

November 19, 2019
BPCA Board Meeting

George Tsunis: I'd like to call to order the Hugh L. Carey Battery Park City Authority meeting of the members, November 19, 2019. Can I have approval of the **October 29, 2019 Minutes**? Are there any questions about them? Hearing none, can I have a motion to approve?

Members: Motion.

George Tsunis: Second?

Members: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Unanimous. **Public comment.**

Nick Sbordone: Good afternoon everyone. Nick Sbordone, Communications and Public Affairs. In addition to a written set of comments which have been included in the Minutes, we have one public commenter today, Mr. Johnathan Johnson. ****include emailed comment from Nick****

Jonathan Johnson: Hello. I come to the meetings periodically. I live down in Battery Park City for 26 years. I'm a real estate broker, allowed to become a member. My comment is what's going on with the land lease, both residential and commercial. I have -- I buy and sell apartments all the time. The New York City market I think is starting to strengthen. I see it but I don't see it in Battery Park City because the big question is the land lease between Gateway Plaza, what's happening with their land lease, it's up in June. So a lot of people are signing their last leases now and they have no idea what they're going to be doing in eight months, in ten months. So this is a comment we like to know, we like to have the information sooner than at the last minute. I do hear that there is rumblings and there's conversations but basically nobody in the real world knows what's going on. So I'd like to know what's going on.

And I gave -- I put out a newsletter, this will be the fourth month in December, and it's always a very positive newsletter about the fabulous goings on with Battery Park City because I do enjoy them for 26 years, so we'd all like to stay here. Thank you very much, Chairman.

George Tsunis: I could say I'd like people to stay here too. Thank you very much, sir.

Jonathan Johnson: You're welcome.

George Tsunis: The **MWBE report.**

Jahmeliah Nathan: Good afternoon, Chairman, members of the Board. For the month of October 2019, 32.88 percent or approximately \$1,046,000.00 of the Authority's total allowable

expenditures of approximately \$3.2 million was paid to MWBEs. Of that total amount, 7.38 percent was paid to MBEs as prime contractors, and 2.54 percent was paid to MBE subcontractors. And of that total amount, 25.51 percent was paid to WBEs as prime contractors, and .21 percent was paid to WBEs as subcontractors.

George Tsunis: Thank you.

Jahmeliah Nathan: Thank you.

George Tsunis: Thank you. The **resiliency update**, B.J.

B.J. Jones: Thank you, Mr. Chairman. Just a couple of updates since our meeting a few weeks ago. On the ballfield resiliency project we have reached a milestone with completion of the design. We have a hundred percent drawings now and proposal for selection of a construction manager will be presented to you shortly by Gwen. We're in the process of procurement for the general contractor for construction of that resiliency system. We have received approval from OMB for the addition of the construction phase to our capital plan and are making our way through the Comptroller's Office who is reviewing that as we speak.

On the South Battery Park City side of things, work continues. We've past the 30 percent milestone for design and are working our way towards 50 percent. We will have another of our open community meetings for this project. We expect it will be in early January to show the updates to the design and also particularly focus on the stretch that extends through Pier A and into the historic Battery, which we've been working with the City on.

On the North Battery Park City front, our third resiliency project, which we kicked off this past fall our team will finalize the proposed alignment to where the resiliency system should go and we'll be presenting that to the community at the end of January and early February.

I should also note not here in the updates, and Pam feel free to weigh in as the members know, our recent financing in large part due to the resiliency and sustainability component of it was recognized as Northeast Deal of the Year by Bond Buyer and so we'll see if we make the cut for Deal of the Year. So again, credit to Pam and the financing team and Gwen's team for that work.

And on the sustainability front, we are now in the midst of our sustainability study to develop new green guidelines and implementation plan to make the whole neighborhood more energy efficient and put us on the path to a carbon neutrality so we will have more information for the members on that as we progress with our consultant, BuroHappold and are off to a good start with that project.

George Tsunis: Thank you, B.J.

Martha Gallo: Can I ask B.J. a question on the interagency work?

B.J. Jones: Yes.

Martha Gallo: So one of our major concerns about our timeline for Battery Park City that we quizzed Gwen on a few months ago was given how long it's taken the interagency collaboration to come to fruition on our bridge.

B.J. Jones: Right.

Martha Gallo: And it will probably take that amount of time again on the question about the Rector Street bridge. We were concerned that the coordination that was required amongst the City, the State, the DOT, blah, blah, blah, blah, was going to delay our timeline. So have we had any impact to date?

B.J. Jones: I would say that we started the project, the whole resiliency program from a collaborative standpoint from the outset with the City. So we have been working very closely with all of the City partners. So none of that is pending or a roadblock that we're deferring per se. Gwen and the team whether it's the City Department of Transportation, or DET or City Parks, or the Mayor's Office of Resiliency we are actively cooperating with and the project has continued to move. The one thing though that all of the parties are eager to do that we're working on now is a joint memorandum of understanding, particularly as we're now coming upon the construction of South Battery Park City and the operating and maintenance aspects to make sure everyone's clear and in agreement on who's going to do what, particularly when it comes to maintain it. But Gwen, why don't you also talk briefly about some of the recent interactions we've had with the stakeholders.

Martha Gallo: You know, I commend that everybody's collaborating. What I'm really interested in is if we were to audit the project plans, original dates, revised dates, etc., are we going to see revisions that are due to decisions getting held up in one agency or another, or you know, lack of funding by one agency or another, etc.

Gwen Dawson: I won't say that there won't be any impacts that relate to decision making or planning. It won't necessarily be because there's one agency that's holding it up but there are -- and the community fits into this picture as well because we have on several occasions gone back and addressed something or reviewed something again based on comments that we've gotten from either City Parks or the Battery or the community. And I won't say that there won't be any impacts from that but I will say that right now everybody is paying attention. We have everybody's attention and they are very interested in helping move this along which is a huge thing. It's a huge accomplishment to make sure that everybody is rowing the same way and that's what I feel.

Martha Gallo: Well, I congratulate you all for that. I would just continue to ask you it's one thing to consciously decide to extend the timeline because you are going to get to a better answer or is there a better alternative, etc. It's another to you know suck it up when you think that we should be pushing back. So I would continue to ask you to bring things to us --

B.J. Jones: We will not be shy about escalating issues.

Martha Gallo: We really have to keep our eye on the prize and the timeline.

George Tsunis: All right. Gwen, I believe you're going to handle the two corporate action matters.

Gwen Dawson: Yes, thank you, Mr. Chairman, Members. The first item is the proposed approval of a new slate of **on-call engineering and architectural service providers**. In the last year, we have brought a couple of other on-call slates to you, one for general contractors and one for construction managers. We last did a procurement for on-call engineers in 2017, so we were due for another procurement here. We issued an RFP in October and on October 28th we received proposals from 12 different architectural engineering firms, several of which were MBE and WBE firms.

The internal evaluation committee evaluated the proposals of all of the proposers in accordance with the evaluation criteria that was provided in the RFP. And while certain of the firms had greater strengths than others they were all, the evaluation committee felt that they were all qualified in certain areas of architectural and engineering, and certainly we have had the benefit. We have found in recent months the more options that we have in terms of being able to select from a broader group of firms we have better options. So what the evaluation committee decided to do is to advance all 12 of them and checked their cost proposals to make sure that their billing rates were reasonable which they concluded they were. Consequently, we are requesting approval from the Board of the on-call engineering and architectural contracts, or the slate of firms for potential contracts that include McLaren Engineering, Stantec Engineering, Urban Engineers, Enzyme, Tetra Tech, Cashin, Aurora, Goldman, Watts, H2M, Superstructures and Ronnette Riley. The amount that would be expended under the terms of the on-call engineering and architectural contracts would not exceed \$950,000.00 for fiscal year 2020, and for future fiscal years the annual spending limits would be approved by the Board at the time of the annual fiscal year budget approvals.

The expended amounts would be billed against already approved budgets for capital expenditures and operating expenses, either for approved projects or for approved expenditures for on-call contracts or within certain general planning, our property management elements of the real property operating budget. And we would certainly make sure that our selections for the contracts and for the assignment of on-call projects would be done in accordance with our on-call prequalified vendor policy.

George Tsunis: Are there any questions? Hearing none, may I have a motion to approve?

Members: So moved.

George Tsunis: Second?

Members: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Unanimous.

Gwen Dawson: Moving ahead with the contract with Hudson Meridian Construction Group as the **construction manager for our ballfield resiliency project**, as was mentioned by B.J. earlier we are proceeding with the first of the four resiliency projects to actually move into construction. We have concluded the design, which if you recall based on a couple of the other updates that we have provided, we have determined would be best to be an interim solution for the ballfields rather than a permanent flood barrier wall around the ballfields. We have come to a solution that the community is very happy with because it will not result in any significant interference with access to ballfields or playing time. We can get it done in a very short period of time, six to seven months, and we will have protection for the ballfields and the community center for a period of several years until such time as both the north project and the south project are completed.

When the north project and the south project are completed those projects will afford the necessary protection for the ballfields and the community center and we will be able to dismantle the interim solution. So we expect that to happen in less than five years but we have a design that we want to make sure is viable up to a 10-year period of time just in case. We issued an RFP in early October for a construction manager to manage this project which we anticipate will begin in early 2020. We received 12 proposals, five of which were from WBE firms. The evaluation committee did an initial technical evaluation and narrowed it down to four finalists proposers, the remaining proposers who were interviewed.

And then the committee evaluated them again. The highest scoring proposer was Hudson Meridian and they provided a significant show of expertise in this area. They have recently done a similar project with Middles [ph], this is going to be a steel wall system that will be installed on the exterior of the existing ballfield fencing. And Hudson Meridian had done a similar project on a short timeline with the New York City Department of Sanitation. So the expertise was considered to be excellent and the recent experience was something that was also a big boost for them. They have done work for Battery Park City Authority in the past and we've been pleased with their work. Consequently, we would like to propose that they be approved given that they're cost proposal was the second lowest of the four finalist proposers and the committee felt that their much higher technical evaluation score warranted their selection even though there was a proposer that was slightly lower in cost. Therefore, we would ask the Members to approve a 13-month contract with Hudson Meridian in the not to exceed amount of \$312,872.70, which includes \$14,400.00 in reimbursable expenses.

George Tsunis: Thank you. Are there any questions for Ms. Dawson?

Donald Capoccia: 13 months is the start of construction or when does that begin?

Gwen Dawson: The 13 months would begin depending, January maybe, we were thinking. And we've got it at 13 months just so that it's long enough in the event there are any [indiscernible] items that are remaining after the completion of the construction which we anticipate would be done probably late summer, early fall of next year.

Donald Capoccia: So they'll be in by the time we're bidding, right?

Gwen Dawson: No. We have an active procurement outstanding for the general contractor right now but they will be in place before we bring on the contractor.

Donald Capoccia: Right. Will we have the benefit of their negotiating with a short list of respondents on the bidding?

Gwen Dawson: Perhaps. They may be on by then. It's hard to predict but certainly we'll have the ability to double check numbers.

Donald Capoccia: Yeah. I definitely would use their skill at that.

Gwen Dawson: Uh-huh.

George Tsunis: Are there any additional questions? Hearing none, can I have a motion to approve, please?

Members: So moved.

Members: Second.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Unanimous. Thank you everyone. That concludes today's meeting. Can I have a motion to adjourn the meeting?

Members: So moved.

George Tsunis: All in favor?

Members: Aye.

George Tsunis: Unanimous. Thank you very much.