



**MEETING OF THE
BOARD OF DIRECTORS
December 3, 2020 at 4:00 pm
Hudson River Park Trust, Pier 40
Conference Call Number: 1 646 558 8656
Meeting ID: 978 3532 1256
Passcode: 392555
One tap mobile
+16465588656,,97835321256# US (New York)**

AGENDA

I. CONSENT AGENDA

- A.** Approval of Minutes and Ratification of the Actions Taken at the October 1, 2020 Meeting of the Hudson River Park Trust Board of Directors
- B.** Authorization to Amend Contract with Gilbane Building Company for Parkwide Construction Management Services related to Pier 40 Sprinkler System
- C.** Authorization to Amend Contract with Deborah Bradley Construction and Management for Bloomfield to West 14th Street Bikeway and Lay-By Work
- D.** Authorization to Extend Contract with O&S Associates, Inc. for Design and Consultant Services for the Pier 40 Façade Restoration Project
- E.** Authorization to Extend Contract with M&N Engineering, P.C. for Parkwide Marine Inspection Services
- F.** Authorization to Adopt new Document Retention Schedule
- G.** Ratification of Board Committee Members

II. CORPORATE ACTIONS

- H.** Authorization to Contract with Dack Consulting Solutions, Inc. for Chelsea Waterside Park Phase 2 Construction Management Services
- I.** Authorization to Amend Contract with Prestige Stone & Pavers Corp. for Parkwide Unit Pavement Restoration
- J.** Authorization to Amend Contract with Structural Preservation Systems, LLC for Pier 40 Roof Reconstruction – Phase 4
- K.** Authorization to Amend Contract with NY Asphalt, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services
- L.** Authorization to Contract for Pier 40 Parking Garage Operator

III. PRESIDENT'S REPORT

- Parkwide Public Safety Statistics
- Update: Financials and Budget Review

- Insurance Premiums
- River Project and Public Programs
- Design/Construction Projects
- Pier 76

IV. ADVISORY COUNCIL AND HRPK FRIENDS REPORTS

V. ADJOURN

**HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions
Taken at the October 1, 2020 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 October 1, 2020 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 the Hudson River Park Trust.

For Consideration
December 03, 2020

To: The Directors
From: Madelyn Wils
Re: Authorization to Amend Contract with Gilbane Building Company for Parkwide Construction Management Services for Pier 40 Fire Sprinkler Restoration-Related Work

I. Contract Summary

Contractor: Gilbane Building Company
Project: Parkwide Construction Management Services
Contract Number: A4820
Authorized Amount: Up to an Additional \$220,000 for a Total Board Authorization Amount of \$1,201,338

II. Background

In 2017 the Hudson River Park Trust (“Trust”) commenced repairs and upgrades to restore Pier 40’s existing fire sprinkler system. The work is necessary to maintain safe occupancy on the pier, and also to integrate the operation of the fire sprinklers with a fire pump system that was damaged and then redesigned and replaced following Hurricane Sandy.

At its June 8, 2017 meeting, the Trust’s Board of Directors authorized Trust staff to enter into a contract with Gilbane Building Company (“Gilbane”) for Parkwide Construction Management Services at a Total Board Authorization Amount of \$906,338, which work included overseeing the Pier 40 fire sprinkler system restoration. In order to continue construction management supervision of unforeseen additional sprinkler restoration work, the Directors authorized an amendment to the contract in the amount of \$75,000 and an extension of the contract term until the fire sprinkler work is complete at its November 20, 2019 Board meeting.

To date, approximately \$281,000 of Gilbane’s construction management services have been billed to the Pier 40 sprinkler system restoration work. As construction management oversight is needed to complete the fire sprinkler system through testing and FDNY certification, the Gilbane contract needs to be increased by an additional \$200,000 with a 10 percent contingency for construction management of other potentially necessary repairs. Therefore, Trust staff seek to amend the Gilbane contract by an additional \$220,000. This amount will cover the additional construction management services of the following sprinkler system restoration work: (i) sprinkler main replacement; (ii) replacement of existing heating elements and installation of additional heating elements and related electrical work necessary to keep components in the unheated portion of the system from freezing; (iii) repair of breaks and testing; and (iv) additional work to bring the sprinkler system up to code. To minimize the disruption to the use of the Pier 40 Parking Garage, this restoration work may be scheduled to take place during night hours.

The Trust will continue to maintain a fire watch service at Pier 40 until all final sign-offs are secured.

III. Procurement Process

The Trust's 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. In this case, Gilbane has been overseeing the very complex fire sprinkler installation and repairs occurring at Pier 40 and is also familiar with the Pier 40 building and its existing infrastructure. Seeking a new construction manager that would have to learn the complicated fire sprinkler system and the issues that have been occurring in testing the system would delay completing the work and would likely result in increased costs to the Trust. Gilbane will also charge its same hourly rates as approved in the November 2019 contract amendment and will not increase its rates for this additional oversight work. Thus, it is in the Trust's best interest to have the current construction manager oversee the work until the work is finally complete and certified by FDNY.

IV. Funding

Funding for this contract amendment is currently available through the Trust's approved capital maintenance budget with funds provided through the sale of Pier 40 air rights.

V. Requested Action

The Trust seeks to amend the contract with Gilbane Building Company for an additional \$220,000 for a Total Board Authorization Amount of \$1,201,338.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Amend Contract with Gilbane Building Company for Parkwide Construction Management Services for Pier 40 Fire Sprinkler Restoration-Related Work

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 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 Gilbane Building Company for Parkwide Construction Management Services by an additional \$220,000 for a Total Board Authorization Amount of \$1,201,338; 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
December 3, 2020

To: The Directors
From: Madelyn Wils
Re: Authorization to Amend Contract with Deborah Bradley Construction & Management Inc. for Bloomfield Street to West 14th Street Bikeway & Lay-By Construction Work

I. Contract Summary

Contractor: Deborah Bradley Construction & Management Inc.
Proposed Project: Bloomfield Street to West 14th Street Bikeway & Lay-By Construction Work (the “Pier 54 Connector”)
Contract Numbers: C4208
Authorized Amount: Additional \$136,084 for Total Board Authorization Amount of up to \$3,319,869

II. Background

Since 2014, the Hudson River Park Trust (the “Trust”) has been working on the planning and construction of the “Pier 54 Connector” – a new over-the-water pedestrian platform and esplanade with accompanying bikeway and other transportation improvements in the area between Bloomfield Street and West 14th Street in the Greenwich Village section of the Park. The project received a federal Congestion Mitigation Air Quality (“CMAQ”) grant which is being administered through the New York State Department of Transportation.

At its May 26, 2016 meeting, the Board of Directors authorized the Trust to enter into a contract with Deborah Bradley Construction & Management Inc. (“DBC”) for the non-marine portion of the Pier 54 Connector project in the amount of \$2,894,350 plus a 10% contingency, for a total Board authorization amount of up to \$3,183,785. Most of the project was completed and opened for public use last year following its substantial completion.

The remaining work needed to complete the Pier 54 Connector project includes the installation of a fixed section of waterfront railing and granite pier markers. These outstanding items were not included in the original contract award. Because of DBC’s familiarity with the site and the fact that there is \$133,416 remaining as authorized but unused contingency in the existing DBC contract, the Trust sought a proposal from DBC to furnish and install the railing and granite pier markers. Staff has determined that the amount quoted by DBC, \$245,000 plus a 10% contingency for unforeseen conditions, is a fair price based on the amounts previously approved for comparable railing and stone work that was part of the base contract. Accordingly, staff seeks to amend the contract for an additional contract amount of \$136,084.

In addition, the contract term must also be extended through June 30, 2021 so that DBC can complete the aforementioned work.

III. Funding

Eighty percent (80%) of the funding for this contract increase is expected to come from the CMAQ grant, with the balance from Trust funds designated for capital construction in the current fiscal year.

IV. Requested Action

The Trust requests authorization by the Board of Directors to amend the contract with Deborah Bradley Construction & Management Inc. for the Pier 54 Connector work to extend the term through June 30, 2021 and for an additional amount not to exceed \$136,084 for a Total Board Authorization Amount of up to \$3,319,869.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Authorization to Amend Contract with Deborah Bradley Construction & Management Inc. for the Bloomfield Street to West 14th Street Bikeway & Lay By Work for an Additional Amount of \$136,084 for a Total Board Authorization Amount of up to \$3,319,869

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 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 Inc. for the Bloomfield Street to West 14th Street Bikeway and Lay-By Work for an extended term through June 30, 2021 and an additional amount of \$136,084 for a Total Board Authorization Amount of up to \$3,319,869; 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
December 3, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Extend the Term of Contract with O&S Associates, Inc. for Design and Consultant Services for the Façade Restoration Project at Pier 40

I. Contract Summary

Contractor: O&S Associates, Inc.

Proposed Work: Design and Consultant Services for the Façade Restoration Project at Pier 40

Contract Number: A5029

II. Background

At its January 31, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract for a two-year term with O&S Associates, Inc. (“O&S”) for Design and Consultant Services for the Façade Restoration Project at Pier 40 for a Total Board Authorization Amount of up to \$115,000. Pursuant to the contract, O&S has prepared construction documents and is also providing construction administration services for the Pier 40 Facade Restoration project.

Because of a delay in commencing the facade work, there is a need to extend the term of O&S’s contract for design and construction services by eighteen months to cover construction phase services of the project. No additional funding is required, and the source of funding for this contract remains restricted funds from the sale of Pier 40 air rights.

III. Requested Action

The Trust requests Board authorization to extend the term of contract with O&S Associates, Inc. for Design and Consultant Services for the Façade Restoration Project at Pier 40 for an additional eighteen month term, through August 31, 2022.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Extend the Term of Contract with O&S Associates, Inc. for Design and Consultant Services for the Façade Restoration Project at Pier 40

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of December 3, 2020, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to extend the term of contract with O&S Associates, Inc. for Design and Consultant Services for the Façade Restoration Project at Pier 40 by eighteen months, through August 31, 2022; 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
December 3, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Extend the Term of Contract with M&N Engineering, P.C. for Parkwide Marine Inspection Services

I. Contract Summary

Contractor: M&N Engineering, P.C.
Proposed Work: Parkwide Marine Inspection Services
Contract Number: A4362

II. Background

At its January 26, 2017 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with a four-year term with M&N Engineering, P.C. (“M&N”) for Parkwide Marine Inspection Services for a Total Board Authorization Amount of up to \$5,334,223. Pursuant to the contract that took effect on May 12, 2017, M&N has conducted in-water inspections throughout the Park in support of numerous capital projects. In particular, M&N has been involved in the Pier 40 pile reconstruction project from its outset, conducting pre- and post- construction inspections for all phases of the work.

Staff has determined that there is a need to extend the term of M&N’s contract by two years, principally to cover construction phase services for the remaining pile repair work at Pier 40. Continuity of the inspection team is an important component of quality control for the pile reconstruction work. No additional funding is required, and the source of funding for this contract remains the portion of the Trust capital maintenance budget funded through the sale of Pier 40 air rights.

III. Requested Action

The Trust requests Board authorization to extend the term of contract with M&N Engineering, P.C. for Parkwide Marine Inspection for an additional two years, through May 11, 2023.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization for Hudson River Park Trust to Extend the Term of Contract with M&N Engineering, P.C. for Parkwide Marine Inspections

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of December 3, 2020, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to extend the term of contract with M&N Engineering, P.C. for Parkwide Marine Inspection for an additional two years, through May 11, 2023; 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
December 3, 2020

To: The Directors

From: Madelyn Wils

Re: Adoption of a Standard Document Retention Policy in Accordance with State Law Requirements

I. BACKGROUND

Article 57-A of the State Arts and Cultural Affairs Law requires public benefit corporations, among other state and local governmental entities, “to promote and support a program for the orderly and efficient management of [the governmental entity’s business] records, including the identification and appropriate administration of records with enduring value for historical or other research.” The State Education Department’s Archive and Records Administration is the state agency charged with administering the records retention requirements. The Hudson River Park Trust (“Trust”) is in turn obligated to formally adopt a document retention policy that meets the minimum time frames set forth in the Retention and Disposition Schedule promulgated by the State Education Department.

The State Education Department issued a new Retention and Disposition Schedule on August 1, 2020 that consolidated a number of schedules, including Schedule MI-1 that was adopted by the Trust in May 2000, into one new schedule, LGS-1. New York agencies and entities subject to the applicable records retention schedules need to adopt the new LGS-1 Retention Schedule by January 1, 2021, before the MI-1 and other schedules expire.

Staff has reviewed the new schedule and has determined that it does not materially change the Trust’s existing retention schedule. As was the case previously, the Retention Schedule obligates the Trust to identify and arrange for permanent retention and archiving of historically important documents. For non-historically important documents, the retention policy also provides for the orderly disposal of such routine records at the conclusion of their useful life, thereby lessening the storage and costs otherwise associated with wholesale long term retention of outdated documents.

II. REQUESTED ACTION

The Trust seeks Board of Directors’ authorization to adopt the State Education Department’s LGS-1 Schedule as the official document retention and disposition policy of the Hudson River Park Trust.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Adoption of the Records Retention and Disposition Schedule LGS-1 issued by the New York State Archives and Records Administration as the Document Retention and Disposition Policy of the Hudson River Park Trust

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 2020, a copy of which is filed with the records of the Hudson River Park Trust, the Board hereby adopts *Retention and Disposition Schedule LGS-1*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, as the Trust's Document Retention and Disposition Policy; and be it further

RESOLVED, that in accordance with Article 57-A:(a) only those records will be disposed of that are described in *Retention and Disposition Schedule LGS-1* after they have met the minimum retention periods described therein; and (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods; 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
December 3, 2020

To: The Directors

From: Madelyn Wils

Re: Appointment to and Ratification of Members of the Board's Audit,
Finance & Investment, Design, and Governance Committees

I. Background

The Board of Directors ("Board") of the Hudson River Park Trust ("Trust") has several working committees that help to facilitate Trust business between Board meetings and which serve as an invaluable source of experience and wisdom for Trust staff.

The purpose of the Trust's Audit Committee is to assist the Board in fulfilling its oversight responsibilities regarding the integrity of the Trust's financial statements, the qualification and selection of the independent auditors, the performance of the annual audit of financial statements, and the performance of the Trust's internal audit functions relative to financial and regulatory recordkeeping, reporting and compliance. As outlined in the Audit Committee Charter, the Committee consists of the Trust Chair, Vice-Chair and four other independent members of the Board.

The purpose of the Finance and Investment Committee includes reviewing the Trust's finances and investment strategy and practices, the Trust's financial performance including actual versus budgeted expenditures, and the financial implications of major proposed transactions including significant leases and other revenue-producing contracts. As provided for in the Finance and Investment Committee Charter, the Committee consists of the Trust Chair, Vice-Chair and not less than three independent Board members. The Finance and Investment Committee and the Audit Committee may have overlapping members but a different Director must serve as the Chair.

The Board's Design Committee was created to oversee the design for Hudson River Park. Historically, the Committee has been involved in overseeing the design of most of the built sections of the Park, including most recently, the design and construction of Pier 26 and the ongoing designs for Pier 97 and Gansevoort Peninsula. Over the next several years, the Park will continue to be developed consistent with the goals of the Hudson River Park Act and the General Project Plan, and the Design Committee will continue to play a crucial role in overseeing future development of Park areas, including for Pier 76.

The purpose of the Governance Committee is to assist the Board in fulfilling its obligation to ensure that the Trust is operated in accordance with prudent and responsible corporate governance standards and principles; monitor and evaluate Board effectiveness; promote fulfillment of Director fiduciary duties and address potential ethical and conflict

of interest issues affecting Board and staff members; and provide oversight with respect to all Trust internal control policies and procedures. The Governance Committee also examines risk to the Trust and the Park. Under its Charter, the Governance Committee consists of the Trust Chair, Vice-Chair and not less than three other independent members of the Board.

Based on recent changes to the Board, the Trust now needs to appoint new Board members to various committees. Trust staff recommend that Aloysee Heredia Jarmoszuk become a member of the Audit, Finance & Investment, and Governance Committees. Director Heredia Jarmoszuk currently serves as the Commissioner and Chair of the New York City Taxi and Limousine Commission and prior to this position, she served as the Chief of Staff to the Deputy Mayor for Operations where she managed and coordinated 25 City agencies and programs. Trust staff recommend that Lowell Kern become a member of the Finance & Investment, Design, and Governance Committees. Director Kern is currently the Assistant General Counsel of Capgemini North America, Inc. where he oversees the execution of many large commercial agreements. Director Kern also currently serves as the Chair of Manhattan Community Board 4. Both new Directors have agreed to serve on the three recommended Committees. The newly appointed Trust Chair, Director Basil Seggos, is also now a member of the Audit, Finance & Investment and Governance Committees as required by the Committee charters.

II. Requested Action

The Hudson River Park Trust staff requests that the Board approve the appointment of new Committee members and that it ratify the Committee list for each of the Audit, Finance & Investment, Design and Governance Committees.

Attachment:

Resolutions

HUDSON RIVER PARK TRUST- Appointment of Members to and Ratification of the Hudson River Park Trust Board of Directors' Audit, Finance & Investment, Design, and Governance Committees

RESOLVED, based on the materials presented to the Board of Directors at its meeting on December 3, 2020, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Directors hereby appoint Aloysee Heredia Jarmoszuk as a member of the Hudson River Park Trust Board's Audit Committee and ratify the membership of the Audit Committee to include Directors Basil Seggos, Vicki Been, Aloysee Heredia Jarmoszuk, Jeffrey Kaplan, Michael Kuh and Tom Pegues; and be it further

RESOLVED, the Directors hereby appoint Aloysee Heredia Jarmoszuk and Lowell Kern as members of the Hudson River Park Trust Board's Finance & Investment Committee and ratify the membership of the Finance & Investment Committee to include Directors Jeffrey Kaplan, Basil Seggos, Vicki Been, Aloysee Heredia Jarmoszuk, Michael Kuh, Lowell Kern, Purnima Kapur and Tom Pegues; and be it further

RESOLVED, the Directors hereby appoint Lowell Kern as a member of the Hudson River Park Trust Board's Design Committee and ratify the membership of the Design Committee to include Directors Pamela Frederick, Erik Kulleseid, Basil Seggos, Mitchell Silver and Lowell Kern; and be it further

RESOLVED, the Directors hereby appoint Aloysee Heredia Jarmoszuk and Lowell Kern as members of the Hudson River Park Trust Board's Governance Committee and ratify the membership of the Governance Committee to include Directors Basil Seggos, Vicki Been, Lawrence Goldberg, Aloysee Heredia Jarmoszuk, Michael Kuh, and Lowell Kern; 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 resolutions.

For Consideration
December 3, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Enter into a Contract with DACK Consulting Solutions, Inc. for the Chelsea Waterside Park Phase 2 Construction Management Services

I. Contract Summary

Contractor: DACK Consulting Solutions, Inc.
Proposed Work: Chelsea Waterside Park Phase 2 Construction Management
Contract Number: A5220
Authorization Amount: Up to \$1,100,000, with a 10% contingency, for a Total Board Authorization Amount of up to \$1,210,000

II. Background

Chelsea Waterside Park (“CWP”) was originally designed and built by the New York State Department of Transportation as part of the Route 9A project and opened to the public in 2000. The ballfields, dog run, playground and other components of the park receive heavy use, and as a result, the Hudson River Park Trust (“Trust”) has undertaken several capital reconstruction projects within this park area, including most recently, the reconstructed playground, which was completed in August 2018.

At its September 2019 meeting, the Board of Directors approved the Trust entering into a contract with Abel Bainnson Butz, LLP for the design of the CWP Phase 2 project. The project would include a new comfort station, dog run and picnic area, among other improvements, and the design has been presented to Manhattan Community Board 4 which is strongly supportive of the proposed upgrades. The Trust now seeks approval to enter into a contract with DACK Consulting Solutions, Inc. (“DACK”) in an amount not to exceed \$1,210,000, including contingency, for construction management services, including oversight of the pre-construction, construction and post-construction phases of the CWP Phase 2 project. The construction management services would be needed through the completion of the construction work, and thus the contract is anticipated to cover a two-year period. The Trust intends to issue a request for proposals for the construction work this winter so that construction can commence in spring 2021.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, an advertisement for a Request for Proposals (“RFP”) for CWP Phase 2 Construction Management Services was published in the New York State Contract Reporter and the RFP was posted on the Trust’s website for the period of July 30, 2020 through September 10, 2020. The Trust received 10 proposals on the submission deadline. A selection committee comprised of the Trust’s Design/Construction staff reviewed the submissions and evaluated

each company according to the identified selection criteria in the RFP, including consultant's and consultant team'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 short-listed and invited the following firms for interviews: (1) DACK; (2) Hunter Roberts Construction Group, LLC; (3) STV Construction, Inc.; (4) Hill International, Inc.; and (5) Gilbane Building Company. Upon completion of proposal review and interviews, the selection committee determined that DACK was the best qualified consultant to provide the required construction management services. The Trust performed a responsibility determination for DACK which included confirmation of DACK'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.

DACK proposed a final negotiated fee of \$1,100,000 for the construction management services based on hourly rates and estimated hours for the CWP Phase 2 project. Trust staff determined that DACK's cost proposal was fair and reasonable and thus presented the "best value" to the Trust. The Trust seeks to enter into a contract with DACK, as the most qualified firm, for the CWP Phase 2 Construction Management Services.

DACK is a NYS-certified MBE and WBE firm and has also committed to subcontracting with both MBE and SDVOB firms.

IV. Funding

Funding for this contract is available from the Trust's capital maintenance budget using restricted funds generated from the sale of air rights in Manhattan Community Board 4 in 2019.

V. Requested Action

The Trust requests Board authorization to enter into a contract with DACK Consulting Solutions, Inc. for Chelsea Waterside Park Phase 2 Construction Management Services for an amount of up to \$1,100,000, plus a 10% contingency, for a Total Board Authorization of up to \$1,210,000.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Contract with DACK Consulting Solutions, Inc. for Chelsea Waterside Park Phase 2 Construction Management Services in an amount of up to \$1,100,000, plus 10% contingency, for a Total Board Authorization Amount of up to \$1,210,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 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 DACK Consulting Solutions, Inc. for the Chelsea Waterside Park Phase 2 Construction Management Services in an amount of up to \$1,100,000, plus a 10% contingency, for a Total Board Authorization Amount of up to \$1,210,000; 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
December 3, 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 \$330,000 for a Total Board Authorization
of \$990,000.

II. Background

At its May 30, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into an on-call contract with Prestige Stone & Pavers Corp. (“Prestige”) for the Parkwide Unit Pavement Restoration, which included the replacement of damaged pavers and deteriorated expansion joint material placed between the bulkhead and the esplanade pavers at certain locations throughout the Park. The Board authorized a Base Contract Amount of \$250,000, plus a 10% contingency, for a Total Board Authorized Amount of up to \$275,000.

At its January 23, 2020 meeting, the Board authorized an additional \$350,000 plus a 10% contingency for work to be performed in 2020, for a Total Board Authorization of \$660,000.

While the Trust has made significant progress repairing areas of concern throughout Hudson River Park over the past two years, there remains additional work to do in 2021. In particular, staff has identified required paving repair work in the Chelsea area (Piers 62, 63 and 64). Based on staff experience, it is also likely that there will be a need for additional minor repair work park-wide in the spring as a result of the winter freeze-thaw cycle.

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 also require the Trust to make a determination as to why employing a new 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 approved original contract term and since the Trust has found that Prestige performed very well in both 2019 and 2020, Trust staff believes it is in the Trust's best interest to continue to engage Prestige for such repair work next year, which is the last year of the contract term. 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 amendment will apply the same unit pricing as in the initial contract that has previously 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 year. Fourth, Prestige's work has been satisfactory and has met scheduling requirements.

Funding for this amendment will come from unexpended funds in the Trust's current year capital maintenance budget and from the capital maintenance budget for Fiscal Year 2021 to be presented for approval by the Board in March 2021.

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 \$330,000 for a Total Board Authorization Amount of up to \$990,000.

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 \$330,000 for a Total Board Authorization Amount of up to \$990,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 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 \$330,000 for a Total Board Authorization Amount of up to \$990,000; 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
December 3, 2020

To: The Directors
From: Madelyn Wils
Re: Authorization to Amend Contract with Structural Preservation Systems, LLC for Pier 40 Roof Reconstruction – Phase 4 Project

I. Contract Summary

Contractor: Structural Preservation Systems, LLC
Proposed Project: Pier 40 Roof Reconstruction – Phase 4
Contract Numbers: C5172
Authorized Amount: Additional \$2,000,000 for Total Board Authorization Amount of up to \$14,798,500

II. Background

At its March 30 and May 28, 2020 meetings, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Structural Preservation Systems, LLC (“SPS”) for the Pier 40 roof reconstruction of the southern shed (“Phase 4 Work”) for an amount of up to \$11,635,000 plus a 10% contingency for a Total Board Authorization Amount of up to \$12,798,500. The Trust has previously completed the repair of the northern roof (Phase 1 Work), western roof (Phase 2 Work) and parking lot ramp (Phase 3 Work).

During the course of the Phase 4 work, additional required scope items have been discovered. Once the wearing layer on the roof was removed, additional areas requiring structural concrete plank repair and replacement were discovered. SPS has the expertise, as well as the personnel and materials on site to complete this additional scope. Further, the Trust has decided to add the replacement of the passive field to SPS’s scope. SPS’s base contract includes removing the previous synthetic turf field, completing the repairs to the concrete structure beneath the field, and some preparatory measures for a new field, including new fencing. The Trust initially planned to issue a separate contract for the installation of a new field, but based on discussions with the contractor and design engineer, it has been deemed in the interest of the Trust to install the new field as quickly as possible after the installation of the roofing membrane. SPS will subcontract with a qualified field installer for this scope. Only by using this contract and subcontract method can the Trust assure that the passive field will be in public use in the summer of 2021. Lastly, the Trust has asked SPS to complete repair work outside of the Phase 4 work area to address various small leaks in other areas of the building. The amounts to be charged by SPS for this additional work have been determined to be fair and reasonable by the Trust’s roofing architect and construction manager.

III. Funding

Funding for this contract as amended is available from the Trust's capital maintenance budget, with funds provided through air rights sale proceeds allocated for Pier 40 infrastructure repair.

IV. Requested Action

The Trust requests authorization by the Board of Directors to amend the contract with SPS for the Pier 40 Roof Reconstruction Phase 4 for an additional amount not to exceed \$2,000,000 for a Total Board Authorization Amount of up to \$14,798,500.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Authorization to Amend Contract with Structural Preservation Systems, LLC for the Pier 40 Roof Reconstruction Phase 4 for an Additional Amount of \$2,000,000 for a Total Board Authorization Amount of up to \$14,798,500

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 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 Structural Preservation Systems, LLC for the Pier 40 Roof Reconstruction Phase 4 for an additional amount of \$2,000,000 for a Total Board Authorization Amount of up to \$14,798,500; 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
December 3, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Transfer Funding from the On-Call General Construction Contracts and Amend the Contract with NY Asphalt, Inc. for Parkwide Asphalt Pavement Repairs and Related On-Call Services

I. Contract Summary

Contractor: NY Asphalt, Inc.
Proposed Work: Parkwide Asphalt Pavement Repairs and Related On-Call Services
Contract Number: M5069
Authorization Amount: Additional \$505,000 for a Total Board Authorization Amount of up to \$894,623

II. Background

At its March 30, 2020 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to amend the contract with NY Asphalt, Inc. (“NY Asphalt”) for Parkwide Asphalt Pavement Repairs and On-Call Services for an additional two-year term and a Total Board Authorization Amount of \$389,623 in order to complete repair work at the Pier 40 south walkway and mezzanine parking ramp. NY Asphalt is an experienced and capable construction contractor engaged in both asphalt paving and general concrete repair work.

The Trust has identified a number of paving and related projects required for 2021, including concrete repairs at Pier 40, primarily within the Pier 40 Parking Garage. For this work, the Trust solicited competitive proposals from among the on-call construction contractors previously presented to and approved by the Board. NY Asphalt’s price was the lowest and they have successfully completed similar scopes of work for the Trust in the past. As a result, the Trust requests authorization to increase the NY Asphalt contract by \$505,000 for a total contract amount of \$894,623. As described further below, this contract will utilize unspent funds previously designated for other on-call general construction contracts authorized at the September 2019 Board meeting.

III. Procurement Process

Pursuant to the Trust’s Procurement Guidelines, the Trust must document why a competitive process is not in its best interest if the amended work exceeds twenty percent of the original contract amount. In this case, NY Asphalt was procured using a competitive procurement process for on-call asphalt paving and repair work in January 2019. The additional scope contemplated for NY Asphalt was also priced through a competitive process amongst the current pool of on-call

contractors. Trust staff has found NY Asphalt's work quality to be very good and given that they proposed the lowest price, Trust staff wishes to have NY Asphalt perform the additional scope.

In September 2019, the Board authorized \$990,000, including contingency, for on-call general contracting services for contract terms extending through June 4, 2022. The Board approved contracts for 5 firms but thus far the full authorized amount remains available. Funding for this contract amendment is available in the Trust's capital maintenance budget from funds previously designated for those 5 contracts.

IV. Requested Action

The Trust seeks Board authorization to transfer funding from the on-call general construction contracts and amend the contract with NY Asphalt, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services by \$505,000 for a Total Board Authorization for the contract of up to \$894,623.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization to Transfer Funding from the On-Call General Construction Contracts and Amend the Contract with NY Asphalt, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 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 transfer funding from the On-Call General Construction contracts and amend the contract with NY Asphalt, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services to increase the contract amount by \$505,000 for a Total Board Authorization for the NY Asphalt contract of up to \$894,623; 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
December 3, 2020

To: The Directors

From: Madelyn Wils

Re: Authorization to Enter into a Contract with Manhattan Parking Group LLC for Professional Management and Operations of the Pier 40 Parking Garage

I. Contract Summary

Contractor: Manhattan Parking Group LLC
Proposed Work: Professional Management and Operations of Pier 40 Parking Garage
Contract Number: F5220
Authorization Amount: Up to \$8,753,511, with a 10% contingency, for a Total Board Authorization Amount of up to \$9,628,862, subject to reauthorization of funding following an initial Term of 5-years and three-months, for a total Term of up to nine years and three months.

II. Background

Parking from the Pier 40 garage comprises a significant source of operating revenue for Hudson River Park Trust (the “Trust”). For Fiscal Year 2020, parking revenue, net of taxes, was approximately \$7.66 million, or 24% of the Trust’s total operating revenue. Associated operating expenses for the parking garage in the fiscal year totaled \$1.85 million such that net parking income to the Trust was \$5.81 million. The Trust employs a professional parking management company to operate the garage, and most direct operating costs are covered and become an expense under that contract.

Pier 40 currently has approximately 1,850 striped parking spaces available, of which 79% are occupied by monthly parking clients. Other garage users are “early bird” and other hourly transient customers and “event parking” with demand generated by the Trust’s harbor cruise permittee. The Trust intends to add approximately 500 spaces when renovations to the south shed roof and second floor parking areas are complete next spring. The need to undertake various repairs to the aged garage and Pier 40 structure on a periodic basis presents a continuing challenge to the operations and management of parking.

The contract for the current parking garage operator expires on December 31, 2020 and thus Trust staff have proceeded with a competitive process to procure a parking garage operator under a new contract. The new contract would be for an approximate five-year and three-month term with the option to renew for two successive two-year periods subject to approval by the Trust. The Trust would have a continuous right, with notice, to terminate early for cause or convenience.

III. Procurement Process

In accordance with the Trust's Procurement Guidelines, an advertisement for a Request for Proposals for Professional Management and Operations of Pier 40 Parking Garage (the "RFP") was published in the New York State Contract Reporter, and the RFP was posted on the Trust's website for the period of September 1, 2020 through October 20, 2020. The Trust received four proposals on the submission deadline, including: SP Plus, the incumbent Pier 40 parking garage operator, Manhattan Parking Group LLC ("MPG"), Propark, and Impark/Reef. A selection committee comprised of the Trust's Property Management and Finance staff and its independent parking consultant/auditor reviewed the submissions. Proposals were evaluated according to the selection criteria identified in the RFP, including the qualifications of proposed on-site and support management personnel, respondent's experience in providing similar parking garage services, proposed management and incentive fees, plans for capital and physical improvements, marketing and advertising program, and plans to encourage M/WBE participation. The selection committee interviewed all four RFP respondents. Upon completion of proposal review and interviews, and the submission of "best and final" management and incentive fee offers, the selection committee determined that MPG was best qualified to provide the parking garage management services. The Trust performed a responsibility determination for MPG which included confirmation of MPG's legal authority, integrity and past performance. Trust staff is currently reviewing the company's financial capacity.

IV. MPG

MPG is a family-owned and operated company that has been a leader in the parking industry in New York City since 1964. MPG currently operates 117 parking facilities with a total of 23,400 parking spaces in Manhattan, Brooklyn, Queens, the Bronx, and Westchester. MPG has 550 trained and committed parking managers and attendants in New York City. MPG's clients include some of the largest property owners and developers in New York City such as the Related Companies, RXR Realty, and Brookfield Properties. MPG has committed to meeting a contract M/WBE goal of 20%. As subcontracting opportunities are limited, the Trust will seek a waiver of a portion of the 30% goal with Chambers and will prepare a waiver of the SDVOB goal of 6%. Lastly, MPG or an affiliate will form a new entity and begin the application process to be designated a M/WBE New York State-certified corporation. This may provide a long term benefit to the Trust in helping to meet its M/WBE later during the term of the agreement. This potential benefit was not a factor in the selection of MPG.

V. Proposed Agreement

The term of the proposed agreement will commence on January 1, 2021 and expire on March 31, 2026 and may be extended for up to two additional two-year terms. The slight adjustment in term will allow contract periods starting on April 1, 2021 to coincide with the Trust's fiscal years. As a result, the initial contract year will be for 15 months rather than 12 months.

The proposed agreement provides for payment by the Trust of an annual management fee and an incentive fee in the amounts set forth below.

Table 1: Fee Schedule

| <u>Contract Year</u> | <u>Management Fee</u> | <u>Incentive Fee</u> |
|-------------------------------|-----------------------|-----------------------------------|
| Year 1 - 1/1/2021 - 3/31/2022 | \$75,000 | 10% in excess of the budgeted NOI |
| Year 2 - 4/1/2022 - 3/31/2023 | \$76,500 | 10% in excess of the budgeted NOI |
| Year 3 - 4/1/2023 - 3/31/2024 | \$78,030 | 10% in excess of the budgeted NOI |
| Year 4 - 4/1/2024 - 3/31/2025 | \$79,591 | 10% in excess of the budgeted NOI |
| Year 5 - 4/1/2024 - 3/31/2025 | \$81,182 | 10% in excess of the budgeted NOI |

By way of comparison, the management fee for the current year of the existing contract is approximately \$84,400 and the incentive fee is 20% exceeding budgeted net operating income (“NOI”). The annual management fee for the extension years increase by 2% each successive year and the incentive fee remains at 10% in excess of budgeted NOI. Budgeted NOI is set annually by the Trust.

The incentive fee based on NOI is intended to motivate the parking garage operator to: (a) increase parking revenue through marketing and group account sales, and (b) decrease operating expenses by competitively bidding its sub-contractor work and vendor suppliers and employing staff labor and other resources most efficiently. The incentive fee does not compensate the operator for anticipated parking rate increases which are included in budgeted NOI.

Under the terms of the proposed agreement, the garage operator passes through operating expenses to the Trust as contract reimbursement payments, subject to an approved annual budget. The primary operating expense is garage labor. Other reimbursable costs include: security, pest control, uniforms, garage cleaning, maintenance and repair, garage supplies and equipment, office supplies, and signage. Garage labor with the exception of the on-site manager is all union. Garage utility costs are not included as they are paid directly by the Trust as part of its house account for Pier 40.

The initial term of five years and three months’ projected reimbursements for operating expenses and management fees to be included in the contract are shown in Table 2 below. The 10% contingency is intended to cover both unanticipated operating expense and potential incentive fees payable to the garage management company.

Table 2: Projected Fees and Operating Expense Reimbursements during the Term

| <u>Management Year</u> | <u>Fees and Reimbursements</u> |
|------------------------|--------------------------------|
| 1Yr 3 Months | \$1,986,052 |
| 2 | \$1,617,605 |
| 3 | \$1,666,133 |
| 4 | \$1,716,117 |
| 5 | \$1,767,601 |
| Sub-Total | \$8,753,511 |
| 10% Contingency | \$875,351 |
| Grand Total | \$9,628,862 |

VI. Funding

Funding for this contract is available from the Trust's operating budget as approved by the Board of Directors ("Board") each year. At the end of the initial 5-year and three-month portion of the term, the contract will be presented again to the Board for a new funding authorization for the renewal terms, if granted.

VII. Requested Action

The Trust requests Board authorization to enter into a contract with MPG for Professional Management and Operations of Pier 40 Parking Garage for an amount of up to \$8,753,511, for a five year and three month term with two successive two-year options to renew, plus a 10% contingency, for a Total Board Authorization of up to \$9,628,862. This contract will be presented to the Board again after the initial five-year and three-month term for reauthorization of funding during the renewal terms.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Contract with Manhattan Parking Group LLC for Professional Management and Operations of Pier 40 Parking Garage in an amount of up to \$8,753,511, plus 10% contingency, for a Total Board Authorization Amount of up to \$9,628,862

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 3, 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 Manhattan Parking Group LLC for the Professional Management and Operations of Pier 40 Parking Garage in an amount of up to \$8,753,511, plus a 10% contingency, for a five year and three month term with the option to extend for two additional successive two year periods for a Total Board Authorization Amount of up to \$9,628,862; 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.