



**MEETING OF THE
BOARD OF DIRECTORS**

**December 1, 2022 at 4:30 pm
Location: Spector Hall, 22 Reade Street
New York, NY 10007**

AGENDA

I. CONSENT AGENDA

- A. Approval of Minutes and Ratification of the Actions Taken at the September 29, 2022 Meeting of the Hudson River Park Trust Board of Directors
- B. Authorization to Extend Contract Terms with James Corner Field Operations and Gilbane Building Company for Professional Services
- C. Authorization to Extend Contract Term with Wilson Conservation, LLC for Conservation of *Private Passage* Sculpture
- D. Authorization to Amend Contracts with Carter, Ledyard & Milburn LLP and Sive, Paget & Riesel P.C. for Legal Services

II. CORPORATE ACTIONS

- E. Authorization to Contract with Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services
- F. Authorization to Contract with Structural Preservation Systems, LLC for Pier 40 Second Floor Vehicle Guardrails Project
- G. Authorization to Contract with Carrier Communications, Inc. for Parkwide Security Camera Expansion Project
- H. Authorization to Amend Contracts with New York Engineers PC and The Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration
- I. Authorization to Amend Contract with Kelco Construction Inc. for Pier 97 Park General Construction
- J. Authorization to Amend Contracts with Abel Bainnson Butz, LLP and DACK Consulting Solutions, Inc. for Professional Services related to Chelsea Waterside Park Phase 2

III. PRESIDENT'S REPORT

- Design/Construction Project Updates
- River Project and Public Programs Updates
- Operations Update
- Battery Park City Authority Proposed Resiliency Project DEIS Scope and Army Corps of Engineers City-wide Tier 1 DEIS

- Financials: Six-Month Update

IV. ADVISORY COUNCIL REPORT

V. EXECUTIVE SESSION on REAL ESTATE TRANSACTION and LITIGATION MATTERS

VI. ADJOURN

HUDSON RIVER PARK TRUST - Approval of Minutes and Ratification of the Actions Taken at the September 29, 2022 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 September 29, 2022 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 1, 2022

To: The Directors

From: Noreen Doyle

Re: Authorization to Extend the Terms of Contracts with James Corner Field Operations and Gilbane Building Company for Professional Services related to Gansevoort Peninsula

I. Contracts Summary

Contractor: James Corner Field Operations
Proposed Work: Design and Related Consultant Services for Gansevoort Peninsula
Contract Number: A4981
Amendment: Extension of Term

Contractor: Gilbane Building Company
Proposed Work: Pier 97 and Gansevoort Peninsula Construction Management Services
Contract Number: A5098
Amendment: Extension of Term

II. Background

At its January 31, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a four-year contract with James Corner Field Operations (“James Corner”) for design and related consultant services for the Gansevoort Peninsula for a Total Board Authorization of up to \$5,830,000. On October 1, 2020, the Board approved an amendment to add \$260,000 to the contract for community engagement services related to Piers 40 and 76 for a Total Board Authorization of up to \$6,090,000 in order to meet a schedule deadline requested by New York State at that time.

Separately, at its November 20, 2019 meeting, the Board authorized the Trust to enter into a three-year contract with Gilbane Building Company (“Gilbane”) for Pier 97 and Gansevoort Peninsula construction management services for a contract amount of up to \$6,923,468 plus a 10% contingency for a Total Board Authorization Amount of up to \$7,615,815.

Construction at Gansevoort Peninsula is expected to be complete in Summer 2023, but the administrative process required to close out the design contract is expected to take several additional months. The Trust staff thus requests Board authorization to extend the terms of each contract through March 31, 2024. No additional funding is required.

III. Requested Actions

The Trust staff requests Board authorization to extend the terms of the contracts with James Corner and Gilbane for consultant and construction management services, respectively, related to Gansevoort Peninsula through and including March 31, 2024.

Attachment:
Resolutions

HUDSON RIVER PARK TRUST – Authorization to Extend the Terms of Contracts with James Corner Field Operations and Gilbane Building Company for Professional Services related to Gansevoort Peninsula

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 extend the term of the contract with Gilbane Building Company for Pier 97 and Gansevoort Peninsula Construction Management Services through and including March 31, 2024; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 James Corner Field Operations for Design and Related Consultant Services for Gansevoort Peninsula through and including March 31, 2024; and be it further

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

For Consideration
December 1, 2022

To: The Directors

From: Noreen Doyle

Re: Authorization to Extend the Term of Contract with Wilson Conservation, LLC for the Conservation of *Private Passage* Sculpture

I. Contract Summary

Contractor: Wilson Conservation, LLC
Proposed Work: Conservation of *Private Passage* Sculpture
Contract Number: A5181
Amendment: Extension of Term

II. Background

Private Passage is a site-specific sculpture by Malcolm Cochran that was fabricated and installed as part of the construction of the Clinton Cove Park area in 2005. The sculpture is a representation of a monumental bottle lying on its side and includes porthole windows allowing observers to view inside to a representation of a state room from the *Queen Mary* created in stainless steel.

In February 2020, the Hudson River Park Trust (“Trust”) entered into a six-month contract with Wilson Conservation, LLC (“Wilson”) to prepare a Conservation plan for *Private Passage* in the amount of \$29,700 as required by New York City's Public Design Commission. At its June and September 2021 meetings, the Board of Directors (“Board”) authorized the addition of \$423,500 to Wilson’s contract to complete the full conservation of *Private Passage* and extended the contract term through June 23, 2022.

Private Passage was successfully restored off-site and was reinstalled in Clinton Cove in April 2022. Since that time, the sculpture has been vandalized on several occasions, and Wilson has removed spray-painted graffiti and replaced broken windows. The Trust now requests authorization to extend the term of contract with Wilson by one year in order to have access to its specialized services while a park-wide art maintenance request for proposals is prepared and the new procurement process is completed. The contract still has \$37,780 available and thus no additional funds are needed for this extension of the contract term.

III. Requested Action

The Trust staff requests Board authorization to extend the term of contract with Wilson Conservation, LLC for the conservation of *Private Passage* Sculpture by one year, through June 23, 2023.

HUDSON RIVER PARK TRUST - Authorization to Extend the Term of Contract with Wilson Conservation, LLC for the Conservation of *Private Passage* Sculpture

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of December 1, 2022, 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 extend the term of contract with Wilson Conservation, LLC for the conservation of *Private Passage* Sculpture by one year, through June 23, 2023; and be it further

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

For Consideration
December 1, 2022

To: The Directors
From: Noreen Doyle
Re: Authorization to Amend Legal Retainer Agreements

I. Contracts Summary

Contractor: Carter, Ledyard & Milburn LLP
Contract Number: R5187
Amendment: Additional \$250,000 for Total Board Authorization Amount of up to \$550,000

Contractor: Sive, Paget & Riesel P.C.
Contract Number: R5193
Amendment: Additional \$200,000 for Total Board Authorization Amount of up to \$399,000

II. Background

At its May 30, 2019 meeting, the Hudson River Park Trust (“Trust”) Board of Directors (“Board”) approved a list of on-call law firms qualified to provide legal services to support the Trust’s Legal Department in such areas as real estate, construction, environmental, employment, and litigation matters. The Board authorized the Trust to enter into contracts with any of the approved law firms for up to a five-year period on an as-needed basis, subject to the Board approving any individual contract or contract amendment exceeding \$200,000.

On February 1, 2020, the Trust entered into a contract with Carter Ledyard & Milburn LLP (“CLM”) for legal services related to real estate, land use, regulatory compliance and litigation matters for a contract amount of up to \$150,000 over a four-year term. At its September 30, 2021 meeting, the Board authorized an amendment to the CLM contract for an additional \$150,000 to cover legal costs related to drafting and negotiating the new lease agreement with Chelsea Piers and for work related to the planned Hudson Tunnel. Chelsea Piers has reimbursed the Trust approximately \$112,000 of that amount.

At this time, the Total Board Authorized amount of \$300,000 for the CLM contract has been expended and more funds are needed to cover the last two years of the contract term. In 2023, the Trust expects to negotiate a long-term lease with the Hudson Tunnel Project sponsors, which, once drafted, will be the subject of a Significant Action Process. Because the Hudson Tunnel lease will require an appraisal, CLM will also retain an appraiser to perform such services under its contract. CLM has also entered into a subcontract agreement with a certified MWBE firm to support the Trust’s 30 percent MWBE participation goal for the Hudson Tunnel Project scope of work. The Trust expects Amtrak to reimburse most of the CLM’s fees related to the project. Accordingly,

the Trust staff seeks to amend the contract with CLM for an additional \$250,000 to cover legal services related to negotiating and drafting the long-term lease for the Hudson Tunnel Project and other on-call work.

On June 8, 2020, the Trust entered into a contract with Sive, Paget & Riesel P.C. (“SPR”) for environmental and litigation-related legal services for a total contract value (as subsequently amended) of up to \$199,000 over a four-year term. SPR has assisted the Trust with such efforts as (a) securing regulatory approvals for certain in-water work; (b) preparing affidavits in opposition to the lawsuit filed that sought to enjoin construction of the Gansevoort Peninsula, which lawsuit was dismissed by the Albany County Supreme Court; and (c) responding to a 60-day notice of a potential Clean Water Act lawsuit related to Con Edison’s use of Pier 98. The Trust staff now seeks to amend the contract with SPR for an additional \$200,000 so that SPR can continue to provide environmental legal services for the Trust and to enable the Trust to respond expeditiously to any future lawsuits should they arise. SPR subcontracted with a certified MWBE firm for the Gansevoort Peninsula matter scope of work, and the Trust and SPR will continue to seek opportunities to do so moving forward.

III. Procurement Process

As detailed in the May 30, 2019 memorandum to the Board, the Trust undertook a competitive procurement to identify 11 qualified on-call legal firms to provide legal services as needed over a five year period. The Board authorization requires Board approval for any contract that exceeds \$200,000. Since May 2019, the Trust has used CLM for required real estate-related legal services for the Chelsea Piers lease and now requires similar support for the anticipated lease agreement for the Hudson Tunnel Project. The Trust has also spent substantial legal fees responding to the Gansevoort lawsuit and the potential Pier 98 lawsuit through SPR. As a result, more funds are needed for the CLM and SPR contracts.

The Trust has been satisfied with the services of CLM and SPR, finding both firms to be very responsive in providing the requested work in a timely manner, and both firms continue to cap the hourly rates at the \$500 to \$525 range for senior attorneys consistent with the RFP proposals submitted in 2019.

IV. Funding

Funding for these contract amendments is available from the Trust’s operating budget as approved by the Board each year, with a portion of the CLM amendment anticipated to be reimbursed by Amtrak.

V. Requested Action

The Trust staff requests Board authorization to amend the contracts with Carter, Ledyard & Milburn LLP by an additional \$250,000 for a Total Board Authorization Amount of up to \$550,000 and with Sive, Paget, & Riesel P.C. by an additional \$200,000 for a Total Board Authorization of up to \$399,000 over the four-year contract terms.

HUDSON RIVER PARK TRUST – Authorization to Amend Legal Retainer Agreements

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Carter, Ledyard & Milburn LLP by an additional amount of \$250,000 for a Total Board Authorization Amount of up to \$550,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Sive, Paget & Riesel P.C. by an additional amount of \$200,000 for a Total Board Authorization Amount of up to \$399,000; and be it further

RESOLVED, that the President or the General Counsel each is hereby authorized to take such actions as the President or the General Counsel may deem necessary or appropriate in order to implement the forgoing resolutions.

For Consideration
December 1, 2022

To: The Directors
From: Noreen Doyle
Re: Authorization to Enter into a Contract with Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services

I. Contract Summary

Contractor: Pioneer Landscaping & Asphalt Paving, Inc.
Proposed Project: Parkwide Asphalt Pavement Repairs and On-Call Paving Services
Contract Number: C5590
Approval Amount: Up to \$750,000 plus a 10% contingency for a Total Board Authorization Amount of up to \$825,000

II. Background

Parkwide asphalt pavement repair services are required for various sections of Hudson River Park, including repairs to (i) the Pier 40 South Walkway; (ii) the Pier 40 Front Driveway Area; and (iii) the Pier 81 and Pier 83 Driveway Areas. Accordingly, the Hudson River Park Trust (“Trust”) seeks authorization from the Board of Directors (“Board”) to contract with Pioneer Landscaping & Asphalt Paving, Inc (“Pioneer”) to complete these repairs and to be available for on-call paving services for a three-year term.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, an advertisement for on-call asphalt pavement services was published in the New York State Contract Reporter for the period August 5, 2022, through September 1, 2022. The advertisement was also placed on the Trust’s website. Four firms submitted proposals on September 1, 2022.

A selection committee comprised of Trust staff reviewed the submissions and evaluated each according to the identified selection criteria in the RFP, including the proposer’s experience in providing similar services; quality of its management, reputation and references; proposed list of subcontractors; favorable history, if any, in contracting or doing business with City and State entities; diversity practices; and price proposal. After evaluating the proposals, the selection committee selected Pioneer for an interview.

Based on the submitted proposals and follow-up interview, Trust staff identified Pioneer as the highest ranked proposer, which also offered the lowest fee for the repair-related scope of work at \$339,000. Pioneer is a well-established company that specializes in landscaping and asphalt paving. It has completed projects for various agencies throughout the City and State, including New York City Department of Parks and Recreation, New York City Department of Design and Construction, and New York State Parks, Recreation & Historical Preservation. Trust staff

contacted references provided by Pioneer and received positive reports that Pioneer was qualified and knowledgeable to perform the proposed work. Pioneer is also currently in contract to complete the reconstruction of the tennis courts to the south of Pier 40 and the Trust has been satisfied with performance to date.

The Trust will complete a responsibility determination and evaluation of financial capacity prior to entering into the contract. Given the limited scope of work and sub-contracting opportunities, the Trust received approval for a waiver of the 30% MWBE subcontracting goals from New York State, and the Trust has also issued a waiver of the 6% SDVOB subcontracting goal. The contract will have a term of three years with an option to extend for an additional two years at the Trust's discretion.

IV. Funding

Funding for on-call asphalt pavement work is available through the capital maintenance portion of the Trust's annual operating budget as approved by the Board each year.

V. Requested Action

Trust staff requests Board authorization to enter into a contract with Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services in the amount of \$750,000 plus a 10% contingency for a Total Board Authorization Amount of up to \$825,000.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Contract with Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services for a Total Board Authorization Amount of up to \$825,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of December 1, 2022, 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 Pioneer Landscaping & Asphalt Paving, Inc. for Parkwide Asphalt Pavement Repairs and On-Call Paving Services in the amount of \$750,000 plus a 10% contingency for a Total Board Authorization Amount of up to \$825,000; and be it further

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

For Consideration
December 1, 2022

To: The Directors
From: Noreen Doyle
Re: Authorization to Enter into a Contract with Structural Preservation Systems, LLC,
for Pier 40 Second Floor Vehicle Guardrails

I. Contract Summary

Contractor: Structural Preservation Systems, LLC
Proposed Project: Pier 40 Second Floor Vehicle Guardrails
Contract Number: C5560
Authorization Amount: Base Contract Amount of \$1,772,600 plus 10% contingency for a
Total Board Authorization Amount of up to \$1,949,860

II. Background

Parking at Pier 40 is one of the principal revenue sources of the Hudson River Park Trust (“Trust”). Over the years, the Trust has repaired roof sections, lighting and other systems needed to preserve this essential revenue source as the Trust continues to explore the long-term future options for this pier. Over the past year, the Trust restored another large section of the Pier 40 roof, reintroducing parking below that area now that it is again structurally sound. In the course of undertaking this work, staff recognized a need for additional improvements to ensure the continued ability to operate the garage safely. Specifically, staff recommends repairs to the 60-year-old concrete slabs on the perimeter of the second floor along with the installation of a new steel vehicular guardrail system. The Trust staff seeks authorization from the Board of Directors (the “Board”) to contract with Structural Preservation Systems, LLC (“SPS”) to undertake such work over the next year.

III. Procurement Process

The Trust released an advertisement for a Request for Proposals for the Pier 40 Second Floor Vehicle Guardrails (“RFP”) that was published in the New York State Contract Reporter and on the Trust’s website for the period of October 12, 2022 through November 9, 2022. While the Trust received requests from 21 companies for a copy of the RFP, the Trust received only one timely proposal on the submission deadline.

In accordance with the Trust’s Procurement Guidelines, the staff determined that the procurement has therefore failed. Staff next reviewed the submission from SPS to assess whether it is in the Trust’s best interest to convert the failed RFP to a single source procurement as permitted under the Procurement Guidelines when certain conditions are met. In a single source procurement, the Trust must document: (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.

First, as noted above, the Trust issued an RFP as an intended competitive procurement. Although numerous contractors requested the RFP documents and participated in later stages of the pre-proposal process, the Trust still only received one timely proposal. For this reason, staff does not believe that issuing a new RFP is likely to result in a different outcome. Moreover, doing so would result in a delay in securing the contractor and thus delayed completion of the repairs and guardrail installation work, both of which staff recommends to ensure the garage's continued safe operations.

Second, SPS has successfully completed Pier 40 structural repair work and roof repairs under four previous competitively-procured contracts issued by the Trust and has completed similar work at publicly-owned and operated parking garages within New York State, including the State University of New York Health Science Center at Brooklyn and the State University of New York at Stony Brook. Because Pier 40's second floor was originally designed for parking, the floor is engineered as a roof system, with the same type of structure as the exterior roof on the floor above. SPS has specific, relevant experience needed to undertake this work efficiently and in a timely manner. Lastly, staff believes that the proposed price of the contract work is fair and reasonable as the proposed price of \$1,772,600 is below the cost estimate of \$1,823,658 prepared by the Trust's Chief Engineer. The Trust's estimate was based on bid prices from comparable previous work at Pier 40 for the concrete slabs, researching the cost of the guard rails themselves based on the specific quantities needed, estimating the time and labor needed to drill through the concrete slabs and install the guard rails in consultation with the design consultant, and appropriate escalation to account for construction cost inflation increases in recent years.

The Trust will complete a responsibility determination and evaluation of financial capacity prior to entering into the contract. SPS is expected to meet the Trust's 30% MWBE contracting goal. The six percent SDVOB goal was waived prior to the release of the RFP. The contract will also be filed with the Office of State Comptroller.

An additional 10% contingency has been included in this proposed authorization to cover any unforeseen conditions.

IV. Funding

Funding for this contract is available from the Trust's capital maintenance budget, with funding available from the sale of Pier 40 transferable development rights.

V. Requested Action

The Trust requests authorization by the Board of Directors to contract with Structural Preservation Systems, LLC for Pier 40 Second Floor Vehicle Guardrails in an amount not to exceed \$1,772,600 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,949,860

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Contract with Structural Preservation Systems, LLC, for the Pier 40 Second Floor Vehicle Guardrails for a Total Board Authorized Amount of up to \$1,949,860

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Structural Preservation Systems, LLC for Pier 40 Second Floor Vehicle Guardrails in an amount not to exceed \$1,772,600 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,949,860; and be it further

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

For Consideration

December 1, 2022

To: The Directors
From: Noreen Doyle
Re: Authorization to Contract with Carrier Communications Corp. for Parkwide Security Camera Expansion Project

I. Contract Summary

Contractor: Carrier Communications Corp. (d/b/a Multi-Media Communications)
Proposed Project: Parkwide Security Camera Expansion Project
Contract Number: EA090
Authorization Amount: \$305,000 plus a 15% contingency, for a Total Board Authorization of up to \$351,000

II. Background

The Hudson River Park Trust (“Trust”) utilizes a security camera system to enhance public safety, deter crime, and help protect property. Over the past several years, the Trust has installed security cameras within and around Pier 40, as well as in the Tribeca, Greenwich Village, Chelsea, Piers 76 and 84 and the Clinton Cove sections of Hudson River Park (the “Park”). The cameras are actively monitored by the Trust’s contracted Park Enforcement Patrol (“PEP”) officers. In addition, the Trust participates in the NYPD Counter Terrorism Bureau’s Lower Manhattan Security Initiative, allowing NYPD to access video feeds in real time and to store footage for subsequent analysis should the need arise. Beyond their usefulness as a security tool, the cameras have become integral to the operation of the Park, allowing the Trust’s Operations, Facilities, Marine and Horticulture staff to monitor and observe conditions on a regular basis.

Trust staff has identified a need for supplemental coverage at fourteen (14) additional sites. Additionally, one of the original antennas needed for the camera signal relay to Pier 40 requires an upgrade to increase bandwidth and allow for future network expansion.

Staff thus seeks authority from the Board of Directors (“Board”) to enter into a contract with Carrier Communications [d/b/a Multi Media Communications (“Carrier Communications”)] for the purchase and installation of new security camera equipment and installation services at a cost of up to \$305,000 for currently identified locations and \$46,000 contingency (or 15%) to account for any unforeseen technical challenges that may arise.

As approved by the Board on March 25, 2021, the Trust currently holds a service contract with Carrier Communications to maintain all previously installed cameras and associated equipment. The new equipment, once installed, will also be serviced under warranty by Carrier Communications.

III. Procurement Process

In accordance with the Trust's Procurement Guidelines, the Trust may utilize centralized contracts created through either the State or Federal government without the need for a competitive procurement. The New York State Office of General Services ("OGS") Centralized Contracts and the U.S. General Services Administration (GSA) Cooperative Purchasing Program for Information Technology Products (Schedule 70) both provide users of the centralized contracting system with the benefits of the collective buying power of the State and Federal governments. As a matter of best practice, the Trust regularly investigates whether a centralized contract is available for the particular commodity/service sought at favorable pricing.

The proposed cameras and installation services are available through OGS. Carrier Communications currently offers cameras, equipment, and installation services under OGS NYS Contract # PT68765 that are suitable for the Trust's current needs at a price that staff has determined to be favorable. Carrier Communications has a proven track record of successfully working with the Trust through its installation of cameras and equipment throughout the Park, most recently in the areas of Piers 57 and 76 and near Little Island. Carrier Communications' labor rates are lower than those of other qualified OGS vendors and thus would provide the Trust with more competitive pricing as compared to other security camera vendors on the OGS list. The Trust has been very pleased with Carrier Communications' historic ability to respond immediately and effectively to any service needs that arise through both the purchase warranty and the separate service agreement for continuing support once warranties have expired. For these reasons, Trust staff recommends contracting with Carrier Communications as the most qualified company offering the best value for the Security Camera Expansion Project.

IV. Funding

Funding for this contract is available through the Trust's operating budget as approved by the Board.

V. Requested Action

The Trust staff requests Board authorization to contract with Carrier Communications Corp. for the Parkwide Security Camera Expansion Project for up to a two-year term in a Total Board Authorization Amount of up to \$351,000.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Contract with Carrier Communications Corp. (d/b/a Multi-Media Communications) for the Parkwide Security Camera Expansion Project in a Total Board Authorization Amount of up to \$351,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Carrier Communications Corp. (d/b/a Multi-Media Communications) for the Parkwide Security Camera Expansion Project for up to a two-year term for a contract amount of \$305,000 plus a 15 percent contingency for a Total Board Authorization Amount of up to \$351,000; and be it further

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

For Consideration
December 1, 2022

To: The Directors
From: Noreen Doyle
Re: Authorization to Amend the Contract with New York Engineers Pier 40 Fire Sprinkler Restoration - Engineer of Record Services

I. Contracts Summary

Contractor: New York Engineers P.C.
Proposed Work: Pier 40 Fire Protection – Engineer of Record Services
Contract Number: A4744
Amendment: Up to an Additional \$423,950 plus 10% contingency for a Total Board Authorization Amount of up to \$1,465,277

II. Background

Pier 40's fire alarm and fire pump systems were substantially damaged during Hurricane Sandy and were subsequently repaired. Separately, the Hudson River Park Trust ("Trust") began implementing repairs to the original Pier 40 fire sprinkler standpipe distribution network. While this system was not directly damaged during Hurricane Sandy, the system required repairs, upgrades and restorations to meet current FDNY codes and standards. Thus, at its September 29 and December 15, 2016 meetings, the Board of Directors ("Board") approved the Trust's entering into a contract with New York Engineers P.C. ("NY Engineers") to serve as the Engineer of Record for the Pier 40 sprinkler restoration at a Total Board Authorization Amount of up to \$913,932 (including a 10% contingency).

At the time, the project strategy focused on identifying defective components and replacing them as needed, while retaining components that were still believed to be in functional condition. Trust staff and NY Engineers both believed that this approach would be feasible and the most cost efficient approach to upgrading the system. Accordingly, NY Engineers has over the years performed tests and analyses of the existing system, developed construction drawings for certain restoration work, and undertaken construction administration and problem solving as issues have arisen. At the November 20, 2019 Board meeting, the Board approved a contract amendment for a longer term and an additional \$85,000, bringing the Total Board Authorization Amount to \$998,932.

Over the life of this contract, staff has worked closely with NY Engineers to oversee the separately contracted work of testing, repairing, and – where determined necessary – replacing existing lengths of the sprinkler system throughout the structure's large footprint. At this point, approximately one quarter of the original system components have been upgraded with new pipes. Though previously contracted work has all been satisfactorily completed, and newly constructed components will remain in service for the foreseeable future, there are still defects within the

remaining components of the building's 60-year-old sprinkler system. Staff and NY Engineers have now concluded that the balance of the original system should also be replaced as opposed to continuing with the current hybrid approach.

Additionally, staff also now recommends modifying the contracting process that the Trust has used to date for work on the sprinkler piping, alarm system, and the booster pumps. To date, these various linked projects have been undertaken using separate Engineers of Record and under separate permits with the appropriate regulating agencies. This multi-faceted approach was intended to expedite completion of the work, but over the years, the Trust has encountered challenges with integrating these disparate efforts on such a large, deteriorated facility as Pier 40. Thus, staff now recommends taking a more holistic approach to ensure this important project can be successfully completed.

Therefore, staff now seeks to task NY Engineers with design and associated permitting services required to fully inspect all aspects of the existing system inclusive of the piping, alarms and booster systems as well as replacing the older branch piping that has not yet been replaced. NY Engineers will be charged with designing such work using a coordinated approach that will enable the Trust to obtain all necessary approvals and certifications for current codes.

III. Procurement Process

The Trust's Procurement Guidelines require that the Trust make a determination as to why employing a new competitive process is not in its best interest when the increased amendment amount is in excess of 20 percent of the original Total Board Authorized Amount. As explained in the December 15, 2016 memo to the Board, the Trust released a Request for Proposals and received 10 proposals in response. After reviewing the 10 proposals and interviewing four firms, the Trust found New York Engineers to be the most qualified firm as it had extensive experience completing similar fire sprinkler restoration projects throughout New York City with a price that was fair and reasonable.

NY Engineers has extensive history with and knowledge of Pier 40's sprinkler system, having inspected, engineered and overseen tests and replacement of system components over a multi-year period. While a new procurement would be feasible, doing so is not preferable due to the expense and time that would be necessary for a new firm to fully investigate and understand Pier 40's unique structure and fire protection systems, including the components that have already been replaced and tested. Additionally, a new firm would be professionally obligated to fully inspect all recent work in order to complete its own independent analysis and drawings, resulting in additional costs. It is thus more cost effective to have the same engineering firm supplement its existing drawings. The hourly rates plus multipliers proposed by NY Engineers for its services are the same as those approved in previous years for this contract, which, after several years of inflation and cost escalation in the marketplace, is an additional value for the Trust. Staff believes that the fees proposed are fair and reasonable for the scope of work required.

As has been its practice while work on the sprinkler system occurs, the Trust will continue to maintain a fire watch service at Pier 40 until the entire system is fully operational and all final FDNY sign-offs are secured.

Once the system is fully designed by NY Engineers, the Trust will separately procure a construction contractor to perform the installation of the remaining replacement work and the necessary inspections. Staff expects such procurement to commence in Spring 2023.

IV. Funding

Funding for the contract amendment is currently available through the Trust's approved capital maintenance budget, with funding available from the sale of Pier 40 transferable development rights.

V. Requested Action

The Trust staff seeks to amend the contract with New York Engineers P.C. for an additional \$423,950 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,465,277.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Authorization to Amend Contract with New York Engineers P.C., for Pier 40 Fire Sprinkler Restoration – Engineer of Record Services

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 New York Engineers P.C. for Pier 40 Fire Sprinkler Restoration - Engineer of Record services by an additional \$423,950 plus a 10% contingency for a Total Board Authorization Amount of up to \$1,465,277; and be it further

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

For Consideration
December 1, 2022

To: The Directors
From: Noreen Doyle
Re: Authorization to Amend the Contract with The Pace Companies New York, Inc.,
for Pier 40 Fire Sprinkler Restoration

I. Contract Summary

Contractor: The Pace Companies New York, Inc.
Project: Pier 40 Fire Sprinkler Restoration
Contract Number: C4794
Amendment: Up to an Additional \$200,000 for a Total Board Authorization
Amount of up to \$5,755,955 and Extension of Term

II. Background

At its June 8, 2017 meeting, the Board of Directors (the “Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with The Pace Companies New York, Inc. (“Pace”) for the Pier 40 Fire Sprinkler Restoration Work for a Total Board Authorization Amount of up to \$3,630,000 (including the 10% contingency). The work was needed to integrate the operation of the existing original Pier 40 fire sprinklers with the new fire pump system that was replaced following Hurricane Sandy and to meet current FDNY codes and standards. Pace’s scope of work has included: (i) cleaning existing sprinkler piping by hydraulically flushing mains and branch piping; (ii) honing existing sprinkler piping with abrasive cleaning machinery; (iii) flushing existing sprinkler and standpipe main and branch piping; (iv) verifying all existing sprinkler piping has been cleaned by use of a recordable borescope; (v) replacement of select fire sprinkler and standpipe system components; and (vi) pressure testing of the restored system.

At its November 20, 2019 and March 20, 2020 Board meetings, the Directors authorized amendments to the contract for Pace to replace additional lengths of piping, install heating elements and to conduct additional tests for a Total Board Authorization of \$5,555,955.

As explained in the separate Board memo for the amendment to the New York Engineers contract, the Trust staff and New York Engineers have now concluded that the balance of the original system needs to be replaced as opposed to continuing with the current hybrid approach of trying to continue using original components of the pier’s 60-year-old sprinkler system.

New York Engineers will newly be tasked with designing and securing permits for all aspects of the existing fire suppression system inclusive of the piping, alarms and booster systems, and with replacing the older branch piping that has not yet been replaced by Pace. New York Engineers will also be charged with designing such work using a coordinated approach that will enable the Trust to obtain all necessary approvals and certifications for current codes.

Until that work can be designed by New York Engineers and then procured competitively, which process staff expects will commence in Spring 2023, staff recommends retaining Pace to provide on-call repair services as needed to keep the fire suppression system in a state of good repair. The Trust has estimated a not-to-exceed limit of \$200,000 for these on-call services and seeks to extend the current contract term by up to an additional one-year period, or through November 1, 2023.

III. Funding

Funding for this amendment is currently available through the Trust's approved capital maintenance budget with funding available from the sale of Pier 40 transferable development rights.

IV. Requested Action

The Trust staff seeks Board authorization to amend the contract with The Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration for an additional \$200,000 for a Total Board Authorization Amount of up to \$5,755,955 and to extend the term of the contract through and including November 1, 2023.

Attachment:

Resolution

HUDSON RIVER PARK TRUST – Authorization to Amend the Contract with The Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Hudson River Park Trust to amend the contract with The Pace Companies New York, Inc. for Pier 40 Fire Sprinkler Restoration by an additional \$200,000 for a Total Board Authorization Amount of up to \$5,755,955 and to extend the term of the contract through and including November 1, 2023; and be it further

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

For Consideration
December 1, 2022

To: The Directors
From: Noreen Doyle
Re: Authorization to Amend Contract with Kelco Construction, Inc. for Pier 97
General Construction

I. Contract Summary

Contractor: Kelco Construction, Inc.
Proposed Project: Pier 97 General Construction
Contract Number: C5420
Authorization Amount: An additional \$1,300,000 for a Total Board Authorization Amount of up to \$24,429,670

II. Background

At its June 3, 2021 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Kelco Construction, Inc. (“Kelco”) for the general construction of Pier 97 with a Total Board Authorization Amount of up to \$23,129,670. The scope of work includes construction of the distinctive new playground, multipurpose activity field, flexible gathering space, sun lawn, belvedere, overlook, sunset deck, unit paved pathways, and plantings.

Under separate contract with John C. Civetta and Sons (Contract C5440), an adjacent building is currently under construction and will provide public restrooms, a window service concession, and support spaces for Hudson River Park’s operational needs. The building is projected to be complete at approximately the same time as the Pier 97 pier work in late Summer 2023.

Separately, a federally funded, New York State Department of Transportation (“NYSDOT”) administered TAP grant has been secured to construct the bikeway and esplanade area generally between West 57th and 59th Streets and to connect with the southern entrance of Riverside Park South. The TAP grant process requires NYSDOT to adhere to federal requirements related to securing approval of these elements prior to the Trust being authorized to procure the construction contractor for such work. As a result, the bikeway and walkway work will lag behind the pier and building work by at least one year. To ensure that a portion of the esplanade work is fully completed at the time Pier 97 and the new building open to the public in late Summer 2023, Trust staff recommends adding a portion of the esplanade work located immediately adjacent to Pier 97 to Kelco’s current Pier 97 scope of work. This work includes procuring and installing additional foam fill for grading and installation of the permanent utilities east of the building. The remainder of the bikeway and esplanade work would be completed by a construction contractor secured through a separate competitive procurement process once the design and other required documents for the TAP grant are approved by NYSDOT.

The Trust staff now requests authorization to increase the Total Board Authorization Amount by \$1,300,000 to implement the additional esplanade, foam fill and utility work.

III. Funding

Funding for this contract is available from the Trust's restricted funds from the sale of transferable development rights within Community Board 4 in 2019.

IV. Requested Action

The Trust staff requests authorization by the Board of Directors to amend the contract with Kelco Construction, Inc. for Pier 97 General Construction by an additional \$1,300,000 for a Total Board Authorized Amount of up to \$24,429,670.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Amend the Contract with Kelco Construction, Inc. for the Pier 97 General Construction for a Total Board Authorized Amount of up to \$24,429,670

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Kelco Construction, Inc. for the Pier 97 General Construction by an additional \$1,300,000 for a Total Board Authorized Amount of up to \$24,429,670; and be it further

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

For Consideration
December 1, 2022

To: The Directors

From: Noreen Doyle

Re: Authorization to Amend the Contracts with Abel Bainnson Butz, LLP and DACK Consulting Solutions, Inc. for Professional Services related to Chelsea Waterside Park Phase 2

I. Contracts Summary

Contractor: Abel Bainnson Butz, LLP
Proposed Work: Chelsea Waterside Park Phase 2 Design
Contract Number: A4898
Amendment Amount: An additional \$50,000 for a Total Board Authorization of \$1,193,055

Contractor: DACK Consulting Solutions
Proposed Work: Chelsea Waterside Park Phase 2 Construction Management
Contract Number: A5220
Amendment Amount: An additional \$300,000 for a Total Board Authorization of \$1,510,000 and a 1-year extension

II. Background

At its September 18, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Abel Bainnson Butz, LLP (“ABB”) for the design of Chelsea Waterside Park, Phase 2 for a contract amount of \$868,132 plus a 10% contingency for a Total Board Authorization Amount of up to \$954,946. The initial scope of work included the design of a comfort station, dog run and picnic area and other adjacent park areas. Following receipt of additional New York City capital funding for reconstruction of the synthetic turf field, the Board subsequently authorized the addition of \$171,009 plus a 10 percent contingency to ABB’s contract at its October 1, 2020 meeting. In September 2021, the Board authorized an extension of the contract term until June 2023.

Separately, at its December 3, 2020 meeting, the Board authorized the Trust to enter into a two-year contract with DACK Consulting Solutions, Inc. (“DACK”) for Construction Management Services for Chelsea Waterside Park Phase 2 for an amount of \$1,100,000 plus a 10% contingency for a Total Board Authorization of up to \$1,210,000.

Construction at Chelsea Waterside Park will be completed in early 2023, with the dog run and athletic fields opening on a rolling basis upon each area’s substantial completion. As explained to the Board at its July 2022 Board meeting, during the course of construction, numerous substantial subsurface

obstructions were encountered on site, resulting in delays to the originally anticipated schedule and the need for additional design services. As a result, the Trust now seeks to amend the professional services contracts for Chelsea Waterside Phase 2. The Trust staff requests authorization to add an additional \$50,000 to the ABB contract to cover the required additional design services and an additional \$300,000 for DACK's construction management services as a result of the extended schedule and corresponding need for increased staffing. DACK's contract term would also be extended by one year to cover the administrative closeout process.

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 cost of the amended work exceeds twenty percent of the original contract amount. The requested amendment for ABB is below this threshold. DACK's contract was competitively procured in the summer of 2020, with the Trust receiving 10 proposals for the work. The Trust determined that DACK's proposal provided the best value to the Trust. Since then, DACK has been overseeing and coordinating activities among the three contractors working at Chelsea Waterside. DACK is uniquely familiar with the project and the work completed to date and the Trust has been satisfied with its performance. As such, it would not be advantageous for the Trust to consider another construction manager for the remainder of the project, as bringing any other firm into the project at this point would require a large learning curve and the need to pay for such time. The construction duration period would also be extended, delaying the public benefit that will result from the improvements. DACK is also a NYS-certified M/WBE firm and has performed satisfactorily on the contract to date.

IV. Funding

Funding for these amendments 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 Actions

The Trust staff requests Board authorization to:

- Amend the contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design Services for an additional amount of \$50,000 for a Total Board Authorized Amount of up to \$1,193,055.
- Amend the contract with DACK Consulting Solutions, Inc. for Chelsea Waterside Park Phase 2 Construction Management Services for an additional amount of \$300,000 for a Total Board Authorized Amount of up to \$1,510,000 and to extend the term of contract by one year.

Attachment:
Resolutions

HUDSON RIVER PARK TRUST – Authorization to Amend Contracts with Abel Bainnson Butz, LLP and DACK Consulting Solutions, Inc. for Professional Services related to Chelsea Waterside Park Phase 2

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 Abel Bainnson Butz, LLP for the Chelsea Waterside Park Phase 2 Design Services by an additional \$50,000 for a Total Board Authorization of up to \$1,193,055; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on December 1, 2022, 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 DACK Consulting Solutions, Inc for the Chelsea Waterside Park Phase 2 Construction Management Services for an additional \$300,000 for a Total Board Authorization of up to \$1,510,000 and to extend the term of contract by one year; and be it further

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