

**December 17, 2019**  
**BPCA Board Meeting**

George Tsunis: Let's call to order this Battery Park City Authority December 17, 2019 meeting. Does anyone have a question on the June 25th, 2019, or the September 24th, 2019 **Minutes?** Hearing no questions, can I have a motion to approve the Minutes?

Members: So moved. Second.

George Tsunis: Second. All in favor?

Members: Aye. I recuse [indiscernible].

George Tsunis: We have four Ayes and one recusal, which passes. The **winter calendar**.

B.J. Jones: Yes. Our Vice President of Programming, Craig Hudon, is going to give you a brief overview of the new winter calendar that is in your packet.

Craig Hudon: Thank you, B.J., Mr. Chairman and Members of the Board. We're excited to present the Battery Park City Authority's winter 2020 program event [indiscernible] 900 public programs, classes and events that will take place across Battery Park City from January through April of this winter season.

Highlights of the new guide include a new Friday night film series featuring arthouse classics; a series of new Saturday family workshops celebrating the art of mask making from Bulgaria, Italy, and Japan; though provoking Tuesday talk series which kicks off with a BPCA resident podcasting star, and includes additional talks honoring Black History Month, Women's History Month, National Poetry Month, and the 50th Anniversary of Earth Day. Also a new series of seasonal celebrations in the community room of 200 Rector Street. Returning favorites include the 2020 annual art exhibition featuring art created by participants of all ages of BPCA's art making programs, opening January 26th. Art will be on display through March at BPCA's operations headquarters at 75 Battery Place. Also returning Valentine's making workshop, dozens of art making play and live music performances, programs for children. We also will be offering physical wellness classes for all ages including parent and baby yoga, an expanded Zumba program, senior group exercise and a weekly meditation class. And of course hundreds of family fitness programs at the community center at Stuyvesant High School.

BPCA will be partnering with neighborhood cultural institutions with the Museum of Jewish Heritage -- A Living Memorial to the Holocaust for a series of workshops and discussions that will engage audiences in conversations of art, social justice, history, and current events. Also celebrating 10 years of Poets House in Battery Park City with an Earth Day Poetry and Nature Program and the opening of Poetry Pot early this spring. With the Battery Park City Seniors for a series of art talks in the community room at 200 Rector Street. And finally, some musical partnerships with the Church Street School for Music, the weekly adult chorus programs, and the Knickerbocker Chamber Orchestra for an Earth Day musical performance celebrating 50 years of

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Earth Day. That and much, much more. We look forward to seeing Battery Park City's residents, partners and friends at many of the events that are offered this winter season. Yes?

Catherine McVay Hughes: Sounds great. Maybe I missed it in the long list of activities. Are there going to be some cooking activities as well in the kitchen?

Craig Hudon: We just wrapped up some cooking classes for kids late this fall. We do not have none to offer through April but will be working again in the summer season for sure.

George Tsunis: Lester and I particularly want to voice our disappointment that there's no cooking. Okay? It's all about food for us.

Craig Hudon: Noted. Noted. Thank you.

George Tsunis: Martha is, this is the Southern European heritage way of this Board. Seriously, on behalf of the Board I wanted to commend you. This organization is world renowned for programming. It is extensive. It is best practices. And I can't tell you how many people come and tell me what a fantastic job we do in terms of programming. It really adds to the vitality of New York. So thank you.

Craig Hudon: Thank you. Thank you for support from the Board.

George Tsunis: We come to public comment.

Nick Sbordone: Okay. Thank you, Mr. Chairman. We have **one public comment** today, Mr. Roberto Bandelli, a Battery Park City resident, in respect to [indiscernible].

George Tsunis: Mr. Bandelli, welcome.

Roberto Bandelli: Thank you so much for being able to speak again, Mr. Chairman and Members of the Board. My name is Roberto Bandelli, I'm a resident of Gateway Plaza. I represent a group of tenants in the complex. I was here six months ago to report that a quality of life problem that was caused by a tour boat, a new tour boat that had come into service by the name of Manhattan, a red boat operated by Liberty Cruise. It's the loudest boat on the Hudson River. It docks every hour at the ferry terminal. It's basically 30 minutes where its engines are running on very loudly. You can hear it through the windows a thousand miles away. So Nick has been very helpful in putting us in touch with the right people to see what could be done about this. And finally, last October, a few weeks ago we were able to speak with Mr., the lawyer who is the VDP of the New York Water Way that operates in the ferry tunnel. He's been very kind in pressuring the operator in doing something about this. And this problem has been going on since April. And the plan was to replace this loud boat with a quieter boat by November 15th. November 15 has come and gone and the deadline's been extended to December 15th. I don't have to explain to you what day it is, December 17, the problem has not been solved. I think that now the new deadline is sometime before Christmas.

I think that this problem is going to be solved and we appreciate your continued support for this. The lesson that we have learned and I would like to share with this Board is that there's a new operator and I think that it would be beneficial going forward if existing vendors or new vendors go through a vetting process as is much more very rigorous and very thorough. This is a problem it being on as I said for 9 months and a new operator, that is being basically ignored any pleas to do something for some time and feel basically pressured. Not only this has been [indiscernible] for the community, it's been [indiscernible] for its customers so if you'll read some of online reviews by the customers have used this boat many of them, actually the vast majority of them complain of being scammed and cheated. So I know that the new vendors, new operators, whether they're boat operators or other type of operators are going to at some point use the facilities of the community and of the neighborhood I would encourage this agency to continue working with the other agencies to make sure indeed whoever comes into our neighborhood does have the credentials to be a good citizen and if they're not a good citizen to start with they can be made to become a good citizen.

With that I really appreciate your continued support and wish you Happy Holidays and thank you so much again for your consideration.

George Tsunis: Thank you. Thank you very much. Being that there's no more public, there's no one else for public comment, I'm going to move over to our **MWBE report**. Jahmeliah.

Jahmeliah Nathan: Good afternoon, Mr. Chairman and Members of the Board. For the month of October, I'm sorry, for the month of November, 2019, 31.35% or approximately \$444,000.00 of the Authority's total qualifying expenditures of approximately \$1.4 million was paid to MWBEs. Of that total amount 20.5% was paid to MBEs, 10.78% to MBE prime contractors, and 9.27% to MBE subcontractors. And of the total qualifying expenditures, 11.30% was paid to WBEs, 8.18% to WBE prime contractors, and 3.12% to WBE subcontractors. Thank you.

George Tsunis: Thank you very much. The investment committee report, Ms. Frederick.

Pamela Frederick: Thank you. The **investment committee** met, all members present with our Chairman Lester Petracca, Catherine McVay Hughes and Martha Gallo. We reviewed the quarterly report, which our investment advisor will give a brief summary of that. We also focused on next steps for some key highlights being included in that report, which we will do. We reviewed a rate sensitivity analysis just to see what impact a change in rates would have on the portfolio be that plus or minus rates with higher rates resulting in a loss and lower rates resulting in a strong gain.

We also reviewed a swap update with our swap advisor, Mohanty Gargiulo, and one of the key outcomes of that is given the amendment that we did to the portfolio in the summer at a cost of 4-6 basis points per swap, we had a very positive result in the period between August and November resulting in our net debt cost being 4.01% with this swap amendment, and had we not done the swap amendment those costs would have been 4.58%. So that's, you know, over 50 basis point improvement in our costs having done that amendment and shift from the LIBOR swap to a SIFMA swap as well as SIFMA debt. So we're really happy with that outcome.

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The other thing we touched on was what our status is with lease deposits that we're going to be looking at that in more detail. One of the things that we'll do is as the leases are reviewed we'll look at both how those funds can be drawn and then if there is a chance for those to be replenished. We'll also look at investing it more strategically at an aggregated level.

I'm going to hand it over now to our investment advisor who is here, Steve Faber, please.

Steve Faber: Thank you, Pam. Good afternoon, everyone. Happy Holidays. I just want to quickly summarize. At quarter end, the Authority held securities in some portfolio of approximately \$465 million. Due to the timing at quarter end and subsequent debt service payment dates, i.e. within the next couple of days, etc. In other words, approximately another \$45-\$50 million held in cash at the banks. So the total portfolio, cash, securities, etc., just north of \$500 million compares with about \$470-\$480 million at this time, the same time last year.

Performance for the quarter was in line with benchmarks. Performance ranged from about a half a percent on the very, very short-term portfolios to about 1-1/4, 1.3% for the quarter. For the full 12 months, so the fiscal year ended October 31, performance on an absolute basis was very strong. It ranged from about 4-1/2%. For the longer duration portfolios range from about 4-1/2% return to over 7% return. For the two short-duration strategies, pledge revenue, and the project operated fund about 2-1/2% return. All relatively in line with performance benchmark. Some under perform slightly due to changing duration strategies. Market performed very well from fixed income investors during the year and during the quarter with rates having been sharply lower both during the quarter end October 31st, and for the full 12 months during the quarter rates dropped anywhere from 30-50 basis points across the yield curve. For the full year dropped anywhere from 75-1-1/2% across the yield curve. So performance very, very strong. In total I think we calculated a total portfolio earnings for the Authority for the full 12 months just north of \$16 million.

Happy to answer any questions.

George Tsunis: Is there any questions? Thank you very much. Ms. Frederick, have you decided to conclude your presentation?

Pamela Frederick: That concludes the investment committee report.

George Tsunis: Thank you. A bit of gratitude to investment committee Chairman Petracca and Ms. Gallo and Ms. Hughes. Being a past chairman of the investment committee I can tell you that it's not exactly exhilarating work. So thank you for pulling double duty today.

Martha Gallo: And it's important work.

George Tsunis: But it's important work. Thank you all. **Resiliency update**, B.J.?

B.J. Jones: Thank you, Mr. Chairman. We will be briefing members of the resiliency working group after this meeting and we'll be going into a little more detail on our efforts. But there are a few highlights worth mentioning with regards to our resiliency project.

First and foremost, I'm happy to say that the Governor has signed the legislation that increases our bond cap by \$500 million, which we had doggedly pursued over the past year so that we would be able to access the financing needed for our resiliency efforts. So very appreciative of the Governor and also Assembly Member Niou for introducing that legislation and Senator Cavanaugh on the rest of the legislature for their support, including Assembly Member Glick and many others. Pam and I both breathed a collective sigh of relief when that finally came through.

And we're continuing our work on all of our other resiliency initiatives with regards to the ball fields. We are in the process now of contracting with the construction manager and we have the RFP out and are evaluating responses for the contractor for the ball fields project.

On the South Battery Park City side of things, our work continues there progressing with the design and related analysis. A recent milestone, yesterday the team met with members of the community board on the latest design and engineering. Catherine participated, and feel free to weigh in, but the team had a productive meeting with them about our progress to date. There are a couple of figures included in your Board packages on the next page just to give the other members a sense of how things are shaping up. We're gearing up for another open community meeting in January on this.

North Battery Park City resiliency continues ahead. The upcoming milestone for that is the developing recommendations for the alignment placing on the north end of the neighborhood, which we expect in late January and then we'll have a public meeting shortly thereafter to prepare that.

And we are gearing up to launch the final phase of our resiliency efforts to West Battery Park City resiliency project and RFP is in the final stages of being drafted and we will kick off the procurement early next year. So we're excited about that.

And then also I wanted to mention briefly the progress we're making on our sustainability plan which we kicked off with BuroHappold I guess more than a few weeks ago now, and is well underway in anticipation of our commitment to have a new plan and green guidelines by Earth Day in 2020. And so you can see in your summary there some of the measures that we are considering with regards to climate, well-being, economics, innovation, and community support. This is a comprehensive study that is not just looking at energy, efficiency, and buildings for example, in addition to energy used we're looking at water and waste management. We're also looking more generally at the Battery Park City site and the use of green space and vehicles, For example, so we're casting a wide net here and we're excited about the progress to date and the team that's helping shepherd us through this. So we're looking forward to sharing more updates on that front soon.

Catherine McVay Hughes: So this is amazing. And I will definitely tell you that there's a lot of positive feedback at yesterday's resiliency update to the local community board member leadership. I just have one question. In terms of the sustainability guidelines like how far the agency is going to go. So for example, I just learned at an event at Bloomberg that there is, the representative from the Battery Park City talking about ferries. You can get a coat on the ferry

and you could possibly be 10 percent more energy efficient. So when we're doing the contracting or allowing people to dock in our area how far is that going to go down the chain, the supply chain?

B.J. Jones: You know, it remains to be seen as we flesh this out, but we do want to push the envelope and I do think that that speaks to what I was alluding to earlier in that we want to make this as broad as possible and so we do want to look at areas like that and see what we can affect. So again, not just about green buildings, but about carbon neutrality and extending it to how our spaces are used, how our own operations are carried out, but also how other assets are used whether it's the boats in the marina or the ferry terminals or the downtown alliance buses for example, you know, thinking about all of this comprehensively.

Catherine McVay Hughes: Thank you.

Martha Gallo: And B.J., when we renegotiate the leases, land leases, etc., remind me how are we trying to encourage the building to come up to standard, and what is standard for them? And how much time are we giving them?

B.J. Jones: So there's two aspects of that. So there's already city legislation that passed in the past year that mandates a significant step up in their energy efficiency and so --

Martha Gallo: And that's the grades everybody go --

B.J. Jones: And that includes like the grading and the reduction in energy usage and greenhouse gas emissions at different intervals over the next 10 years or so. And so what we're looking to do is to not only use our ground leases to further support that, but also through this process to figure out how we might even align buildings with incentives either through the Authority or through existing incentives. We've been working closely with NYSERDA for example from the State, and the Mayor's Office of Sustainability to make sure that we're not overlapping on any incentives. But we can also help close the gap and help guide buildings on how to do that by requiring energy audits for example, and identifying changes that we'd like them to make. So that's definitely, that's been part of our ongoing conversations with [indiscernible].

Catherine McVay Hughes: Following up on Martha's comment. I'm hoping also when there are the successes of best practices that we share that with other groups and people so that they don't have to reinvent the wheel.

B.J. Jones: I think that's a good point. We're interested in not just obtaining a certain goal in terms of carbon neutrality or energy reduction in Battery Park City. We are looking to be a model similar to how the Authority had previously been with regards to all of the green building that we helped spur you know years ago.

Catherine McVay Hughes: And then at the World Trade Center site.

B.J. Jones: And then looking how we can extend what we do here to other jurisdictions but also just to help these buildings. We're hearing from -- there's a mix of buildings here so there are

some developers for example that are very well versed in this. But there are also other buildings that are not and don't know how to get to where they need to be to meet these City requirements, and we feel like for this process we can help them get there and be a community model for achieving these standards.

George Tsunis: Can you put together you know with [indiscernible] Purveyors who do this, people who do energy audits, people who are in this business, people who can be assistance consultants, what not?

B.J. Jones: Yes. And I think that's -- we'll look into how to compile those resources. But that is in line with one of the things we're doing, which is aligning buildings with, not just incentives, but --

George Tsunis: Maybe even a tab on our website as to how to achieve best practices, increase resiliency, sustainability, and such.

B.J. Jones: Yes.

George Tsunis: So become a learning resource for them.

Martha Gallo: We, I don't know [indiscernible] if you know, you might know better on this than B.J., but do the Hudson Yards Department or Brooklyn Bridge Park [indiscernible] apartments where there are these communities, are they attempting to do what we're trying to do with sustainability guidelines, etc.?

B.J. Jones: I don't know to what extent. I know Hudson Yards --

Martha Gallo: Because we're kind of an interesting neighborhood, right, that has 30-something buildings --

B.J. Jones: And I think we're interesting in particular because we're existing where we're not new developments. And so I think that's one of the things that's an important opportunity for us is that we can show how hopefully neighborhoods with an existing building inventory can transition to greater energy efficiency. It makes it more of a challenge but I think it's also why what we're doing is actually particularly relevant.

Catherine McVay Hughes: Right. And when you just talk to folks, whether they're from New York or outside of New York at various conferences and events, they're all like, "Well, what is New York doing?" So we are right at that critical point right here. So we can have a positive ripple effect.

B.J. Jones: Yeah. Agreed.

Donald Capoccia: In and around these discussions is the suggestion that [indiscernible] having to hire sustainability experts because of its resiliency measures for grading [indiscernible].

B.J. Jones: Yeah.

Donald Capoccia: Establish some incentives through the ground lease restricting to ensure that gets done, so.

B.J. Jones: Yeah. That's an important part of the framework we're trying to [indiscernible].

George Tsunis: We think it's both important that everyone understands that it's not only the right thing to do but it's also the right thing for their bottom line as well. Are there any more questions on B.J.'s report?

Martha Gallo: Nope. It's great progress.

George Tsunis: Before we get to corporate action I just **have two announcements**. The first of which is I wanted to both acknowledge and salute Don Capoccia. The New York Times did a very, very extensive article, or some people called it a love letter, on his project called Essex Crossing. I don't have enough time to go through all the attributes and all the wonderful things that have made better in this project, but the New York Times certainly did. The amount of outstanding, affordable, the community that was created and it's a real community. And the affordability component where people of all socioeconomic backgrounds could live in such a beautiful place, you know, it really speaks about New York's promise fulfilled. So I salute you Don.

Donald Capoccia: Thank you very much.

George Tsunis: An example of doing well by doing good. I wanted to discuss the Mother Cabrini Statue Commission. The Governor put together a 19-person commission and leaned on the Authority for a lot of our staff and knowledge. There were three submissions that were discussed. One was a Murray Street location for a statue of Mother Cabrini. One was south of South Cove that overlooked Ellis Island and the Statue of Liberty. And one in Brooklyn Bridge Park. I thought this was very, very important work. Mother Cabrini was I believe the last of 14 children born in 1850 in Lombardi, Italy, came here lived in Little Italy, and dedicated her entire life to serving immigrants and the most vulnerable in our society. She was the first person in the United States, the first American canonized, she's the first saint here and it is very, very fitting that she have a statue commemorating her life and her great works. The Battery Park City went through all the logistics, showed all 19 members of the commission, all sides provided all the transportation, were there with support. I commend B.J. and his staff. The site that was chosen last week was south of South Cove. It will be a bronze statue with two children located south of South Cove overlooking Ellis Island and the Statue of Liberty. We are shooting for this thing to be complete for next year's Columbus Day holiday. I think our outstanding programming personnel here could possibly arrange for new Americans to be sworn in by the Statue overlooking Ellis Island. As a lot of people continue to search out Emma Lazarus calling and you know we really should try to have a little bit of programming in terms of inclusiveness and what New York should really represent as opportunities for people all over the world. So I just wanted to report to you. And, you know, it was said to me by the Governor is Battery Park City



is our go-to place to get the important work done because they have such faith in our staff so I wanted to thank everyone for their work.

Don Capoccia: Who's the sculptor?

George Tsunis: That's the next to be decided. There is a website where experienced artists can apply. The only request was for sustainability issues that it be bronze given that this is going to be right by the Hudson River. Thank you. Corporate action, I believe Ms. Dawson, the first one's yours.

Gwen Dawson: Thank you, Mr. Chairman. Good afternoon, members. As I'm sure all of you know, the Battery Park City has been host to the New York City **Police Memorial** since 1997. The Police Memorial is intended to honor New York City police officers who have fallen in action and it's located immediately west of the intersection of South End Avenue and Liberty Street and just southeast of the North Cove Marina. Due in part to the large number of New York City police officer deaths that have occurred as a result of and since the 911 terrorist attacks in 2001, the Memorial's capacity to accommodate the names of new fallen officers has been depleted. Just as a description of the site itself, the site includes a water feature that includes a flume, a fountain and a pool but the primary feature of the Memorial is a granite wall, upon which the names and dates of death of the fallen officers are etched. That wall has been filled. Consequently it has fallen to us to expand that Memorial. We have contacted the original designer of the Memorial, Stuart Crawford, who has designed an expansion of the Memorial. What that expansion includes is a demolition of the existing wall and a restructuring of the site to include an additional wall element on the north end of the project site. You have a depiction of that, a rendering in your Board materials. It includes the removal of the existing stairs and the relocation of those stairs. There will be new lighting that would be added to the Memorial. But the primary elements will be the masonry elements, the replacement of the wall that exists, and the addition of the new segment of wall on the north end of the project site.

On November 1st, the Authority issued an RFP for general contractors. And on December 3rd, we received proposals from four different contractors, D'Onofrio General Contractors, Nicholson & Galloway, Paul Scariano and TDI Construction. Following the initial evaluation of those proposals TDI Construction as the lowest technical scoring proposer was eliminated from further consideration and interviews were subsequently conducted with the three remaining proposers, D'Onofrio, PJS and Nicholson & Galloway. The following completion of the interviews and the subsequent technical evaluation process, Nicholson & Galloway was the highest rated remaining proposer by a significant amount. Its high technical score is reflective of an exceptional proposal submitted for the project and its highly qualified project team. In its interview, Nicholson & Galloway exhibited an in-depth understanding of the project, a thoughtful approach to the work and a strong commitment to the required project schedule. It's our desire to have this project completed in time for the events next fall, September and October, that focus on the Police Memorial.

Of particular note, the Nicholson & Galloway exhibited an ability to perform the critical masonry work in-house of the installation of the stonework which is of course the most critical component of the project. The lower technical scores for PJS and D'Onofrio resulted from their

failure to definitively identify or bring to the interviews the subcontractors that would be responsible for all or portions of the stonework. In addition, PJS and D'Onofrio indicated that they would not be able to meet the targeted MWBE levels for the project whereas Nicholson & Galloway committed to achieve the required 30% diversity goals.

In evaluating the cost proposals, it was of concern to the committee that Nicholson & Galloway as the highest proposer also had the highest cost proposal by a significant amount. As a result, the differential between Nicholson & Galloway's cost proposal and that of the other two was somewhere between 34 and 37%. The Authority issued a request for best and final offers to the three remaining proposers. We received best and final offers from Nicholson & Galloway and PJS on December 12th. D'Onofrio declined to submit a best and final and as a result their original cost proposal remains as their best and final. The best and final offers resulted in a reduction in the cost for Nicholson & Galloway from \$3.7 million to \$3,276,580.00. The reduction for PJS was a small reduction but their initial proposal was lower.

After the receipt of the final offers, the committee tentatively selected Nicholson & Galloway as the successful proposer and initiated a negotiation with Nicholson & Galloway to determine whether any additional reduction in its final offer was possible. As a result of that negotiation, Nicholson & Galloway agreed to reduce its final offer by another \$50,000.00 to \$3,226,580.00, and has confirmed that all elements of the project are adequately covered by its revised final offer. Based on a review of the cost proposal and in consideration of technical advice received from the designers [indiscernible] at Crawford, the committee concluded that Nicholson & Galloway's final offer, although higher, represents the best value for the Authority given the requirements of the project and that it is fair and reasonable for the work required. Consequently, the Members are asked to approve a 12-month contract with Nicholson & Galloway in the lump sum amount of \$3,226,580.00.

George Tsunis: Thank you, Ms. Dawson. I too am concerned about the cost differential. I have voted for contracts that were not the lowest price because it was demonstrated that it was very, very complicated work and we look for value rather than price. But as I'm reading here, they exhibited a in-depth understanding of the project, thoughtful approach, commitment, but it's a clear ability to perform critical stonework associated with the project resulting in qualified in-house -- I mean you know it's stonework and etching stone. I mean you know I have a lot of respect for the complexity of the work but surely there's much, much more complex things that we do here at the Authority.

Gwen Dawson: Certainly. This is a very discreet project. It's a very well-defined project. And the central element of the project is the stonework. I think that the concern is that there was not a strong enough commitment in terms of the subcontractors and the subcontracted work to ensure the quality of the stone to be provided, the quality of the etching, the quality of the installation, which if it is not done properly is really the major element of the project.

George Tsunis: I know that. But the etching is not done by hand it's done by machine. I'm assuming that all these machines are the same. The stone is a defined stone. I'm assuming it's the one we're going to replicate what's there so you know it should be the same -- I'm assuming, you know, you're talking about the quality. It's the same stone. I'm failing to see where this

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thing is complex and how we can differentiate or justify \$850,000.00 off of you know a \$2-\$3 million project. Mr. Capoccia?

Donald Capoccia: I just had a couple of questions of my own. Didn't we just approve some work on this Memorial, a mechanical upgrade?

Gwen Dawson: Not on this -- not on the Memorial. We elevated the vaults, the electrical vaults.

Donald Capoccia: [Indiscernible] have the operation of this --

Gwen Dawson: Yes. As well as portions of the marina.

Donald Capoccia: Right. Okay. You know, you note here that the other two contractors did not bring with them, either they didn't identify potential subs nor did they bring them to the interview. Did N&G bring contractors to their interview or identify contractors for you?

Member: No. The difference between these contractors --

Gwen Dawson: This is Anthony Buquicchio. He's the project manager for the project.

Anthony: And the general contractors both PJS and D'Onofrio are general contractors so they would have brought their stone masons. N&G is a stone mason. They would be doing the critical work. They had the supply half already developed. They've dealt with the etchers, they've dealt with the fabricators, and they know the quarry whereas D'Onofrio and PJS will be doing the concrete work in a more general construction scopes. They would have to bring in a stone mason. But N&G will be doing the stone masonry themselves and bringing in a more concrete vendor of the other miscellaneous traits.

Donald Capoccia: so they are self employing?

Anthony: The critical stuff. And they were able to identify unequivocally [indiscernible] would be doing the fabricating on the stone is already determined by design. So that gave us a much better feel for them. Yes.

Lester Petracca: So Anthony and Gwen, the majority, because we're not looking at drawings so it's very hard to understand exactly what --

Martha Gallo: It's this little piece right here.

Lester Petracca: Yeah. No, I get that. So this is being replaced, correct?

Anthony: That's right.

Lester Petracca: Okay. And this is all granite I assume.

Anthony: Correct.

Lester Petracca: And it's all etched.

Anthony: It will be, yes.

Lester Petracca: So it seems to me Nicholson & Galloway are going to do it in their shop.

Anthony: They have somebody who will do for them. [Indiscernible].

Lester Petracca: Again, so they're not doing the etching of this or the supply of this. They're doing the installation of this.

Anthony: Right.

Lester Petracca: Do we know where they're going to get this from?

Anthony: They can get it. They do know that it's [indiscernible].

Lester Petracca: Because it seems, D'Onofrio does a lot of stuff for us, correct?

Gwen Dawson: Yes. And actually all three of the contractors have successfully performed projects for us.

Lester Petracca: Okay. So apparently these two guys don't know where to go to get it.

Anthony: They were vague in the interviews. They were not -- that's what gave, I think that's what gave the committee pause. They didn't say this is the guy who's going to do it and this is how it's going to get done. They didn't have it locked in.

Martha Gallo: Who did the original work?

Anthony: Pansini Stone.

Martha Gallo: Yeah. And so where were they in all of this?

Anthony: They were mentioned in the interview but nobody committed to --

Lester Petracca: Did we reach out to them?

Anthony: We did.

Lester Petracca: We did. And they didn't bring them in?

Anthony: Correct. [Indiscernible].

Lester Petracca: They didn't want the work?

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Anthony: They didn't want to prime, like I said I know they were scheduled to go with PJS or D'Onofrio but nobody committed to using them.

Lester Petracca: I just wonder if they'd been tied up with Nicholson & Galloway and these guys don't have a place to go with confidence. I mean it --

Anthony: I'm sorry. I don't understand. As far as Pansini's [indiscernible]?

Lester Petracca: Well, by joint venture with the only person who can supply it but [indiscernible].

Anthony: Yeah. That I don't know. And like I said, I've worked with all three contractors.

Gwen Dawson: I don't think it was a matter of not having someone who could get the stone. It was I think at this point it's a matter of risk as far as we're concerned. And the importance of making sure that this turns out well, that we can get it done properly, that we don't wind up having doubts with delays because they're not meeting their MWB goals and we have to get a waiver and because they haven't contemplated something and it takes longer than they anticipated. It certainly seemed that Nicholson & Galloway was very well prepared at every level. And the other two were not. It doesn't mean that they can't do it or they couldn't do it, it just means that going with them increases the level of risks associated with the project from our estimation.

Anthony: If I may, because both -- I'm sorry. Both PJS and D'Onofrio indicated doubt getting it done on time.

George Tsunis: B.J. had shared with me that we're on a strict timeline that the Police Memorial will be in October.

Catherine McVay Hughes: And we can't forget the annual September 11th event. They sometimes have events there also. And it's obviously a very important Memorial for NYPD since the World Trade Center is one block away they often have events there as well.

B.J. Jones: I think we're also talking about our experience with Nicholson & Galloway a little [indiscernible].

Gwen Dawson: Yes. We have a couple of projects that we've worked with Nicholson & Galloway on that give us a very good sense of their capabilities and their commitments to the project. They were the general contractor for our Responder Memorial restoration. And we were extremely pleased with the quality of their work, their commitment to schedule, their ability to get the work done and get it done in a high quality fashion. They're also our contractor on the water proofing project up at the Community Center, the ballfield terrace above the Community Center asphalt green. And they're doing an exceptional job there as well that project is still ongoing. This is what they do in terms of waterproofing and masonry work. They've done projects, The American Museum of Natural History, St. Patrick's Cathedral, they know what

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they're doing and it gives us a great deal of comfort in terms of both quality as well as schedule and not discovering at a later point that they have forgotten something or that there was something they didn't take into account.

Martha Gallo: Well, Gwen it might be true that the other two don't do this as a primary service and so they don't even, they didn't even really know. I mean maybe the quality of their business isn't as high. One question I have is have we had an experience with N&G where we see them coming in with bids that are higher? I mean are they always on the pricey end, or?

Gwen Dawson: They always are a little bit higher and so this is not an unusual position for them to be in, to be a little higher than the others. And I think that when we awarded the other projects they were a little higher on those projects.

George Tsunis: Gwen, over the last several years that I've sat here, I have voted for contractors that were a little higher. This is by comparison substantially higher.

Gwen Dawson: It is. It is.

Martha Gallo: It's right now down to 3.2?

Gwen Dawson: Yes. Yes.

Martha Gallo: And is that still \$600,000.00?

Gwen Dawson: It's certainly something that we don't take lightly.

Donald Capoccia: No, it's more. It's [indiscernible].

Gwen Dawson: That project was able to go through [indiscernible].

George Tsunis: \$850,000.00 or \$825,000.00.

Members: [Crosstalk].

Gwen Dawson: The [Indiscernible]? Yes.

Donald Capoccia: And that's been successful?

Gwen Dawson: Yes, that was very successful.

George Tsunis: Yeah. I'm looking at it. It's right here.

Tony Kendall: I see the difference in price but [indiscernible] I'm assuming you guys [indiscernible].

Gwen Dawson: Well, the way that our scoring works, this does represent a pretty significant difference in the technical scoring because our scores tend to be, they tend to be a little more closely compact when compared with each other. This does represent a pretty significant differential for us technically.

Donald Capoccia: And given the significance of what's being memorialized here, we have to be comfortable that we've made the right choice. The execution has to be perfect. I mean it's memorializing a lot of fallen officers and you know I don't think there's guarantee among any three of these whether or not you're going to get that kind of guarantee. But personally I mean you know the prices, the delta is very significant. But if that gives our team the comfort and if they can manage it in a way that's going to deliver on time an appropriately executed project, and by appropriate I mean appropriate to what's being memorialized so close to perfect, it's something that I could support. I would ask my fellow Board member, Lester, to meet with these contractors and see if we couldn't do a little bit more with the number if that would be helpful.

Gwen Dawson: Sure.

Donald Capoccia: I mean that's just my own personal --

George Tsunis: I have something to say and then I'm going to ask counsel for an opinion. I'm trying to weigh the equities here. I'm trying to weigh the Board's fiduciary responsibility to protect every single taxpayer dollar. And you know I am swayed by the fact that this memorial is honoring people who are giving the ultimate sacrifice for our community. So I too do not want to risk that this will not be done in a manner befitting their sacrifice and done in a timely manner. So I am prepared to vote for this. But what I want to ask counsel is can we do a broader resolution, okay, giving Mr. Petracca and Ms. Dawson our proxy that we will approve a resolution giving them the authority to go forward because I don't want to limit this, but very quickly sit down with everyone, dig into it, see if we can get the pricing down or get the comfort up. It doesn't have to go back to this Board for approval. We're approving it subject to them making the final decision.

Susie Kim: Yes, we can revise --

Lester Petracca: Let me just say one thing before you ask that, sir, if you don't mind. I have no problem doing that, understanding the timing of when I can do that is important because as it stands right now my schedule is more full than you could ever imagine and through the holidays and I do have some time away with my family. So I could start on this around the 7th of January just so you know the timing of when I can look at the drawings, I can get on a phone call, and I would like to see what I mean about the actual drawings so I can understand fully the scope of the work because it seems to me the key to a new stone wall one person has the ability to do it, the other two don't. So it would have been nice if we were after three people that had the capability of doing it. Okay. So I can buy it from Gwen as best as Galloway can be purchased but I'm not sure we went out to the right people to begin with. So time sensitivity is important. That's what I'm getting at.

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George Tsunis: Okay. Time sensitivity is important. I don't want to be, now it is October and it's, so we have 10 months to do it.

Catherine McVay Hughes: What about September 11th?

Members: [Crosstalk].

Gwen Dawson: I think that that should be fine. I think we can go ahead and start with the drafting of the contract, and that'll take some time anyway. So I think that should be fine.

George Tsunis: Sure. Okay.

Lester Petracca: And I can clearly tell you there are sections of work that we have performed in our building, as I'm sure Don has experienced, where I wish I paid 30% more. [Indiscernible].

Martha Gallo: Well, and there have been plenty of projects where Gwen has had to come back and ask for more money on projects that, you know.

Donald Capoccia: But she's not going to do that on this.

Gwen Dawson: No, no, no. No. I have a great sense of comfort. And also too, just as information, certainly there have been times when we've gotten approvals from the Board and we've gone back and we've been able to negotiate a little bit better price, a lower pricing. And that's something that we were thinking that we would approach. I would love to have Lester's help doing that.

Lester Petracca: And could you give me something the drawings so I can start looking at that, I just want to see what else is entailed with the [indiscernible].

Members: [Crosstalk].

George Tsunis: Thank you. So Susie, do you think you can articulate a resolution that we can vote on now?

Susie: Sure.

Catherine McVay Hughes: Give it a shot Susan.

Susie: So we present to the Board the authorization and empowerment for the Authority to enter into a 12-month contract with Nicholson & Galloway subject to further negotiations to be administered through staff and our Board members to negotiate the lump sum amount that's to be approved.

George Tsunis: All in favor?

Members: Aye.



George Tsunis: Unanimous. Thank you, Lester. I'm sorry. Anthony opposes. I think there's one more --

Members: [Crosstalk].

Lester Petracca: [Indiscernible].

Anthony Kendall: I don't know how we'd gauge it if they can't [indiscernible] and to have such a huge delta I think you need to have comparable experience that you know to say you're getting the same thing so I just can't agree under those circumstances.

George Tsunis: And Anthony I respect your decision. I know you value math and numbers.

Anthony Kendall: Not at all.

George Tsunis: Given your professional occupation. This is I am very cognizant of what this Memorial represents and I do not want even the perception that this Authority is disrespectful to those who have given the ultimate sacrifice. On the other hand, I would like staff to work with the Board designee to make sure that we're being respectful of taxpayer dollar sand we're getting a dollar worth of work for a dollar worth of currency. So I guess we've done our best to sort of you know find the middle ground here but, Anthony, I completely respect your decision. Believe me I thought about doing that myself today. We have one other resolution. Who is --

B.J. Jones: Nick is going to do this one. It's a brief item thats going to the Board because it's a small contract that's over one year in length.

Nick Sbordone: Thank you, B.J., Mr. Chairman and Members of the Board. In order to comply with New York State Executive Order No. 3, Promotion of Public Access to Government Decision-making, the Authority must broadcast and archive videos on demand of its Board meetings. We are also confined to time to acquire the production of promotional video materials to help publicize our programs and public efforts. Unlike most procurements that come before you, this vendor was selected through an MWBE, SDVOB discretionary procurement that sets forth the state law and that procurement guideline that enables the Authority to procure services [indiscernible] formal process up to \$200,000.00 provided that the opportunity is posted in the New York State Contract Reporter and if made available exclusively to minority and women-owned business enterprises. As such, on September 25th of this year, an advertisement was placed in the Contract Reporter requesting proposals for webcasting and video production services from applicable vendors, 8 firms in total provided proposals and our evaluation committee of 3 BPCA staff who are familiar with the services as outlined, review of each proposal and provided a technical score. Based on the committee's technical scoring Diva Communications had the highest technical score and that by a comfortable margin. It is worthy of note that Diva Communications provides these services in the Authority presently and we're quite pleased with their level of professionalism and service. The committee also evaluated the cross proposals to determine which proposer represented the best value to BPCA given the requirements of the project. Though Diva Communications was the third most proposer with

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respect to hourly rate for Board meetings and the fourth lowest on the hourly rate for proposal on videos the lower priced proposers scored significantly lower on their technical scores. The committee determined then that Diva Communications rates were fair and reasonable and represent the best value to the Authority. Therefore, we are requesting today to enter into an agreement with Diva Communications to provide webcasting and video production services for a period of 36 months and for a value not to exceed \$150,000.00.

George Tsunis: Thank you, Nick. Are there any questions on the proposed agreement?

Catherine McVay Hughes: I just have a quick question. I know that we have to do it and it's great. Do we have any idea how many people actually watch these videos?

Nick Sbordone: We have -- yes, actually. On the website, if you go to our Board meetings you can click onto all videos that are archived. Any one of those videos you could click on, will give you a header how many times it's been viewed, and you have to think oftentimes it's me watching it multiple times.

B.J. Jones: Actually he's watching right now.

Nick Sbordone: Yes. But your staff is actually watching right now so [indiscernible] the distribution of it but they do get [indiscernible].

Members: [Crosstalk].

Catherine McVay Hughes: Okay. Thank you very much.

Lester Petracca: [Indiscernible].

George Tsunis: Are there any additional motions on this?

Martha Gallo: Hearing none.

George Tsunis: Hearing none, may I have a motion to [indiscernible]?

Member: Motion.

George Tsunis: Second?

Member: Second. Unanimous. Unanimous. Thank you. At this point in time I'd like a motion to go into **executive session**.

Member: So moved.

Member: Second.

George Tsunis: Thank you all.