

BPCA Member Meeting January 29, 2019

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George Tsunis: Welcome everybody. I'd like to call to order the Battery Park City Authority Trustee meeting, January 29, 2019. Welcome. First order of business is the approval of the December 11, 2018 Minutes. Does anyone have any questions on them?

Members: Motion -- second.

George Tsunis: Motion and second. All in favor?

Members: Aye.

George Tsunis: Carried unanimously. We move to public comment.

Nicholas Sbordone: Good afternoon everyone. [Indiscernible 00:041] Nicholas Sbordone, Battery Park City Authority. We have one, I believe one public comment request from Maryanne Braverman. So we'll start Maryanne Braverman, Battery Park Seniors and Battery Park City Residents.

Maryanne: So I'll be very quick. A week or two after the holidays ended and the Christmas trees have been collected for recycling, I took a walk down, some of us call it the tacky parkway but it's the big street in my walking path, and there were a lot of evergreen branches at the bases of the trees and it just made me happy. So thank you to the horticultural people and those who do that because it just added something really nice, and thank you.

George Tsunis: The Board would like to take this opportunity to thank Maryanne. She is the head of the Battery Park City Seniors Committee, and we'd like to thank you for all your great work.

Maryanne: And I thank you for that and I'd also like you to acknowledge Ann Schwalbenberg who is also on our Steering Committee, and we meet and we work things and move them along.

George Tsunis: Ann, it's always a pleasure to be with you. Thank you.

Ann Schwalbenberg: And I have a couple of questions.

Nicholas Sbordone: [Indiscernible 01:53] Ann Schwalbenberg is our second public commenter. Ann?

Ann: This will also be real quick. The question is when are you going to start doing the work on Southland Avenue?

George Tsunis: Gwen and BJ do we have an answer now or --

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Gwen Dawson: We're in the process of drafting our [indiscernible] for the detail design, which will be issued in the coming weeks. There will be a design process that will issue construction drawings that reflect the concepts that we've already agreed upon. So it will likely be in fiscal year 2020 before we start construction.

Ann: Okay. I propose that, I started asking about hanging flower baskets from the tallest of the street corner fixtures, and so I wanted to know do we have to wait until the Southland Avenue project was completed before you can do that or can you, I think there's only about 6 or 7 corners with these tall light posts, and so can you consider doing that this year?

BJ Jones: That point is in the works actually. We have request --

Ann: Of this year?

BJ Jones: Yeah. Bruno has some plans in the works. We are just looking at rendering [indiscernible 03:24]. We can say a little more, but we'll share them with you soon so you can have a plan.

Bruno: [Indiscernible 03:29] in all of the locations that we're looking at. So, yes.

Ann: Okay. And one last thing. If you would please consider when I talk about the rotunda which is the lobby downstairs, if you could please consider that they're going to have all that space across the street, so as far as I understand they're only using the upstairs of 275?

Maryanne: 225.

Ann: 225. It's not the downstairs. And so is there any other free space for people to go and sit? And if they say that there's nobody ever coming into the lobby of this building it's because they keep the lights so dim that if you're walking outside you don't know it's open. And the second point that I have to make is how many office buildings have a restaurant in them that they're trying to attract people and tourists to come in? And if you keep the lights dim you're never going to see anybody in there. That's all.

George Tsunis: Thank you. Does that conclude public comment?

Nicholas Sbordone: We have one more that just came in. [Indiscernible] we want to try to request that before, but of course for comment we want to make sure that they can be heard to the extent that they can, so Jonathan Jossin (phonetic sp.).

Jonathon: My name is Jonathan Jossin. I've been living down here 25 years and I've been actually working down here since '86. I'm a real estate broker down here, so I really have my thumb on what's going on for people who are asking. I probably did most contracts as an individual down here this year and everybody's asking the same thing, the land lease. What's happening with the land lease, are we getting any closer, we're watching valuations go down, never mind because what's going on in the city, what's going down because nobody asks us the first question and half the brokers down here don't even understand it, don't understand how each

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year the land lease goes up. They all think it's something awful. So that's the first thing. The second thing is [indiscernible] Gateway Plaza. Everybody wants to know what's going on with theirs. Is Brookfield in talks? Is everybody going to get pushed out? It ends the 2220 so are there any answers or any enlightenment?

George Tsunis: I can give you something very generalized. Not only do we understand we over stand. And whereas I'm not going to discuss negotiations in public. Right now I will tell you that we're well into it and that we understand the angst that some of these things create and we're working very diligently to put these matters to bed. Hopefully we'll have some positive news for you in the coming weeks and months.

Jonathon: Thank you very much for your time.

Nicholas Sbordone: Okay. That should conclude public comment. Thank you, Chairman. Thank you.

George Tsunis: Thank you, Nick. The MWBE report, Mr. Peterson?

Mr. Peterson: Good afternoon Mr. Chairman, members. For the month of December 2018 the Authority achieved 38 percent MWBE utilization. This is broken down 11 percent MBE which is Minority Business Enterprises, 27 percent WBE which is Woman's Business Enterprises, and that is a breakdown of 18 percent prime dollars paid directly to the minority and women owned businesses and 20 percent paid to them as subs. Any questions on the MWBE anyone?

George Tsunis: Does anyone have a question?

Mr. Peterson: I'll just go into for the Service Disabled Veteran for the third quarter, which is including October, November, December, we achieved 3.3 percent. Basically all of that was prime dollars paid to service disabled veteran owned companies. Our goal is 6 percent. For the quarter we were short but overall for the year we are still on target to hit the 6 percent.

George Tsunis: Thank you. I just wanted to take a moment to acknowledge Mr. Peterson's efforts as a Director of Diversity. There's a 30 percent benchmark that we would expect people to hit on the Minority Women Owned Businesses. You consistently hit it every reporting period. That doesn't always happen. But just to give you a little bit of background on how they do it, they don't sit in their office and sort of give out the work, they're very proactive. The amount of tradeshows that they go to, conferences that they go to, training seminars seeking to attract and businesses and call to their attention the opportunities that exist down here at Battery Park City and they're now doing this with the Service Disabled Veterans as well. Later on we will take up consideration of a contract to the Deborah Bradley Construction and Management Services, a general contractor. This is someone that they have identified in 2007. They went out and recruited someone, it was groundbreaking. And her company has gotten a tremendous amount of work at Battery Park City, not only because it's an outstanding company, but of the relationship that Anthony helped facilitate. My father always told me, you know, deeds not words, and I know a lot of people, you know, sort of paid lip service to recruiting minority and business

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owned companies. You guys have done a most outstanding job. I just wanted to acknowledge that. **The Resiliency update.**

BJ Jones: Yeah. I just wanted to briefly update the Board on resiliency working group hereby Catherine met since the last Board meeting, and along with our Board members Tony and Martha received status updates on both of the resiliency projects that are underway, the South PPC Resiliency, and the ball fields resiliency. There's some exhibits in your memo just to highlight some of the information that is being finalized for our upcoming community meetings on these projects in early March, but suffice it to say that with a coastal modeling and hydrology analysis it's clear that the south area of Battery Park City and the ball fields are at serious threat for severe weather, and so that analysis will be finalized, shared with the community, and will be used to inform the design decisions that we have to make about the types of protection, and where the protections should be. We also are in the midst of the procurement for the North Battery Park City Resiliency project which is the third phase of our plan and are expecting proposals next week for the design and engineering phase of that project to start. And I would also note, as I have mentioned briefly before that although this is a very big effort from kind of a design and engineering construction perspective, it is also a huge inter-agency coordination effort and we have kicked off both projects with almost all of the stakeholders at the table from various agencies who are all invested in this project and are going to be meeting with them again soon. There's a variety of touchpoints and permits and we have those built into our project schedule and are going to be collaborating closely with them to make sure we get everything done and in addition to the community we're keeping the local elected apprised too of our progress. I met with Gail Brewer earlier this week and we'll be meeting with Councilmember Chin later this week and we'll just continue that process going. Anything else Catherine you want to add?

Catherine McVay Hughes: First of all, I want to thank Gwen and her amazing team and I think there's going to be a lot of eye-opening information that will be revealed. And I just have two comments for background before question. One with the stopping of the budget on and off the 23 deadline of FEMA has been extended through May 31st, but June 1 of 2019 is the beginning of the hurricane season. So I think this resiliency effort for Battery Park City can't be emphasized the importance of it. As you know, FEMA is bankrupt, you know, the National Flood Insurance Program. And secondly, on March 15, New York City Climate Change Panel will be releasing a new report, so the numbers that the agencies and engineering firms have been working off have been the 2015 numbers and so it will be very interesting to see what this report that will come out in roughly two months, six weeks will show. And the third thing is do we have dates yet for the community meetings, which are a very key component to all of the sub communities updated?

BJ Jones: We don't have final dates yet for both, but --

Gwen Dawson: We're sending notice right now and we should have the dates by the end of [indiscernible 13:44]. And they'll be in March?

BJ Jones: Both of those meetings will be in March [indiscernible 13:50] and we'll publicize those on all of our channels.

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Catherine Hughes: Thank you.

George Tsunis: Let me thank Director Gallo, Director McVay Hughes, Director Kendall for tackling this work. You three are literally the hardest working people here. So thank you.

Martha Gallo: Well, we wouldn't agree with that. We think the team are the hardest working people here. Look, I have to say having lived here as long as I've lived here this terrifies me. This data. And I just hope that we can accelerate this work in any way we can. I expect those numbers that are going to be updated to be worse than this. I think people have to really digest these numbers. I do think that the you know saying that these numbers are worst case in 2050 gives people a false sense of comfort. I think we have to assume 2050 is now after what we experienced with super storm Sandy. As Catherine says, we're moving into our seventh year of no real remedial action and Catherine and I have asked Gwen to really look at the timelines and to you know tell us the three to five places where we could get stuck up where we're going to need George to just you know hit it at the highest level so that we can protect the big you including our neighborhood. I still believe that we need a different structure in place to drive this across agency collaboration. You know, it just doesn't happen through everybody operating as peers. I think you got to put somebody who's a no-nonsense hard-driving, don't give me excuses, tell me how you're going to hit the date kind of person. So I just log that as a thought and when we get closer to it you know there'll be some people waving the white flag saying, we got to put somebody on top of this.

George Tsunis: Well, especially [indiscernible 16:14]. I say this only partly in gest, it seems like the hundred year storm happens every 18 months now.

Martha Gallo: That's right, it even depends on health and the thousand year storm has started happening too. I think when the community sees these pictures, actually when New York sees these pictures people are going to be like what have we been waiting for.

Gwen Dawson: And another thing that the plans also have to incorporate just besides the sea level rise and the storm surge is with climate change is the intensity of the rain. So just amazing strong long intense rains of 10 inches or 12 inches you're seeing in some areas, so it's just really important that the infrastructure can handle all of that.

George Tsunis: I want to say something. All of us are relatively new to this Board and I think we have decided to tackle it in a way as to not scare the bejesus out of everyone but to be very open and honest and transparent about the challenges we are facing, and the need to move forward with a plan very, very, very quickly. And you know we're pushing on the accelerator and I think we need to do so even more expeditiously. So thank you all for your work in this. Let's move to Corporate Action. Ms. Frederick, can you handle the first one please?

Pamela Frederick: Certainly will. Thank you, Mr. Chairman. This is a request for an extension of a **JP Morgan banking contract**. It's very small in dollar amount but it has a very extensive impact, operating impact on the Finance Department, specifically more broadly the Authority. We are seeking a one-year extension to an existing three-year contract. The contract started in

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2016. It matures, it culminates February 28th of this year, 2019. The time extension we're requesting provides the Authority the time to implement a procurement for these services without interrupting our banking services and financing operations. There remains \$38,000 on what was a \$49,200 contract, so it's not a request for additional money just the extension of one year to complete the procurement. We recommend to the members that the approval to extend the contract to February 28th, 2020.

George Tsunis: Are there any questions? Have a motion, please?

Member: Second.

George Tsunis: Second. All in favor?

Members: Aye.

George Tsunis: Unanimous. Ms. Frederick.

Pamela Frederick: Great. This item is for the acceptance of the audited financial statements for fiscal yearend October 31st, 2018 and authorization to file. Today the Audit Committee, as chaired by Tony Kendall, met to review the annual audit presentation including financial statements as presented by Warren Ruppel who is, oh there he is, Warren Ruppel from Marks Paneth the Authority's independent auditor. Also present representing Marks Paneth was Dan McElway (phonetic sp.), in addition to Chair Kendall our Audit Committee Member Martha Gallo attended as well. Warren will summarize for the Board the outcome of the Audit Committee presentation.

Warren Ruppel: Thank you, Pam. So I guess the good news is since we have Audit Committee we don't have to go through this whole detailed package that we've done in prior meetings. And maybe the better news is that there's really no significant audit findings to report. The audit went very smoothly. You're required to have the auditor finish the statements filed with the State by the end of this month, so we'll be on track to do that once a few remaining items are cleared up. We had no significant audit adjustments to the financial statements. We had a couple of best practice recommendations in terms of vendor file cleanup and an updated firewall, but certainly nothing that rose to the level of being a significant deficiency or material weakness in internal control and we discussed those comments in somewhat detail with the Audit Committee members and subject to those couple of open items that we have, which are the normal open items for this part of the audit, we'll be issuing the financials in the next couple of days.

Anthony Kendall: I make a recommendation to the Board to accept the draft audit report for issuance and also the audit presentation that was done today at the Audit Committee.

George Tsunis: Certainly. Do I have a second?

Member: Second.

George Tsunis: All in favor?

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Members: Aye.

George Tsunis: Unanimously. Thank you.

Pamela Frederick: Just to make a note that will include filing the statements and posting them to Paris (phonetic sp.) and the Authority's website.

George Tsunis: That's correct. Thank you. The approval of **Prompt Payment report.**

Pamela Frederick: All right. So we're seeking the approval of the fiscal yearend October 31st, 2018 Prompt Pay report and the Prompt Pay policy. It's an annual requirement of the Public Authority's Law. The only change this year was the identification of seven payments that were made in excess of the 30 day requirement. This resulted in the Authority owing a total of \$521 in interest. That interest is based on a mandated 10 percent rate on the number of days in excess of 30 days. We're planning to prepare a quarterly information only reports for the Board so that we can provide more periodic updates and more quickly identify if there are any issues and resolve them more quickly. We recommend to the members to approve the Prompt Pay report and the Prompt Pay Policy and to authorize the filing with the required government entities and posting on Paris and the Authority's website.

George Tsunis: Any questions? Could I have a motion?

Member: Motion.

George Tsunis: Second?

Martha Gallo: Second.

George Tsunis: Thank you, Ms. Gallo. All in favor?

Members: Aye.

George Tsunis: Are unanimously. Ms. Frederick.

Pamela Frederick: This item as it relates to the Authority's fiscal yearend October 31st, 2018 **Investment Report and Guidelines.** Today the Investment Committee met for its quarterly meeting. It was attended by members Catherine McVay Hughes and Martha Gallo, with Catherine McVay Hughes acting Chair. In this meeting, we were provided a review of the materials by the Investment Advisors, PFM Asset Management represented by Steve Faber, Bob Cheddar and Samantha Meyers and Ramirez Asset Management represented by Jim Haddin and Lou Cerno, most of whom are still here if there are questions. The Committee reviewed the October quarter and Investment Report and the investment advisors are here if the members would like a brief summary or if there is any questions. The Committee also reviewed the Investment Report and Guidelines. There are two key changes just to make note. One was including Section 2.3 which was amended in July 2018 that provided us the authorized five

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additional issuers and we also have the inclusion of Section 2.6 which reflects the environmental, social and governance investment principals. You'll hear us refer to ESG, and these were reported to the Board in December. The Committee voted unanimously to recommend to the, that was a member too, to the Board to approve the Investment Report and Guidelines and the Committee also voted to recommend filing the Investment Report and Guidelines with the required government entities as well as posting on Paris and the Authority's website.

George Tsunis: Thank you. Are there any questions? Do I have a motion?

Member: Motion.

Member: Second.

George Tsunis: Second. All in favor?

Members: Aye.

George Tsunis: Unanimous. Mr. Munson.

Eric Munson: Thank you, Mr. Chairman. Each year the Authority is required to file its **Procurement Guidelines** with the State, after those Guidelines are reviewed and approved by the Board. As a part of this process, the Authority often takes the opportunity to review the Guidelines with fresh eyes and when appropriate proposed some changes to them. Having gathered some feedback on an ongoing basis about the Procurement Guidelines we're proposing a set of modest changes to make the Guidelines clearer. Beyond a set of very minor drafting changes I'd like to draw your attention to two of the more substantive amendments we're proposing to the Guidelines. First, our Guidelines currently prohibit the Authority from using a vendor through discretionary procurement for a six-month period after that vendor has provided similar goods or services. We're proposing amending that provision to mirror the New York State statute which requires purchases of goods and services to meet the discretionary thresholds on a rolling 12-month basis. Second, we propose clarifying the circumstances around which Board approval is required for time extensions and to services contracts. We're proposing that such amendments should be brought to the Board in two instances. First, when a services contract is for the first time extended beyond one year, and second when a services contract is extended by one year or more from the termination date last approved by the Board. We believe that these changes will provide clear guidance to staff in their daily work while at the same time ensuring the appropriate controls and transparency. As such, we recommend approval of the Procurement Guidelines as amended.

George Tsunis: Questions? Do we have a motion please?

Member: So vote.

Member: Second.

George Tsunis: All in favor?

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Members: Aye.

George Tsunis: Unanimous. Ms. Frederick, numbers F please.

Pamela Frederick: Thank you. This item is with regards to authorization of the use of reserved funds for capital expenditures. We're seeking approval to use up to \$10 million of an existing \$13.5 million operating contingency reserve fund in that those assets are currently held by the Authority. The Authority's in the process of initiating bonds financing to raise funds to support its capital budget, which includes several resiliency planning projects. We are seeking to bridge this bond funding until the bond proceeds are available. We anticipate financing could take four to six months and estimate spending through July 2019 \$26 million with \$18 million of that coming from the remaining 2009 and 2013 bond funds. The reserves were used in this manner in 2009 to allow capital projects to proceed while funds were being raised. We're also working with internal counsel, Nicole Stallworth and external bond counsel, Hawkins, Delafield & Woods to bring forth a resolution to the Board for the reimbursement of capital spending from reserves. We're planning that for February. We recommend approval of the use of these operating contingency funds of up to \$10 million for spending on approved capital projects.

George Tsunis: Have any questions? Can I have a motion?

Catherine McVay Hughes: I just have one question or a comment. So the resiliency projects that will come out of the upcoming bond is not the entire resiliency project, it's just components and I think it's key for folks to know that.

Pamela Frederick: Correct. Correct. There's, and Gwen can stand by it, we have approved capital planning for two design phases for the south, no the north and west and then the south is also included.

Gwen Dawson: We have all of the design and costs approved for all four phases as well as the construction cost for it as well.

George Tsunis: Any other questions? Hear a motion? I'll make the motion.

Member: Second.

Member: We're not paying attention. Second. I'm sorry.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Thank you, carried unanimously. Ms. Dawson, Number G please.

Gwen Dawson: Thank you, Chair. Members, I'm sure that most of you are familiar with the playground that is in Rockefeller Park. It's one of the more beloved features of Battery Park City

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for area residents, but it's also been rated as one of the top 10 playgrounds in New York City by a lot of the tourism websites, so it gets a lot of traffic from visitors and tourists as well. It is now over 25 years old and due to its high volume of use as well as the marine environment we've got a situation where we need to do some work to refurbish and do some replacements of the elements of the playground. We have a number of timber elements that require replacement. We're looking to create a new underlayment, concrete underlayment, a new play surface to refurbish all of the metal elements and to replace some of the non-metal elements such as slides, and the clatter bridge. We issued an RFP for the project in October and we received three proposals. We received proposals from Deborah Bradley Construction, Totem Construction, and Brickens Construction. We have direct experience with two of those, Deborah Bradley and Brickens, and we have an evaluation that has been performed according to the standards that have been provided in the RFP and based upon the evaluation the evaluation committee has rated Deborah Bradley Construction as the highest rated, technically rated firm. That proposal also has the benefit of being the lowest cost proposal among the three. We have made sure, the Evaluation Committee has made sure that all of the scope elements are incorporated into Deborah Bradley's cost proposal and we are now recommending that the Authority enter into an 18-month contract with Deborah Bradley Construction in the amount of \$1,584,448.23.

Martha Gallo: May I ask a question about our experience with Deborah Bradley?

Gwen Dawson: Yes.

Martha Gallo: So, and this just goes to my concern that their proposal is a million dollars different than the other two vendors. And I'm just, I just want to make sure they're paying themselves well enough. I understand the second vendor is also a WBE vendor, but that difference is so great. I understand it can cover the elements, but are they also compensating themselves well enough for the work that's underway?

Gwen Dawson: It is a significant difference. We have seen that, based on our experience with Deborah Bradley, the firm has always been extremely efficient in their work and we have found them to work quickly and effectively. The work that they did most recently on the [indiscernible] construction where we had a large sinkhole and we had to take apart a property line and wall and reconstruct it. They did excellent work. They did it quickly. I think that it also helps them to be able to offer better pricing. I also think that in this particular case we are benefiting because they have recently done a very similar project at Hudson River Park. So I think that gives them a little bit of a head start in terms of being able to approach this particular project more efficiently. So I believe that they have covered it and I believe that they are certainly based upon their success and our past experience covering their own costs.

George Tsunis: They've been doing work for the Authority since the [indiscernible (34:27) road run in 2008.

Gwen Dawson: Right. Right. And the next item up for approval also will include them as well because we are asking for approval of a panel of five new on-call general contractors and Deborah Bradley is among them. We hired them as an on-call general contractor I believe back in 2014. They did an excellent job for us.

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Martha Gallo: Great. Okay.

George Tsunis: Are there any --

Anthony Kendall: I do have a question. So there is a significant difference in the rating from a 69 to an 83 and a 66 to an 83. Other than price, what was the significant difference between them?

Buquicchio

Gwen Dawson: I'm going to summarize that and also let Anthony _____^{*}, our project manager weigh in on that, but it's my understanding that while the other two had experience with playgrounds that the experience that they had was qualitatively different. This is not a typical playground which typical playgrounds tend to be kids playgrounds. This is a very unique distinctive kind of a playground and Deborah Bradley had experience with this particular type of playground. But Anthony, is there anything more that you'd like to --

Anthony: We really captured most of it. They have experience so they don't have a learning curve that they need to accommodate. The other contractors did not have as comprehensive an approach to the work as Deborah Bradley, so having had that experience they knew what steps were going to need to be taken where it seems like the other guys were guessing. They just didn't have the same experience of those before them.

George Tsunis: Which could also lead to a significant difference in pricing.

Gwen Dawson: Yes.

Anthony: Correct.

Anthony Kendall: Approach to the work is 30 percent of the evaluation and staff qualifications are 20 percent.

Catherine McVay Hughes: This is a beloved children's playground. My two boys grew up over there playing on that incredible playground. So the same features will just be updated, it's not going to be a new plan?

Gwen Dawson: Right. Right. There's not a new design. The design is the same. It will be refurbished but the elements will be the same.

Catherine McVay Hughes: And will the entire playground go out of commission for the entire project or will it be say phased in or staged and what would the total timeframe be?

Gwen Dawson: We are attempting to phase it so that it doesn't have to all be down at the same time. I think one of the other things that was a selling point for Deborah Bradley is that they believe that the project can be done much more quickly, is that correct?

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Anthony: That is correct. They have better source for the material because this requires a specific type of wood to be used. And they are, like I said, working with that currently. Some of the other contractors will have add 12-16 week lead times and Deborah Bradley already has the line to place the orders now.

Catherine McVay Hughes: And the time of the year, and the duration of --

Anthony: Not the summer.

Catherine McVay Hughes: Not the summer. Okay. Because that water component is critical during the summer.

Gwen Dawson: Quite honestly we want to try to, as soon as we get the approval, we want to try to get the contract in place and get them started on it as quickly as possible so that they can be working in earnest on it this spring.

Catherine McVay Hughes: Thank you.

Martha Gallo: So we'll put signage up that says, when it's under construction we're going to preserve all the original --

Gwen Dawson: Yes, we can do that.

Martha Gallo: Okay. So Anthony, so you know the thing that we all ride in, you know the merry go rounds, the netting --

Anthony: We're going to [indiscernible].

Martha Gallo: The hippo over the water. Like the whole, the little swan, the big swan.

Anthony: [Indiscernible] new components, repainted, it'll look newer.

Catherine McVay Hughes: I think it has to be clearly communicated.

George Tsunis: Let it be said that our Directors are very enthusiastic about their work.

Martha Gallo

~~Gwen Dawson~~: We became mothers at that park.

George Tsunis: That's dangerous.

Anthony Kendall: I'm sure you meant something else.

George Tsunis: I just got it.

Anthony Kendall: Well, let's continue. Let's continue.

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Catherine McVay Hughes: We've matured in our motherhood skills at that park.

Anthony Kendall: Great time. Great times, I totally agree.

Martha Gallo: Catherine, Catherine and I are looking at each other like what's he talking about?

Anthony Kendall: I was just listening.

George Tsunis: Would someone please make a motion?

Member: [Indiscernible]. Second.

George Tsunis: Moving right along. Please, quickly.

Member: This will not be as fun.

Gwen Dawson: The waterfront that the city has dominated by the pedestrian esplanade which is the feature that extends from the north end of Battery Park City to the south end along the waterfront. Beneath that esplanade is what some people call the sea wall, what our engineers call a curtain wall. It's the vertical element that protects the area from tidal activity and damage from debris. The curtain wall was built in phases starting in the 1970s and has not undergone any kind of significant refurbishment or restoration since then. We have in recent years had one of our on-call engineers do periodic from the water inspections of the curtain wall to make sure that there is no damage that requires attention. That inspection in 2017 did reveal that there are some damage, some concrete spalling, some exposed rebar, deteriorating expansion joints, all which require some attention and some restoration work. We have had that work designed by our engineer and we issued an RFP for marine contractors to perform the work. We received five proposals from marine contractors and we paired down the initial five, interviewed the top three, which were Conway, Phoenix Marine and Denoprio. Of those three the highest technically rated firm was Conway Marine Construction. We have had direct experience with the other two, Phoenix Marine and Denoprio who we've had good experience with. We've not had direct experience with Conway, however, we have been informed and we have followed up and determined that they have had a very successful experience with the Port Authority to Governor's Island and so they have done extensive marine work and are qualified to perform this particular project. Again, their proposal also has the benefit of being the lowest cost proposal among the five. Their cost is \$1,057,270.00. The cost proposals for this particular project ranged from below of \$1,057,000.00 to a high of \$2.2 million with the others coming in in between someplace. We again, had our Evaluation Committee thoroughly review the scope of work with Conway to make sure that their cost proposal was adequate to cover the cost associated with the scope of work and they were assured and have concluded that the cost proposal does adequately cover the scope of work. Consequently we are recommending that the Authority enter into a nine-month contract in the lump sum amount of \$1,057,270.00 with Conway for performance of the esplanade curtain wall project.

Martha Gallo: Well, this is towards the sort of the lining of the North Cove Marina? Or is it just the wall outside?

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Gwen Dawson: It's just the wall I don't think there's anything in the marina. No.

Lester Petracca: Nothing in the marina.

Gwen Dawson: No. Nothing in the marina.

Martha Gallo: Does it need it though? Did we look at that because it's --

Gwen Dawson: We did an inspection of the marina before we did the license, the latest license agreement.

Martha Gallo: Yep.

Gwen Dawson: And all areas that needed repair then were performed. We do periodically look at that but right now there's nothing that requires attention.

Catherine McVay Hughes: I just have a question in the process. So the first time around, Conway had a technical evaluation point of 70.0 and then the second time if I understand it went up to 79.35.

Gwen Dawson: I asked that same question as to why they bumped up.

Catherine McVay Hughes: Right.

Gwen Dawson: And apparently it did relate directly to their performance at the interview. Ken Winman who is the project manager can talk a little bit about that.

Ken Winman: Sometimes we can go through this whole evaluation process people are very good in the written process but when you meet them face to face you realize the staffing is not right for the project. Well what we had to do with Conway, we met the staff that was going to be onboard and the Evaluation Committee felt very comfortable with them that they could do the project for that price. Like Gwen said, the other two firms have worked for us in the past and they're both phase 3, the other two (indiscernible) since 2013 so we do have experience with them but the Evaluation Committee did feel comfortable with Conway when we met them face to face. So as the Chairman allows us to reevaluate at the interview process.

George Tsunis: Are there any additional questions on the motion, on the authorization, I'm sorry. May I have a motion to accept the authorization?

Member: So.

George Tsunis: Second? I second. All in favor?

Members: Aye

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George Tsunis: Unanimous. Ms. Dawson, Number I, please.

Gwen Dawson: Thank you. The Authority has historically maintained a series of on-call contracts that we utilize for small to medium size projects or unexpected or emergency types of projects for which a standalone procurement contract would not be feasible. One of the disciplines that we maintain on-call contracts for is on-call general contracting services, and as I mentioned that was the contract back in 2014 that Deborah Bradley held. The last procurement that was performed by the Authority for on-call general contracting services was performed in 2016. So in November of 2018 we issued an RFP inviting qualified general contractors for designation as part of our on-call pre-qualified on-call general contracting panel. We received six proposals and four of the six we had had direct experience with. We did not have direct experience with either Greenway USA or HMD Construction. Consequently, the Evaluation Committee decided that they should interview Greenway and HMD to get a better feel for their capabilities. During the course of those interviews, it was determined that HMD just was not quite suited for work as an on-call general contractor for the Authority at this time. They didn't have the appropriate equipment or personnel and not a local presence in New York City. However, the Evaluation Committee concluded that the remaining five general contractors had submitted valid and compliant proposals and did possess the requisite capabilities and experience to perform on-call general contracting services for the Authority and consequently we are asking the members to approve the list of five general contractors, including Deborah Bradley, Paul J. Scariano, Denoprio General Contractors, Stalco Construction and Greenway USA, LLC as our five on-call general contracting list for the next three years with the option on the part of the Authority to extend the approval period for up to one additional year, during which time the Authority will enter into on-call GC contracts with these general contractors as needed and assign work in accordance with the requirements of the Authorities prequalified vendor policy.

George Tsunis: How will they be compensated, how do they bill, is it time and materials?

Gwen Dawson: It will depend a bit on the type of project it is. What we do when we have a project arise, assuming that it's not an emergency we will ask for at least two if not more of the contractors to give us quotes on what it would take to do that work. They will tell us what their approach is, they will give us a price to do it. There are times when that price may be somewhat dependent because we don't know what they're going to find. We don't know we have to do some excavation and determine what's underneath of it to determine where the sinkhole is coming from for instance. So at that point we will get like a daily rate to do excavation work until we understand what is the problem and then we will get another price quote to actually perform the work.

Martha Gallo: How do you allocate the work [indiscernible]?

Gwen Dawson: What we generally in the past have used or attempted to use the on-call general contractors pretty evenly. What we find sometimes is that some of the general contractors are better suited for on-call work. They may be a little bit more responsive, they may have better carpenters or they may do certain types of work better than others, and we may think that certain projects are better suited. For the qualifications, their pricing may be different. We do have a whole list of considerations that we are compelled to go through in our prequalified vendor

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policy to determine how best to allocate the work. And I don't have that list. I don't know if you have that handy, but we do have a process for making sure that we are distributing the work appropriately.

George Tsunis: Any additional questions? May I have a motion to accept the authorization?

Member: So moved.

Member: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Thank you. I'd like to make a motion to conduct **executive session** to discuss the negotiations related to the lease of real property the publicity of which could substantively affect the value of the relevant properties. I'll make the motion.

Member: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: That is it. Thank you.

George Tsunis: Motion to come out of executive session?

Member: Yes, motion.

Member: Second.

George Tsunis: Motion to come out of executive session. I have a second. All in favor?

Members: Aye.

George Tsunis: Thank you.

Catherine McVay Hughes: And the time is 4:33.

George Tsunis: 4:33. And can I have a motion to go back into our regular meeting?

Member: Motion.

Member: Motion seconded.

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George Tsunis: Unanimous?

Members: Unanimous.

George Tsunis: We only have some housekeeping matters for our information. Everyone has a recent and upcoming Procurement Activity Report. And in our packets is the Battery Park City Authority Annual Report and I got to tell you what outstanding document at 150 pages it was substantive, it was enlightening and I'm glad I didn't have to write it, but I certainly enjoyed reading it so congratulations all a truly outstanding piece of work. And once again, very indicative of the great talent and dedication we have amongst our staff here. Thank you.

BJ Jones: And thank you, and this one really is a effort, every division contributes to this and though much of it is prescribed we try to put our own touch on it to highlight our efforts over the year and Emily Birdseye who works on Eric Munson's team really takes the lead in shepherding this, really making it happen, and each year it happens more efficiently and the product is better than the year before. And Recca Surwash (phonetic sp.) on the finance team is the one who really pulls a lot of the data behind the scenes and it's also just a process that you really don't get to see by just looking at the report itself. So a big thanks to both of them and everybody else who put this together and we hope more people will view it online once we post it later today.

Catherine McVay Hughes: Later today. Wow. Congratulations.

George Tsunis: Great job.

Catherine McVay Hughes: And this is your first annual report for the BJ [indiscernible] team?

BJ Jones: This is the first, I guess that we squeezed in the one last January was maybe a few days into my term, but yeah, this is the first full year, report in the first full year, the highs, the lows, resiliency programming, you got it.

George Tsunis: Thank you. A motion to end our meeting?

Anthony Kendall: I move.

Catherine McVay Hughes: Second.

George Tsunis: Unanimous?

Members: Aye.

George Tsunis: Okay. Thank you very much.

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