



Hudson River Park Trust

**HUDSON RIVER PARK TRUST
Minutes of a
Meeting of the Board of Directors
at City Hall, 2nd Floor
Committee of the Whole Room, New York, New York
February 9, 2017 4:14 PM**

Directors Present:

Alicia Glen, Acting Chair, New York City Deputy Mayor, Housing & Economic Development
Alyssa Cobb Konon, representing Mitchell Silver, Commissioner, New York City Department of
Parks & Recreation
Jeffrey Kaplan
Joseph B. Rose
Karen Mintzer, representing Basil Seggos, Acting Commissioner, New York State Department of
Environmental Conservation
Leslie Wright, representing the Hon. Rose Harvey, Commissioner, New York State Office of
Parks, Recreation and Historic Preservation
Michael Kuh
Pamela Frederick

Appearances:

For the Hudson River Park Trust:

Madelyn Wils, President and Chief Executive Officer
Daniel Kurtz, CFO and Executive Vice President, Finance & Real Estate
Gary O'Brien, General Counsel and Senior Vice President
Marc Boddewyn, Vice President of Design and Construction

Also Present:

**The Press
The Public**

Acting Chair Glen called the meeting to order at 4:14 PM noting that a quorum was present and all the members of the Board of Directors (the “Directors” or the “Board”) of the Hudson River Park Trust (the “Trust”) had received the Board meeting materials in advance.

Acting Chair Glen introduced the first item on the agenda, a request for authorization to contract with Deborah Bradley Construction & Management Services Inc. for Bloomfield Street to West 14th Street Pier 55 site utility construction work.

President Wils continued that at the Board’s February 11, 2015 meeting, the Board authorized the Trust to enter into a lease agreement with Pier55, Inc. that will allow for the reconstruction of Pier 54. At the last Board meeting on January 26, 2017, the Board approved an amendment to the Lease which authorized the Trust to spend \$2.732 million on the installation of off-Premises utilities associated with Pier 55.

The Trust now proposes to enter into a single source construction contract for installation of subsurface site utility conduit and distribution systems from Bloomfield Street to the Pier 55 Premises. The Trust’s cost of this proposed contract work will be credited towards its obligation under the Lease amendment to expend the \$2.732 million for off-Premises utilities. In order to maintain the overall project schedule, the proposed contract has an anticipated completion date of late spring 2017.

The Trust followed all required Procurement Guidelines in the Invitation for Bids process including transmitting to Women & Minority Owned Business contractors. A total of 19 firms picked up bid packages; however, only 1 bid was submitted. The single bid received was from Deborah Bradley Construction & Management Services. Since the Trust only received one bid, under the Procurement Guidelines the Invitation for Bid was considered to have failed. For a failed bid process, the Trust may either re-bid or justify a single source procurement. The Trust

has determined that it is in its best interest to proceed with a single source contract with Deborah Bradley for the following reasons.

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.

With respect to the first criterion, the circumstances leading to the selection of the contractor, the issuance of two IFBs simultaneously (one for site utilities and the other for the Pier 54 Connector upland park construction) resulted in the bidding firms electing to only submit for the Pier 54 Connector work. Since this was a failed bid, the only alternatives available to the Trust were to issue a new IFB or to consider the suitability of the single source for the only bid received. The Trust elected to single source Deborah Bradley.

With respect to the second criterion, rationale for selecting the specific contractor, the Trust determined that Deborah Bradley's bid was responsive, competitively priced, prior performance was satisfactory, and that a delay caused by issuing a new IFB would lead to additional costs in the future.

With respect to the third criterion, the basis upon which the Trust determined the cost was reasonable, the Trust obtained an independent cost estimate from Skanska Construction which came in higher than the Deborah Bradley bid. In addition, a second estimate by Pier55's contractor, Hunter Roberts, also came in higher than Deborah Bradley's bid.

Funding for the proposed contract will come from the State of New York.

Director Kaplan asked if the Trust has worked Deborah Bradley in the past, which President Wils replied in the affirmative. Director Kaplan followed-up about Deborah Bradley's

capacity to complete all of their work for the Trust and President Wils assured the consistent quality of the work performed thus far. Mr. Kurtz added that Deborah Bradley was also in the process of extending their credit line with their banking institution as well.

Acting Chair Glen inquired if Deborah Bradley was a certified MWBE and President Wils answered in the affirmative.

With no further questions and upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Contract with Deborah Bradley Construction & Management Services Inc. for the Bloomfield Street to West 14th Street Site Utility Construction Work in the Amount of \$973,400.00 plus a 10% Contingency, for a Total Board Authorization Amount of up to \$1,070,740.00.

RESOLVED, based upon the materials presented to the Board at its meeting on February 9, 2017, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorize the Hudson River Park Trust to contract with Deborah Bradley Construction & Management Services Inc. for the Bloomfield Street to West 14th Street Site Utility Construction Work in the amount of \$973,400.00 plus a 10% contingency, for a total Board authorization amount of up to \$1,070,740.00; 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.

The last item for approval was a request for authorization to contract with Deborah Bradley Construction & Management Services Inc. for Bloomfield Street to West 14th Street bulkhead work.

President Wils continued that since 2014, the Trust has been working on plans for the Pier 54 Connector, which is a widened pedestrian esplanade and other transportation improvements in the area between Bloomfield Street and 14th Street. The improvements are part of the Federal Congestion Mitigation and Air Quality Improvement Program known as CMAQ.

The Board previously authorized four contracts associated with this project: (i) design and engineering services, (ii) site preparation and platform removals, (iii) new pile-supported platform construction, and (iv) bikeway and layby work. The work under these four contracts is sufficiently advanced and on schedule so that the Trust may now proceed with the final phase of the upland construction work.

The work includes site protection, earthwork and grading, installation of specified soil mixes, furnishing and installation of trees and other plant materials, site irrigation, cast-in-place and pre-cast concrete installation, pavement, stonework, railings, lighting, and other park finishes. The work will be completed in early spring 2018. This is expected to be the last contract before the CMAQ project is finished.

The Trust followed all Procurement Guidelines. A total of 4 bids were submitted with the lowest bid at \$4,705,453 and the highest at \$9,539,000. The lowest bid was incomplete and the bidder withdrew from the process. The second lowest bidder, Deborah Bradley Construction & Management Services, was selected and vetted. Deborah Bradley is a New York State certified M/WBE contractor.

Mr. Kurtz then explained that the reason these two contracts are separated is due to the funding sources and conditions of the federal grant used for the CMAQ project. Director Rose inquired into the reason this bifurcation is the case and President Wils explained that it was the intention of the Trust after there was a change in plans for the CMAQ and Pier 55 site utilities.

Director Kaplan asked whether this money counts towards the Trust's obligation to Pier 55 or is it separate and President Wils confirmed that it is separate. Acting Chair Glen then explained that the site utilities contract authorized in this meeting counts towards the Trust's \$2.73 million additional funds, which is funded by the State.

With no further questions and upon a properly called motion, the following resolution passed unanimously.

HUDSON RIVER PARK TRUST – Authorization for Hudson River Park Trust to Contract with the Deborah Bradley Construction & Management Services Inc. for the Bloomfield to West 14th Street Upland Park Construction Work in an Amount of \$5,880,460, plus a 10% Contingency, for a Total Board Authorization Amount of up to \$6,468,506.00.

RESOLVED, based upon the materials presented to the Board at its meeting on February 9, 2017, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorize the Hudson River Park Trust to contract with Deborah Bradley Construction & Management Services Inc. for the Bloomfield to West 14th Street Upland Park Construction Work in an amount of \$5,880,460, plus a 10% contingency, for a Total Board Authorization Amount of up to \$6,468,506.00, 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.

There being no further approval items for the meeting, Acting Chair Glen then asked for a motion for the Board to have, as permitted by Open Meetings Law, an Executive Session, and the motion was approved by the Board at 4:33 PM.

At 4:43 PM, the Executive Session of the Hudson River Park Trust was adjourned and the Public Meeting reconvened. There being no further business, and on a properly-called motion, the meeting was adjourned at 4:43 PM.