



**MEETING OF THE
BOARD OF DIRECTORS
November 20, 2019 at 4:00 pm
Spector Hall, 22 Reade Street
New York, New York 10007**

AGENDA

I. CONSENT AGENDA

- A. Approval of Minutes and Ratification of the Actions Taken at the September 18, 2019 Meeting of the Hudson River Park Trust Board of Directors
- B. Ratification of Members of the Hudson River Park Advisory Council
- C. Authorization to Amend Contract with Specialty Construction System, Inc. for Emergency Pier 40 Walkway Replacement
- D. Authorization to Amend Contract with Mueser Rutledge Consulting Engineers for Morton Street Geotechnical Investigation & Repair Design Services
- E. Ratification of Amendment to Interphase Electric Corp. Contract for Electrical Work
- F. Adoption of 2019 Revenue Guidelines and Amendment to Trust By-Laws

II. CORPORATE ACTIONS

- G. Authorization to Enter into Contracts with Trevcon Construction Company and Reicon Group for Pier 40 Structural Restoration Phases 5 and 6, Respectively
- H. Authorization to Enter into Contract with Gage Meyers Engineers for Pier 40 Roof Engineering Consulting Services
- I. Authorization to Enter into Contract with Athletic Fields of America, Inc. for Pier 40 Courtyard Field Reconstruction
- J. Authorization to Amend Contracts with The Pace Companies of New York, Inc., New York Engineers, and Gilbane Building Company for Pier 40 Fire Sprinkler Restoration-Related Work
- K. Authorization to Enter into Contract with Gilbane Building Company for Pier 97 and Gansevoort Peninsula Construction Management Services
- L. Authorization to Release Proposed Amendments to Park Rules and Regulations for Public Review and Approval of Negative Declaration for the Rulemaking Action

III. PRESIDENT'S REPORT

- Parkwide Public Safety Statistics
- Update: Financials
- Pier 40 Necessary Repairs
- Status of Pier 26 Construction and Gansevoort Peninsula and Pier 97 Design
- RFEI for Revenue Generating Contracts: Long-Term Historic Vessels Docking

- RFPs for Revenue Generating Contracts: Pier 62 Carousel, Pier 84 Bicycle Rental Concession, Pier 25 Recreation and Food Concession, Pier 25 Marine Facility, Pier 45 Seasonal Café Concession
- Procurement RFPs: Web Design and Aquaria Design

IV. ADVISORY COUNCIL AND HRPF REPORTS

V. ADJOURN

For Consideration
November 20, 2019

To: The Directors

From: Madelyn Wils

Re: Ratification of New Community Member Appointees to the Hudson River Park
Advisory Council

BACKGROUND

Section 15 of the Hudson River Park Act creates the Hudson River Park Advisory Council (the "Council") and directs the appointment of local community, park, environmental, civic, labor and business organizations, and elected officials representing communities surrounding the Park as members of the Council. The Council's By-Laws require Trust confirmation of any new Advisory Council appointee.

The Advisory Council recently sought to fill several vacant positions, and solicited applications from prospective new members. At the Advisory Council's request, the application form was also posted on the Hudson River Park website. The Council received ten applications and each applicant had an opportunity to speak at the Council's September 23, 2019 meeting. Following the presentations by a representative for each applicant, the Council members voted and the following four organizations were named as new community members to the Council: City Club of NY, Hudson Guild, Hudson River Foundation and Pier55.

Bob Townley, Advisory Council Chair, has shared an accompanying report on the voting process and results related to the Council vacancies with all Trust Board of Directors.

REQUESTED ACTION

The Advisory Council seeks ratification by the Trust Board of Directors for its Council member appointments.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Ratification of the Appointment of New Community Members of the Hudson River Park Advisory Council

RESOLVED, based on the materials presented to the Board of Directors at its meeting on November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby ratify the appointment of City Club of NY, Hudson Guild, Hudson River Foundation and Pier55 as Community Members of the Hudson River Park Advisory Council; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

For Consideration
November 20, 2019

To: The Directors

From: Madelyn Wils

Re: Ratification of, and Authorization to, Amend the Contract with Specialty Construction System, Inc. for Emergency Pier 40 Elevated Walkway Replacement

I. Contract Summary

Contractor: Specialty Construction System, Inc.
Proposed Work: Emergency Pier 40 Elevated Walkway Replacement
Contract Number: C4995

II. Background

In December 2018, the Board of Directors authorized Hudson River Park Trust (“Trust”) to enter into an emergency contract with Specialty Construction System, Inc. (“SCS”) in the amount of \$635,000 to demolish and replace the southeast portion of the roof top elevated walkway at Pier 40. The work was necessary in order to address structural issues in concrete beams and the corrosion of metal decking supports, and thereby maintain public access.

Following a work-in-progress inspection of exposed conditions, the site engineer on record, Gage Meyers Engineers, determined that the concrete topping at the southeast corner of the elevated walkway needed to be demolished, reinstalled with new reinforcement, and a new concrete topping poured. This was an unforeseen condition that required a \$14,674 change order to amend SCS’s scope of work. The original scope specified patching only. Due to the emergency nature of the repair, the desire to expeditiously complete the work to reopen the elevated walkway for public use, and the cost of the additional work being less than 5% of the contract value, Trust staff approved the change order. Trust staff now seeks ratification of, and authorization to, amend the contract with SCS to pay for the additional work. Presently, the project is complete and open to the public, and no additional funds will be needed.

Funding for this amendment is currently available from the Trust’s capital maintenance budget with funds expected to be available through the City of New York.

III. REQUESTED ACTION

The Trust requests ratification of, and authorization to, amend the contract with Specialty Construction System, Inc. for Emergency Pier 40 Elevated Walkway Replacement by an additional \$14,674 for a total Board Authorization Amount of up to \$649,674.

HUDSON RIVER PARK TRUST – Ratification of, and Authorization for, Hudson River Park Trust to Amend the Contract with Specialty Construction System, Inc. for Emergency Pier 40 Elevated Walkway Replacement for a total Board Authorization Amount of up to \$649,674

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of November 20, 2019, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby ratifies and authorizes Hudson River Park Trust to amend the contract with Specialty Construction System, Inc. for Emergency Pier 40 Elevated Walkway Replacement by an additional \$14,674 for a total Board Authorization Amount of up to \$649,674; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
November 20, 2019

To: The Directors
From: Madelyn Wils
Re: Authorization to Amend Contract with Mueser Rutledge Consulting Engineers, Inc. for the Morton Street Bulkhead Restoration Engineering Services

I. Contract Summary

Contractor: Mueser Rutledge Consulting Engineers, Inc.
Proposed Work: Contract Close-out for Morton Street Bulkhead Restoration Engineering Services
Contract Number: A4518
Amendment Amount: \$100,000 for a Total Board Authorization Amount of \$1,078,150

II. Background

At its July 2014 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into an engineering services contract with Mueser Rutledge Consulting Engineers, Inc. (“Mueser”) for the development of (i) repair options, (ii) a construction scope in the form of bid documents, and (iii) construction administration, all for the structural stabilization and restoration of the historic Morton Street bulkhead and adjacent paved and landscaped areas, for an original Total Board Authorization amount of \$578,336. At its January 2017 meeting, the Board authorized an amendment to the contract for additional geotechnical work and engineering services related to the selected repair option that would have less in-water impacts and less impact to the historic bulkhead, for a Total Board Authorization amount of up to \$978,150, and the contract was also extended by one year. On September 26, 2018, the Board approved an additional extension of the contract to September 4, 2019 so that Mueser could continue to provide construction administration services. EIC Associates completed the bulkhead work in late 2018 and Kelco Construction, Inc. completed the upland work in spring 2019. Accordingly Mueser’s construction administration services was completed at the end of May 2019, two years and nine months longer than the original expected contract duration.

Trust staff have negotiated with Mueser such that the final change order to close out the contract is \$100,000, 50% less than what Mueser had originally sought. Trust staff also seek to extend the term until December 31, 2019 solely for the purpose of closing out the contract after payment of the final contract invoice. No additional work is required of Mueser.

Funding for this proposed amendment will be sought from State of New York appropriations, and if not available the Trust’s capital maintenance budget.

The proposed amendment is subject to filing with the Office of the New York State Comptroller pursuant to Public Authorities Law Section 2879-a and in accordance with the Trust’s Procurement Guidelines.

III. Requested Action

The Trust requests Board authorization to amend the contract with Mueser Rutledge Consulting Engineers, Inc. for an additional amount of \$100,000 for a Total Board Authorization Amount of \$1,078,150 and to extend the term until December 31, 2019.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend the Contract with Mueser Rutledge Consulting Engineers, Inc. for the Morton Street Bulkhead Restoration Engineering Services For An Additional Amount of \$100,000 for a Total Board Authorization Amount of \$1,078,150

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to amend the contract with Mueser Rutledge Consulting Engineers, Inc. for the Morton Street Bulkhead Restoration Engineering Services for an additional amount of \$100,000 for a Total Board Authorization Amount of \$1,078,150 and to extend the term to December 31, 2019; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

For Consideration
November 20, 2019

To: The Directors
From: Madelyn Wils
Re: Authorization to Amend Contract with Interphase Electric Corp. for Electrical Work

I. Contract Summary

Contractor: Interphase Electric Corp.
Proposed Work: Expansion of Scope of Services to include Pier 84 Building
Contract Number: C4178

II. Background

In December 2010, the Board of Directors authorized the Hudson River Park Trust ("Trust") to enter into a contract with Interphase Electric Corp. ("Interphase") to conduct electrical work at the Pier 26 Building then in construction, which contract was then amended in May 2013 to provide for additional electrical work at the Pier 26 Building and the Pier 26 Utility Building that were impacted by Hurricane Sandy, for a Total Board Authorized Amount of \$1,477,178. More recently, electrical work was needed at the Pier 84 building, also repaired following Hurricane Sandy, in order to secure a Certificate of Occupancy by the Department of Buildings so that the restaurant and bike rental concessions could operate within the Pier 84 building. Because approximately \$50,000 in funds remained available in Contract C4178, and due to the urgent need to complete the electrical work at Pier 84 to meet the FDNY and Department of Buildings code requirements, Interphase was tasked to complete that necessary and urgent electrical work.

Trust staff thus amended Contract C4178 to add the Pier 84 building to the scope of work. Trust staff now seek ratification by the Board of Directors of the amendment in order to make the final \$49,773 payment to Interphase and to close out Contract C4178. No increase in the Total Board Authorization Amount is required for this additional scope of work or to close out the contract.

III. REQUESTED ACTION

The Trust requests ratification by the Board of Directors of the amendment to the contract with Interphase Electric Corp. to include the Pier 84 building as part of the scope of work for electrical work. No additional funding is required for this amendment.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Ratification of Amendment to Contract with Interphase Electric Corp. for Electrical Work

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of November 20, 2019, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby ratifies the amendment to the contract with Interphase Electric Corp. for Electrical Work to include the Pier 84 building as part of the scope of work; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

For Consideration
November 20, 2019

To: The Directors

From: Madelyn Wils

Re: Adoption of Hudson River Park Trust 2019 Revenue Guidelines and Amendment to the Trust By-Laws

BACKGROUND

Revenue generating contracts grant use and, in certain instances, property rights within Hudson River Park in consideration for payment, including permits, concessions, sponsorships, leases and licenses. Revenue generating contracts are not included in the New York State Procurement Guidelines published by the New York State Procurement Council, or in public procurement guidelines in general, because they do not involve the expenditure of public funds. However, Hudson River Park Trust (“Trust”) has elected to develop written guidelines, and on July 28, 2015 the Board of Director approved their issuance to establish procedures for awarding revenue generating contracts and to ensure that awards are conducted in a manner consistent with the Hudson River Park Act and other applicable statutes and regulations (hereafter, the “Revenue Guidelines”).

Trust staff periodically review the Revenue Guidelines and now recommend revising the Revenue Guidelines to (i) revise the format and incorporate additional background information about the Trust; (ii) provide clarity on the types of revenue generating contracts that are subject to the competitive process set forth in the Revenue Guidelines consistent with Trust practice and precedent; and (iii) provide for Board of Directors’ approval of a subset of revenue generating contracts that are for a longer term and larger dollar amount. The requirement for Board approval of revenue generating contracts that are defined as significant actions remains unchanged. A draft of the 2019 Revenue Guidelines was circulated to the Trust’s Finance and Investment Committee and Governance Committee for review, and discussed at the a joint meeting of the committees on October 2, 2019. The proposed revision to the 2019 Revenue Guidelines includes changes discussed at that meeting and subsequently circulated to committee members.

The second item concerns the Trust’s By-Laws. The By-Laws were adopted on May 6, 1999, and thereafter amended on September 29, 2016 and July 21, 2017. Trust staff recommend amending the By-Laws so that Section 3 of Article III (Contracts Requiring Board Approval) is consistent with the 2019 Revenue Guidelines. The proposed amendment to the By-Laws has been shared with all Directors.

REQUESTED ACTION

The Directors are requested to (i) adopt the Hudson River Park Trust 2019 Guidelines for Revenue Generating Contracts, and (ii) approve the amendment to the Hudson River Park Trust By-Laws.

Attachments:

Resolution

Proposed Hudson River Park Trust 2019 Guidelines for Revenue Generating Contracts
Amendment to Hudson River Park Trust By-Laws (Marked to Show Changes)

HUDSON RIVER PARK TRUST – Adoption of the Hudson River Park Trust 2019 Guidelines for Revenue Generating Contracts and Amendment to the Hudson River Park Trust By-Laws

RESOLVED, based on the materials presented to the Board of Directors at its meeting on November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby adopt the Hudson River Park Trust 2019 Guidelines for Revenue-Generating Contracts; and be it further

RESOLVED, the Directors hereby approve the amendment to the Hudson River Park Trust By-Laws; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.

For Consideration
November 20, 2019

To: The Directors
From: Madelyn Wils
Re: Authorization to Contract for Pier 40 Structural Restoration Phases 5 and 6
Construction Work

I. Contract Summary

Contractor(s): Trevcon Construction Company, Inc. ("Trevcon")
Reicon Group, LLC ("Reicon")

Proposed Work: Pier 40 Structural Restoration Phase 5 ("Phase 5") and Pier 40
Structural Restoration Phase 6 ("Phase 6") Construction Work

Contract Numbers): C4984 and C4985

Authorization Amount: C4984 - Base Contract Amount of up to \$15,907,000 plus a 10%
contingency, for a Total Board Authorization Amount of up to
\$17,497,700

C4985 - Base Contract Amount of \$8,125,744 plus a 10%
contingency, for a Total Board Authorization Amount of up to
\$8,938,319

II. Background

To date, the Board of Directors ("Board") has approved the Hudson River Park Trust ("Trust") entering into four separate contracts for pile repairs at Pier 40 to address serious pile degradation issues identified in an engineers report dated March 2015. Working with outside engineers, the Trust determined that repairing all of the pier's 3,463 steel H-piles and accompanying under deck would achieve the 50-year-build standard used for new park construction throughout Hudson River Park. The Trust secured funding for these repairs through the sale of air rights from Pier 40 to the St. John's Terminal developer as part of a separate New York City land use and Trust Board action.

Given the number of piles requiring repair, as well as the nature of work, which must be performed by divers in the water, the Trust determined that the most cost effective manner of undertaking the repairs was to bid it in phases over a period of four years, and the Board approved a contract with CH2M Hill Engineers, P.A. ("CH2M Hill") on May 26, 2016 to provide comprehensive design, bid documents and phased construction administration services for such work. Following receipt of regulatory permits and a successful procurement process, the first four phases of pile repair work have been ongoing. Phases 1 and 2 began in late spring 2018 and have since been completed. Phases 3 and 4 are currently ongoing with a contract completion date of Spring 2020, though the

contractor is currently not maintaining schedule and its performance is being evaluated by the Trust.

To enable pile repair work to continue in 2020, the Trust must now authorize the next two phases of pile repairs. Phase 5 comprises the repair of 585 piles and an underdeck repair area of approximately 93,482 square feet. Phase 6 includes the repair of 461 piles and encompasses an underdeck repair area of approximately 103,298 square feet. Permits are already secured for both phases of work.

III. Procurement Process

The Trust issued two separate Requests for Proposals (“RFP”), one for each phase. Pursuant to the Trust’s Procurement Guidelines, an advertisement for the Pier 40 Structural Restoration Phase 5 and Phase 6 Construction Work was published on the Trust’s website and in the New York State Contract Reporter for the period of October 1, 2019 through November 12, 2019. Advertisements were transmitted to M/WBE contractors even though prior to commencing the procurement, the Trust staff sought and secured waivers of MWBE goals from the Executive Chamber given the nature of the work. The Trust also issued a waiver of the SDVOB goals.

Phase 5 (Southwest Corner of Pier 40) Recommended Contract Trevcon:

The Trust received seven proposals for the Phase 5 RFP. A selection committee comprised of the Trust’s Design/Construction staff reviewed the submissions for the Phase 5 RFP and evaluated each firm according to the identified selection criteria in the Phase 5 RFP, including the contractor’s experience, reputation and references, favorable contracting history, proposed subcontractors, quality of the proposal and price proposal. After evaluating proposals, the selection committee invited Reicon, Trevcon and Weeks Marine, Inc. (the “Short-List”) for interviews. Based on the interview discussions and evaluations of both the technical and price proposals, Trust staff determined that Trevcon proposed a fee of \$15,907,000 for the Phase 5 work that was fair and reasonable, and thus determined that Trevcon’s proposal represented the best value to the Trust to perform the Phase 5 work.

The contract amount for Phase 5 includes pricing to repair the piles supporting the 7,810 square foot finger pier, which is a 142-foot by 55-foot extension located at the southwest corner of Pier 40 and includes the Picnic House structure. Prior to, or soon after, contract execution, Trust staff may direct the contractor not to proceed with repairing piles supporting the finger pier, which could result in substantial costs savings for Phase 5 work. If a decision is made not to proceed with the finger pier as part of Phase 5, the Trust will then need to make a decision at a later date on how best to proceed with that area, which possibly may be the subject of a new request for proposals, a later phase of work or demolition of the structure.

Phase 6 (Middle of the North Side of Pier 40) Recommended Contractor Reicon:

The Trust received seven proposals for the Phase 6 RFP. A selection committee comprised of the Trust’s Design/Construction staff reviewed the submissions for the Phase 6 RFP and evaluated each firm according to the identified selection criteria in the Phase 6 RFP, including the contractor’s experience, reputation and references, favorable contracting history, proposed subcontractors, quality of the proposal and price proposal. After evaluating proposals, the

selection committee invited Reicon for an interview. Reicon proposed a fee of \$8,125,744 for the Phase 6 work that was determined to be fair and reasonable. Upon completion of proposal review and the interview, the selection committee determined that Reicon represented the best value to the Trust to perform the Phase 6 work.

The Trust performed a responsibility determination for Trevcon and Reicon that included each firm's legal authority, integrity and past performance. This review did not yield any adverse information. The Trust will also perform a financial capacity evaluation of each contractor prior to entering into a contract.

The term for each contract is expected to be up to 18 month from the commencement of the work.

IV. Funding

Funding for each contract is available from the Trust's restricted funds (the air rights sale proceeds).

V. Requested Action

The Trust requests Board authorization to contract with Trevcon Construction Company, Inc. for the Pier 40 Structural Restoration Phase 5 Construction Work in a Base Contract Amount of \$15,907,000 plus a 10% contingency, for a Total Board Authorization Amount of up to \$17,497,700.

The Trust requests Board authorization to contract with Reicon Group, LLC for the Pier 40 Structural Restoration Phase 6 Construction Work in a Base Contract Amount of \$8,125,744 plus a 10% contingency, for a Total Board Authorization Amount of up to \$8,938,319.

Attachment:
Resolutions

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Contract with Trevcon Construction Company, Inc. and Reicon Group, LLC for the Pier 40 Structural Restoration Construction Work Phase 5 and Phase 6, respectively.

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with Trevcon Construction Company, Inc. for the Pier 40 Structural Restoration Phase 5 Construction Work in a Base Contract Amount of up to \$15,907,000 plus a 10% contingency, for a Total Board Authorization Amount of up to \$17,497,700, and be it further

RESOLVED, the Board hereby authorizes the Hudson River Park Trust to contract with Reicon Group, LLC for the Pier 40 Structural Restoration Phase 6 Construction Work in a Base Contract Amount of \$8,125,744 plus a 10% contingency, for a Total Board Authorization Amount of up to \$8,938,319, and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolutions.

For Consideration
November 20, 2019

To: The Directors
From: Madelyn Wils
Re: Authorization to Enter into a Contract with Gage Meyer Engineers, PC d/b/a EDG
for Pier 40 Roof Engineering Consulting Services

I. Contract Summary

Contractor: Gage Meyer Engineers, PC d/b/a EDG
Proposed Project: Pier 40 Roof Engineering Consulting Services
Contract Numbers: A5123
Amendment Amount: Up to \$347,280 plus 10% contingency for a Total Board
Authorization Amount of up to \$382,008

II. Background

The Pier 40 roof suffers from many years of deferred capital maintenance that have stripped the roof of most of its remaining protective surface and compromised portions of the underlying structure. Following Board approval in March 2011, the Trust retained the engineering firm of Gage Meyer Engineers, PC d/b/a EDG (formerly, Experion Design Group) ("EDG") to develop and provide field survey, repair design, construction documentation, and construction administration phase services.

EDG performed a comprehensive visual and physical condition assessment, undertook field probe and lab testing of existing roofing and structural support materials, issued a comprehensive analysis and survey report, and developed a roof deck repair program and construction bid documents for Phases 1-4 of the roof and vehicle ramp restoration work. Phases 1-3 of the roof work, which included the northern and western sheds and vehicle ramp, was performed over a multi-year period with the Phase 3 ramp work completed in 2016. The Pier 40 roof is now approximately one half repaired. The Phase 4 roof work, comprising repairs to the southern shed, was deferred by the Trust for budgetary and other reasons, though EDG did prepare full construction bid plans and specifications. The Phase 5 repair of the eastern (head house) shed roof was included as part of the initial EDG survey analysis, but construction drawings for that phase were not then prepared.

Following the deferral of the Phase 4 work, the parking areas located on the southern shed roof and second floor parking area directly below were closed as deteriorating concrete roof planks had suffered a loss of load bearing capacity necessary for continuous use. The roof top passive field was closed to the public as well for the same safety reason. Since the closures, the Phase 4 roof area has continued to deteriorate as evidenced by an acceleration in water penetration and concrete spalling, and noticeable damage to the underside of the concrete roof plank system. The deterioration of the Phase 4 roof area has now reached the point that unless repairs are undertaken soon, a complete structural reconstruction of the roof may be necessary at much greater cost. In

the meantime, the Phase 5 (head house) roof area, while in better overall condition, has continued to experience leaks and is in need of repair. Subsequent roof repair construction contracts would be phased and be subject to further Board review and approval.

Staff of the Trust recommends that a consulting engineer be retained to prepare separate construction bid documents and perform construction administration services for the Phase 4 and Phase 5 work, which includes removal of deteriorated and damaged roofing materials, repairs to precast concrete planks, roof waterproofing for surface parking, waterproofing for the re-installation of roof top playing fields, and waterproofing of bulkhead structure roofs. The Trust proposes entering into a contract with EDG as a continuation of the previously phased Pier 40 engineering work consultant services. Most recently, EDG completed plans and specifications and construction administration for an emergency repair to the southeastern walkway of the roof in order to maintain safe public access to the adjacent playing field.

III. Procurement Process

Pursuant to the Trust's Procurement Guidelines, a single source procurement is one in which two or more contractors can supply the commodity or perform the service required by the Trust, but the Trust selects a specific contractor because of that contractor's specific expertise, previous experience with current or similar contracts, or expertise with a specific issue. In a single source procurement, the Trust must document in the procurement record the following criteria: (i) the circumstances leading to the selection of the contractor, including the alternatives considered; (ii) its rationale for selecting the specific contractor; and (iii) the basis upon which it determined the cost was reasonable and how that conclusion was reached.

The Pier 40 roof is in an advanced deteriorated condition and requires imminent repairs in order to maintain its structural stability. EDG has unique knowledge of the roof's current and prior condition as the engineer for prior phases as well as the engineer for recent emergency work performed in the southeast walkway portion of the roof. In addition, EDG has relevant documentation, such as drawings and surveys previously prepared by EDG for prior roof repair phases which allows for cost efficiencies throughout the project as reflected in EDG's proposed price for Phase 4 work. A solicitation for a new consultant would not be in the Trust's best interest as it would add a significant amount of time to the roof repair schedule and potentially increase costs for newly prepared contract documents. For the foregoing reasons, and because EDG's proposed price has been evaluated to be fair and reasonable, the Trust has determined that it is in the best interest of the Trust to proceed with a single source contract with EDG.

The Trust has performed a responsibility determination for EDG, including evaluation of legal authority, integrity, and past performance. The review did not yield any adverse information. The Trust will also update its most recently completed financial capacity evaluation of EDG prior to entering into the proposed contract. Based on the foregoing, the Trust seeks Board authorization to contract with EDG for the Pier 40 Roof Engineering Consultant Services for an amount not to exceed \$347,280 plus a 10% contingency for a Total Board Authorized Amount of \$382,008.

IV. Funding

Funding for this contract is available from Trust restricted funds (primarily air rights sale proceeds) and New York City capital budget funds designated for Pier 40 infrastructure repair.

V. Requested Action

The Trust requests authorization by the Board of Directors to contract with EDG for the Pier 40 Roof Engineering Consultant Services for an amount not to exceed \$347,280 plus 10% contingency for a Total Board Authorized Amount of \$382,008.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Authorization for Hudson River Park Trust to Contract with Gage Meyer Engineers, PC d/b/a/ EDG for the Pier 40 Roof Engineering Consultant Services for an Amount Not To Exceed \$347,280 Plus 10% Contingency for a Total Board Authorized Amount of \$382,008.

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with Gage Meyer Engineers, PC d/b/a EDG for the Pier 40 Roof Engineering Consultant Services for an amount not to exceed \$347,280 plus a 10% contingency for a Total Board Authorized Amount of \$382,008; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby, authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
November 20, 2019

To: The Directors
From: Madelyn Wils
Re: Authorization to Enter into a Contract with Athletic Fields of America, Inc. for Pier 40 Courtyard Field Reconstruction

I. Contract Summary

Contractor: Athletic Fields of America, Inc. ("AFA")
Proposed Project: Pier 40 Courtyard Field Reconstruction
Contract Numbers: A5121
Amendment Amount: Up to \$2,292,523 plus 15% contingency for a Total Board Authorization Amount of up to \$2,636,402.

II. Background

In 2004, in fulfillment of its obligations under the Hudson River Park Act respecting mandated open space at Pier 40, the Hudson River Park Trust ("Trust") developed a plan for active and passive open space at Pier 40, which provided for, among other things, the construction of the current Pier 40 courtyard athletic field. In 2005, the Pier 40 athletic field was officially opened and has since been an active field used by local youth and sports organizations as well as members of the public. Due to its high volume of use, the synthetic turf field has deteriorated and now requires reconstruction.

The Trust recommends entering into a contract with AFA for the reconstruction of the synthetic turf field, which is approximately 3.7 acres in size. The contract work includes demolition of the existing synthetic turf field and drainage system that sit on a structural concrete deck, verification of proper drainage of concrete deck, and installation of a new infill-type synthetic turf system including drainage and all detailed components and accessories.

III. Procurement Process

The Trust issued a Request for Proposals for Pier 40 Courtyard Field Reconstruction (the "RFP") on October 16, 2019. Pursuant to the Trust's Procurement Guidelines, an advertisement for the RFP was published on the Trust's website and in the New York State Contract Reporter for the period of October 16, 2019 through November 7, 2019, and advertisements were transmitted to M/WBE contractors as well. The Trust received four proposals on the submission deadline. A selection committee comprised of the Trust's Design and Construction staff reviewed the submissions and evaluated each firm according to the identified selection criteria in the RFP, including the contractor's experience, reputation and references, favorable contracting history, proposed project schedule, proposed fee and diversity practices. After evaluating proposals, the selection committee short-listed and interviewed AFA and The Landtek Group, Inc.

Based on the interview discussions and evaluation of both the technical and price proposals, the selection committee invited the short-listed firms to each submit its Best and Final Offer ("BAFO"). After reviewing all submission materials, including BAFOs, the selection committee determined that AFA was the most qualified firm with the best price to complete the work in accordance with schedule outlined by the Trust. As not all site conditions are fully revealed, and because the Trust seeks to have the work completed during the winter months, a construction contingency of 15% is necessary.

While AFA is a New York City-certified M/WBE, it is not certified by New York State, and thus the Trust will seek a waiver of the M/WBE 30 percent goal from the Governor's Office and will also issue an SDVOB waiver prior to entering into a contract for this project.

The Trust has performed a responsibility determination for AFA, including evaluation of legal authority, integrity, and past performance. The review did not yield any adverse information. The Trust will also perform a financial capacity evaluation prior to entering into a contract.

Based on the foregoing, the Trust seeks Board authorization to contract with AFA for the Pier 40 Courtyard Field Reconstruction for an amount not to exceed \$2,292,523 plus a 15% contingency for a Total Board Authorized Amount of up to \$2,636,402. The term for the contract is expected to be up to one year.

IV. Funding

Funding for this contract is available from Trust restricted funds (primarily air rights sale proceeds) and capital budget funds provided by the City of New York.

V. Requested Action

The Trust requests authorization by the Board of Directors to contract with Athletic Fields of America, Inc. for the Pier 40 Courtyard Field Reconstruction for an amount not to exceed \$2,292,523 plus a 15% contingency, for a Total Board Authorization of up to \$2,636,402.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization for Hudson River Park Trust to Contract with Athletic Fields of America, Inc. for the Pier 40 Courtyard Field Reconstruction for an Amount not to exceed \$2,292,523 plus a 15% contingency, for a Total Board Authorization of up to \$2,636,402

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to contract with Athletic Fields of America, Inc. for the Pier 40 Courtyard Field Reconstruction for an amount not to exceed \$2,292,523 plus a 15% contingency, for a Total Board Authorization of up to \$2,636,402; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby, authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
November 20, 2019

To: The Directors
From: Madelyn Wils
Re: Authorization to Amend Contracts with The Pace Companies New York, Inc.,
New York Engineers, and Gilbane Building Company for Pier 40 Fire Sprinkler
Restoration-Related Work

I. Contracts Summary

Contractor: New York Engineers P.C.
Project: Pier 40 Fire Sprinkler Restoration – Engineer of Record Services
Contract Number: A4744
Amendment Amount: Up to an Additional \$85,000 for a Total Board Authorization
Amount of \$998,932

Contractor: The Pace Companies New York, Inc.
Project: Pier 40 Fire Sprinkler Restoration
Contract Number: C4794
Amendment Amount: Up to an Additional \$360,000 for a Total Board Authorization
Amount of \$3,990,000

Contractor: Gilbane Building Company
Project: Parkwide Construction Management Services
Contract Number: A4820
Amendment Amount: Up to an Additional \$75,000 for a Total Board Authorization
Amount of \$981,338

II. Background

The Board of Directors of Hudson River Park Trust (“Trust”) has entered into three contracts to perform repairs and upgrades to restore Pier 40’s existing fire sprinkler system. The work is necessary to maintain safe occupancy on the pier, and also to integrate the operation of the fire sprinklers with a fire pump system that was damaged and then redesigned and replaced following Hurricane Sandy.

At its December 15, 2016 meeting, the Directors ratified the Trust’s entering into a contract with New York Engineers P.C. (“NY Engineers”) to serve as the engineer of record for the Pier 40 sprinkler restoration at a Total Board Authorization Amount of up to \$913,932 (including a 10% contingency). NY Engineers performed tests and analyses of the existing system, developed construction drawings for restoration work, and undertook construction administration and problem solving as issues arose. As described below, additional engineering work with an estimated value of \$85,000 is now required to prepare the system for final certification by FDNY.

At its June 8, 2017 meeting, the Board of Directors authorized the Trust to enter into a contract with The Pace Companies New York, Inc. ("Pace") for the Pier 40 Fire Sprinkler Restoration Work for a Total Board Authorization Amount of up to \$3,630,000 (including the 10% contingency). The work included: (i) cleaning existing sprinkler piping by hydraulically flushing mains and branch piping; (ii) honing existing sprinkler piping with abrasive cleaning machinery; (iii) flushing existing sprinkler and standpipe main and branch piping; (iv) verifying all existing sprinkler piping has been cleaned by use of a recordable borescope; (v) replacing of select fire sprinkler and standpipe system components; and (vi) pressure testing of the restored system. It should be noted that approximately \$167,000 of the Pace work was conducted in a concessionaire's space, which amount has been fully reimbursed to the Trust.

Pace has pressure tested the system a number of times; however, due to the aging infrastructure and the large space that makes up Pier 40, leaks continue to be uncovered. In order for Pace to continue to repair and test the fire sprinkler system so that the FDNY can sign off that the system meets code, additional funding is needed for this contract in the amount of up to \$360,000.

At its June 8, 2017 meeting, the Directors authorized the Trust to enter into a contract with Gilbane Building Company ("Gilbane") for Parkwide Construction Management Services at a Total Board Authorization Amount of \$906,338, which work included overseeing the Pier 40 fire sprinkler system restoration. To date, approximately \$243,000 of Gilbane's construction management services have been billed to the Pier 40 sprinkler work. As construction management oversight is needed to complete the fire sprinkler system through testing and FDNY certification, the Gilbane contract needs to be increased by \$75,000.

The terms of the NY Engineers, Pace and Gilbane contracts will also be extended until the work is completed and the system is certified by FDNY. The Trust will continue to maintain a fire watch service at Pier 40 until all final sign-offs are secured.

Funding for these contract amendments is currently available through the Trust's approved capital maintenance budget. Reimbursement for NY Engineers contract costs will be sought from the State of New York, and for Pace and Gilbane from the City of New York.

III. Requested Action

The Trust seeks to amend the contracts with (i) The Pace Companies New York, Inc. for an additional \$360,000 for a Total Board Authorization Amount of \$3,990,000, (ii) New York Engineers for an additional \$85,000 for a Total Board Authorization Amount of \$998,932, and (iii) Gilbane Building Company for an additional \$75,000 for a Total Board Authorization Amount of \$981,338.

Attachment: Resolutions

HUDSON RIVER PARK TRUST – Authorization to Amend Contracts with The Pace Companies New York, Inc., New York Engineers, and Gilbane Building Company for Pier 40 Fire Sprinkler Restoration-Related Work

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to amend the contract with The Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration by an additional \$360,000 for a Total Board Authorization Amount of \$3,990,000 and an extension of the contract term until the fire sprinkler work is complete; and be it further

RESOLVED, the Board hereby authorizes the Hudson River Park Trust to amend the contract with New York Engineers P.C. for Pier 40 Fire Sprinkler Restoration Engineer of Record services by an additional \$85,000 for a Total Board Authorization Amount of \$998,932 and an extension of the contract term until the fire sprinkler work is complete; and be it further

RESOLVED, the Board hereby authorizes the Hudson River Park Trust to amend the contract with Gilbane Building Company for Parkwide Construction Management Services by an additional \$75,000 for a Total Board Authorization Amount of \$981,338 and an extension of the contract term until the fire sprinkler work is complete; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby, authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
November 20, 2019

To: The Directors
From: Madelyn Wils
Re: Authorization to Contract with Gilbane Building Company for Pier 97 and Gansevoort Peninsula Construction Management Services

I. Contract Summary

Contractor: Gilbane Building Company
Proposed Work: Pier 97 and Gansevoort Peninsula Construction Management Services
Contract Number: A5098
Authorization Amount: Base Contract Amount of \$6,923,468 plus a 10% contingency for a Total Board Authorization Amount of up to \$7,615,815

II. Background

The Hudson River Park Trust (“Trust”) will begin construction of both Pier 97 and Gansevoort Peninsula in 2020 pursuant to the ongoing design processes for each location. The Trust requires construction management services to oversee these two projects due to the size, complexity and duration of the work.

The Trust developed a comprehensive scope of work for a construction manager (“CM”) to serve as the Trust’s chief representative in the field during the construction processes for the Pier 97 and Gansevoort Peninsula projects. The CM will perform all pre-construction, construction, and post construction services for the projects. The proposed contract term is three (3) years.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, an advertisement and a Request for Proposals for the CM services was published in the New York State Contract Reporter and on the Trust’s website for the period August 19, 2019 through September 27, 2019. The Trust also conducted additional outreach to MWBE and SDVOB certified firms. The Trust received five responses on September 27.

A Trust selection committee performed an evaluation of the submissions for the firms’ responsiveness, including the construction management experience, team staffing, capacity to perform and fee proposal. Trust staff met with the two highest-ranked firms, Gilbane Building Company (“Gilbane”) and Hudson Meridian Construction Group, to discuss the proposed services and confirm the fee and cost proposal for the services. Following the interviews and after review of the technical and fee proposals, including hourly rates, multipliers and estimates for the projects, the selection committee determined that Gilbane was the most qualified firm to perform the services. Gilbane has extensive experience managing similar projects, including within Hudson River Park. Additionally, Gilbane’s fee and cost proposal offered rates that are fair, reasonable,

and align with industry rates and thus Gilbane presented the “best value” proposal to the Trust. Gilbane has committed to meet the Trust’s 30% M/WBE and 6% SDVOB participation goals for this contract.

Funding for this contract is currently available through capital funds provided by New York State and New York City.

IV. Requested Action

The Trust seeks authorization by the Board of Directors to contract with Gilbane Building Company for Pier 97 and Gansevoort Peninsula Construction Management Services in the amount of \$6,923,468, plus a 10% contingency for a total Board authorization amount of up to \$7,615,815.

Attachment:
Resolution

HUDSON RIVER PARK TRUST -Authorization for Hudson River Park Trust to Contract with Gilbane Building Company for Pier 97 and Gansevoort Peninsula Construction Management Services in the Base Contract Amount of \$6,923,468 plus a 10% Contingency for a Total Board Authorization Amount of up to \$7,615,815

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of November 20, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby authorize the Hudson River Park Trust to enter into a contract with Gilbane Building Company for Pier 97 and Gansevoort Peninsula Construction Management Services in the base contract amount of \$6,923,468 plus a 10% contingency for a total Board authorization amount of up to \$7,615,815; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the forgoing resolution.

For Consideration
November 20, 2019

To: The Directors

From: Madelyn Wils

Re: Authorization to Issue Proposed Amendments to Hudson River Park Rules and Regulations for Public Review and Adoption of Negative Declaration

I. BACKGROUND

In 2001, the Hudson River Park Trust (“Trust”) adopted rules and regulations for Hudson River Park at 21 NYCRR Part 751 (the “Park Rules”), which were modeled after regulations adopted by both New York State Parks and New York City Department of Parks and Recreation (“City Parks”). The Park Rules cover both the upland and water areas of the Park and were designed to enhance and provide for the safety, well-being, enjoyment and equal opportunity for all who use the Park, as well as to protect the natural resources within the Park. The Park Rules outlined the permitted and prohibited uses and activities within the Park and also established the requirements for permit applications needed to conduct certain uses, activities or events in the Park. The Park Rules were last amended in January 2013.

The New York City Office of Administrative Tribunes and Hearings/Environmental Control Board (“OATH/ECB”) provides hearings on notices of violations issued by City agencies and certain other governmental bodies located in New York City, such as the Trust. Previously, OATH/ECB adopted a penalty schedule for enforcement of violations of the Park Rules. However, OATH/ECB has requested that each agency now adopt its own penalty schedule. Thus, the Trust has proposed new regulations at 21 NYCRR Section 751.07 to create a penalty schedule similar to that previously adopted by OATH/ECB. The proposed penalty schedule also is consistent with the New York City Criminal Justice Reform Act of 2016, which was passed with the intention of creating penalties that are more appropriate and proportional for low-level, non-violent offenses, and to ensure that penalties for violations are consistent across City agencies.

Under the proposed amendments, summonses issued by New York City Park Enforcement Patrol (“PEP”) for violations of Park Rules would still be heard by OATH/ECB. Consistent with the Hudson River Park Act (“Act”), the maximum penalty will continue to be no greater than \$500 per violation, and, for the most part, the penalty amounts in the proposed penalty schedule are the same as the penalty amounts in the most recent penalty schedule adopted by City Parks. Additionally, OATH/ECB may allow community service/education in lieu of a penalty for certain offenses in implementing the Trust’s penalty schedule.

Trust staff also propose minor amendments to the Trust rules as noted in the Summary of the Draft Amendments shared with all Directors. One proposed amendment consists of renumbering the section headings so that the citations to Trust rules are similar to citations in City Park’s rules to facilitate enforcement by PEP officers that work in both New York City parks and Hudson River

Park. Other minor changes include: (i) clarifying the Park boundaries to reflect the 2013 Act amendment, (ii) modifying the list of state and city entities that are to be named as additional insureds and indemnitees in Trust permits, (iii) adding use of drones, tying hammocks to trees, and smoking electronic cigarettes to the list of prohibited uses in the Park, and (iv) clarifying where bicycle riding, in-line skating and skateboarding are permitted in the Park.

The proposed amended rules are subject to the State Administrative Procedure Act (“SAPA”) and the Trust intends to provide the public with 90 days to review the proposed rules, which will include holding a public hearing. After the public review period, the Trust will prepare the final amended rules for approval by the Board of Directors prior to filing the final rules with the Department of State as required under SAPA. While the Trust is adopting the final amended rules, OATH/ECB will simultaneously undertake a City Administrative Procedure Act rulemaking to rescind the penalty schedule that had been adopted by OATH/ECB.

The proposed amended rules have been shared with the Trust’s Governance Committee and have been provided to all Directors.

II. ENVIRONMENTAL REVIEW

Trust staff also prepared a short-form Environmental Assessment Form pursuant to the State Environmental Quality Review Act (“SEQRA”). The proposed amended rules have no potential to result in any significant adverse impacts to the environment. The adoption of the proposed amended rules would not change the existing status quo of PEP officers’ enforcing Park rules and any issued summonses will continue to be heard by OATH/ECB. The Environmental Assessment Form and proposed Negative Declaration have been provided to all Directors.

III. REQUESTED ACTION

The Directors are requested to (i) approve and authorize the issuance of a Negative Declaration related to the proposed amended rules under SEQRA and (ii) authorize the release of the proposed Hudson River Park amended rules for public review consistent with SAPA.

Attachments:

- Resolution
- SEQRA Environmental Assessment Form and proposed Negative Declaration
- Proposed Park Rule Amendments and Summary

HUDSON RIVER PARK TRUST – Adoption of Negative Declaration and Authorization to Release Proposed Amendments to Hudson River Park Rules and Regulations

RESOLVED, based on the materials presented to the Board of Directors at its meeting on November 20, 2019, including the Environmental Assessment Form prepared for the proposed amendments to the Hudson River Park Rules and Regulations, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby adopt the Negative Declaration finding that the proposed rule amendments would not result in any significant adverse impacts to the environment that would require the preparation of an environmental impact statement; and be it further

RESOLVED, the Directors hereby authorize the Trust to release the proposed amendments to the Hudson River Park Rules and Regulations for public review and comment consistent with the State Administrative Procedure Act; and be it further

RESOLVED, that the President or her designee(s) be, and each of them is hereby authorized to take such actions as the President or her designee(s) may deem necessary or appropriate in order to implement the foregoing resolution.