

## **BOARD MEETING OF JANUARY 5, 2011**

At the call of the Chair, a Meeting of the Board of Directors of the Massachusetts Bay Transportation Authority was held at Ten Park Plaza, Offices of the Board, Third Floor, Boston, Massachusetts, on Wednesday, January 5, 2011 at 1:05 p.m.

There were present: Messrs. Jenkins, Alvaro and Whittle and Miss Levin, being a quorum of the Board of Directors of the Authority.

Also in attendance were: the Secretary, Mr. Mullan, the General Manager, Mr. Davey, and Messrs. Mitchell, Davis, Wallace, DePaola and Johnson and the Misses Lynds, Quinones and Charles.

The Chairman, Mr. Jenkins, presided.

The Recording Secretary kept the records of the Meeting and presented the Order of Business.

Chairman Jenkins called the 1043rd Open Meeting to Order.

The Chairman announced the start of the public comment period and acknowledged that there were none.

At this time, the Chairman closed the public comment period.

The Minutes of the Meeting of December 1, 2010 were approved as presented.

The General Manager, Mr. Davey, gave the General Manager's Report. A copy of the Report is provided as an attachment to the Minutes.

Chairman Jenkins said that in future reports if Mr. Davey could provide some feedback as to any concerns raised while out on the system. Mr. Davey said that he has a report that he will share with the Board on issues raised while visiting various stations.

The General Manager's Report was accepted as given.

Mr. Frank DePaola, Assistant General Manager for Design and Construction, presented the immediately following item concerning the Fairmount Line Neponset River Bridges Reconstruction Project.

In response to the Chairman's inquiry, Mr. DePaola explained the penny bid items in the contract. He noted that staff met with the contractor received clarification and a written commitment that the work will be performed in a breakdown of the lump sum. This approach will allow the Authority to know how much money is appropriated for each item.

In response to Director Alvaro's inquiry regarding Part 1 of the track and bridge rehabilitation, Mr. DePaola explained that there will be single track operation and some delays on the Fairmount Line. In terms of the remediation on Readville Yard, Mr. Andrew Brennan, Director of Environmental Affairs, explained the remediation process and how much the remediation cost.

In response to the Board Member's concerns, Mr. DePaola explained the scope of work associated with the project.

Mr. Edward Hunter, Director of Construction, explained the condition of the bridges. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager and Rail & Transit Administrator be, and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, MBTA Contract No. B74CN01, which includes two projects, Fairmount Line Neponset River Bridges Reconstruction Project, Bridge No. B-16-473 at M.P. 219.74 and Bridge No. B-16-474 at M.P. 220.35, Boston, Massachusetts, and the Readville Yard 5 Remediation, Boston and Dedham, Massachusetts, with S&R Construction Enterprises, for \$8,583,509.00, based upon a schedule of unit, lump sum and allowance bid prices, said contractor being the lowest responsible and eligible bidder in response to requests for sealed proposals.

In response to the Chairman's inquiry regarding the immediately following concerning the Project Initiation Agreement for the Neponset River Bridge, Mr. DePaola stated that this is a cost plus contract under the Operating Agreement with the MBTA and MBCR.

Director Levin requested that in the future when the contract is out for bid that fixed price for additional work be included in the contract.

Secretary Mullan suggested that a briefing be done on best practices and how to improve efficiencies on contracts. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager and Rail & Transit Administrator be, and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, Project Initiation Agreement No. MBCR1008 with Massachusetts Bay Commuter Railroad, to provide flagging support for the contractor, track work, signal and communications work during the construction of Neponset River Bridges, for a sum not to exceed \$2,321,999.00.

Director Alvaro questioned the DBE requirements on various contracts. Mr. DePaola explained how the DBE goals are set for federal and stated funded contracts. He noted that a Disparity Study is being conducted so that goals are set on all projects in the future.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager and Rail & Transit Administrator be, and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, MBTA Contract No. H74CN08, Neponset River Bridge Replacement Project, Bridge No. B-16-472, M.P. 220.78, Fairmount Corridor Improvements, Boston, Massachusetts, with Barletta Heavy Division, for \$5,815,000.00, based upon a schedule of lump sum and allowance bid prices, said contractor being the lowest responsible and eligible bidder in response to requests for sealed proposals.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager and Rail & Transit Administrator be, and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT), and in a form approved by the General Counsel, Project Initiation Agreement No. MBCR1007 with Massachusetts Bay Commuter Railroad, to provide flagging support for the contractor, track work, signal and communications work during the construction of Neponset River Bridge for an estimated sum not to exceed \$1,374,101.00.

In response to the Chairman's inquiry, Mr. DePaola stated that the Authority is audited by the Government Accountability Office (GAO). He said that every month a detailed report is provided and staff will go through each item to ensure that the work and materials match up.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager and Rail & Transit Administrator be, and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, MBCR P.I. Agreement No. 1011 to provide all labor, materials and equipment to provide all signal material for eight crossings, one new interlocking at CP-30 and modifications to existing Willows Interlocking, CPF-34 for construction of the ARRA Stimulus Double Track work on the Fitchburg Commuter Rail Line, for an estimated sum not to exceed \$5,553,483.00.

Mr. Robert Johnson, Director of Materials, presented the immediately following item concerning the purchase of spare parts for subway maintenance and repair efforts.

In response to Director Alvaro's inquiry, Mr. Johnson said that the Authority only received one bid because the items are sole sourced by Bombardier. Mr. Johnson said that in the future procurements of spare parts, staff are looking to find ways to capture the price up front during the contract phase. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager and Rail & Transit Administrator be, and hereby is, authorized to execute in the name and on behalf of the Authority, and in a form approved by the General Counsel, to enter into an agreement to purchase spare parts from Bombardier Transportation (Holdings) USA, Incorporated, of Pittsburgh, Pennsylvania, to be used for maintenance of the Authority's light and heavy rail vehicles, over an estimated three-year period, at a total delivered cost not to exceed \$4,978,684.02; said company being the only responsive and responsible bidder in response to an Invitation for Sealed Bids.

Under Other Business, the General Manager, Mr. Davey, provided an overview of the performance metrics for the General Manager and Rail and Transit Administrator for fiscal year 2011. Mr. Davey said that his performance metrics are established into five categories; safety, service delivery, employee management and relations, innovation and fiscal responsibility. He said that the Labor and Compensation Committee recommended that the Board approve and adopt the metrics.

Director Alvaro expressed concern that diversity issues were not addressed in the report. Mr. Davey said that the word, diversity, is not listed, but on the employee feedback, recognition and the round table, the issues are being addressed. Mr. Davey explained his department head goals regarding diversity.

Chairman Jenkins noted that this is a working document and asked for feedback. He said that he would like to see milestones and quantitative data in the report.

Directors Levin and Whittle said that this is a good first step along with the Board's additional comments. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED**: That the Board hereby approves the performance metrics of the Administrator of the Rail and Transit Division/General Manager of the Massachusetts Bay Transportation Authority as determined by the Secretary pursuant to M.G.L. c. 6C, §29(c) and as recommended by the Massachusetts Department of Transportation/Massachusetts Bay Transportation Authority Standing Committee on Compensation and Labor Relations.

On motion, duly made and seconded, it was unanimously

**VOTED**: To adjourn the 1043rd Open Meeting.

The meeting adjourned at 2:00 p.m.

A true record.

Attest:

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Yolanda L. Reed  
Recording Secretary  
Board of Directors of the  
Massachusetts Bay Transportation  
Authority