auction for them, provided that: (i) the Authority has determined the disposal of such property complies with all applicable provisions of the PAL; (ii) the disposal is in the best interests of the Authority and (iii) the set fees established by the Authority for use of the fiber optic system or part thereof shall be based on an independent appraisal of the fair market value of the property.



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 these disposals: (i) are in the best interest of the Authority because they will provide value to the Authority through long-term agreements; several of which are twenty-year agreements; and (ii) the disposals comply 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 these disposals. The fees to be charged each user are set forth in the applicable Exhibits.

In addition, it is recommended the Chief Information Officer ("CIO") be delegated the authority to make all necessary decisions pursuant to SEQRA<sup>1</sup> as needed to execute and administer the Agreements, 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 AGREEMENTS WITH VARIOUS  
TELECOMMUNICATIONS PROVIDERS FOR THE USE OF  
THE NEW YORK STATE THRUWAY AUTHORITY'S FIBER  
OPTIC SYSTEM

---

---

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

RESOLVED, that agreements with the telecommunications providers 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 agreements 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 agreements, manage and administer the agreements, amend the provisions of the agreements consistent with the terms of this item and other Board authorizations and suspend or terminate the agreements in the best interests of the Authority; and be it further

RESOLVED, that the Chief Information Officer ("CIO") 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 agreements 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.



Chief Information Officer

RECOMMENDATION APPROVED:



Executive Director

# Exhibit 1



## Fiber Users

User	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-Time Fee	Estimated Lease Term Agreement Value
FirstLight Fiber, Inc.	20	\$ 295,568.00	\$ 35,525.00	\$ 53,100.00	\$ 47,291.00	\$ 2,676,954.94
MCI Communications Services, LLC (Verizon) - 16 Fiber	3	\$ 466,088.00	\$ 56,840.00	\$ -	\$ 74,574.00	\$ 641,774.76
MCI Communications Services, LLC (Verizon) - 12 Fiber	20	\$ 5,219,679.00	\$ 210,132.00	\$ 767,400.00	\$ 835,149.00	\$ 31,486,329.91
PEG Bandwidth NY Telephone Corp. (Uniti Fiber) - Albany to West	5	\$ 483,673.60	\$ 94,467.50	\$ 148,500.00	\$ 77,388.00	\$ 1,773,621.05
Totals for Fiber Customers:		\$ 6,465,008.60	\$ 396,964.50	\$ 969,000.00	\$ 1,034,402.00	\$ 36,578,680.66

May 20, 2022



## **Exhibit 2**

**FirstLight Fiber, Inc.**

**(20-Year IRU)**



## Memorandum

To: Finance Committee for Fiber Optics      Date: May 9, 2022

From: Caitlin Cady      Subject: Telecommunications Customer Agreement  
with FirstLight Fiber Inc.  
Contract # X010629

This is a notification of the proposed fees and charges for a telecommunications customer agreement with FirstLight Fiber Inc. ("FirstLight"). A Board agenda item for this agreement will be processed and presented to the Board at the June 6, 2022 Board meeting. If you have any questions or need additional information, do not hesitate to contact me at extension x3061.

### BACKGROUND:

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

FirstLight 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 FirstLight 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: 20 years from the date the agreement is approved by the Office of the New York State Comptroller ("OSC").

### User Route and User Fibers

The User Route consists of the following segments:

Fiber Segments						
Description	Number of Fibers	Route Miles	User Fee Per Fiber Mile	User Fee (20 Year Term)	First Year Annual Maintenance Fee per Route Mile	First Year Annual Maintenance Fee
Mainline MP 0.3 to Albany (Exit 23)	2	142.10	\$1,040	\$295,568	\$250	\$35,525
Total				\$295,568		\$35,525

**User Regen Space**

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

<b>Regen Building Space</b>			
<b>Location</b>	<b>User Square Feet</b>	<b>First Year Monthly Regen Space Fee (Per Sq. Ft.)</b>	<b>First Year Regen Space Fee</b>
Regen 4 Dunkirk	0	\$25	\$0
Regen 5 Eden-Angola	0	\$25	\$0
Regen 6 Buffalo	0	\$25	\$0
Regen 7 Scottsville	0	\$25	\$0
Regen 8 Waterloo	0	\$25	\$0
Regen 9 Watertown	0	\$25	\$0
Regen 10 Utica	0	\$25	\$0
Regen 11 Lock 13	0	\$25	\$0
Regen 12 Albany	0	\$25	\$0
Regen 12A Selkirk	0	\$25	\$0
Regen 13 Saugerties	57	\$25	\$17,100
Regen 14 New Paltz	0	\$25	\$0
Regen 15 Woodbury	55	\$25	\$16,500
Regen 16 Ardsley	65	\$25	\$19,500
<b>Total</b>	<b>177</b>		<b>\$53,100</b>

**Egress Connections**

<b>Milepost Marker</b>	<b>Egress Description</b>
6.20	Ardsley Regen
45.10	Woodbury Regen
142.40	Albany Regen

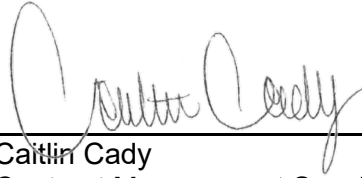
In accordance with the User Agreement for Fiber in progress between FirstLight and the Authority, the following are the fees and charges that are applicable to this agreement:

- One-Time Use Fee: \$295,568.00
- Annual Maintenance Fee: \$35,525.00  
Escallated annually using the lessor of the year-over-year CPI or 3%, but in no event less than 0.
- Annual Regen Facility Fee: \$53,100.00  
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 (20 years) is \$2,676,954.94.

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 FirstLight the Marketing Services Fee to be paid to Adesta is \$47,291.00.

A handwritten signature in black ink, appearing to read "Caitlin Cady", is written over a solid horizontal line.

Caitlin Cady  
Contract Management Specialist 2





## **Exhibit 3**

**MCI Communications Services, LLC**

**(3-Year IRU)**



## Memorandum

To: Finance Committee for Fiber Optics      Date: May 9, 2022

From: Caitlin Cady      Subject: Telecommunications Customer Agreement  
with MCI Communications Services, LLC  
Contract # X010624

This is a notification of the proposed fees and charges for a telecommunications customer agreement with MCI Communications Services, LLC ("MCI"). A Board agenda item for this agreement will be processed and presented to the Board at the June 6, 2022 Board meeting. 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: 3 years from the date the agreement is approved by the Office of the New York State Comptroller ("OSC")

### User Route and User Fibers

The User Route consists of the following segments:

Fiber Segments						
Description	Number of Fibers	Route Miles	User Fee Per Fiber Mile	User Fee (3 Year Term)	First Year Annual Maintenance Fee per Route Mile	First Year Annual Maintenance Fee
Mainline MP 0.30 to Albany Regen (MP 142.40)	16	142.10	\$205	\$466,088	\$400	\$56,840
Total				\$466,088		\$56,840

**User Regen Space**

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

<b>Regen Building Space</b>			
<b>Location</b>	<b>User Square Feet</b>	<b>First Year Monthly Regen Space Fee (Per Sq. Ft.)</b>	<b>First Year Regen Space Fee</b>
Regen 4 Dunkirk	0	\$25	\$0
Regen 5 Eden-Angola	0	\$25	\$0
Regen 6 Buffalo	0	\$25	\$0
Regen 7 Scottsville	0	\$25	\$0
Regen 8 Waterloo	0	\$25	\$0
Regen 9 Watertown	0	\$25	\$0
Regen 10 Utica	0	\$25	\$0
Regen 11 Lock 13	0	\$25	\$0
Regen 12 Albany	0	\$25	\$0
Regen 12A Selkirk	0	\$25	\$0
Regen 13 Saugerties	0	\$25	\$0
Regen 14 New Paltz	0	\$25	\$0
Regen 15 Woodbury	0	\$25	\$0
Regen 16 Ardsley	0	\$25	\$0
<b>Total</b>	<b>0</b>		<b>\$0</b>

**Egress Connections**

<b>Milepost Marker</b>	<b>Egress Description</b>
16.45	Meet MH-South Nyack
76.35	To City of Poughkeepsie
142.40	To City of Albany

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

- One-Time Use Fee: \$466,088.00
- Annual Maintenance Fee: \$56,840.00  
Escallated annually using the lessor of the year-over-year CPI or 3%, but in no event less than 0.
- Annual Regen Facility Fee: N/A
- 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 (3 years) is \$641,774.76.

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 \$74,574.00.

  
 Caitlin Cady  
 Contract Management Specialist 2



## **Exhibit 4**

**MCI Communications Services, LLC**

**(20-Year IRU)**



## Memorandum

To: Finance Committee for Fiber Optics      Date: May 9, 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"). A Board agenda item for this agreement will be processed and presented to the Board at the June 6, 2022 Board meeting. 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: 20 years from the date the agreement is approved by the Office of the New York State Comptroller ("OSC")

### User Route and User Fibers

The User Route consists of the following segments:

Fiber Segments						
Description	Number of Fibers	Route Miles	User Fee Per Fiber Mile	User Fee (3 Year Term)	First Year Annual Maintenance Fee per Route Mile	First Year Annual Maintenance Fee
Mainline MP 0.30 to MP 494.92*	12	519.97	\$828	\$5,166,422	\$400	\$207,988
I-190	12	5.36	\$828	\$53,257	\$400	\$2,144
Total				\$5,219,679		\$210,132

\* 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**

<b>Location</b>	<b>User Square Feet</b>	<b>First Year Monthly Regen Space Fee (Per Sq. Ft.)</b>	<b>First Year Regen Space Fee</b>
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
<b>Total</b>	<b>2558</b>		<b>\$767,400</b>

**Egress Connections**

<b>Milepost Marker</b>	<b>Egress Description</b>
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: \$5,219,679.00
- 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 (20 years) is \$31,486,329.91.

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 \$835,149.00.



---

Caitlin Cady  
Contract Management Specialist 2



## **Exhibit 5**

**PEG Bandwidth NY Telephone Corp.**

**(5-year IRU)**





## Memorandum

To: Finance Committee for Fiber Optics Date: May 9, 2022

From: Caitlin Cady Subject: Telecommunications Customer Agreement with PEG Bandwidth NY Telephone Corp. Contract # X010675

This is a notification of the proposed fees and charges for a telecommunications customer agreement with PEG Bandwidth NY Telephone Corp. ("PEG"). A Board agenda item for this agreement will be processed and presented to the Board at the June 6, 2022 Board meeting. If you have any questions or need additional information, do not hesitate to contact me at extension x3061.

### BACKGROUND:

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

PEG 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 PEG 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: Five (5) years from the date the agreement is approved by the Office of the State Comptroller ("OSC").

### User Route and User Fibers

The User Route consists of the following segments:

#### **Fiber Segments**

Description	Number of Fibers	Route Miles	User Fee Per Fiber Mile	User Fee (5 Year Term)	First Year Annual Maintenance Fee per Route Mile	First Year Annual Maintenance Fee
Mainline MP 142.40 to MP 494.92*	4	377.87	\$320	\$483,673.60	\$250	\$94,467.50
Total				\$483,673.60		\$94,467.50

\* 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**


---

<b>Location</b>	<b>User Square Feet</b>	<b>First Year Monthly Regen Space Fee (Per Sq. Ft.)</b>	<b>First Year Regen Space Fee</b>
Regen 4 Dunkirk	101	\$25	\$30,300
Regen 5 Eden-Angola	0	\$25	\$0
Regen 6 Buffalo	97	\$25	\$29,100
Regen 7 Scottsville	99	\$25	\$29,700
Regen 8 Waterloo	100	\$25	\$30,000
Regen 9 Watertown	0	\$25	\$0
Regen 10 Utica	98	\$25	\$29,400
Regen 11 Lock 13	0	\$25	\$0
Regen 12 Albany	0	\$25	\$0
Regen 12A Selkirk	0	\$25	\$0
Regen 13 Saugerties	0	\$25	\$0
Regen 14 New Paltz	0	\$25	\$0
Regen 15 Woodbury	0	\$25	\$0
Regen 16 Ardsley	0	\$25	\$0
<b>Total</b>	<b>792</b>		<b>\$237,600</b>

**Egress Connections**


---

<b>Milepost Marker</b>	<b>Egress Description</b>
182.2	Exit 28 Toll Plaza
187.20	Mohawk Regen
194.4	HH 11-15 @ Incenerator Road
271.8	HH 10-69 @ Kirkville Road
279.1	HH 10-85 @ Thompson Road
282.93	Watertown/Syracuse Regen
284.8	HH 9-7 @ Vine St Liverpool, NY
285.2	HH 9-8 @ Tulip St Liverpool, NY
303.9	HH 9-52 @ State Route 34
307.2	HH 9-60 Main ST, Port Byron
312.1	HH 9-72 @ Auburn Street Rt. 90
393.4	Meet MH-Batavia Egress off HH 7-61
396.7	HH 7-68 @ Slusser Road
495.6	HH 4-60 @ Shortman Road
BS 11.2	HH B-27.1 @ State Route 66
BS 15.1	HH B-38 @ Exit B2
BS 21.65	HH B-52 to Private Pole off NYSTA

---

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

- One-Time Use Fee: \$483,673.60
- Annual Maintenance Fee: \$94,467.50  
Escallated annually using the lessor of the year-over-year CPI or 3%, but in no event less than 0.
- Annual Regen Facility Fee: \$237,600.00  
Escallated annually using the lessor of the year-over-year CPI or 3%, but in no event less than 0.  
Adjustment of fee based upon reduction in square footage at the next anniversary of the Effective Date after the Regen Space has been modified and approved by the Authority.
- 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 (5 years) is \$2,246,665.06

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 PEG the Marketing Services Fee to be paid to Adesta is \$77,388.00.

  
\_\_\_\_\_  
Caitlin Cady  
Contract Management Specialist 2

TO: The Thruway Authority Board

DATE: June 6, 2022

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

SUBJECT: Authorizing the Execution of Agreement D214876; with Popli Architecture + Engineering & L.S., DPC.

In accordance with Authority policy, Popli Architecture + Engineering & L.S., DPC, has been designated to provide services through agreement D214876; as presented in Exhibit A. Board authorization is requested to execute an agreement with Popli Architecture + Engineering & L.S., DPC for Construction Inspection Support Services in the Syracuse Division. Sufficient funding for agreement D214876 is provided for in the 2022- 2026 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTION OF AGREEMENT D214876  
WITH POPLI ARCHITECTURE + ENGINEERING & L.S., DPC

RESOLVED, that the Chief Engineer or his designee be and he hereby is, authorized to execute agreement D214876 with Popli Architecture + Engineering & L.S., DPC, as listed in Exhibit A, attached 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.



---

Chief Engineer

RECOMMENDATION APPROVED:



---

Executive Director

Meeting No. 754

Item 11

Appendix K

EXHIBIT A  
Agreements for Engineering Services

<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214876, Term Agreement for Construction Inspection Support Services – Syracuse Divisions	Popli Architecture + Engineering & L.S., DPC, 450 West Kirkpatrick Street, Syracuse, New York, 13204	\$3,000,000	Two years, with an option for the Authority to extend for 1 additional 1- year term	<ul style="list-style-type: none"><li>• Prudent Engineering, LLP (MBE)</li><li>• Tolman Engineering, Architecture &amp; Surveying, PLLC (SDVOB)</li></ul> Goals: 30% M/WBE and 6% SDVOB

MAP = Maximum Amount Payable

TO: The Thruway Authority Board  
FROM: Richard W. Lee, P.E.  
Chief Engineer  
DATE: June 6, 2022  
SUBJECT: Authorizing the Execution of Agreement D214879; with Atlantic Testing Laboratories, Limited.

In accordance with Authority policy, Atlantic Testing Laboratories, Limited, has been designated to provide services through agreement D214879; as presented in Exhibit A.

Board authorization is requested to execute an agreement with Atlantic Testing Laboratories, Limited for Material Testing and Inspection Services in the Albany and Syracuse Divisions. Sufficient funding for agreement D214879 is provided for in the 2022- 2026 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTION OF AGREEMENT D214879  
WITH ATLANTIC TESTING LABORATORIES, LIMITED

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement D214879 with Atlantic Testing Laboratories, Limited, as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with 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 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.



Chief Engineer

RECOMMENDATION APPROVED:



Executive Director



Meeting No. 754

Item 12

Appendix L

EXHIBIT A  
Agreements for Engineering Services

<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214879, Term Agreement for Material Testing and Inspection – Albany and Syracuse Divisions	Atlantic Testing Laboratories, Limited, 22 Corporate Drive, Clifton Park, New York, 12065	\$300,000	Two years, with an option for the Authority to extend for 1 additional 1- year term	<ul style="list-style-type: none"><li>• Encorus Group Engineering, PC (SDVOB)</li><li>• HRV Conformance Verification Associates, Inc. (WBE)</li><li>• JPCL Engineering (MBE)</li></ul> Goals: 30% M/WBE and 6% SDVOB

MAP = Maximum Amount Payable

TO: The Thruway Authority Board

DATE: June 6, 2022

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

SUBJECT: Term Agreements for D214877 and D214878 Testing and Inspection of Structural Steel Statewide, Regional and National

In accordance with Authority policy, Bureau Veritas North America, has been designated to provide services through agreement D214877 and HRV Conformance Associates, Inc. through agreement D214878; as presented in Exhibit A.

Board authorization is requested to execute an agreement with Bureau Veritas North America, and HRV Conformance Associates, Inc., for Testing and Inspection of Structural Steel Statewide, Regional and National. Sufficient funding for agreements D214877 and D214878 is provided for in the 2022-2026 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

TERM AGREEMENTS FOR D214877 AND D214878 TESTING  
AND INSPECTION OF STRUCTURAL STEEL STATEWIDE,  
REGIONAL AND NATIONAL

---

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement (D214877) with Bureau Veritas North America, and agreement (D217878) with HRV Conformance Associates, Inc.; as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete

services for the projects through these agreements, with the Maximum Amount Payable of the agreements 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

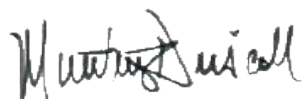
RESOLVED, that this resolution be incorporated in the minutes of this meeting.



---

Chief Engineer

RECOMMENDATION APPROVED:



---

Executive Director

EXHIBIT A  
Agreements for Engineering Services

<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214877, Term Agreement for Testing and Inspeiton of Structural Steel Statewide, Regional and National	Bureau Veritas North America, 1422 S. Narcoossee Road, St. Cloud, FL 34771	\$1,500,000	Three years, with an option for the Authority to extend for 1 additional 1-year term	<ul style="list-style-type: none"> <li>Atlantic Testing Laboratories, Limited (WBE)</li> <li>JPCL Engineering (MBE)</li> </ul> Goals: 30% M/WBE and 6% SDVOB
<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214878 Term Agreement for Testing and Inspeiton of Structural Steel Statewide, Regional and National	HRV Conformance Verification Associates, 420 Rouser Road, Suite 400, Moon Township, PA 15108	\$1,500,000	Three years, with an option for the Authority to extend for 1 additional 1-year term	<ul style="list-style-type: none"> <li>Atlantic Testing Laboratories, Limited (WBE)</li> <li>B&amp;N Inspection (SDVOB)</li> </ul> Goals: 30% M/WBE and 6% SDVOB

MAP = Maximum Amount Payable

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Richard W. Lee, P.E.  
Chief EngineerSUBJECT: Term Agreements for D214880 and D214881 Land Surveying and Right-of-Way  
Mapping Services – Albany, Buffalo, New York and Syracuse Divisions

In accordance with Authority policy, Naik Consulting Group, PC, has been designated to provide services through agreement D214880 and Fisher Associates, P.E., L.S., L.A., DPC for agreement D214881 as presented in Exhibit A. Board authorization is requested to execute agreements with Naik Consulting Group, PC for Land Surveying and Right-of-Way Services in the New York and Albany Divisions and with Fisher Associates, P.E., L.S., L.A., DPC, for Land Surveying and Right-of-Way Services in the Syracuse and Buffalo Divisions. Sufficient funding for agreements D214880 and D214881 is provided for in the 2022- 2026 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

## RESOLUTION NO.

TERM AGREEMENTS FOR D214880 AND D214881 LAND  
SURVEYING AND RIGHT-OF-WAY MAPPING SERVICES –  
ALBANY, BUFFALO, NEW YORK AND SYRACUSE DIVISIONS

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement (D214880) with Naik Consulting Group, PC, and agreement (D214881) with Fisher Associates, P.E., L.S., L.A., DPC, as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through these agreements, with the

Maximum Amount Payable of the agreements not to exceed the amount shown in the attached Exhibit A, and such agreements 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.



---

Chief Engineer

RECOMMENDATION APPROVED:



---

Executive Director

EXHIBIT A  
Agreements for Engineering Services

<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214880, Term Agreement for Land Surveying and Right-of-Way Services, New York and Albany Divisions	Naik Consulting Group, 111 West 33 <sup>rd</sup> Street, Suite 605, New York, New York	\$900,000	Four years, with an option for the Authority to extend for 1 additional 1-year term	<ul style="list-style-type: none"> <li>• Shumaker Consulting Engineering and Land Surveying (WBE)</li> <li>• Robinson Aerial Surveys (MBE)</li> <li>• Groundpoint Engineering (SDVOB)</li> </ul> Goals: 30% M/WBE and 6% SDVOB
<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214881, Term Agreement for Land Surveying and Right-of-Way Services, Syracuse and Buffalo Divisions	Fisher Associates, 180 Charlotte Street, Rochester, NY 14607	\$900,000	Four years, with an option for the Authority to extend for 1 additional 1-year term	<ul style="list-style-type: none"> <li>• Shumaker Consulting Engineering and Land Surveying (WBE)</li> <li>• Ravi Engineering and Land Surveying (MBE)</li> <li>• M&amp;P Engineering and Land Surveying (SDVOB)</li> </ul> Goals: 30% M/WBE and 6% SDVOB

MAP = Maximum Amount Payable

TO: The Thruway Authority Board

DATE: June 6, 2022

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

SUBJECT: Authorizing the Execution of Agreement D214882; with Entech Engineering.

In accordance with Authority policy, Entech Engineering has been designated to provide services through agreement D214882; as presented in Exhibit A. Board authorization is requested to execute an agreement with Entech Engineering for Environmental Support Services Statewide. Sufficient funding for agreement D214882 is provided for in the 2022- 2026 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTION OF AGREEMENT D214882  
WITH ENTECH ENGINEERING

---

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement (D214882) with Entech Engineering, 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.



Chief Engineer

RECOMMENDATION APPROVED:



Executive Director

Meeting No. 754

Item 15

Appendix 0

EXHIBIT A  
Agreements for Engineering Services

<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214882, Term Agreement for Environmental Services - Statewide	EnTech Engineering, 17 State Street, 36 <sup>th</sup> Floor, NewYork, NY 10004	\$1,500,000	Three years, with an option for the Authority to extend for 2 additional 1- year term	<ul style="list-style-type: none"><li>• EnTech Engineering (WBE)</li><li>• Watts Architecture &amp; Engineering (MBE)</li><li>• First Environment (SDVOB)</li></ul> Goals: 30% M/WBE and 6% SDVOB

MAP = Maximum Amount Payable

The Thruway Authority Board

DATE: June 6, 2022

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

SUBJECT: Authorizing the Execution of Supplemental Agreement No. 3 to Engineering Agreement D214341

At its October 20th, 2014 meeting (Meeting No. 706, Resolution No. 6018, the Authority Board authorized the Chief Engineer to execute an agreement with Jacobs Civil Consultants Inc. to perform Design and Construction Inspection Support Services Statewide. In the May 13<sup>th</sup>, 2014 New York State Contractor Reporter advertisement, it was stated that the Authority anticipated the value of this term agreement to be \$2,000,000.

Based upon Jacobs Civil Consultants Inc. performance on multiple on-going projects, Authority staff recommends that the agreement be supplemented so that Jacobs Civil Consultants Inc. can complete the project design and provide necessary oversight.

At this time, Board authorization is requested to execute Supplemental Agreement No. 3 in the amount of \$200,000 thus revising the MAP to \$3,000,000. Sufficient authorization is included in the 2022 Contracts Program, #H617.1.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTION OF SUPPLEMENTAL  
AGREEMENT NO. 3 TO ENGINEERING AGREEMENT D214341

RESOLVED, that the Chief Engineer be, and he hereby is, authorized to execute Supplemental Agreement No. 3 to D214341 with Jacobs Civil Consultants Inc. 800 Market Street, Saint Louis Missouri, 63150-8713 , for an additional sum of \$200,000, and such Supplemental 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 revised Maximum Amount Payable for Agreement D214341 be \$3,000,000, and be it further

RESOLVED, that sufficient authorization is included in the 2022 Contracts Program for Supplemental Agreement D214341, 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 Supplemental Agreements, manage and administer the Supplemental Agreement, amend the provisions of the Supplemental 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 Supplemental 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



# Memorandum

**To:** Richard Lee

**Date:** May 16, 2022

**From:** Andrew Trombley

**Subject: D214341 SA #3, B284.1  
Additional Funding Request  
Term Agreement for Design  
Support Services (Statewide)**

**Explanation:**

D214341 is a Term Agreement for Design Support Services (Statewide). This Agreement has X Assignments, including Assignment #3 for the replacement of the North Avenue bridge in Rockland County. There are numerous utilities in the project area and late in 2017, during preliminary design, it was determined that utilities would be a hindrance to the reconstruction of the bridge and that a second utility contract would be required to move the remaining utilities (TANE 21-12B). Design for the bridge replacement was suspended until the design of the utility contract was completed late 2020. As design for the bridge replacement project re-started, staging schemes that had previously been agreed to with the City of New Rochelle had to be revisited with new city officials. The complexity of staging the construction while maintaining traffic required additional design effort. Furthermore, we are requesting to add construction support to this assignment to assist us with managing the design effort required during the construction stage of the project. Due to the complexity of this project, we anticipate numerous Request for Information (RFI) and Value Engineering Cost Proposals (VECP) from the contractor. Also, Design will be responsible for shop drawing reviews, welding procedures and pile driving submittals during construction. Jacobs is the designer of record and will be able to provide these services in a timely and cost-effective manner.

The original contract completion date will be extended to November 3, 2023.

### Additional Funds Request:

An additional \$200,000 is requested for D214341 Supplemental #3 which will be processed and sent to OSC for approval.

**Original Contract Value:** \$2,000,000.00

Previous Supplemental #1& #2:	\$800,000.00
-------------------------------	--------------

<b>Current Supplemental #3:</b>	\$200,000.00
<b>Total Increase:</b>	\$200,000.00
<b>Revised MAP:</b>	\$3,000,000.00
<b>Dispersement Schedule:</b>	January 2021 – December 2021

**Approved Authorization:**

Item H617.1 of the 2020 Contracts Program has authorization to cover for the Additional \$200,000 being requested.

**Available Funding:**

The Additional funding being requested will be expended in 2022-2023.

---

Andrew Trombley, Director  
Office of Capital & Contracts Management

**I Concur:**

---

Richard Lee, Chief Engineer

---

Date

**I Concur:**

---

Matthew Driscoll, Director

---

Date

Meeting No. 754  
Item 17  
Appendix Q

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Matthew J. Driscoll  
Executive Director

SUBJECT: Report on Procurement Contracts and Other Agreements Up to \$300,000  
Executed by the Executive Director During the Period January 1, 2022 Through  
March 31, 2022

Pursuant to Resolution No. 6224 adopted at Meeting No. 740 held on November 18, 2019, the Board adopted the Procurement Contracts Policy which authorizes the Executive Director to: execute any procurement contract, including amendments thereto, in an amount not to exceed \$300,000 provided that a Procurement Contract for professional services has a term of one year or less; increase by up to \$300,000 any procurement contract previously approved by the Board; extend any procurement contract for a period in excess of one year provided such contract or extension does not exceed \$300,000 provided that a Procurement Contract for professional services has a term of one year or less; and waive the use of a competitive procedure for certain procurement contracts. The Procurement Contracts Policy requires that the Executive Director report to the Board quarterly on all Procurement Contracts or Amendments thereto that have been executed pursuant to such authority.


Pursuant to this Resolution, attached hereto as Exhibit I is a list of the Procurement Contracts and or Amendments thereto executed by the Executive Director pursuant to the Authority in such Resolutions during the time period January 1, 2022 through March 31, 2022.



Meeting No.	754
Item	17
Appendix	Q

RECOMMENDATION:

It is recommended that the Boards receive these Procurement Contracts and Other Agreements Report and file them for the public record.



---

Executive Director

Meeting No. 754  
Item 17  
Appendix Q

EXHIBIT I

THRUWAY PERSONAL SERVICE CONTRACTS UP TO \$300,000  
FOR THE PERIOD JANUARY 1, 2022 THROUGH MARCH 31, 2022

DATE	AMOUNT	CONTRACTOR	Amendment No.	MWBE Goals	SDVOBE Goals	PURPOSE
01/25/22	\$0	Quadrant Laboratories Contract #C010663	N/A	0	0	Emergency contract for COVID Testing
02/09/22	\$0	Kapsch Traffic Com USA, Inc. Contract #C010078	3	0	0	Exercise 3-yr. renewal, no additional funds.
03/25/22	\$47,326.31	Verizon P.O. 1275793	N/A	0	0	A P.O. was cut to pay outstanding invoices for GPS services for our fleet vehicles.

Meeting No.	754
Item	18
Appendix	R

TO: The Thruway Authority Board

DATE: June 6, 2022

FROM: Matthew J. Driscoll  
Executive Director

SUBJECT: Authorization for the Executive Director to Approve 2022 Salary Actions for Management/Confidential Employees

On June 7, 2021 at Meeting No. 749, the Board adopted Resolution No. 6293, which provided a 2% general salary increase to the base of all Management/Confidential (M/C) employees beginning with the pay period that included July 1, 2020. The Resolution also authorized the Executive Director to implement any future 2021 salary actions for M/C employees that have been afforded to Executive Branch M/C employees.

In recognition of the important role that M/C employees have in our organization, and to maintain parity and to be aligned with the Executive Branch, I am recommending the Board authorize the Executive Director to implement any future 2022 salary actions for M/C employees that are afforded to Executive Branch M/C employees.

In accordance with Thruway Authority Executive Bulletin 2019-1, recommendations to withhold scheduled salary increases, in whole or in part, from individual employees are subject to the approval of the Executive Director. Any increase in compensation provided herein as a result of a promotion, appointment or advancement to a position in a higher salary grade, may be withheld in whole or in part from any officer or employee when, in the opinion of the Executive Director, such withholding is necessary to maintain appropriate salary relationships among officers or employees of the Thruway Authority, or to reduce Thruway Authority expenditures to acceptable levels or when, in the opinion of the Executive Director, such increase is not warranted or is not appropriate.

Meeting No.	754
Item	18
Appendix	R

No additional funding is required as sufficient funds have been included in the 2022 Operating Budget.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. \_\_\_\_\_

AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO  
APPROVE 2022 SALARY ACTIONS FOR  
MANAGEMENT/CONFIDENTIAL EMPLOYEES

RESOLVED, the Executive Director be, and is hereby is, authorized to take the necessary steps to grant and implement any 2022 salary actions for M/C employees that have been afforded to Executive Branch M/C employees, and be it further

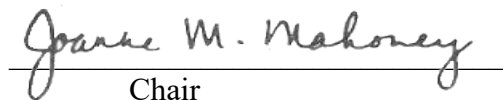
RESOLVED, the recommendations to withhold salary increases, in whole or in part, are subject to the approval of the Executive Director, and be it further

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



\_\_\_\_\_  
Executive Director

RECOMMENDATION APPROVED:



\_\_\_\_\_  
Chair