



TO: Performance Oversight Committee
Representative Austin Davis
Representative Lori Mizgorski

FROM: Michelle Zmijanac, Committee Chair

DATE: January 14, 2020

SUBJECT: Performance Oversight Committee – January 17, 2020

The next meeting of the Performance Oversight Committee is scheduled for Friday, January 17, 2020 in the Fifth Floor Board Room at Port Authority's offices, immediately following the Finance Committee meeting. The preliminary agenda is as follows:

1. Approval of Minutes of the November 14, 2019 Performance Oversight Committee Meeting.
2. Proposed Resolutions:
 - a. Awarding of Bids (Tony Trona)
 - b. Authorization to Award Construction Contracts for Roofing and HVAC Upgrades at Manchester, East Liberty and West Mifflin Garages (Keith Wargo)
 - c. Authorization to Award Construction Contract for Mt. Washington Tunnel Electrical System Improvements (Keith Wargo)
 - d. Authorization to Amend and Restate Port Authority's Equal Employment Opportunity and Anti-Harassment Policy (Inez Colon)
 - e. Authorization for Settlement of Public Liability Claim (Mike Cetra)
 - f. Authorization to Enter into Agreement to Provide Long Range Transportation Planning Services (David Huffaker)

cc: Other Port Authority Board Members

PERFORMANCE OVERSIGHT COMMITTEE MEETING

November 14, 2019

The meeting was called to order at 9:00 a.m. in Port Authority's Neal H. Holmes Board Room located on the fifth floor of the Heinz 57 Center with the following in attendance:

Board Committee Members

Michelle Zmijanac, Chair
Representative Lori Mizgorski
Jeff Letwin

Other Board Member

John Tague
Ann Ogoreuc

1. Approval of Minutes:

The Committee approved the minutes from the October 17, 2019 Performance Oversight Committee meeting.

2. Proposed Resolutions:

There were eight resolutions reviewed by the Performance Oversight Committee.

Mr. Trona presented six procurement items and the Committee determined the bids to be in accordance with the Authority's procurement policies and procedures, the prices to be fair and reasonable, the bidders to be responsible and the bids responsive.

The Performance Oversight Committee agreed to recommend for award the six items for the total amount of approximately \$29.3 million.

Mr. Wargo presented the next resolution seeking authorization to award a construction contract for Mechanical Improvements at the Operations Control Center, South Hills Village Rail Center and the Manchester Garage. He reported that bid documents were prepared and publicly advertised and three bids were received for the contract.

After review of the bids by staff and counsel, it has been determined that the bid of Lugaila Mechanical, Inc., is the lowest responsive bid from a responsible bidder and the bid price is fair and reasonable.

The Performance Oversight Committee agreed to recommend awarding the contract to Lugaila Mechanical, Inc., in the amount of \$640,000, subject to completing all pre-award requirements.

Mr. Wargo presented the next resolution seeking authorization to amend the agreement with AECOM Technical Services, Inc., for Bus Rapid Transit Phase III Engineering Services.

Mr. Wargo explained that in July 2018, the Board authorized the award of an agreement to provide Management and Engineering Services to complete the design of the BRT

Project to 60 percent. Additional services, including completion of the final design for the BRT Project to 100 percent, were also included in the agreement.

Mr. Wargo stated that the services have been successfully completed though the 60 percent completion level and a favorable rating was received from the FTA on an application made for a federal grants application.

The Performance Oversight Committee has determined that it is in its best interest to advance the BRT design to the 100 percent level in anticipation of receiving grant funding and advancing the project to construction and agreed to recommend an amendment to the agreement to exercise the option with AECOM for completion of the design for the project to 100 percent and increasing the previously authorized total not-to-exceed amount from \$10,500,000 to \$18,000,000.

Ms. Colon presented the next resolution seeking authorization to enter into agreements with a pool of firms to provide temporary technical and clerical support services on an as needed basis for employee long-term absences, vacancies and additional workload. Request for proposals for the services was publicly advertised and seven proposals were received for both services.

It was determined that the five proposers listed in the resolution were the proposers with the highest-rated proposals to perform the services under both categories.

The Performance Oversight Committee agreed to recommend entering into agreements with the five firms listed on the resolution for a total not-to-exceed amount of \$1,000,000 for both categories, for a three-year period with the option to extend the term of the agreements up to an additional two years at the sole discretion of the Authority.

Mr. Cetra presented the next resolution seeking authorization to extend and amend the agreement with UPMC Benefit Management Services, d/b/a UPMC Work Partners to provide managed care services.

Mr. Cetra explained that in January 2015, the Board authorized the award of the agreement to UPMC Work Partners to provide these services for an initial five-year term at a total not-to-exceed amount of \$3,500,000. The agreement also contains two additional option years to be exercised by the Authority in its sole discretion. To date, the services performed by UPMC have been satisfactory and in compliance with the agreement.

The Performance Oversight Committee agreed to recommend exercising the first option year to extend the agreement through January 31, 2021, with no increase in the previously authorized total not-to-exceed amount.

Mr. Cetra presented the next resolution seeking authorization to extend and amend the agreements with a pool of law firms to provide legal services.

Mr. Cetra reported that in September 2014, the Authority's Board authorized the Authority to enter into agreements with the identified firms in the Board packet in the designated fields of law, shown on Exhibit A to the Resolution, for a five-year period with the option to extend the term of each agreement up to three additional years at the sole discretion of the Authority.

The initial term of the agreements is set to expire on December 31, 2019, and to ensure that critical legal services and representation of the Authority in various active legal matters continues, the Performance Oversight Committee agreed to recommend extending the agreements for one additional year through December 31, 2020.

Mr. Cetra presented the next resolution seeking authorization for settlement of a public liability claim. He reported that an accident occurred on January 1, 2015 on Fifth Avenue in Oakland when an operator was attempting to drop off passengers at a bus stop. This caused a passenger to be injured. A personal injury claim was then submitted to the Authority.

The parties have reach an amicable agreement to fully and finally settle the claim in the total amount of \$130,000, subject to approval by the Board.

The Performance Oversight Committee agreed to recommend authorizing a settlement payment in the amount of \$130,000 to fully and finally settle the claim through a release form approved by counsel.

Mr. Cetra presented the final resolution seeking authorization to settle a property damage claim. He reported that on August 5, 2018, a freight train owned and operated by Norfolk Southern Railway Company derailed and several double-stacked train cars fell onto Port Authority's light rail track located near the Authority's Station Square Station causing significant property damage.

The Performance Oversight Committee agreed to recommend authorizing the Authority to fully and finally settle the claim with Norfolk Southern Railway Company for the total amount of \$2,560,964.52 payable to the Authority through a release form approved by counsel.

3. Rail Transit Safety Review Program Presentation:

PennDot representatives provided the Committee an overview and summary of Pennsylvania's Rail Transit Safety Review Program and an update on ongoing safety oversight activities at Port Authority over the past year. The activities include oversight of Port Authority's light rail system, busways and the Monongahela Incline.

With no further business, the meeting was adjourned.

AWARDING OF BIDS

1. OFFICE SUPPLIES (STATE SCHEDULE)

The Commonwealth of Pennsylvania Department of General Services (PA DGS) has awarded an office supply contract for the purchase of various office supplies to W. B. Mason Company Inc. This contract is currently effective through April 14, 2022 and permits two one-year contract extensions if exercised by the PA DGS. The Authority seeks to purchase office supplies under the terms and conditions of this State Schedule contract.

RECOMMENDATION: That a contract be awarded under the same terms and conditions of PA DGS with W. B. Mason Company Inc., for the purchase of office supplies. This contract shall be for an estimated total of \$742,500.00 through April 14, 2022. The exercise of one or both of the additional optional one-year extensions will be at the discretion of the Authority and also contingent on the PA DGS's exercise of the optional extension years.

The pricing represents an 18 percent increase to the Authority's previous contract five years ago for these supplies. Staff has determined the pricing on the Pennsylvania State Schedule to be fair and reasonable and consistent with the funds budgeted.

2. UNLEADED GASOLINE

This bid was publicly advertised and bid documents were distributed. Three bids were received for the purchase of unleaded gasoline over a two-year period. This fuel is used to power fleet service vehicles and maintenance equipment.

RECOMMENDATION: That a contract be awarded to the low responsible bidder that submitted a responsive bid, Petroleum Traders Corporation, in the estimated amount of \$908,750.00.

This price represents a 20 percent decrease over the previous bid price paid for this product two years ago. Staff has determined the pricing received to be fair and reasonable and consistent with the funds budgeted.

3. REFRESH KITS FOR ENERGY STORAGE (HYBRID COACH)

This bid was publicly advertised and ebusiness documents were distributed. One firm accepted the invitation and one bid was received for refresh kits for energy storage for hybrid coaches over a three-year period.

RECOMMENDATION: That a contract be awarded to the low responsible bidder that submitted a responsive bid, Penn Power Group LLC., in the estimated amount of \$741,755.31.

This price represents a five percent increase over the previous contract prices for these services three years ago. Staff has determined the pricing to be fair and reasonable and consistent with the funds budgeted.

4. REMANUFACTURED/EXCHANGE FUEL INJECTORS FOR CUMMINS DIESEL ENGINES

This bid was publicly advertised and ebusiness documents were distributed. Four firms accepted the invitation and three bids were received for the purchase of remanufactures/exchange fuel injectors for Cummins diesel engines used to maintain the Authority's coach fleet over a one-year period.

RECOMMENDATION: That a contract be awarded to the low responsible bidder that submitted a responsive bid, Colonial Equipment Co., for two items in the estimated amount of \$549,295.20.

There has been no recent purchase of these injectors, however, staff has determined the pricing to be fair and reasonable and consistent with the funds budgeted.

5. COACH REPLACEMENT PARTS – COOLING

This bid was publicly advertised and ebusiness documents were distributed. Six firms accepted the invitation and six bids were received for the purchase of coach replacement parts for cooling, used to maintain the Authority's coach fleet over a two-year period.

RECOMMENDATION: That a contract be awarded to the low responsible bidders that submitted responsive bids as follows:

- CBM US Inc. – two items in the estimated amount of \$14,939.50
- Cummins Inc. – two items in the estimated amount of \$168,072.00
- Gillig LLC. – three items in the estimated amount of \$212,187.65

This price represents a seven percent increase over the previous contract prices for these items one year ago. Staff has determined the pricing to be fair and reasonable and consistent with the funds budgeted.

RESOLUTION

RESOLVED, that recommendations as set forth in the report are accepted and that the chief executive officer or chief financial officer be, and hereby are, authorized and directed to execute such documents on behalf of Port Authority of Allegheny County as shall be required for the entry of proper contracts covering those items recommended for acceptance.

**Port Authority of Allegheny County
Procurement Summary**

January 24, 2020

Item	Description	Number Of Bids	Lowest Responsive Bidder	Award Amount	2nd Bidder Amount	Annual Percentage Change to Previous Purchase
1	Office Supplies (State Schedule)	n/a	W. B. Mason Co. Inc.	\$742,500.00	n/a	18% increase
2	Unleaded Gasoline	3	Petroleum Traders Corporation	\$908,750.00	\$947,950.00	20% decrease
3	Refresh Kits for Energy Storage (Hybrid Coach)	1	Penn Power Group LLC.	\$741,755.31	n/a	5% increase
4	Remanufactured/Exchange Fuel Injectors - Cummins Engines	3	Colonial Equipment Company	\$549,295.20	\$558,135.00	no previous purchase
5	Coach Replacement Parts - Cooling	6	CBM US Inc. (2 items)	\$14,939.50	\$19,270.60	7% increase
			Cummins Inc. (2 items)	\$168,072.00	\$209,472.00	
			Gillig LLC. (3 items)	\$212,187.65	n/a	

Total Purchases:

\$3,337,499.66

SUMMARY OF RESOLUTION

Authorization to Award Construction Contracts for Roofing and HVAC Upgrades at Manchester, East Liberty and West Mifflin Garages

Contracts SYS-19-09 A&B REBID G, SYS-19-09 REBID H, and SYS-19-09 REBID E (Contracts) provide for the furnishing of engineering, labor, material, equipment, tools, supervision, and incidental items necessary for the replacement of roofs and HVAC equipment at the Manchester and West Mifflin garages and the replacement of HVAC equipment at the East Liberty Garage.

Contract No. SYS-19-09 A&B REBID G, provides for General Construction work including, but not limited to, removal and replacement of roofs at the Manchester and West Mifflin Garage, replacement of skylights at West Mifflin Garage and relocation of existing equipment.

Contract No. SYS-19-09 REBID H, provides for HVAC Construction work including, but not limited to, providing temporary HVAC equipment and the replacement of HVAC equipment at the Manchester, East Liberty and West Mifflin garages.

Contract No. SYS-19-09 REBID E, provides for Electrical Construction work including, but not limited to, electrical modifications required for the installation of HVAC equipment at Manchester, East Liberty and West Mifflin garages.

Bid documents were prepared and publicly advertised by the Port Authority of Allegheny County (Authority). Two bids for General Construction Contract, two bids for HVAC Construction Contract, and three bids for Electrical Construction Contract were received and opened on December 17, 2019.

After review of the responsive bids by the Authority's staff and counsel, it has been determined that the bid of Miller-Thomas-Gyekis, Inc., in the amount of \$6,717,700.00, for Contract SYS-19-09 A&B REBID G, General Construction, the bid of D&G Mechanical, Inc., in the amount of \$1,629,081.00, for Contract SYS-19-09 REBID H, HVAC Construction, and the bid of Merit Electrical Group, Inc., in the amount of \$169,000.00, for Contract SYS-19-09 REBID E, Electrical Construction, are the lowest responsive bids from responsible bidders meeting the Authority's specifications for Contracts.

It is recommended that respective Contracts be awarded to Miller-Thomas-Gyekis, Inc., D&G Mechanical, Inc., and Merit Electrical Group, Inc., subject to successfully completing the pre-award requirements.

1/24/20
M. Zmijanac

RESOLUTION

WHEREAS, Port Authority of Allegheny County (Authority) is engaged in the design and construction of roofing and HVAC upgrades at the Manchester, East Liberty and West Mifflin garages (Project); and

WHEREAS, the work for Project includes, but is not limited to, the furnishing of all engineering, labor, material, equipment, tools, supervision, and incidental items necessary for the replacement of roofs and HVAC equipment at the Manchester and West Mifflin garages and the replacement of HVAC equipment at the East Liberty Garage; and

WHEREAS, in order to perform Project, bid documents were prepared for Contract SYS-19-09 A&B REBID G General Construction, Contract SYS-19-09 REBID H Mechanical Construction, and Contract SYS-19-09 REBID E Electrical Construction (Contracts), and publicly advertised; and

WHEREAS, two bids for General Construction Contract, two bids for HVAC Construction Contract, and three bids for Electrical Construction Contract, were received and opened on December 17, 2019; and

WHEREAS, the bid of Miller-Thomas-Gyekis, Inc., in the amount of \$6,717,700.00, is the lowest responsive bid, from the responsible bidders among the bids received for Contract SYS-19-09 A&B REBID G, General Construction; the bid of D&G Mechanical Inc., in the amount of \$1,629,081.00, is the lowest responsive bid from the responsible bidders among the bids received for Contract SYS-19-09 REBID H, HVAC Construction; and the bid of Merit Electrical Group, Inc., in the amount of \$169,000.00, is the lowest responsive bid from the responsible bidders among the bids received for Contract SYS-19-09 REBID E, Electrical Construction; and

WHEREAS, the respective bids of Miller-Thomas-Gyekis, Inc., D&G Mechanical, Inc., and Merit Electrical Group, Inc., have been reviewed by the Authority's staff and legal counsel and are recommended for award of respective Contracts.

NOW, THEREFORE, BE IT RESOLVED, that the chief executive officer and/or chief engineer be, and hereby are, authorized to enter into an agreement, in a form approved by counsel, with Miller-Thomas-Gyekis, Inc., in the amount of \$6,717,700.00, for Contract SYS-19-09 A&B REBID G, General Construction, with D&G Mechanical Inc., in the amount of \$1,629,081.00, for Contract SYS-19-09 REBID H, HVAC Construction, and with Merit Electrical Group, Inc., in the amount of \$169,000.00, for Contract SYS-19-09 REBID E, Electrical Construction, all subject to successful completion of the pre-award requirements, and to take all such other actions as may be necessary and proper to carry out the purpose and intent of this resolution.

SUMMARY OF RESOLUTION

Authorization to Award Construction Contract for Mt. Washington Tunnel Electrical System Improvements

Contract SYS-19-07 (Contract) provides for the furnishing of engineering, labor, material, equipment, tools, supervision, and incidental items necessary for performing electrical system improvements to the Mt. Washington Transit Tunnel including, but not limited to, LED lighting, telecommunications system, fan ventilation power/control/heater circuitry, optical fiber system, conduit, cabling, support racks and anchorages, temporary systems, lighting control equipment and related modifications. Additionally, bid options, which may be exercised at Port Authority of Allegheny County's (Authority) sole discretion, are included in Contract for the replacement of both the Tunnel Portal Redundant Power System and the Neeld Avenue Substation Transformer (Bid Options).

Bid documents were prepared and publicly advertised by the Authority. Three bids were received and opened on December 11, 2019.

After review of the bids by the Authority's staff and legal counsel, it has been determined that the bid of Wellington Power Corporation is the lowest responsive bid from a responsible bidder meeting the Authority's specifications. The amount of Contract is \$11,588,800.00 which includes both Bid Options which the Authority desires to now exercise.

It is recommended that the Mt. Washington Tunnel Electrical System Improvements Contract SYS-19-07 be awarded to Wellington Power Corporation, in the amount of \$11,588,800.00, subject to successfully completing the pre-award requirements.

1/24/20
M. Zmijanac

RESOLUTION

WHEREAS, Port Authority of Allegheny County (Authority) is engaged in the design and construction of the Mt. Washington Tunnel Electrical System Improvements (Project); and

WHEREAS, Project includes the furnishing of engineering, labor, material, equipment, tools, supervision, and incidental items necessary for performing the electrical system improvements to the Mt. Washington Transit Tunnel, including, but not be limited to, LED lighting, telecommunications system, fan ventilation power/control/heater circuitry, optical fiber system, conduit, cabling, support racks and anchorages, temporary systems, lighting control equipment and related modifications. Additionally, bid options, which may be exercised by the Authority in its sole discretion, are included in the contract for replacement of both the Tunnel Portal Redundant Power System and the Neeld Avenue Substation Transformer (Bid Options); and

WHEREAS, in order to perform Project, bid documents were prepared for Contract SYS-19-07 Mt. Washington Tunnel Electrical System Improvements, (Contract), and publicly advertised; and

WHEREAS, three bids for Contract were received and opened on December 11, 2019; and

WHEREAS, the bid of Wellington Power Corporation is the lowest responsive bid from a responsible bidder among the bids received for Contract. The amount of Contract is \$11,588,800.00, which includes both Bid Options which the Authority desires to now exercise; and

WHEREAS, the total bid of Wellington Power Corporation has been reviewed by the Authority staff and legal counsel and is recommended for award of Contract.

NOW, THEREFORE, BE IT RESOLVED, that the chief executive officer and/or chief engineer be; and hereby are, authorized to enter into an agreement, in a form approved by counsel, with Wellington Power Corporation, in the amount of \$11,588,800.00, for the Contract, and to exercise Bid Options, subject to successful completion of the pre-award requirements, and to take all such other actions as may be necessary and proper to carry out the purpose and intent of this resolution.

SUMMARY OF RESOLUTION

Authorization to Amend and Restate Port Authority's Equal Employment Opportunity and Anti-Harassment Policy

Since November of 1971, Port Authority of Allegheny County (Authority) has maintained and enforced written policies concerning equal employment opportunity, the prohibition of sexual harassment in the workplace and a procedure for the filing and investigation of discrimination or harassment complaints. On January 22, 2010, the Authority's Board adopted a comprehensive Equal Employment Opportunity and Anti-Harassment Policy (Policy) to consolidate prior policies into one policy reflecting the Authority's continued commitment to providing a workplace free from discrimination and/or harassment. On October 25, 2013, the Board authorized amendments to Policy.

As part of its ongoing efforts to continually review and improve Policy and to maintain its compliance with federal Title VI requirements, the Authority has made certain proposed further amendments to Policy, as set forth in the attached Exhibit A, to further define protected classes under Policy, to confirm a direct line of reporting between the Authority's Chief Executive Officer and OEO Program Manager and to confirm the Authority's commitment to providing reasonable accommodations to employees with disabilities and for religious purposes. As required by Title VI and related federal laws and regulations pertaining to the recipients of federal transit funds, the proposed amendments to Policy were also transmitted to the Federal Transit Administration's Office of Civil Rights.

This resolution would authorize the Authority to adopt the proposed amendments to Policy and to issue amended Policy to all employees of the Authority.

1/24/20
M. Zmijanac

RESOLUTION

WHEREAS, since November of 1971, Port Authority of Allegheny County (Authority) has maintained and enforced written policies concerning equal employment opportunity, the prohibition of sexual harassment in the workplace and a procedure for the filing and investigation of discrimination or harassment complaints; and

WHEREAS, on January 22, 2010, the Authority's Board adopted a comprehensive Equal Employment Opportunity and Anti-Harassment Policy (Policy) to consolidate prior policies into one policy reflecting the Authority's continued commitment to providing a workplace free from discrimination and/or harassment. Policy was amended by the Board on October 25, 2013; and

WHEREAS, as part of its ongoing efforts to continually review and improve Policy and to comply with its federal Title VI compliance and review requirements, the Authority has made certain proposed amendments to Policy, as set forth in Exhibit A attached to this resolution, to further define protected classes under Policy, to confirm a direct line of reporting between the Authority's Chief Executive Officer and OEO Program Manager and to confirm the Authority's commitment to providing reasonable accommodations to employees with disabilities and for religious purposes.

NOW, THEREFORE, BE IT RESOLVED that the chief executive officer, chief human resources officer and chief legal officer, be, and hereby are, authorized to amend Policy as set forth in Exhibit A attached to this resolution and to post and issue amended Policy to all employees of the Authority at all operating locations and to take all such other actions necessary and proper to carry out the purpose and intent of this resolution.

EXHIBIT "A"
PORT AUTHORITY OF ALLEGHENY COUNTY
EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT POLICY

Port Authority is committed to Equal Employment Opportunity for all persons regardless of race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class. Discrimination and harassment based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class is prohibited. All employment actions, including, but not limited to recruiting, hiring, placement, promotion, transfer, compensation, job assignments, training, benefits, discipline, demotion, layoff, termination and other treatment of employees and conditions of employment will be made without regard to these protected categories. Violations of this Policy will result in disciplinary action, up to and including discharge.

The successful achievement of EEO goals will provide benefits to the Port Authority through fuller utilization and development of previously underutilized human resources. The Program Manager – OEO, who reports directly to the Director of Employee Relations & OEO and CEO, is responsible for implementation of the EEO program. All management personnel share in this responsibility and will be assigned specific tasks to ensure compliance is achieved for following and enforcing this Policy. The performance of management and supervisory personnel will be evaluated on the success of the EEO program the same way as their performance on other agency's goals.

This EEO and Anti-Harassment Policy is intended to document the policies, practices and procedures of Port Authority's EEO Program, and this Policy shall be posted at all Port Authority operating locations, posted on Port Authority's intranet page and otherwise made available to employees and applicants for employment with Port Authority upon request.

HARASSMENT - GENERAL

Harassment includes unwelcome conduct, whether verbal, physical, or visual, that is based on a protected category, that unreasonably interferes with an employee's job performance, or creates an intimidating, hostile, or offensive working environment. Harassment can consist of, but is not limited to: (1) Inappropriate names, slurs, or negative stereotyping; (2) threats, intimidation, or hostile acts, jokes, or pranks that relate to the individual's protected status; and/or (3) written or graphic material, including pictures, cartoons, drawings, posters, statements, and graffiti that ridicules, denigrates, or shows hostility or hatred toward an individual or group because of protected status and that is circulated in the workplace or placed on the walls, bulletin boards, tool boxes, computer screens, or elsewhere on agency premises.

SEXUAL HARASSMENT

Although harassment based on any protected category will not be tolerated, Port Authority recognizes sexual harassment as a unique form of harassment. Sexual harassment can consist of, but is not limited to, unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or any other activity of a sexual or sex-based nature, on the part of either male or female employees or third parties when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

REASONABLE ACCOMMODATIONS

Port Authority is committed to provide reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

COMPLAINT PROCEDURE

Any person who feels he or she has been subjected to or has witnessed any kind of discrimination or harassment described in this Policy should immediately notify his or her supervisor, manager, or director. If a person does not feel comfortable notifying his or her supervisor, manager, or director, the employee should notify Port Authority's Office of Equal Opportunity (OEO). Conduct by any individual which prevents or discourages a person from reporting any discrimination or harassment is prohibited. Any supervisor or management representative, who becomes aware of allegations of harassment or

discrimination, whether through the report of an alleged victim or otherwise, shall promptly report the allegations to OEO for assistance in evaluating the situation and determining an appropriate course of action. All complaints will be investigated promptly and thoroughly. It is imperative that complaining parties and possible witnesses cooperate fully in any such investigation. The complaints and the information obtained during the investigation will be kept confidential to the extent practical and appropriate under the circumstances. Complaining parties and those participating in an investigation are also expected to maintain appropriate confidentiality and should not openly discuss the matter in the workplace.

NO RETALIATION

Retaliation against any person who makes or assists in making a complaint or charge under this Policy; who cooperates in an investigation, employment proceeding or lawsuit; or who otherwise engages in protected activity is strictly prohibited and will not be tolerated. Any person who thinks he or she has been retaliated against or has been threatened with retaliation should immediately notify his or her supervisor, manager, director, and/or OEO in accordance with the Complaint Procedure above.

Dated January 24, 2020 and signed by:

Katharine Eagan Kelleman
Chief Executive Officer

Eric Wells
Director, Employee Relations &
Office of Equal Opportunity

Agencies that have jurisdiction along with their time frames for filing charges: Equal Employment Opportunity Commission **300** days. Pennsylvania Human Relations Commission **180** days. Pennsylvania Department of Transportation **90** days. Port Authority's Office of Equal Opportunity **300** days.

Equal Employment Opportunity
Commission
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
Phone: 1-800-669-4000

PA Human Relations
Commission
Piatt Place
301 Fifth Avenue
Third Floor, Suite 3900
Pittsburgh, PA 15222
Phone: 412-565-5395

PA Dept. of Transportation
Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Phone: 1-800-468-4201

Port Authority
Office of Equal Opportunity
Heinz 57 Center
345 Sixth Avenue, 3rd Floor
Pittsburgh, PA 15222
412-566-5260

ORIGINAL ADOPTION AND EFFECTIVE DATE: January 22, 2010; REVISED VIA BOARD RESOLUTION: OCTOBER 25, 2013; JANUARY 24, 2020 *(supersedes all prior policies on the same subject matter)*

SUMMARY OF RESOLUTION

Authorization for Settlement of Public Liability Claim

An accident involving a Port Authority of Allegheny County (Authority) bus occurred on or about July 28, 2016 on Bellefield Avenue at or near its intersection with Fifth Avenue in the Oakland section of the City of Pittsburgh.

As the bus operator was attempting to make a left turn from Bellefield Avenue onto Fifth Avenue, the bus struck Linda Wozman (Wozman) as she attempted to cross the street. Wozman claimed various injuries as a result of the accident.

Wozman has submitted a personal injury claim to the Authority seeking monetary recovery for the damages that she allegedly sustained as a result of the accident (Claim). The monetary damage exposure for the Authority, per the applicable statutory limits under Pennsylvania's Sovereign Immunity Act, is \$250,000.

The parties have reached an amicable agreement to fully and finally settle Claim in the total amount of \$150,000, subject to approval by the Authority's Board.

This resolution authorizes a settlement payment in the total not-to-exceed amount of \$150,000, through a release form approved by counsel, to fully and finally settle Claim.

1/24/20
M. Zmijanac

RESOLUTION

WHEREAS, an accident involving a Port Authority of Allegheny County (Authority) bus occurred on or about July 28, 2016 on Bellefield Avenue at or near its intersection with Fifth Avenue in the Oakland section of the City of Pittsburgh; and

WHEREAS, as the bus operator was attempting to make a left turn from Bellefield Avenue onto Fifth Avenue, the bus struck Linda Wozman (Wozman) as she attempted to cross the street.

WHEREAS, Wozman claimed various injuries as a result of the accident; and

WHEREAS, Wozman has submitted a personal injury claim to the Authority seeking monetary recovery for the damages she allegedly sustained as a result of the accident (Claim); and

WHEREAS, the Authority and Wozman have negotiated an agreement to fully and finally settle Claim for the total settlement amount of \$150,000, subject to review and approval by the Authority's Board.

NOW, THEREFORE, BE IT RESOLVED, that the chief executive officer, chief legal officer and/or chief financial officer be, and hereby are, authorized to enter into an agreement with Wozman to fully and finally settle Claim, through a release form approved by counsel, for a total not-to-exceed settlement amount of \$150,000, payable by the Authority to Wozman, and to take all such other actions as may be necessary and proper to carry out the purpose and intent of this resolution.

SUMMARY OF RESOLUTION

Authorization to Enter into Agreement to Provide Long Range Transportation Planning Services

Description

Port Authority of Allegheny County (Authority) requires a contractor to provide long range transportation planning services (Services). Services include, but are not limited to, planning, modeling and public outreach services to gather data and community input on a long range plan which will provide an action-oriented strategy for making major investments and changes to services within the Authority's system. The agreement for Services (Agreement) will be for a two-year period with the option to extend the term up to two additional years at the sole discretion of the Authority.

Evaluation Committee

Consistent with the Authority's Board-adopted Procurement Policy and Procedures for Competitive Negotiations for Professional and Technical Services, an Evaluation Committee (Committee) was assembled to evaluate the proposals and recommend the top-rated proposers to perform Services. Committee was comprised of six members and represented the Finance; Service Planning and Development and Operations Divisions.

Schedule

Request for Proposal (RFP) No. 19-07 for Services was publicly advertised and an informational meeting was held on September 27, 2019. Four proposals were received on October 14, 2019.

Evaluation Process

Committee met to discuss and evaluate the proposals and determined those proposals which were in the competitive range that could potentially be able to achieve top ranked status. As a result of the review of the proposals, and supplemental information provided at the request of Committee, Committee identified Michael Baker International, Inc., as the highest rated proposer to perform Services.

A summation of Committee for the two top proposers is set forth below:

Michael Baker International, Inc. (Michael Baker):

Michael Baker is a Pittsburgh-based engineering consultant firm with experience working with public sector transit agencies, including the Authority. The project work plan was very detailed and demonstrated a clear and in-depth understanding of the requirements in the scope of services. Michael Baker demonstrated their understanding of the requirements through an inclusion of non-traditional approaches to the public engagement task, along with a well thought out plan for the remaining tasks. The interview further exhibited their level

of understanding and interest in the project through the requested mock public engagement, which was both dynamic and informative. Michael Baker provided an experienced and qualified team in the Project Organization and Management Plan. The Project Manager is qualified with relevant experience and substantial local knowledge. Staff resumes indicate a versatile team with considerable amount of experience in the field and local familiarity. While Michael Baker's proposed costs were the highest overall, they are in line with the ICE and comparable to the other proposals. Michael Baker proposes to utilize Certified DBs in meaningful ways for approximately 29 percent of the work, with an additional one percent to be performed by a non-DB subcontractor, bringing the total subcontracted work to 30 percent, which is within the allowable percentage of work that may be subcontracted.

AECOM Technical Services, Inc. (AECOM)

AECOM is a California-based multinational engineering firm with substantial experience working with public sector transit agencies, including the Authority. The project work plan was technically detailed and contained some creative approaches, but the overall plan appeared to lack an understanding of the requirements in the scope of services. AECOM's Project Organization and Management Plan gave a good overview of the management team and insight into their quality assurance and quality control plan. The Project Manager has an extensive engineering background and has experience as a project manager on similarly sized projects. The proposed staff are qualified and technically competent. Although AECOM's costs appeared to be the lowest after submittal of a BAFO, there is concern that the hours removed were relevant to properly complete the project. The costs proposed were within the range of the ICE, and comparable to the other proposers. AECOM proposed the use of certified DBs in meaningful ways for 33 percent of the work, which was above the allowable 30 percent of work that may be subcontracted for these services.

HDR, Inc. (HDR)

HDR is an engineering firm with a good amount of experience working with public sector transit agencies. The Project Work Plan was thorough, though non-specific, and focused on traditional forms of public engagement. Their interview and mock public engagement session echoed the traditional approach to engagement from their proposal, but included a non-traditional approach of live social media as part of their engagement presentation. The project organization and management plan presented an organizational chart that was confusing. The quality control plan was equally confusing as it mandated a three-step process and presented a five-step process in the accompanying chart. The project manager appeared competent and has a good amount of experience working in the transit industry. The proposed staff were experienced and appear to possess the abilities necessary to perform Services. HDR's costs were the second highest. The costs were in line with the ICE and comparable with the other proposers. HDR proposed the use of certified DBs in meaningful ways for 24 percent of the work. An additional 11 percent of the work would be performed by non-DB subcontractors, bringing the total subcontracted work to 35 percent, which is above the allowable 30 percent of work that may be subcontracted for these services.

Negotiations

A total not-to-exceed amount of \$1,600,000 is recommended for approval. Agreement will be for a two-year period with the option to extend the term of Agreement up to an additional two years at the sole discretion of the Authority.

1/24/20
M. Zmijanac

RESOLUTION

WHEREAS, Port Authority of Allegheny County (Authority) requires a contractor to provide long range transportation planning services (Services); and

WHEREAS, in order to obtain qualified firms to perform Services, Request for Proposals (RFP) No. 19-07 detailing the required scope of Services was prepared and publicly advertised; and

WHEREAS, four proposals for RFP were received on October 14, 2019. All proposals were reviewed and evaluated by the Authority's Evaluation Committee; and

WHEREAS, the proposal submitted by Michael Baker International, Inc., has been determined to be the highest-rated proposal for the performance of Services; and

WHEREAS, the negotiations with Michael Baker International, Inc., have been initiated and are progressing on a proposed agreement to perform Services; and

WHEREAS, a total not-to-exceed amount of \$1,600,000 is recommended for approval for the agreement for Services (Agreement). Agreement would be for a two-year period with the option to extend the term up to two additional years at the sole discretion of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the chief executive officer and/or chief development officer be, and hereby are, authorized to enter into Agreement with Michael Baker International, Inc. for Services, in a form approved by counsel, for a total not-to-exceed amount of \$1,600,000, for the initial two-year period of Agreement, with the option to extend the term of Agreement up to an additional two years at the sole discretion of the Authority, and to also take all such other actions as may be necessary and proper to carry out the purpose and intent of this resolution.