



**MEETING OF THE  
BOARD OF DIRECTORS  
May 30, 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 March 28, 2019 Meeting of the Hudson River Park Trust Board of Directors
- B.** Authorization to Enter into Contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration
- C.** Authorization to Enter into Contract with Plugout, LLC for Installation and Licensing of Genetec Software for the Security Camera Network
- D.** Ratification and Adoption of 2019 Investment Guidelines

**II. CORPORATE ACTIONS**

- E.** Authorization to Amend Contract with New York City Parks Department for Parkwide Security Services
- F.** Authorization to Enter into Collective Bargaining Agreement with Local 30 of the International Union of Operating Engineers
- G.** Authorization to Amend Contract with EIC Associates, Inc. for Morton Street Bulkhead Restoration
- H.** Authorization to Amend Contract with Trevcon Construction Company, Inc. for Pier 40 Structural Repairs
- I.** Authorization to Contract with Approved List of On-Call Law Firms for Legal Services
- J.** Annual Confirmation of the Hudson River Park Mission Statement and Performance Measures

**III. PRESIDENT'S REPORT**

- Parkwide Public Safety Statistics
- Update: Financials

- 2019 Summer of Fun
- Park over Plastics
- Lalezarian and Douglaston Air Rights Sale Closings
- Pier 40 Legislative Update
- Board Discussion on Engineering/Consultant Needs for Pier 40
- Pier 26 Update
- City Winery Sublease at Pier 57
- Pier 84 Restaurant Concession
- Pier 97 Concept Plan
- Revisions to Employee Handbook

**IV. ESTUARY LAB PRESENTATION**

**V. ADVISORY COUNCIL REPORT**

**VI. ADJOURN**

**HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions  
Taken at the March 28, 2019 Meeting of the Hudson River Park Trust Board of Directors**

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**RESOLVED**, that the Minutes of the Meeting of the Hudson River Park Trust Board of Directors held on March 28, 2019 are hereby approved by the Board of Directors, and all actions taken by the Directors present at such meeting, as set forth in the Minutes, are hereby in all respects, approved and ratified as actions of the Hudson River Park Trust, and a copy of such approved Minutes are hereby ordered filed with the records of Hudson River Park Trust.

**For Consideration**  
**May 30, 2019**

To: Board of Directors

From: Madelyn Wils

Re: Authorization to Contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration

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**I. Contract Summary**

Contractor: Prestige Stone & Pavers Corp.  
Proposed Work: Parkwide Unit Pavement Restoration  
Contract Number: M4979  
Authorization Amount: Base Contract Amount of \$250,000.00 plus a 10% contingency, for a Total Board Authorization Amount of up to \$275,000.00.

**II. Background**

The stone pavers on Hudson River Park's esplanade require periodic capital maintenance resulting from heavy usage, exposure from weather and age. Recent inspections of the esplanade noted conditions typical of annual wear and tear, including missing or deteriorated caulking, and some granite pavers have been damaged or require resetting. In addition, the expansion joint material placed between the bulkhead and the esplanade paving is now in some cases beyond its useful life and therefore requires replacement in certain areas. The Hudson River Park Trust (the "Trust") now seeks authorization by the Board of Directors ("Board") to retain a contractor to perform this capital maintenance work.

**III. Procurement Process**

In accordance with the Trust's Procurement Guidelines, an advertisement for a Request for Proposals ("RFP") for the work was published in the New York State Contract Reporter and on the Trust's website for the period April 23, 2019 through May 15, 2019. Outreach was also conducted to M/WBE contractors certified to perform such work. Three firms submitted proposals on May 15, 2019: Deborah Bradley Construction & Management Services Inc., Prestige Stone & Pavers Corp. ("Prestige"), and TDI Construction Inc.

A selection committee comprised of members of the Trust's Design/Construction and Facilities staff reviewed the submissions and evaluated each firm according to the identified selection criteria, including the contractor's pavement restoration work experience, references and reputation, quality of work, diversity practices and commitment to encouraging M/WBE participation, and price proposal. After evaluating the proposals, the selection committee invited Prestige for an interview. Upon completion of proposal review and interview, the selection committee determined that Prestige is the most qualified contractor to perform the work. The Trust

performed a responsibility determination for Prestige, including requirements of legal authority, integrity, and past performance. The reference and background check were uniformly supportive. Trust staff is awaiting financial capacity information which will be required prior to the Trust's entering into a contract with Prestige.

Prestige proposed the most favorable unit prices for the work. Trust staff determined that Prestige offered a cost proposal that was fair and reasonable and thus presented the "best value" to the Trust. Further, Prestige is also a certified MBE and a certified WBE and will therefore meet the Trust's 30% M/WBE participation goal for this contract. The Trust has waived the SDVOB 6% goal for this contract.

#### **IV. Requested Action**

The Trust requests Board authorization to contract with Prestige for Parkwide Unit Pavement Restoration for up to a three-year period in the base contract amount of \$250,000.00 plus a 10% contingency, for a Total Board Authorization Amount of up to \$275,000.00.

Attachment:

Resolution

**HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration in the Base Contract Amount of \$250,000.00 plus a 10% contingency, for a Total Board Authorization Amount of up to \$275,000.00.**

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**RESOLVED**, based upon the materials presented at its meeting on May 30, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board of Directors hereby authorizes the Hudson River Park Trust to contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration for up to a three-year period in the base contract amount of \$250,000.00 plus a 10% contingency, for a Total Board Authorization Amount of up to \$275,000.00; 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**  
**May 30, 2019**

To: The Directors  
From: Madelyn Wils  
Re: Authorization to Contract with Plugout, LLC for Installation and Licensing of Genetec Software for the Security Camera Network

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**I. Contract Summary**

Contractor: Plugout, LLC  
Proposed Purchase: Genetec Software for Security Camera Network  
Contract Number: M5093  
Authorization Amount: Up to \$75,000 for Three-Year Term

**II. Background**

The Hudson River Park Trust (“Trust”) utilizes security camera systems to enhance public safety, deter crime, and support the protection of property in the Hudson River Park (“Park”). The cameras are actively monitored by the Trust’s contracted Park Enforcement Patrol officers to assist with real-time responses and are also used to record and document incidents that may occur.

The Trust has identified a need to update the Park’s Video Management Software (“VMS”) platform to allow the Trust to better manage the increased number of cameras in the Park. The Trust’s Operations Department has determined that purchasing Genetec software would best serve the Park based on the system’s advanced analytic features and the ability to run real time diagnostics to minimize camera downtime. Further, installation of the Genetec software would allow the Trust to integrate its camera system with NYPD’s Lower Manhattan Security Initiative. Lastly, Genetec software is mandated by the City of New York for all camera projects receiving City funding, and the Trust has been fortunate to receive City funding appropriations for security cameras from several of its local elected officials.

**III. Procurement Process**

In accordance with the Trust’s Procurement Guidelines, the Trust may utilize centralized contracts created through either the State or Federal government. Two forms of centralized contracting are available to the Trust without the need for competitive procurement: (1) New York State’s Office of General Services (“OGS”) Central Contracts, and (2) U.S. General Services Administration (“GSA”) Cooperative Purchasing Program for Information Technology Products (Schedule 70).

The Trust received quotes from four vendors on the OGS and GSA lists for installation, licensing and maintenance of the Genetec software. The Trust determined that Plugout, LLC provided the best pricing for providing all the required services, including installation, programming, licensing, training and maintenance. Pricing for the first year, which includes installation, programming, licensing, maintenance and training, is \$35,230. Licensing and maintenance for each of years two

and three is approximately \$20,000 based on the number of cameras currently located in the Park and the expectation that additional cameras will be added, resulting in annual subscription increases of \$250 per camera. Therefore, the Trust staff seeks to enter into a contract with Plugout, LLC as the most qualified company and offering the best value to the Trust for a three-year term for a total contract amount of up to \$75,000.

**IV. Funding**

Funding for this contract is through the Trust's operating budget. To the extent possible, the Trust will seek funding support from the City of New York.

**V. Requested Action**

The Trust requests Board authorization to contract with Plugout, LLC for the installation and licensing of Genetec Software for the Security Camera Network for a three-year term for a Total Board Authorization Amount of up to \$75,000.

Attachment:

Resolution



**HUDSON RIVER PARK TRUST – Authorization to Contract with Plugout, LLC for Installation and Licensing of Genetec Software for the Security Camera Network  
For a Total Board Authorization Amount of \$75,000**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on May 30, 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 Plugout, LLC for the installation and licensing of Genetec Software for the Security Camera Network for a three-year term for a Total Board Authorization Amount of \$75,000; 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**  
**May 30, 2019**

To: The Directors

From: Madelyn Wils

Re: Ratification and Adoption of 2019 Investment Guidelines

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**I. Background**

New York State Public Authorities Law requires that the Hudson River Park Trust (the “Trust”) adopt comprehensive investment guidelines that set forth the Trust’s policy and instructions to officers and staff regarding the investing, monitoring and reporting of the Trust’s funds. State law requires annual review and approval of these guidelines by the Trust’s Board of Directors (the “Board”). In 2018, as in previous years, the Board approved investment guidelines following guidance published by the New York State Comptroller (the “2018 Investment Guidelines”).

The Trust staff has reviewed the 2018 Investment Guidelines, which were last modified and approved by the Board at its September 26, 2018 meeting. Trust staff does not believe that any changes are needed since the last adoption. Trust staff is satisfied that the Investment Guidelines fulfill the goals of preserving the Trust’s principal, ensuring liquidity, and the ability to realize a reasonable market rate of return on investments given the restrictions on eligibility set forth therein and that the Board should therefore ratify and adopt the same Investment Guidelines for 2019. A copy of the 2019 Investment Guidelines, which are unchanged from the version approved on September 26, 2018, was emailed to the Board and is provided in the Board packet. The Trust currently has funds invested among Treasury Bills, highly rated Short Term Commercial Paper and a Money Market Account limited to US Government securities.

**II. Requested Action**

The Hudson River Park Trust seeks ratification and adoption by the Board of the 2019 Investment Guidelines.

Attachment:  
Resolution

**HUDSON RIVER PARK TRUST – Ratification and Adoption of 2019 Investment Guidelines for Hudson River Park Trust pursuant to New York State Public Authority Law Section 2925 and the New York State Comptroller’s Investment Guidelines for Public Authorities**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on May 30, 2019, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby ratifies and adopts the Hudson River Park Trust 2019 Investment Guidelines; 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**  
**May 30, 2019**

To: Board of Directors

From: Madelyn Wils

Re: Authorization to Amend the Contract with the New York City Department of Parks & Recreation for Park Security Services

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**I. Contract Summary**

Contractor: New York City Department of Parks & Recreation  
Proposed Work: Park Security Services  
Contract Number: G3041  
Authorization Amount: Three Year Extension of Term and Amendment Amount of \$10,223,356 for a Total Board Authorization Amount of up to \$46,746,275.

**II. Background**

The Parks Enforcement Patrol (“PEP”) has been providing 24/7 security services to Hudson River Park since 2004 through a contract, as amended, between the Hudson River Park Trust (the “Trust”) and the New York City Department of Parks & Recreation (“Parks”) (the “PEP Contract”). At its December 6, 2018 meeting, the Board authorized and ratified an amendment to the PEP Contract to extend the term through March 31, 2019 and increase the authorized amount by \$1,500,000 for that nine-month period. The current PEP Contract expired on March 31, 2019, but PEP has continued to provide services at the request of Trust staff.

The proposed amended and restated agreement (the “Amendment”) authorizes the continued provision of PEP services from April 1, 2019 to March 31, 2020 and provides for two additional one-year renewal terms exercisable at the option of the Trust, which options would expire on March 31, 2022. The Amendment adds one additional PEP officer, updates the patrol areas, and includes \$60,000 of allowances for special events, and \$675,000 for additional bike safety details as may be determined by the Trust in consultation with PEP. The total Amendment amount for the three-year period, inclusive of allowances, is \$10,223,356.

**III. Procurement**

This amendment is awarded on a sole source basis as set forth in the Trust’s original contract: Parks, through PEP, is the only entity available to the Trust capable of providing security and law enforcement services for the park.

**IV. Funding**

Security services represent the Trust's single largest operating expense. Funding for the Amendment is currently available through the Trust's operating budget.

**V. Requested Action**

The Trust seeks Board authorization for the Amendment to extend the PEP Contract for a three-year period ending March 31, 2022, and to increase the PEP Contract amount by \$10,223,356 for a Total Board Authorization Amount of up to \$46,746,275.

Attachment:

Resolution

**HUDSON RIVER PARK TRUST – Ratification of, and Authorization for, the Amendment to Extend the PEP Contract for a Three-Year Period ending March 31, 2022, and to Increase the PEP Contract amount by \$10,223,356 for a Total Board Authorization Amount of up to \$46,746,275**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on May 30, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby ratify and authorize the Hudson River Park Trust to enter into the Amendment to extend the contract with the New York City Department of Parks & Recreation for Park Security Services for a period of three years ending March 31, 2022, and to increase the PEP Contract amount by \$10,223,356 for a Total Board Authorization Amount of up to \$46,746,275; 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**  
**May 30, 2019**

To: Board of Directors

From: Madelyn Wils

Re.: Authorization to Enter into Collective Bargaining Agreement with Local 30 of the International Union of Operating Engineers

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**I. Background**

Local 30 of the International Union of Operating Engineers (“Local 30”) has represented full time, year round, facilities, motor pool and horticultural employees in the Trust’s Operations and Facilities departments (the “Members”) since 2012. The Members are recognized as a bargaining unit by the New York State Public Employment Relations Board. The current collective bargaining agreement (the “CBA”) was approved by the Trust’s Board of Directors (the “Board”) at its meeting on May 26, 2016 and expires on March 21, 2021. The CBA currently covers 22 employee positions at the Hudson River Park Trust (the “Trust”).

Labor relations under the CBA have been excellent from the outset. There has been only one filed grievance since 2012, and that one issue was resolved through amicable discussion rather than arbitration. Local 30, the designated union shop steward, and Trust management have cooperated on numerous occasions to improve working conditions and productivity, recruit qualified candidates, and improve communications between supervisors and union staff members. To increase productivity, the Members have accepted and implemented the Trust’s new computerized maintenance management system, Cartegraph, for work order management, scheduling of preventative maintenance, inspections, asset and labor hour tracking, inventory control, and data collection. In 2018, 15,346 tasks and 5,920 inspections were completed by the Trust’s Operations and Facilities department using Cartegraph. This enables staff to be better equipped and organized for daily work assignments. As a result, staff now spends more time in the field and on the job site and less time on administrative matters in the office.

Notwithstanding these advances, the Trust is currently experiencing a problem recruiting qualified new and replacement staff at the current wage scale. Approximately 40% of unionized staff in the Trust’s Operations and Facilities department earns salaries less than \$45,000 annually, and the balance of skilled trade positions average salaries of approximately \$61,000. In most instances, wages must be offered to newly hired staff exceeding the rates of existing employees with several years’ tenure. A check of union salaries at other agencies suggests that the Trust’s wage scale is approximately \$5,000 lower for comparable positions.

To address this issue, Trust management recommends instituting an equity pay adjustment of \$5,000 for union staff employed more than 6 months and earning less than \$70,000 annually, and \$2,500 for those making \$70,000 or more. The incremental cost of these increases compared to the scheduled CBA increase is approximately \$65,000.

In return for implementing these equity adjustments, Trust management has bargained for a new term extending 3 years beyond the existing CBA, or to March 31, 2024. Wage increases for the year ending March 31, 2022 and March 31, 2023 will match the rate for the last year in the current term at the greater of 2% and the average merit increase granted to non-executive/non-union Trust staff. The increase for the last year ending March 31, 2024 will be the average merit increase granted to non-executive/non-union Trust staff in excess of 1.5%, which may be zero for the union staff if non-union merit increases average 1.5% or less.

The rest of the proposed new agreement is substantially the same as the existing agreement insofar as, among other things, it establishes management rights and addresses employee compensation, benefits, hours, discipline rules and rights and gives the Trust the right to continue to subcontract for certain services or to assign unit work to non-union employees with prior notice to the union. With regard to benefits, it provides that unit employees may participate in the Trust's health and other benefit programs on the same basis as the Trust's non-union employees. The Trust retains the right to change those benefits and/or the employee's contribution towards same on the same basis as the Trust does for non-union employees.

The Trust believes that it has negotiated a wage package that is fair given current economic conditions and in line with other recent New York State public sector labor agreements, and other work place changes that encourage employee skill growth and union/management cooperation. The new term extending to March 31, 2024 will help assure stability in labor relations for the foreseeable future.

Funding for costs associated with the collective bargaining agreement is accounted for in the Trust's current operating budget.

## **II. Requested Action**

The Trust requests Board authorization to enter into a collective bargaining agreement with Local 30 of the International Union of Operating Engineers.

Attachments:  
Resolution



**HUDSON RIVER PARK TRUST - Authorization to Enter into Collective Bargaining Agreement with Local 30 of the International Union of Operating Engineers**

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**RESOLVED**, that based upon the materials presented to the Board at its meeting on May 30, 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 in a Collective Bargaining Agreement with Local 30 of the International Union of Operating Engineers; and it be 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**  
**May 30, 2019**

To: The Directors  
From: Madelyn Wils  
Re: Authorization to Amend Contract with EIC Associates, Inc. for the Morton Street Bulkhead Restoration Work

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**I. Contract Summary**

Contractor: EIC Associates, Inc.  
Proposed Work: Morton Street Bulkhead Restoration Work  
Contract Number: C4726  
Authorization Amount: Amendment Amount of \$1,075,832.00, for a Total Board Authorization Amount of up to \$11,908,632.00

**II. Background**

The Morton Street Bulkhead Restoration Work is a multi-phase project to repair and stabilize the historic bulkhead wall located near Morton Street, followed by restoration of the adjacent paved esplanade and landscaped areas. The work was necessary because engineers had determined that approximately 350 linear feet of historic bulkhead wall at Morton Street had settled and shifted outward toward the river. In addition to this movement of the bulkhead wall, adjacent upland paved esplanade and landscaped areas had experienced related settlement.

At its January 26, 2017 meeting, the Board of Directors (“Board”) authorized the Trust to enter into a contract with EIC Associates, Inc. (“EIC”) for a scope of work that included: (i) excavation and removal of existing bulkhead granite (stone) and concrete wall elements; (ii) construction of new drilled-in steel pipe piles and lateral inclined soil anchors by means of “jack-up” barge-mounted equipment; and (iii) restoration of the existing bulkhead with a reset granite (stone) and new cast-in-place concrete facing and cap. The contract, which was procured in the form of a lump sum bid for all work, commenced in early 2017 and work was completed in late 2018. The work was complex and difficult because of several factors, including the condition of the bulkhead, its historic status, the need to work around a structure that was still in place, a desire to avoid fill in the Hudson River, and both subsurface and tidal conditions. It required the use of highly specialized equipment that is limited in quantity and availability in the United States.

Once construction commenced, it was determined that the pile length initially designed by the Trust’s contracted engineers did not achieve the required load capacity; therefore, the piles needed to be lengthened in order to reach bedrock. To address this problem, EIC requested a series of change orders in connection with lengthening the already fabricated piles. After careful review of the change order proposals, the engineering specifications and other criteria, the Trust now seeks to amend the EIC contract to increase the contract amount by \$1,075,832. This increase includes the cost of the pile lengthening; the increased rental costs for the specialized equipment, which

included the jack-up barge, a specialized pile driver; and the extended use of a secondary crane required to position the longer piles for driving.

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 EIC Associates, Inc. for the Morton Street Bulkhead Restoration Work in the amount of \$1,075,832.00, for a total Board authorization amount of up to \$11,908,632.00.

**HUDSON RIVER PARK TRUST - Authorization to Amend Contract with EIC Associates, Inc. for the Morton Street Bulkhead Restoration Work in the Amount of \$1,075,832.00, for a Total Board Authorization Amount of up to \$11,908,632.00**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on May 30, 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 amend the contract with EIC Associates, Inc. for the Morton Street Bulkhead Restoration Work in the amount of \$1,075,832.00, for a total Board authorization amount of up to \$11,908,632.00; 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**  
**May 30, 2019**

To: The Directors

From: Madelyn Wils

Re: Authorization to Amend Contract with Trevcon Construction Company, Inc. for the Pier 40 Structural Restoration Phase 2 Construction Work

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**I. Contract Summary**

Contractor: Trevcon Construction Company, Inc.  
Proposed Work: Pier 40 Structural Restoration Phase 2 Construction Work  
Contract Number: C4860  
Authorization Amount: Authorization to Amend the Contract with Trevcon by up to \$906,000 from a previously authorized contract and contingency amount of \$7,159,606 for a Total Board Authorization Amount of up to \$8,065,606.

**II. Background**

At its January 25, 2018 meeting, the Board of Directors (“Board”) approved two separate contracts for Phases 1 and 2 of the comprehensive Pier 40 pile and underdeck repair program. Weeks Marine, Inc. (“Weeks”) was awarded a contract for Phase 1 in the amount of \$8,710,758 with a Board approved 10% contingency for a total authorization of \$9,581,834. Trevcon Construction Company, Inc. (“Trevcon”) was awarded a contract for Phase 2 in the amount of \$6,508,733 with a Board approved 10% contingency for a total authorization of \$7,159,606.

The scope of work for each of these contracts included under-deck repairs at various locations that were identified in 2014 during underwater inspections which relied on visual observations as opposed to physical testing. Under-deck repairs have proven to be more extensive than anticipated, and both Weeks and Trevcon were asked to submit proposals for adjusted unit prices for this additional work. Trevcon’s proposed adjusted unit prices were significantly more favorable to the Trust than Week’s. Therefore, Trust staff proposes to remove the balance of the unfinished under-deck repairs and unused contingency from Week’s contract, and to award all incomplete repair work instead to Trevcon. The existing contracts with both firms allows for such adjustments. To complete the Phases I and II under-deck repair work, Trevcon’s contract needs to be amended for up to an additional \$906,000 in excess of the January 25, 2018 authorized contingency of \$650,873. Approximately \$425,000 of contingency under the Weeks contract will remain unused.

All underdeck repair work for Phase 1 and Phase 2 is anticipated to be completed in July 2019. Phase 3 and Phase 4 repair contracts were approved by the Board on January 31, 2019 to Conway Marine Construction, Inc. with work having just commenced.

### **III. Funding**

Funding for this amendment is available through capital maintenance/reconstruction funds held by the Trust in connection with the sale of air rights to the developer of the St. John's property in 2017.

### **IV. Requested Action**

The Trust seeks Board authorization to amend the Trevcon contract for Pier 40 structural restoration construction work in an amount not to exceed \$906,000, for a Total Board Authorization Amount of up to \$8,065,606.

Attachment:

Resolution

**HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend the Contract with Trevcon Construction Company, Inc. for the Pier 40 Structural Restoration Phase 2 Construction Work in an amount not to exceed \$906,000, for a Total Board Authorization Amount of up to \$8,065,606.**

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**RESOLVED**, based upon the materials presented to the Board of Directors at its meeting on May 30, 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 Amend the Contract with Trevcon Construction Company, Inc. for the Pier 40 Structural Restoration Phase 2 Construction Work in an amount not to exceed \$906,000, for a Total Board Authorization Amount of up to \$8,065,606; 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**  
**May 30, 2019**

To: The Directors

From: Madelyn Wils

Re: Authorization to Pre-Qualify Law Firms for Legal Services

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**I. Contract Summary**

Contractor:	Pre-Qualified Law Firms
Contract No:	R5027
Proposed Work:	Legal Services
Approval Amount:	Individual Retainer Agreements greater than \$200,000 to be approved by the Board; all annual Legal Services to be not greater than FY 2020 approved Operating Budget for Legal Services of \$500,000, subsequent year maximums in accordance with approved budget(s) for applicable fiscal year
Total Board Authorization:	An amount up to and in accordance with the Trust's Annual Operating Budget for Legal Services for a Period of Five Years

**II. Background**

The Hudson River Park Trust (the "Trust") engages the legal services of outside counsel to support the work of the Trust's Legal Department in various areas, particularly for complex real estate, construction, environmental, employment and litigation matters. In order to ensure the Trust has qualified outside legal counsel when needed, the Trust's Legal Department maintains a list of counsel. The Trust's Legal Department has determined it is in the Trust's interest to create a new list of pre-qualified law firms using a competitive procurement process that adheres to the Trust's Procurement Guidelines since most of the existing retainer agreements have expired or are set to expire soon. Such competitive process also creates an opportunity for the Trust to seek to increase its utilization of M/WBE and SDVOB certified law firms.<sup>1</sup>

**III. Procurement**

On October 30, 2018, the Trust issued a request for proposals ("RFP") for Pre-Qualification of Legal Services, which was noticed in the New York State Contract Reporter and posted on the

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<sup>1</sup> Law firms providing legal services to the Trust on a pro bono basis or cost reimbursement basis are exempt from the pre-qualification requirement and, instead, will be evaluated by the Trust's General Counsel for specific projects prior to being retained. Certain firms are also continuing to provide legal services to the Trust on specific matters as previously approved by the Board of Directors, including Mintz Levin and Gallagher, Evelius & Jones related to Pier 57, and real estate attorneys that used to work at Kasowitz Benson who have relocated to Vinson & Elkins and continue to work on complex real estate matters such as the transfer of development rights.



Trust's website. The Trust also sent notices to M/WBE and SDVOB certified firms, law firms currently engaged by the Trust, and law firms that have previously conducted business with the Trust that could be readily identified. The RFP invited law firms (large, mid-size and small) to submit proposals in the following areas of law: (1) real estate (including commercial leasing, real estate acquisitions, dispositions, transfer of development rights) and landlord/tenant; (2) construction; (3) environmental and land use; (4) labor/employment; and (5) regulatory compliance and litigation. With respect to regulatory compliance and litigation, the Trust sought firms that have significant experience representing New York State and municipal entities in Article 78 and other regulatory proceedings, as well as with knowledge of the New York Public Authorities Law and State Finance Law. The RFP's evaluation criteria included the law firm's relevant legal experience, the proposed fee, demonstrated commitment of time and resources to the Trust or other public entities, commitment to M/WBE participation and diversity, and the overall quality of the proposal.

On December 17, 2018, the Trust received proposals from twenty-four law firms, including several firms currently retained by the Trust: Bond, Schoeneck & King, PLLC; Carter, Ledyard & Milburn; and Sive, Paget & Riesel, P.C. A selection committee comprised of Trust staff from the Legal Department, Design & Construction Department and Human Resources Department along with members of the Trust's Executive Management Team reviewed the proposals, prepared an initial list of twelve law firms for further consideration, and conducted interviews with the nine law firms that had not previously worked with the Trust. The Trust's General Counsel, who joined the Trust within the last two years from private practice, was not a member of the RFP selection committee; however, the selection committee has since discussed its recommendations with the General Counsel.

Based on the evaluation criteria, Trust staff recommends that the Board of Directors approve the attached list of law firms as pre-qualified to provide legal services to the Trust when needed over the next five-year period. The fees proposed by the law firms vary based on the firms' size, location and areas of expertise; however, the rates are consistent with maximum rates paid for legal services by the Trust, which is \$500 an hour for a partner at a mid- to large-sized firm for the first three years and \$550 per hour for years four and five. The General Counsel, or in the General Counsel's absence, the Deputy General Counsel, will only engage law firms on an as needed basis and in no case would any individual retainer agreement exceed \$200,000 without prior Board approval. The engagement of outside counsel also cannot exceed the overall budget for outside legal services as approved by the Board of Directors each year.

Funds for the individual retainer agreements will be available from the Trust's annual operating budget as approved by the Board of Directors each year.

#### IV. **Requested Action**

The Hudson River Park Trust requests authorization by the Board of Directors to pre-qualify the proposed law firms for legal services for a five-year period in an amount up to and in accordance with the Trust's annual operating budget as set forth in Section I. above

Attachments: Hudson River Park Trust Pre-Qualified Proposed Law Firms  
Resolution

Hudson River Park Trust Pre-Qualified Proposed Law Firms

Law Firm Name	New York State Certification
1. Bond, Schoeneck & King, PLLC	
2. Carter, Ledyard & Milburn	
3. Herrick, Feinstein LLP	
4. Holland & Knight LLP	
5. Phillips Nizer LLP	
6. Rozario & Associates, P.C.	MBE
7. Schiff Hardin LLP	
8. Schoeman, Updike Kaufman & Gerber LLP	WBE
9. Sive, Paget & Riesel P.C.	
10. Tully Rinckey PLLC	SDVOB
11. West Group Law PLLC	

**HUDSON RIVER PARK TRUST - Authorization to Pre-Qualify Law Firms for Legal Services for a Five-Year Period in an Amount Up to and in Accordance with the Trust's Annual Operating Budget**

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**RESOLVED**, based on the materials presented to the Board of Directors at its meeting of May 30, 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 pre-qualify the list of law firms set forth in the attached table for legal services for a five-year period in an amount up to and in accordance with the Trust's annual operating budget and that no individual retainer agreement shall exceed \$200,000 without prior Board approval; 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.

Hudson River Park Trust Pre-Qualified Law Firms

Law Firm Name	New York State Certification
1. Bond, Schoeneck & King, PLLC	
2. Carter, Ledyard & Milburn	
3. Herrick, Feinstein LLP	
4. Holland & Knight LLP	
5. Phillips Nizer LLP	
6. Rozario & Associates, P.C.	MBE
7. Schiff Hardin LLP	
8. Schoeman, Updike Kaufman & Gerber LLP	WBE
9. Sive, Paget & Riesel P.C.	
10. Tully Rinckey PLLC	SDVOB
11. West Group Law PLLC	

**For Consideration**  
**May 30, 2019**

To: The Directors

From: Madelyn Wils

Re: Annual Confirmation of the Hudson River Park Trust Mission Statement and Performance Measures

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**I. Background**

In accordance with the requirements of Chapter 506 of the Laws of 2009, known as the Public Authorities Reform Act of 2008, which added Section 2824-a in Public Authorities Law (“PAL”) of the State of New York (the “State”), State and local public authorities are required to develop and adopt a mission statement and related performance measures to assist the authority in determining how well it is carrying out its mission. In accordance with PAL and subsequent policy guidance issued by the New York State Authorities Budget Office (“ABO”), in 2010 the Hudson River Park Trust (the “Trust”) adopted the Trust’s mission statement (the “Mission Statement”) and developed performance measures to evaluate the Trust’s fulfillment of its mission.

ABO guidance requires that the Trust annually review and publish its Mission Statement and measure its performance in carrying out its mission, and that the Trust’s Board of Directors annually review the Mission Statement and performance results to ensure that its mission has not changed and that the Trust’s performance goals continue to support its mission.

**II. Requested Action**

The Trust seeks confirmation of the Trust Mission Statement and the 2019 performance measures by the Board of Directors.

Attachments:

Resolution  
Mission Statement  
2019 Performance Measures

**HUDSON RIVER PARK TRUST – Confirmation of Hudson River Park Trust Mission Statement and 2019 Performance Measures**

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**RESOLVED**, based on the materials presented to the Board of Directors at its meeting on May 30, 2019, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby confirm the Hudson River Park Trust Mission Statement and 2019 Performance Measures; 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.