



**MEETING OF THE
BOARD OF DIRECTORS
January 23, 2020 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 November 20, 2019 Meeting of the Hudson River Park Trust Board of Directors
- B.** Adoption of 2020 Procurement Guidelines
- C.** Authorization to Extend the Term of Contract with MT Group, LLC for Parkwide Materials Inspection and Testing Services
- D.** Authorization to Amend Contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration
- E.** Authorization to Amend the Contract with the New York State Office of General Services for Pier55 Code Compliance Review Services
- F.** Approval of Contract with Peter J. Catranzaro, Inc. for On-Call Electrical Services & Pier 40 Sports Field Perimeter Lighting Replacement

II. CORPORATE ACTIONS

- G.** Authorization to Amend Contract with Athletic Fields of America, Inc. for Pier 40 Courtyard Field Reconstruction
- H.** Authorization to Amend Contract with Deborah Bradley Construction & Management Services, Inc. for Bloomfield to West 14th Street Upland Park Construction related to Pier 54 Arch
- I.** Authorization to Contract with Mariani Metal Fabricators USA, Inc. for Pier 55 Guardrails and Railings Installation
- J.** Authorization to Increase Funding for Hunter Roberts Construction Group, LLC's Parkwide Construction Management Services Retainer Agreement

III. PRESIDENT'S REPORT

- Parkwide Public Safety Statistics
- Update: Financials
- FY20-21 Preliminary Budget
- Pier 40 Work Update
- Pier 40 Seismic Engineer RFP
- Pier 76
- Significant Action: Intrepid Lease
- Status of Pier 26 Construction and Gansevoort Peninsula and Pier 97 Design

- Revenue Generating RFPs Update: Pier 84 Bicycle Rental Concession, Pier 25 Recreation and Food Concession, Pier 25 Marine Facility, Pier 45 Seasonal Café Concession
- Procurement RFPs: Web Design, Aquaria Exhibit Design, and Pier 40 Parking Garage Operator
- 2020 MWBE and SDVOB Annual Plans
- Draft Estuarine Sanctuary Management Plan

IV. ADVISORY COUNCIL AND HRPF REPORTS

V. ADJOURN

HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions Taken at the November 20, 2019 Meeting of the Hudson River Park Trust Board of Directors

RESOLVED, that the Minutes of the Meeting of the Hudson River Park Trust Board of Directors held on November 20, 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
January 23, 2020

To: The Directors

From: Madelyn Wils

Re: Approval of the Hudson River Park Trust 2020 Procurement Guidelines

The Procurement Guidelines of the Hudson River Park Trust (the “Trust”) detail the operative policy and instructions regarding the use, awarding, monitoring and reporting of procurement contracts as defined under Section 2879 of Article 9 of the Public Authorities Law of the State of New York (“PAL”).

Trust staff reviews the Procurement Guidelines periodically to ensure they accurately reflect current New York State policies and requirements. In July 2019, Governor Cuomo signed into law S.6675/A.8414 that reauthorizes the Minority and Women Owned Business Enterprises (“MWBE”) program for five more years. The new law, which took effect on January 11, 2020, amends State Finance Law section 163 to increase the discretionary purchasing threshold for public authorities to award contracts to MWBE and SDVOB firms without a formal competitive process open to all firms from \$200,000 to \$500,000. The Trust therefore proposes to revise the Procurement Guidelines for 2020 to reflect the new \$500,000 threshold for discretionary purchases awarded to MWBE and SDVOB firms. Trust staff reviewed the 2018 Procurement Guidelines approved by the Board on December 6, 2018 and do not recommend any other changes to the Guidelines.

The proposed 2020 Procurement Guidelines tracked to show the proposed change against the current 2018 Procurement Guidelines has been shared with all Directors.

Requested Action

The Trust requests that the Board of Directors approve the Hudson River Park Trust 2020 Procurement Guidelines.

Attachment:

Resolution
Proposed 2020 Procurement Guidelines

HUDSON RIVER PARK TRUST - Approval of the Hudson River Park Trust 2020 Procurement Guidelines

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23 2020, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves the Hudson River Park Trust 2020 Procurement 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

January 23, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Extend the Term of Contract with MT Group, LLC for
Parkwide Materials Inspection and Testing Services

I. Contract Summary

Contractor: MT Group, LLC
Proposed Work: Park-Wide Materials Inspection and Testing Services
Contract Number: A4533

II. Background

At its March 15, 2017 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract for a three-year term with MT Group, LLC (“MT”) to support the Trust’s construction activities in Hudson River Park (“Park”). Pursuant to the contract, MT performs construction-related quality control inspections and testing services, including inspections for sub-grade preparation, soil placement, load test monitoring, welding, steel bar reinforcement, cast-in-place concrete, structural steel, hot mix asphalt paving, and concrete paving. The Board authorized a Base Contract Amount of \$995,000.

The Trust has determined that there is a need to extend the term of contract with MT by another two years.

The continuing services are required for inspections and testing related to the ongoing Pier 40 pile repairs as well as the new construction plans for Gansevoort Peninsula and Pier 97. No increase in funding is needed for this amendment. Funding for MT work is generally covered under individual project budgets and sourced as City or State or air rights proceeds.

III. Requested Action

The Trust requests Board Authorization to extend the term of contract with MT Group, LLC for Parkwide materials inspection and testing services for an additional two-year term.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization to Extend the Term of Contract with MT Group, LLC for Parkwide Materials Inspection and Testing Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board of Directors hereby authorizes the Hudson River Park Trust to extend its contract with MT Group, LLC for Park-Wide Materials Inspection and Testing Services for an additional two-year term; 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
January 23, 2020

To: The Directors

From: Madelyn Wils

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

I. Contract Summary

Contractor: Prestige Stone & Pavers Corp.
Proposed Work: Parkwide Unit Pavement Restoration
Contract Number: M4979
Authorization Amount: Amendment Amount of \$350,000 plus 10% contingency for Total
Board Authorization of \$660,000.

II. Background

At its May 30, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Prestige Stone & Pavers Corp. (“Prestige”) for the Parkwide Unit Pavement Restoration, which included the replacement of damaged pavers as well as the replacement of the expansion joint material placed between the bulkhead and the esplanade at certain locations. The Board authorized a Base Contract Amount of \$250,000.00 plus a 10% contingency for a Total Board Authorized Amount of up to \$275,000.00.

The Trust has determined that there is a need for additional repairs in 2020 and thus seeks an additional \$350,000 for the work. A portion of this is damage to pavers that occurred near Pier 97 during the Heritage of Pride event this past June and the Trust will seek \$75,000 as reimbursement from Heritage of Pride or its insurer.

III. Procurement Process

As detailed in the May 30, 2019 memorandum that accompanied the Board resolution, the Trust procured Prestige competitively in accordance with the Trust’s Procurement Guidelines. The Procurement Guidelines require the Trust to make a determination as to why employing a competitive process is not in the best interest of the Trust when the increased amendment amount is in excess of 20 percent of the original Total Board Authorized amount.

First, the Board authorized the Trust to enter into a contract with Prestige for a three-year term so that Prestige could provide on-call repair and restoration services during the full three-year period. As the additional work needed is still within the contract term and the Trust has found that Prestige performed very well in 2019, Trust staff believes it is in the Trust’s best interest to continue to engage Prestige for such repair work this year and next year. Second, Prestige, one

of the three companies that responded to the original request for proposals, provided favorable unit pricing for the work and was determined to present the “best value” to the Trust. The work proposed under the proposal amendment will apply the same unit pricing as in the initial contract that has been determined to be fair and reasonable. Third, Prestige is a certified MWBE firm and thus will continue to help the Trust meet its annual 30% MWBE goal over the next two years. Fourth, Prestige’s work has been satisfactory and has met scheduling requirements.

Funding for this amendment is available as a capital maintenance cost under the Trust’s operating budget.

IV. Requested Action

The Trust requests Board authorization to amend the contract with Prestige Stone & Pavers Corp. for the Parkwide Unit Pavement Restoration for an Amendment Amount of \$350,000 plus a 10% contingency, for a Total Board Authorization Amount of up to \$660,000.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Amend Contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration for an Amendment Amount of \$350,000 plus a 10% contingency, for a Total Board Authorization Amount of up to \$660,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, 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 amend its contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration for an Amendment Amount of up to \$350,000 plus a 10% contingency for a Total Board Authorization Amount of up to \$660,000; 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
January 23, 2020

To: The Directors
From: Madelyn Wils
Re: Authorization to Amend the Contract with the New York State Office of General Services for Pier55 Code Compliance Review Services

I. Contract Summary

Contractor: New York State Office of General Services (“OGS”)
Proposed Work: Pier55 Code Compliance Review Services
Contract Number: A4682
Authorization Amount: Amendment Amount of up to \$100,000, for a Total Board Authorization Amount of up to \$597,050.

II. Background

As approved by the Board of Directors (“Board”) at its September 29, 2015 meeting, the Hudson River Park Trust (“Trust”) entered into a contract with the New York State Office of General Services (“OGS”) to review the construction documents for the Pier 55 project and to confirm compliance with the New York State Building Code in an amount up to \$347,050. The Board authorized an amendment to the contract due to project delays related to the pile work for an additional \$150,000 on November 30, 2017, for a total Board authorization amount of \$497,050.

OGS’s Design & Construction Group provides architectural, engineering, code review, contracting and construction management services to over 50 state agencies and public authorities. OGS’s scope of work for the Pier 55 project encompasses a comprehensive review of all construction documents to confirm New York State Building Code compliance, technical assistance for design and engineering professionals for interpretations of New York State Building Code, and periodic construction inspections throughout the work period. OGS will issue a Certificate of Code Compliance for the project at the end of this process. These services help ensure that there is ongoing, independent review of the project’s design and construction in compliance with New York State Building Code requirements.

Additional funding is now required to continue the OGS services related to the Pier 55 project because, over the course of construction, modifications to the design have been made to resolve construction conflicts and to increase construction efficiency. Any change to the approved construction documents requires review and approval by OGS for code compliance. The additional \$100,000 will allow OGS to review all changes made to date in one review and will provide some capacity for any future changes that may occur as construction of the project nears completion.

The OGS services will be funded using funds available in the Trust's reserve account. The term of such contract, which currently expires on September 30, 2020, may also be extended until such time that OGS issues a final certificate of compliance upon project completion.

III. Requested Action

The Trust requests Board authorization to amend the contract with OGS for the Pier55 Code Compliance Review Services in an amount of up to \$100,000, for a total Board authorization amount of up to \$597,050.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Amend the Contract with the New York State Office of General Services for the Pier55 Code Compliance Review Services in an Amount of up to \$100,000, for a Total Board Authorization Amount of up to \$597,050

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, 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 New York State Office of General Services for the Pier55 Code Compliance Review Services in an amount of up to \$100,000, for a total Board authorization amount of up to \$597,050; 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
January 23, 2020

To: The Directors

From: Madelyn Wils

Re: Approval of Contract with Peter J. Catanzaro, Inc. for On-Call Electrical Services & Pier 40 Sports Field Perimeter Lighting Replacement

I. Contract Summary

Contractor: Peter J. Catanzaro, Inc.
Proposed Work: On-Call Electrical Services & Pier 40 Sports Field Perimeter Lighting Replacement
Contract Number: M5181
Authorization Amount: Up to \$300,000 plus a 15% contingency for a Total Board Authorization Amount of up to \$345,000

II. Background

The perimeter lighting at the Pier 40 Sports Field is in need of replacement in order to provide sufficient lighting for Park patrons using the fields upon completion of the current renovation. The project consists of removing the existing fluorescent lighting system and replacing the system with a new, energy-efficient LED lighting system. Hudson River Park Trust (the “Trust”) is seeking an electrical contractor with experience with commercial electrical services, including the removal and installation of lighting systems and other electrical maintenance and repair services, to perform the work required for the Pier 40 Sports Field.

In addition to performing the perimeter lighting work at Pier 40, the Trust is also seeking park-wide on-call electrical services, such as regular and emergency electrical repairs and maintenance, for a three-year term. Both the Pier 40 and on-call work can be performed by the same electrical contractor.

At its meeting held on September 18, 2019, the Board of Directors authorized Trust staff to enter into a contract with Community Electric Inc. (“Community Electric”) for the Pier 40 Sports Field Perimeter Lighting Replacement Project and On-Call Electrical Services. Trust staff entered into a contract with Community Electric after obtaining Board approval, but shortly thereafter, Community Electric contacted Trust staff and indicated that it was unwilling to perform the services at its proposed price. The Trust terminated the contract, and now seeks Board approval to enter into a contract with Peter J. Catanzaro, Inc. (“PJC”), which was also a finalist in the Trust’s RFP process described further below.

III. Procurement Process

In accordance with the Trust's Procurement Guidelines, an advertisement for a Request for Proposals ("RFP") for On-Call Electrical Services and Pier 40 Sports Field Perimeter Lighting Replacement was published in the New York State Contract Reporter and the RFP was posted on the Trust's website for the period of June 28, 2019 through August 2, 2019. The Trust received seven proposals on the submission deadline. A selection committee comprised of Trust staff reviewed the submissions and evaluated each company according to the identified selection criteria in the RFP, including the consultant's experience, reputation and references, quality of work, proposed project schedule, diversity practices and commitment to encouraging M/WBE participation, and price proposal. After evaluating proposals, the selection committee invited the following firms as most qualified for interviews: (1) Community Electric; and (2) Peter J. Catanzaro, Inc.

As noted above, Community Electric notified the Trust that it was unwilling to perform the service at its quoted price soon after contract execution. Therefore, Trust staff contacted PJC to confirm its willingness to perform the work as outlined in the contract and performed a responsibility determination for PJC which included confirmation of PJC's legal authority, integrity and past performance. This review did not yield any adverse information. The Trust will also perform an evaluation of financial capacity prior to entering into a contract.

PJC proposed a lump sum of \$93,636 for the Pier 40 sports field perimeter LED lighting and hourly rates for the on-call electricians and laborers that were determined by Trust staff to be fair and reasonable. The lump sum work was subsequently confirmed following a job walk-through. Trust staff estimates a need for on-call electrical repair services valued at approximately \$206,364 over the next three years. PJC's proposal does not require an increase in the amount budgeted for the work and previously approved by the Board for Community Electric.

As there are limited subcontracting opportunities for this contract, the Trust received a waiver of the MWBE 30% goal from the Governor's office. The Trust issued a waiver of the SDVOB 6% goal prior to releasing the RFP.

The Trust seeks authorization to enter into a contract with PJC for the On-Call Electrical Services and Pier 40 Sports Field Perimeter Lighting Replacement in a contract amount of up to \$300,000, plus a 15% contingency, for a Total Board Authorization Amount of up to \$345,000 for the three year term.

IV. Funding

Funding for this contract is available through the capital maintenance portion of the Trust's annual operating budget.

IV. Requested Action

The Trust requests Board authorization to enter into a contract with Peter J. Catanzaro, Inc. for On-Call Electrical Services and Pier 40 Sports Field Perimeter Lighting Replacement for an amount of

up to \$300,000, plus a 15% contingency, for a Total Board Authorization Amount of up to \$345,000 for the three year term.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization for the Hudson River Park Trust to Contract with Peter J. Catanzaro, Inc. for On-Call Electrical Services and Pier 40 Sports Field Perimeter Lighting Replacement in an amount of up to \$300,000, plus a 15% contingency, for a Total Board Authorization Amount of up to \$345,000 for a Three Year Term.

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, 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 Peter J. Catanzaro, Inc. for On-Call Electrical Services and Pier 40 Sports Field Perimeter Lighting Replacement in an amount of up to \$300,000, plus a 15% contingency, for a Total Board Authorization Amount of up to \$345,000 for a three-year term; 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
January 23, 2020

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

I. Contract Summary

Contractor: Athletic Fields of America, Inc.
Proposed Project: Pier 40 Courtyard Field Reconstruction
Contract Numbers: C5121
Amendment Amount: \$300,000 for a Total Board Authorization Amount of up to \$2,936,402

II. Background

At its November 2019 meeting, the Board of Directors authorized Hudson River Park Trust (“Trust”) to enter into a contract with American Fields of America, Inc. (“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, improvements to the stone drainage system, and installation of a new infill-type synthetic turf system including shock pad and all detailed components and accessories. The Board authorized a total of \$2,636,402, inclusive of a base amount of \$2,292,523 and 15% contingency. Since the November Board meeting, additional funds have been made available to the Trust by the City Council to provide the amenities required to provide additional baseball fields, including additional dugouts, line striping, backstops, and higher fences along the baselines. The Trust now requests authorization to amend the AFA contract to increase the contract value by \$300,000, using proceeds from the City Council, to include this additional work.

III. Requested Action

The Trust requests authorization by the Board of Directors to amend the contract with Athletic Fields of America, Inc. for the Pier 40 Courtyard Field Reconstruction for an amount not to exceed \$300,000 for a Total Board Authorization of up to \$2,936,402. Funds for the increased amount will be provided by the City of New York.

Attachment: Resolution

HUDSON RIVER PARK TRUST – Authorization for Hudson River Park Trust to Amend the Contract with Athletic Fields of America, Inc. for the Pier 40 Courtyard Field Reconstruction for an Amount not to exceed \$300,000 for a Total Board Authorization of up to \$2,936,402

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, 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 Athletic Fields of America, Inc. for the Pier 40 Courtyard Field Reconstruction for an amount not to exceed \$300,000, for a Total Board Authorization of up to \$2,936,402; 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
January 23, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Amend the Contract with Deborah Bradley Construction & Management Services, Inc. for the Bloomfield Street to West 14th Street Upland Park Construction Work

I. Contract Summary

Contractor: Deborah Bradley Construction & Management Services, Inc.
Proposed Work: Bloomfield Street to West 14th Street Upland Park Construction Work
Contract Number: C4204
Amendment Amount: \$388,303.64 for a Total Board Authorization Amount of \$7,764,663.22

II. Background

At its February 9, 2017 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Deborah Bradley Construction & Management Services, Inc. (“DBC”) to complete the fifth and final phase of the Pier 54 Connector, which is a widened pedestrian esplanade, and other transportation improvements in the area between Bloomfield Street and 14th Street (the “Pier 54 Connector Project”) for a contract amount of \$5,880,460, plus a 10% contingency. On May 31, 2018, the Board approved an amendment to the contract to increase the contract amount by \$907,853.58 due to project litigation delay, for a total Board authorization amount of \$7,376,359.58. Of this amount, \$466,661.36 remains as unused contingency.

The Trust has previously committed to retain and restore the original Pier 54 Entry Arch, a remnant from the Pier 54 headhouse built during the era of transatlantic ships for the Cunard-White Star Lines located within the Pier 54 Connector project area. On behalf of the Trust, Stantec Consulting Services, Inc. performed a survey of the Pier 54 Entry Arch and proposed repair and restoration options for the Trust’s review. The Trust is now ready to proceed with having DBC, as the construction contractor for the Pier 54 Connector Project, commence the arch repair work. The scope includes replacement of weakened steel with new steel welded to portions of the existing steel, replacement of deteriorated structural connections, straightening of deformed components, and cleaning and surface treatment of select areas of the structure to maintain visual uniformity. The contract must also be extended to September 30, 2020 so that DBC can complete the repair of the Pier 54 Entry Arch.

DBC reached out to firms experienced in structural steel repair and restoration with the intent of securing a subcontractor for the Pier 54 Entry Arch work. Between November 14, 2019 and January 7, 2020, DBC received a total of two subcontract quotes in the amounts of \$669,321 from Pullman

SST, Inc. (“Pullman”), and \$1,382,000 from RS Design Group. The number of firms both displaying interest and possessing the requisite qualifications to perform the Pier 54 Entry Arch work was limited due to the niche scope of the work. Deficiencies in the Pullman proposal were identified during review and the proposal was subsequently revised to \$678,544.

The Trust has budgeted \$854,965 for the Arch work that includes the costs of Pullman as the DBC selected subcontractor, DBC’s 5% overhead and profit, and a 20% contingency for unforeseen conditions. Because \$466,661.36 remain available as authorized but unused contingency in the existing DBC contract, the Trust now seeks an additional contract amount authorization of \$388,303.64.

The Trust expects that eighty percent of the funding for the Arch restoration work will be available from the Federal Congestion Mitigation and Air Quality (“CMAQ”) Improvement Program and the other 20% is available from New York State. As a result of the New York State funding, this amendment will be filed with the Office of New York State Comptroller.

III. Requested Action

The Trust requests Board authorization to amend the contract with Deborah Bradley Construction & Management Services, Inc. for Bloomfield Street to West 14th Street Upland Park Construction Work for an additional contract amount of \$388,303.64 for a Total Board Authorization Amount of up to \$7,764,663.22.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Amend the Contract with Deborah Bradley Construction & Management Services, Inc. to Increase the Contract Amount by \$388,303.64 for a Total Board Authorization Amount of up to \$7,764,663.22

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, 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 Deborah Bradley Construction & Management Services, Inc. for the Bloomfield Street to West 14th Street Upland Park Construction Work to increase the contract amount by \$388,303.64 for a Total Board Authorization Amount of up to \$7,764,663.22; 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
January 23, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Contract with Mariani Metal Fabricators USA, Inc. for the Pier 55 Guardrails and Railings Installation

I. Contract Summary

Contractor: Mariani Metal Fabricators USA, Inc. (“Mariani”)
Proposed Work: Pier 55 Guardrails and Railings Installation
Contract Number: C5176
Authorization Amount: Authorization to Reallocate Remainder of Previously Authorized Total Board Authorization Amount of up to \$6,209,535

II. Background

The Hudson River Park Trust (“Trust”) entered into a Lease Agreement with PIER55, Inc. (“P55”) dated as of June 29, 2016, and amended on November 9, 2016 and June 18, 2018. The lease provides for the reconstruction of Pier 54 as a landscaped public park pier, and for the operation of the reconstructed pier by P55 for park use, including significant cultural programming. As part of the Lease Agreement, the Trust is obligated to spend \$20.7 million for specific project elements, which may include on-Premises finish work (the “Trust’s Costs Obligations”).

At its January 2019 meeting, the Board of Directors authorized the Trust to enter into a contract with M. Cohen & Sons, Inc. (“M. Cohen Contract”) for the fabrication and installation of new guardrails and railings as designed by P55 (the “Work”) in an amount not to exceed \$6,209,535, inclusive of a 10% contingency. The funding for the M. Cohen Contract was available from that previously authorized for the Trust’s Costs Obligations, and P55 agreed to either pay directly or reimburse the Trust for any work under the M. Cohen Contract that exceeded that cap.

At the recommendation of P55 and its construction manager, Hunter Roberts Construction Group, the Trust has notified M. Cohen of its intent to terminate the M. Cohen Contract. The Trust now seeks authorization to enter into a contract with Mariani (the “Mariani Contract”) on a sole source basis to complete the Work. The Trust seeks Board authorization to reallocate the balance of previously authorized funds for the M. Cohen Contract to the Mariani Contract, which funds remain available from the Trust’s Costs Obligations. Determination of the final balance available to the Trust to fund the Mariani Contract is pending final payment to M. Cohen. P55 has agreed to either pay directly or reimburse the Trust for work under the Mariani Contract that exceeds the remainder of funds available from the Trust’s Costs Obligations.

III. Procurement Process

Pursuant to the Trust's Procurement Guidelines, a sole source procurement is appropriate when only one contractor can perform the work required by the Trust. Procurement by this method must be documented in the procurement record by an explanation of: (i) the unique nature of the requirement; (ii) the basis upon which it was determined that there is only one known contractor able to meet the Trust's need, i.e., the steps taken to identify potential competitors; and (iii) the basis upon which the Trust determined the cost to be reasonable, i.e., a "fair market price" that could be anticipated had normal competitive conditions existed, and how that conclusion was reached. Sole source procurements may also be utilized following a failed competitive solicitation if the Trust concludes that it is in the Trust's best interest to proceed utilizing this procurement method rather than issuing another competitive solicitation and that the price is reasonable.

The scope of work for this project includes the fabrication and installation of customized red brass railings. This particular work is highly customized and involves specialized materials. Fabrication and installation of this type requires a contractor having specialized experience with the unique materials and custom work methods. Mariani was one of two bidders that submitted a bid pursuant to a public Invitation for Bids ("IFB") issued by the Trust on October 16, 2018. M. Cohen was the low bidder. Pursuant to Trust Procurement Guidelines and State regulations, the contract for the work was awarded to the lowest responsive bidder which at the time was M. Cohen. The difference in pricing between the bids was less than one percent.

The Trust has determined that, because M. Cohen has been notified at the recommendation of P55 of the Trust's intent to terminate the contract, it is in the best interest of the Trust to proceed with the second and only other bidder, Mariani, for the Work.

The Trust exercised due diligence in seeking competition through the publicly issued IFB, which received only two responses. The pricing for the publicly-bid Work was determined to be reasonable at the time of initial award and continues to be so considering the minimal difference in pricing between the two competitors. The Trust performed a responsibility determination for Mariani, including an evaluation of legal authority, integrity, past performance and financial capacity and determined that Mariani is a responsible and responsive contractor. It is for all of the foregoing reasons that the Trust has determined that a sole source procurement is appropriate for the Mariani Contract.

The Trust previously sought and received a full waiver of M/WBE and SDVOB goal requirements due to the specialized nature of the Work. As this is intended to be a sole source contract, it is exempt from State M/WBE and SDVOB goal requirements.

IV. Funding

Funding for this contract is partially available from the Trust's Capital Budget with funds provided by the State and City of New York. Further, the Trust has entered into an agreement for P55 to cover the portion of the costs for the Mariani Contract that may exceed the Trust's Costs Obligations.

V. Requested Action

The Trust requests Board authorization to contract with Mariani Metal Fabricators USA, Inc. for the Pier 55 Guardrails and Railings Installation and reallocate the remaining balance of the previously-approved Total Board Authorization Amount of up to \$6,209,535 towards this contract.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Contract with Mariani Metal Fabricators USA, Inc. for the Pier 55 Guardrails and Railings Installation and Reallocate Previously Authorized Funding

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, 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 Mariani Metal Fabricators USA, Inc. for the Pier 55 Guardrails and Railings Installation and reallocate the balance of the previously-approved Total Board Authorization Amount of up to \$6,209,535 towards this contract; 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
January 23, 2020

To: The Directors
From: Madelyn Wils
Re: Authorization to Increase Funding to Hunter Roberts Construction Group, LLC's
Parkwide Construction Management Services Retainer Agreement

I. Contract Summary

Contractor: Hunter Roberts Construction Group, LLC ("Hunter Roberts")
Proposed Project: Parkwide Construction Management Services Retainer
Contract Number: A5088-B
Amendment Amount: Up to an Additional \$1,425,000 for a Total Board Authorized
Amount for Hunter Roberts' Contract of up to \$1,800,000

II. Background

At its July 24, 2019 meeting, the Board of Directors of the Hudson River Park Trust ("Trust") authorized Trust staff to enter into retainer agreements with Armand Corporation ("Armand") and Hunter Roberts to serve as on-call construction managers for anticipated construction and capital maintenance/repair projects, including, but not limited to, repairs of parkwide pavers, Pier 40 façade restoration, Pier 40 office reconstruction, Pier 54 Arch restoration, Pier 84 dog run reconstruction, and various capital maintenance/repair projects. The total amount initially approved for the two firms was \$900,000, with the understanding that additional amounts could be authorized as more work was assigned.

The Hunter Roberts and Armand construction management agreements were competitively procured pursuant to a public Request for Proposals ("RFP"). The term for each retainer is three years. The tasks are assigned to Armand or Hunter Roberts as necessary to meet the needs of the Trust, which may include a request for quotes from each construction manager. Subsequent to the Board meeting, the anticipated construction management work was divided between the two firms such that Armand is to manage parkwide paver repairs, Pier 84 dog run reconstruction, and various capital maintenance projects other than Pier 40. Hunter Roberts was to manage Pier 40 projects, including façade restoration and office renovations. The amount allocated to Armand was up to \$525,000 and to Hunter Roberts up to \$375,000.

The Trust has recently decided to proceed with additional Pier 40-related capital maintenance work, including reconstruction of the courtyard sports fields, and is preparing bid documents for the replacement of the south shed roof to be followed by the headhouse roof and roof-top fields. The Trust has also recently decided to assign the Pier 54 Arch restoration construction management work to Hunter Roberts for reasons described below. The Trust thus seeks Board of Directors' authorization for additional funding for the Hunter Roberts Parkwide Construction Management Services Retainer Agreement to oversee these additional projects.

III. Procurement Process

Pursuant to the Trust's Procurement Guidelines, the Trust must document the reasons why a competitive process is not in its best interest if the amended work exceeds twenty percent of the original Total Board Authorized Amount. In this case, the two retainers were recently competitively procured and were fully evaluated for experience, integrity and financial capacity pursuant to the Trust's Procurement Guidelines.

Trust staff now proposes to increase the Hunter Roberts' contract by an additional \$1,425,000 so that Hunter Roberts can oversee all capital maintenance activity at Pier 40 and the reconstruction of the Pier 54 Arch.

Hunter Roberts is already the construction manager for all phases of the Pier 40 piles repair work and has been assigned the Pier 40 façade and office renovation work. It is thus prudent to have one construction manager oversee all Pier 40 work as the oversight will involve very complicated coordination of the logistics for multiple projects at one site that remains in operation as the Trust's office and operations center, a public parking garage, a public open space resource, and for other uses.

Hunter Roberts is also the Construction Manager for Pier 55 and was selected to manage the Pier 54 Arch restoration partly due to the shared construction access for the two projects.

Hunter Roberts will perform this additional work consistent with its current hourly rates that the Trust found was fair and reasonable when first evaluating the Hunter Roberts' proposal last summer. Thus Trust staff has determined that it is in the Trust's best interest to amend the Hunter Roberts' Retainer Agreement to include construction management services for the additional Pier 40 capital maintenance projects and Pier 54 Arch restoration.

IV. Funding

Funding for the additional Parkwide Construction Management Services is available through the capital maintenance portion of the Trust's operating budget. The sources of this funding are anticipated to be the City of New York and through air rights sale proceeds.

V. Requested Action

The Trust requests authorization by the Board of Directors to increase the authorized funding for the Hunter Roberts Parkwide Construction Management Services Retainer Agreement by an additional \$1,425,000 a Total Board Authorization of up to \$1,800,000. The aggregate amount authorized by the Board for the Hunter Roberts and Armand construction management retainer agreements will be up to \$2,325,000.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Authorization to Increase the Funding for the Hunter Roberts Construction Group, LLC’s Parkwide Construction Management Services Retainer Agreement by an Additional \$1,425,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on January 23, 2020, 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 increase the funding for the Hunter Roberts Construction Group, LLC’s Retainer Agreement by an additional \$1,425,000 for a Total Board Authorization in the aggregate for the two on-call Parkwide Construction Management Services Retainer Agreements of up to \$2,325,000; 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.