



**MEETING OF THE
BOARD OF DIRECTORS
September 30, 2021 at 4:00 pm**

Via Zoom: Call-In Number 1 646 558 8656
Meeting ID: 838 2884 4392
Passcode: 338355
One tap mobile: +16465588656,,83828844392#

FINAL AGENDA

I. CONSENT AGENDA

- A. Approval of Minutes and Ratification of the Actions Taken at the July 29, 2021 Meeting of the Hudson River Park Trust Board of Directors
- B. Authorization to Amend Contract with Melk Urban Design LLC for Landscape Architecture Services for the Design of Pier 97
- C. Authorization to Amend Contract with MT Group, LLC for Parkwide Materials Testing Services
- D. Authorization to Extend Term of Contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design
- E. Authorization to Extend Term of Contract with Reicon Group, LLC for Pier 40 Structural Restoration Phase 6
- F. Authorization to Extend Term of Contract with Vermont Custom Nets for Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement
- G. Authorization to Amend Contract with Reicon Group, LLC for Tribeca Habitat Enhancements
- H. Authorization to Amend Contract with Olin Partnership, Ltd for Pier 26 Landscape Architect Services
- I. Ratification of and Authorization to Amend Legal Counsel Retainer Agreements

II. CORPORATE ACTIONS

- J. Authorization to Contract with Trevcon Construction Company, Inc. for Gansevoort Peninsula Marine Construction Phase II
- K. Authorization to Contract with JRCruz Corporation for Gansevoort Peninsula General Construction Phase II and E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction Phase II
- L. Authorization to Contract for Gansevoort Peninsula Building Construction, Gansevoort Peninsula Building Plumbing Construction, Gansevoort Peninsula Building Electrical Construction, and Gansevoort Peninsula Building Mechanical Construction

- M. Authorization to Contract for Pier 97 Building Construction, Pier 97 Building Electrical Construction, Pier 97 Building Plumbing Construction, and Pier 97 Building Mechanical Construction
- N. Authorization to Amend Contract with Wilson Conservation LLC for the Conservation of “Private Passage” Sculpture
- O. Approval of Estuarine Sanctuary Management Plan

III. PRESIDENT’S REPORT

- Parkwide Public Safety Statistics
- Update: Financials
- Review of all Active Trust Procurement Contracts with over One-Year Term
- Review List of Active Revenue Contracts
- Design/Construction Project Updates
- River Project and Public Programs
- Chelsea Piers Lease

IV. ADVISORY COUNCIL and HUDSON RIVER PARK FRIENDS REPORTS

VI. ADJOURN

**HUDSON RIVER PARK TRUST - Approval of Minutes of and Ratification of the Actions
Taken at the July 29, 2021 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 July 29, 2021 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Amend Contract with Melk Urban Design LLC (dba !melk) for
Landscape Architectural Services for Pier 97

I. Contract Summary

Contractor: Melk Urban Design LLC (dba !melk)
Proposed Work: Landscape Architectural Services for Pier 97
Contract Number: A4900; NYS Contract No. C004900
Approval Amount: Additional \$50,000 for a Total Board Authorization Amount of \$2,978,142

II. Background

At its September 26, 2018 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Melk Urban Design LLC (dba !melk) (“Melk”) to design the Pier 97 pier, adjacent upland area, and finish treatments for the over-water pedestrian platform between Piers 98 and 99. The Trust has made significant progress over the past several months in procuring construction contractors and starting construction work for the transformation of Pier 97 into a public park based on the final Melk designs, including construction contracts for the Pier 97 maintenance and restroom building that are also currently before the Board at today’s meeting.

The scope of work for the construction of the improved esplanade and bikeway adjacent to Piers 97 to 99 and connecting to Riverside Park South at West 59th Street remains to be procured. In order to utilize a transportation grant for these components provided by New York State, the design scope related to the bikeway must comply with New York State Department of Transportation (“SDOT”) drawing standards. Adjusting the construction documents to meet SDOT’s detailing and formatting requirements requires additional funding. The Trust therefore seeks to add an additional \$50,000 to the Melk contract so that SDOT-compliant construction drawings for the bikeway portion of the scope of work can be prepared and to ensure that there is sufficient contingency available in the budget for Melk’s construction administration through the end of construction.

The Trust also seeks to extend the contract by two years, through January 9, 2024, so that Melk’s contract term extends through the anticipated completion date of all the construction contracts, inclusive of the esplanade and bikeway.

III. Funding

Funding for this amendment will be provided from capital budget funds allocated to the Trust by New York State. The amended contract will be submitted to the Office of State Comptroller.

IV. Requested Action

The Trust requests authorization by the Board of Directors to amend the contract with Melk Urban Design LLC (dba !melk) for Landscape Architectural Services for Pier 97 for an additional \$50,000 for a Total Board Authorization Amount of up to \$2,978,142 and to extend the term of contract by two years through January 9, 2024.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Amend Contract with Melk Urban Design LLC (dba !melk) for Landscape Architectural Services for Pier 97 for a Total Board Authorization Amount of up to \$2,978,142

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, a copy of which is ordered filed with the records of Hudson River Park Trust, the Board hereby authorizes Hudson River Park Trust to amend the contract with Melk Urban Design LLC (dba !melk) for Landscape Architectural Services for Pier 97 for an additional \$50,000, for a Total Board Authorization Amount of up to \$2,978,142 and to extend the term by an additional two years through January 9, 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 resolution.

For Consideration
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Amend Contract with MT Group, LLC for Parkwide Materials Testing Services

I. Contract Summary

Contractor: MT Group, LLC
Proposed Work: Parkwide Materials Testing Services
Contract Number: A4533
Approval Amount: Additional \$300,000 for a Total Board Authorization Amount of \$1,295,000

II. Background

At its March 15, 2017 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a three-year contract with MT Group, LLC (“MT”) to perform construction-related quality control inspections and testing services for a Total Board Authorized Amount of \$995,000. The scope of services includes all inspections, tests and paperwork associated with New York City Department of Building approvals as well as quality control inspections and testing for concrete, steel, soils and other construction work (the “Services”). At its January 23, 2020 meeting, the Board authorized a two-year contract extension with MT, through March 2022, to provide inspections related to the ongoing Pier 40 pile repairs as well as the new construction plans for Gansevoort Peninsula and Pier 97. No additional funding was added at that time.

At present, the Trust has a number of active projects requiring MT’s Services under construction, and the monthly costs for testing services have been increasing. In particular, inspection costs for the Pier 40 roof project have been notable due to the volume of new concrete being poured. Accordingly, the Trust requests approval of an additional \$300,000 in order to cover all anticipated inspections through the end of MT’s contract term in March 2022. Staff expects to conduct a competitive procurement process for continuing materials testing services over the winter.

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 20 percent of the original Total Board Authorized Amount. As discussed in the March 2017 Board memo, MT was originally selected as the result of a competitive Request for Proposals that resulted in receipt of 17 proposals. In January 2020, MT’s contract was extended through March 31, 2022 in order to provide continuity of testing services for several large on-going projects, including the Pier 40 pile repairs that are expected to be fully completed in 2022. Because continuity of the Services for the Pier 40 pile and roof repairs in particular

remains important, and because pricing for the proposed amendment remains consistent with that approved for the original competitively procured 2017 contract and therefore is fair and reasonable, Trust staff believe it is in the Trust's best interest to add \$300,000 to cover the Services for projects currently occurring in the Park through March 2022. By that time, staff expects that the roof and pile repairs will be complete.

IV. Funding

Funding for construction inspections is generally covered under individual project budgets from funding made available by New York State or City or from restricted funds from the sale of air right.

V. Requested Action

The Trust requests Board authorization to amend the contract with MT Group, LLC for Parkwide Materials Testing Services by an additional \$300,000 for a Total Board Authorization Amount of up to \$1,295,000.

Attachment:

Resolution

HUDSON RIVER PARK TRUST - Authorization to Amend Contract with MT Group, LLC for Parkwide Materials Testing Services for a Total Board Authorization Amount of up to \$1,295,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 MT Group, LLC for Parkwide Materials Testing Services by an additional \$300,000, for a Total Board Authorization Amount of up to \$1,295,000; 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Extend the Term of Contract with Abel Bainnson Butz, LLP for the Chelsea Waterside Park Phase 2 Design

I. Contract Summary

Contractor: Abel Bainnson Butz, LLP (“ABB”)
Proposed Work: Chelsea Waterside Park Phase 2 Design
Contract Number: A4898
Amendment: Extension of Term

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 up to \$868,132 plus a 10% contingency for a Total Board Authorization Amount of up to \$954,946 for a two-year term. The scope of work included the design of a comfort station, dog run and picnic area. Following the receipt of additional funding by City Council Speaker Corey Johnson and Manhattan Borough President Gale Brewer to add reconstruction of the synthetic turf field to the scope of work, the Board subsequently authorized the addition of \$171,009 to ABB’s contract at its October 1, 2020 meeting for a Total Board Authorization Amount of up to \$1,143,055.

At the July 29, 2021 meeting, the Board approved the three construction contracts required to construct Chelsea Waterside Park Phase 2, and construction is expected to commence in October. The Trust now seeks to extend the term of the contract with ABB by an additional 18 months during which time construction will be completed. No additional funding is required.

III. Requested Action

The Trust requests Board authorization to extend the term of contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design by an additional 18 months.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Extend the Term of Contract with Abel Bainnson Butz, LLP for Chelsea Waterside Park Phase 2 Design

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 Abel Bainnson Butz, LLP for the Chelsea Waterside Park Phase 2 Design by an additional 18 months; 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Extend the Term of Contract with Reicon Group, LLC for Pier 40 Structural Restoration Phase 6 Construction Work

I. Contract Summary

Contractor: Reicon Group, LLC
Proposed Work: Pier 40 Structural Restoration Phase 6 Construction Work
Contract Number: C4985
Amendment: Extension of Term

II. Background

At its November 20, 2019 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with Reicon Group, LLC (“Reicon”) for the Pier 40 Structural Restoration Phase 6 construction work for a Total Board Authorized Amount of up to \$8,938,319, including a 10% contingency, for a contract term of 18 months. The scope of work included pile repair and repair of underdeck concrete. At its October 1, 2020 meeting, following the default by the Pier 40 Structural Restoration Phase 4 contractor, the Board authorized amending Reicon’s contract for Phase 6 to include the remaining Phase 4 scope of work and adding \$6,286,384 to Reicon’s contract for these services. Funding previously approved for the original Phase 4 contractor was reallocated to Reicon, and the additional funding needed to complete the Phase 4 work was provided by the Phase 4 contractor’s bonding company.

The Trust now seeks to extend the contract term with Reicon by an additional 12 months in order for Reicon to complete the Phase 4 restoration work. No additional funding is required; the source of funding for completing the Phase 4 work remains from funds provided by the Phase 4 bonding company and 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 Reicon Group, LLC for Pier 40 Structural Restoration Phase 6 Construction Work by an additional 12 months.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Extend the Term of Contract with Reicon Group, LLC for Pier 40 Structural Restoration Phase 6 Construction Work

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby authorizes the Trust to extend of term of contract with Reicon Group, LLC for the Pier 40 Structural Restoration Phase 6 Construction Work by an additional 12 months; 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Extend the Term of Contract with Vermont Custom Nets for Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement

I. Contract Summary

Contractor: Vermont Custom Nets
Proposed Work: Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement
Contract Number: M5104
Amendment: Extension of Term

II. Background

In April 2020, the Hudson River Park Trust (“Trust”) entered into a six month contract with Vermont Custom Nets for the Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement in the amount of \$180,000 with a scheduled completion date of October 2000. Pursuant to the contract, Vermont Custom Nets replaced the safety netting surrounding the Pier 40 Courtyard Field on schedule. The contract also included replacement of the Pier 40 Roof Field netting, but the Trust decided to postpone replacement of the roof level nets until the on-going roof reconstruction project was nearing completion to avoid construction conflicts with the roof work.

The Trust now seeks to extend the contract term with Vermont Custom Nets by an additional 15 months in order to complete the safety net replacement at the Pier 40 Roof Field. No additional funding is required.

III. Requested Action

The Trust requests Board of Directors authorization to extend the term of contract with Vermont Custom Nets for Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement for an additional 15-months, through January 23, 2022, to allow completion of the original scope of work.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization to Extend the Term of Contract with Vermont Custom Nets for the Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 Vermont Custom Nets for the Pier 40 Outdoor Sports Field Perimeter Safety Netting Replacement for an additional 15-months, through January 23, 2022; 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Amend Contract with Reicon Group, LLC for Tribeca Habitat Enhancements

I. Contract Summary

Contractor: Reicon Group, LLC
Proposed Work: Tribeca Habitat Enhancements
Contract Number: C5159
Amendment: Additional \$150,000 for a Total Board Authorization Amount of \$1,650,000

II. Background

At its October 1, 2020 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a three-year contract with Reicon Group, LLC (“Reicon”) for up to \$1,500,000 to install habitat enhancements in the Estuarine Sanctuary. The contract was designed to be scalable over a period of several years based on available New York State funding and regulatory requirements, and included unit prices for fabrication and installation of the various types of habitat-enhancing features. Installation of reef balls and gabions seeded with oyster shells and live oysters began in Summer 2021 and has now concluded; installation of textured concrete piles in the Pier 32 pile field is expected to be complete shortly.

Because this project entails installation of elements with live animals, the original anticipated project schedule had to be accelerated over the summer in order to accommodate the successful delivery of the live oysters provided by Reicon’s subcontractor, the Billion Oyster Project. Accordingly, an additional \$150,000 is needed to cover such costs.

III. Funding

Funding for this project is available to the Trust through the capital budget of the State of New York and dedicated funding from a New York State Department of Environmental Conservation settlement.

IV. Requested Action

The Trust requests Board authorization to amend the contract with Reicon Group, LLC for Tribeca Habitat Enhancements by an additional \$150,000 for a Total Board Authorization Amount of up to \$1,650,000.

Attachment: Resolution

HUDSON RIVER PARK TRUST - Authorization to Amend Contract with Reicon Group, LLC for Tribeca Habitat Enhancements for a Total Board Authorization Amount of up to \$1,650,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 Reicon Group, LLC for Tribeca Habitat Enhancements by an additional \$150,000, for a Total Board Authorization Amount of up to \$1,650,000; 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Amend Contract with The Olin Partnership, Ltd. for Pier 26
Landscape Architect Services

I. Contract Summary

Contractor: The Olin Partnership, Ltd.
Proposed Work: Pier 26 Landscape Architect Services
Contract Number: A4640
Amendment: Additional \$200,000 for a Total Board Authorization Amount of \$2,955,642

II. Background

At its May 28, 2015 meeting, the Board of Directors (“Board”) authorized the Hudson River Park Trust (“Trust”) to enter into a contract with The Olin Partnership, Ltd (“Olin”) to design Pier 26 as well as adjacent upland areas. An amendment for additional funds was authorized at the May 31, 2018 Board meeting in order to further advance the engineering of the Pier 26 ecological get-down, now called the Tide Deck, for a Total Board Authorization Amount of up to \$2,755,642. Pier 26 opened to the public in September 2020 and it has quickly become a favorite with park visitors.

As part of the initial schematic design for Pier 26, Olin developed designs and schematic drawings for the Science Play Area on the upland area of Pier 26. The Play Area will be located adjacent to the future estuary and is planned to provide both environmental educational opportunities and a unique play experience. Hudson River Park Friends has engaged in a fundraising campaign for this project element, and the Trust seeks to complete the design so that construction can commence next year. The Trust requests an additional \$200,000 to fund the completion of construction documents and provide construction administration services during construction of the Play Area. The Trust also seeks to extend the term of the contract with Olin by three years to coincide with the anticipated completion of construction of the Play Area in 2023.

III. Funding

Funding for this amendment will be provided from capital budget funds allocated to the Trust by the City of New York or private funds raised by Hudson River Park Friends.

IV. Requested Action

The Trust requests Board authorization to amend the contract with The Olin Partnership, Ltd. for Pier 26 Landscape Architect Services for an additional \$200,000 for a Total Board Authorization Amount of up to \$2,955,642 and to extend the term of contract by three years through December 31, 2023.

HUDSON RIVER PARK TRUST - Authorization to Amend Contract with The Olin Partnership, Ltd. for Pier 26 Landscape Architect Services for a Total Board Authorization Amount of up to \$2,955,642

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 Olin Partnership, Ltd for Pier 26 Landscape Architect Services for an additional \$200,000 for a Total Board Authorization Amount of up to \$2,955,642 and to extend the term by an additional three years through December 31, 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
September 30, 2021

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

I. Contracts Summary

Contractor: Carter, Ledyard & Milburn LLP
Contract Number: R5187
Amendment: Additional \$150,000 for Total Board Authorization Amount of up to \$300,000

Contractor: Rozario Touma, P.C.
Contract Number: R5190
Amendment: Additional \$100,000 for Total Board Authorization Amount of up to \$225,000

Contractor: Lewis Brisbois Bisgaard & Smith LLP
Contract Number: R5230
Amendment: Extension of Term

Contractor: Gallagher, Evelius & Jones LLC
Contract Number: R4592
Amendment: Extension of Term

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 that could 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 that exceeds \$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 \$150,000 over a four-year term. Most recently, CLM has been negotiating and drafting the new lease with Chelsea Piers and such work is expected to continue into next year. CLM was also retained to assist on the Hudson Tunnel Project, which project is now expected to proceed. Accordingly, the Trust seeks to amend the contract with CLM for an additional \$150,000 to cover work related to both the Chelsea Piers lease and an anticipated long-

term lease for the Hudson Tunnel Project. Chelsea Piers has committed to reimburse a portion of the legal costs for their lease, and staff believes that the sponsors of the Hudson Tunnel Project will commit to reimbursing some costs for the Hudson Tunnel lease as well. CLM has continued to charge the Trust a discounted rate of \$500 per hour for senior attorneys.

On March 25, 2020, the Trust entered into a contract with Rozario Touma, P.C. (“Rozario”) for legal services related to landlord-tenant law. Rozario assisted the Trust with drafting agreements for deferred rent payments during the COVID-19 pandemic, and has also been handling the initial litigation and current bankruptcy proceeding with Classic Car Club (“CCC”). The Trust seeks to amend the contract with Rozario for an additional \$100,000 so that Rozario can continue to represent the Trust in the CCC bankruptcy proceeding and other landlord-tenant issues that may arise in the future. Rozario is a New York State certified MWBE firm and continues to charge the Trust a discounted rate of \$300 per hour.

Separate from the May 2019 approval by the Board of the on-call list of law firms, the Trust also entered into two other retainer agreements as single source procurements as described below and which contracts the Trust seeks the Board to ratify.

In 2020, the Trust’s cybersecurity insurance provider required the Trust to retain a law firm with an expertise in cybersecurity and highly recommended Lewis Brisbois Bisgaard & Smith LP (“Lewis Brisbois”) for this work. Accordingly, on November 23, 2020, the Trust entered into a contract with Lewis Brisbois for legal services related to cybersecurity as a single source procurement for a one-year term. The Trust now seeks to extend the term of the contract by three years for a total four-year contract price of up to \$75,000. The Trust thus seeks Board ratification of the initial contract with Lewis Brisbois and authorization to extend the contract by another three years for a total amount of up to \$75,000. Lewis Brisbois charges the Trust its discounted rate of \$525 per hour.

On November 4, 2013, the Trust entered into a retainer agreement with Gallagher, Evelius & Jones LLC (“Gallagher”) as a single source procurement to support the Trust with respect to the federal historic tax credit program that the Pier 57 development tenant has sought. The initial contract amount was set at \$99,000; at this time, over \$42,000 remains available. Upon completion of ongoing construction, the Pier 57 tenant will need to file a request for certification of completed work with the National Park Service and State Historic Preservation Officer to confirm that the Pier 57 rehabilitation is a “certified rehabilitation” for tax credit purposes. Accordingly, the Trust continues to need the advice of an expert in historic tax credits and wishes to continue to retain Gallagher to serve as on-call legal counsel for such matters. The Trust seeks ratification by the Board of the existing contract with Gallagher and authorization to extend the contract through and including March 30, 2024. Gallagher’s rate would continue to be discounted and not exceed \$500 per hour.

III. Procurement Process

As detailed in the May 30, 2019 memorandum, the Trust undertook a competitive procurement to identify 11 qualified on-call legal firms that could provide legal services as needed over a five year

period. The Board authorization requires Board approval for any contract that exceeds \$200,000 as long as funding is available in accordance with the Trust's operating budget as approved by the Board each year. Since May 2019, the Trust has found it has had a need for lawyers with experience in real estate-related matters (i.e., the Chelsea Piers lease and the CCC litigation). The Trust has been satisfied with the services of CLM and Rozario, finding both firms to be very responsive in providing the requested work in a timely manner, and their hourly rates have remained the same since May 2019.

Both Lewis Brisbois and Gallagher were retained as single source procurements and the Trust is seeking Board ratification of the two contracts and authorization to extend the terms of each because Board approval is required for any contract with a term longer than one year under the Trust's Procurement Guidelines. The Trust has also been satisfied with the legal services provided by both firms.

IV. Funding

Funding for these contracts is available from the Trust's operating budget as approved by the Board each year.

V. Requested Action

The Trust requests Board authorization to amend the contracts with Carter Ledyard & Milburn LLP for a Total Board Authorization Amount of \$300,000 and with Rozario & Touma, P.C. for a Total Board Authorization Amount of \$225,000, and to extend the term of the \$75,000 contract with Lewis Brisbois for an additional three years and the \$99,000 contract with Gallagher through and including March 30, 2024.

Attachment:
Resolutions

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 September 30, 2021, 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 \$150,000 for a Total Board Authorization Amount of up to \$300,000; and be it further

RESOLVED, the Board hereby authorizes the Hudson River Park Trust to amend the contract with Rozario Touma, P.C. by an additional amount of \$100,000 for a Total Board Authorization Amount of up to \$225,000; and be it further

RESOLVED, the Board hereby ratifies the Hudson River Park Trust's contract with Lewis Brisbois Bisgaard & Smith LLP at \$75,000 and authorizes the extension of such contract for an additional three years; and be it further

RESOLVED, the Board hereby ratifies Hudson River Park Trust's contract with Gallagher, Evelius & Jones LLC at \$99,000 and authorizes the extension of such contract through and including March 30, 2024; 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
September 30, 2021

To: The Directors
From: Noreen Doyle
Re: Authorization to Enter into a Contract with Trevcon Construction Company, Inc.
for Gansevoort Peninsula Marine Construction Phase 2

I. Contract Summary

Contractor: Trevcon Construction Company, Inc.
Proposed Project: Gansevoort Peninsula Marine Construction Phase 2
Contract Number: C5350
Authorization Amount: Base Contract Amount of \$1,206,000 plus 10% contingency for a
Total Board Authorization Amount of up to \$1,326,600.

II. Background

Among the planned elements for the Gansevoort Peninsula section of Hudson River Park are a salt marsh and a number of submerged habitat enhancements on the north side of the Peninsula. These enhancements include oyster gabions and reef balls. At the subtidal level, these submerged elements will provide enriched habitat for shellfish and finfish by simulating natural reefs.

In March 2021, the Trust awarded the contract for Gansevoort Peninsula Marine Construction for the salt marsh along with other in- and above-water elements on the north side of the Peninsula, and construction of these areas is well under way. That contract did not include the submerged habitat features. Accordingly, staff undertook a separate competitive procurement process for a marine construction contractor to complete this work.

III. Procurement Process

In accordance with the Trust's Procurement Guidelines, an advertisement for a Request for Proposals ("RFP") for the Gansevoort Peninsula Marine Construction Phase 2 was published in the New York State Contract Reporter and on the Trust's website for the period between August 3, 2021 and September 1, 2021. The Trust received three proposals on the submission deadline.

A selection committee comprised of members of the Trust's Design/Construction, Legal, and Education staff reviewed the submissions and evaluated each submission according to the identified selection criteria in the RFP, including the contractor's experience in providing similar services, the contractor's reputation and references, proposed subcontractors, the proposed project schedule, the contractor's diversity practices and commitment to encouraging MWBE participation, and the price proposal.

The selection committee reviewed all three proposals and interviewed all three firms. The Trust received best and final pricing offers from the three firms after the interviews.

Based on the submitted proposals and interviews, Trust staff identified Trevcon Construction Company, Inc. (“Trevcon”) as the highest ranked proposer and recommends that the Trust enter into a contract for the identified scope for \$1,206,000, plus a 10% contingency to address any unforeseen conditions that arise. Trevcon has previously performed work for the Trust, including multiple phases of pile restoration at Pier 40 and the marine component of Pier 26, which included fabrication and installation of certain habitat features including tide pools and bio-huts. Trevcon has also completed other numerous projects in New York Harbor including a habitat enhancement project in West Harlem for the New York City Economic Development Corporation.

The Trust will complete a responsibility determination prior to awarding the contract, which includes confirmation of the contractor’s legal authority, integrity and past performance as well as a review of the contractor’s financial capacity. Trevcon is not expected to meet the 30% MWBE subcontracting goal given the specialized nature of the marine work; however, efforts are being made to increase MWBE participation to the degree practicable and staff will seek a partial waiver from New York State as required for the remainder. The Trust will issue a waiver of the 6% SDVOB subcontracting goal due to the lack of subcontracting opportunities. The term of the contract is expected to be eighteen months.

IV. Funding

Funding for this contract will be provided by the City of New York.

V. Requested Action

The Trust requests authorization by the Board of Directors to enter into a contract with Trevcon for Gansevoort Peninsula Marine Construction Phase 2 Work in an amount not to exceed \$1,206,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,326,600.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Contract with Trevcon Construction Company, Inc. for Gansevoort Peninsula Marine Construction Phase 2 for a Total Board Authorized Amount of \$1,326,600.

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 Trevcon Construction Company, Inc. for the Gansevoort Peninsula Marine Construction Phase 2 in an amount not to exceed \$1,206,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,326,600; 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
September 30, 2021

To: The Directors
From: Noreen Doyle
Re: Authorization to Enter into a Contract with JRCruz Corporation for Gansevoort Peninsula General Construction Phase II

I. Contract Summary

Contractor: JRCruz Corporation
Proposed Project: Gansevoort Peninsula General Construction Phase II
Contract Number: C5340
Authorization Amount: Base Contract Amount of \$12,632,500 plus 10% contingency for a Total Board Authorization Amount of up to \$13,895,750

II. Background

Given the size of the Gansevoort Peninsula, Hudson River Park Trust (“Trust”) staff worked with its construction manager to develop a phasing and bidding plan with the goal of securing multiple qualified contractors and competitive pricing for the work. As part of the procurement strategy, the scope of work for general construction services was divided into two geographic zones. At its March 25, 2021 meeting, the Board of Directors (“Board”) approved a contract for Phase I General Construction Services for the synthetic turf field, beach area, lawn and esplanades. Phase II generally consists of construction of the adult fitness area, dog run, Bloomfield Street entrance, shared-use road, bikeway, and esplanades. The construction work is expected to occur over a two-year period.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, an advertisement for a Request for Proposals (“RFP”) for the Gansevoort Peninsula General Construction Phase II contract was published in the New York State Contract Reporter and on the Trust’s website for the period between June 3, 2021 and July 1, 2021. During this period, the submission deadline was extended through July 23, 2021 in an effort to increase the number of potential respondents and obtain best value for the procurement. The Trust received four proposals by the submission deadline.

A selection committee comprised of members of the Trust’s Design/Construction and Legal staff reviewed the submissions and evaluated each submission according to the identified selection criteria in the RFP, including the contractor’s experience in providing similar services, the contractor’s reputation and references, proposed subcontractors, the proposed project schedule, the contractor’s diversity practices and commitment to encouraging MWBE participation, and the price proposal.

After an initial review of the proposals by the selection committee, interviews were conducted with all four firms. Based on the submitted proposals and interviews, Trust staff determined JRCruz Corporation (“JRCruz”) to be the highest ranked respondent. JRCruz is a well-established company that has completed extensive municipal work throughout New York City, particularly for the NYC Department of Parks and Recreation, NYC Department of Design and Construction and NYC Department of Environmental Protection. The company has extensive experience with roadway reconstruction and subsurface utility work, which is a significant component of the scope of work for this contract. Accordingly, staff recommends entering into a contract with JRCruz for the identified general construction scope for \$12,632,500. A 10% contingency has been included in the proposed authorization for a total contract value of \$13,895,750 to address any unforeseen conditions that may arise.

The Trust will complete a responsibility determination and evaluation of financial capacity prior to entering into the contract. JRCruz has committed to meet the M/WBE participation goal of 30% and the SDVOB goal of 6%.

IV. Funding

Funding for this contract will be provided by the City of New York.

V. Requested Action

The Trust requests authorization by the Board of Directors to contract with JRCruz Corporation for Gansevoort Peninsula General Construction in an amount not to exceed \$12,632,500 plus a 10% contingency for a Total Board Authorized Amount of \$13,895,750.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Contract with JRCruz Corporation for Gansevoort Peninsula General Construction for a Total Board Authorized Amount of \$13,895,750

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 JRCruz Corporation for the Gansevoort Peninsula General Construction Phase II in an amount not to exceed \$12,632,500 plus a 10% contingency for a Total Board Authorized Amount of \$13,895,750; 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
September 30, 2021

To: The Directors
From: Noreen Doyle
Re: Authorization to Enter into a Contract with E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction Phase II

I. Contract Summary

Contractor: E-J Electric Installation Company
Proposed Project: Gansevoort Peninsula Electrical Construction Phase II
Contract Number: C5360
Authorization Amount: Base Contract Amount of \$1,400,000 plus 10% contingency for a Total Board Authorization Amount of up to \$1,540,000

II. Background

Given the size of the Gansevoort Peninsula, staff worked with its construction manager to develop a phasing and bidding plan with the goals of securing multiple qualified contractors and competitive pricing for the work. As part of the procurement strategy, the scope of work for site electrical services was divided into two geographic zones. At its June 3, 2021 meeting, the Hudson River Park Trust (“Trust”) Board of Directors (“Board”) approved a contract for Phase I Electrical Services for the synthetic turf field, beach area, lawn and esplanades. Phase II generally consists of the adult fitness area, dog run, Bloomfield Street entrance, shared-use road, bikeway, and esplanades, and the electrical scope for this area includes new electric and pull boxes, light poles and anchors, light fixtures and other lighting and electric components.

The construction work is expected to occur over a two-year period.

III. Procurement Process

In accordance with the Trust’s Procurement Guidelines, an advertisement for a Request for Proposals (“RFP”) for the Gansevoort Peninsula Electrical Construction Phase II contract was published in the New York State Contract Reporter and on the Trust’s website for the period of June 3, 2021 through July 1, 2021. The Trust received seven proposals by the submission deadline.

A selection committee comprised of members of the Trust’s Design/Construction and Legal staff reviewed the submissions and evaluated each submission according to the identified selection criteria in the RFP, including the contractor’s experience in providing similar services, the contractor’s reputation and references, proposed subcontractors, the proposed project schedule, the contractor’s diversity practices and commitment to encouraging MWBE participation, and the price proposal.

After an initial review of the proposals by the selection committee, interviews were conducted with the top three ranked firms. Based on the submitted proposals and interviews, Trust staff determined E-J Electric Installation Company (“E-J”) to be the highest ranked respondent. E-J is a well-established company that has completed work for the Trust previously at Pier 26 and is currently the electrical contractor for the electrical construction work for the first phase at Gansevoort Peninsula as approved by the Board of Directors at its June 3, 2021 meeting. Trust staff thus recommends entering into a contract for the identified electrical scope for \$1,400,000, plus a 10% contingency.

The Trust will complete a responsibility determination and evaluation of financial capacity prior to entering into the contract. E-J has committed to meet the M/WBE participation goal of 30% and the SDVOB goal of 6%.

IV. Funding

Funding for this contract will be provided by the City of New York.

V. Requested Action

The Trust requests authorization by the Board of Directors to contract with E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction Phase II in an amount not to exceed \$1,400,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,540,000.

Attachment:
Resolution

HUDSON RIVER PARK TRUST – Authorization to Contract with E-J Electric Installation Company for Gansevoort Peninsula Electrical Construction Phase II for a Total Board Authorized Amount of \$1,540,000

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 E-J Electric Installation Company for the Gansevoort Peninsula Electrical Construction Phase II in an amount not to exceed \$1,400,000 plus a 10% contingency for a Total Board Authorized Amount of \$1,540,000; 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Contract for Gansevoort Peninsula Building General, Plumbing, Mechanical and Electrical Construction Work

I. Contract Summary

Contractor(s): To Be Determined

Proposed Work: Gansevoort Peninsula Building General, Plumbing, Mechanical and Electrical Construction Work

Contract Numbers: C5300, C5310, C5320 and C5330

Contract Amounts: C5300 (GC) - Base Contract Amount of up to \$9,650,000
C5310 (Plumbing) - Base Contract Amount of up to \$850,000
C5320 (Mechanical) - Base Contract Amount of up to \$500,000
C5330 (Electrical) - Base Contract Amount of up to \$1,100,000

Total Authorization: Total Maximum Value of the four contracts required to construct the Gansevoort building of \$12,100,000

II. Background

Construction on various aspects of the new park area at the Gansevoort Peninsula began earlier this year, and the Hudson River Park Trust (“Trust”) is endeavoring to open the entirety of the Gansevoort Peninsula for the public’s enjoyment in Spring 2023. Among the planned elements at the site is a new park building containing public restrooms, maintenance and operations space for the Trust, and a small concession. Because the Trust is subject to the Wicks Law, it must separately procure the general construction, electrical, plumbing, and mechanical work needed for the building.

As discussed more fully below, the Trust advertised four separate procurements for the required building contractors and is in the process of reviewing the submissions. Thus, specific contractors have not yet been selected. In order to ensure construction of the building proceeds on schedule, Trust staff seeks authorization by the Board of Directors (“Board”) to enter into four contracts with a combined Total Maximum Value of \$12,100,000, and with individual Maximum Contract

Amounts for General, Plumbing, Mechanical and Electric Construction defined below, for construction of the new building. Specific contractors would be selected pursuant to the selection criteria set forth in the Requests for Proposals and described in Section III below, after which Trust staff would seek ratification of the four contractors and contracts at the next Board meeting currently scheduled for December 2021. The term for each contract is expected to be up to 24 months from the commencement of the work.

The Board has separately been provided with a confidential memorandum listing the names of the respondents and the initial, still-under-review proposal prices for each procurement. Based on this information, staff has determined that the Maximum Contract Value for each contract will not exceed the values listed below:

C5300- Gansevoort Peninsula Building General Construction: Maximum Contract Value of \$9,650,000 for the scope of work including general construction of the Gansevoort Park Building including foundations, structure, roofing, all finishes, roof planting, canopy and fencing;

C5310- Gansevoort Peninsula Building Plumbing Construction: Maximum Contract Value of \$850,000 includes installation of all plumbing for the Gansevoort Park Building;

C5320- Gansevoort Peninsula Building Mechanical Construction: Maximum Contract Value of \$500,000 includes installation of all heating, ventilation, and air conditioning (HVAC) systems for the Gansevoort Park Building; and

C5330- Gansevoort Peninsula Building Electrical Construction: Maximum Contract Value of \$1,100,000 includes installation of all building electric work, connections to the Con Edison vault, light fixtures, outlets, electrical feeds to Mechanical, Electrical and Plumbing equipment, grounding, electrical panels and disconnects for the Gansevoort Park Building.

The Maximum Contract Values listed above were determined based on the submitted proposal responses for each RFP, vetted against professional cost estimates received for the Building trades prior to the procurement process commencing, and after eliminating proposals that either far exceeded the original cost estimate or price ranges of the other submitted proposers for the requested services. No contract will be executed prior to staff conducting responsibility determinations for the selected contractors, which includes confirmation of each contractor's legal authority, integrity and past performance as well as a review of each contractor's financial capacity. At the next Board meeting, in addition to seeking Board ratification of the four contracts with a confirmed final maximum contract price for each, Trust staff will also seek Board approval for some contingency funding in case there are unforeseen issues during construction requiring Change Orders.

III. Procurement Process

The Trust issued four separate Requests for Proposals (“RFP”) for general construction, plumbing, mechanical, and electrical work for the Gansevoort Peninsula Building. Pursuant to the Trust’s Procurement Guidelines, advertisements for each RFP were published on the Trust’s website and in the New York State Contract Reporter for the period of June 9, 2021 through July 9, 2021. After conducting extensive contractor outreach (including outreach to MWBEs and SDVOBs), proposal submission deadlines for each RFP were extended, initially to July 20, 2021, then to August 13, 2021, and finally to September 3, 2021 in an effort to increase the number of potential respondents and obtain best value for each procurement.

Gansevoort Peninsula Building General Construction:

The Trust received five proposals for the Gansevoort Peninsula Building General Construction RFP. A selection committee comprised of the Trust’s Design/Construction and Legal staff will review the submissions and evaluate each firm according to the identified selection criteria in the RFP, including the contractor’s experience, reputation and references, diversity practices and commitment to encouraging M/WBE participation, proposed subcontractors, proposed project schedule, quality of the proposal and price proposal. Following an initial evaluation of the proposals, staff may request all respondents to clarify aspects of their proposals, or may conduct interviews with the highest ranked respondents. Afterwards, more scope clarifications may occur until a selection is made, after which time the Responsibility Determination would take place.

Gansevoort Peninsula Building Plumbing Construction:

The Trust received two proposals for the Gansevoort Peninsula Building Plumbing Construction RFP. A selection committee comprised of the Trust’s Design/Construction and Legal staff will review the submissions and evaluate each firm according to the identified selection criteria in the RFP, including the contractor’s experience, reputation and references, diversity practices and commitment to encouraging M/WBE participation, proposed subcontractors, proposed project schedule, quality of the proposal and price proposal. Following an initial evaluation of the proposals, staff may request both respondents to clarify aspects of their proposals, or may conduct interviews with one or both firms. Afterwards, more scope clarifications may occur until a selection is made, after which time the Responsibility Determination would take place.

Gansevoort Peninsula Building Mechanical Construction:

The Trust received only one proposal for the Gansevoort Peninsula Building Mechanical Construction RFP. In accordance with the Trust’s Procurement Guidelines, the Trust has determined that the procurement has therefore failed. Staff is now undertaking a review of the submission to determine whether it is in the Trust’s best interest to make a single source award 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.

Staff has begun to review the one proposal as a single source procurement. First, as noted above, the Trust issued an RFP as a competitive procurement and extended the submission deadline multiple times to promote a larger pool of proposers, but it still only received one proposal in response to the mechanical construction RFP. 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 mechanical construction contractor and thus delayed completion of the new Park building.

Staff has also begun to review the proposer, which has a good reputation as an experienced mechanical construction contractor who has performed mechanical construction work with other agencies, including the New York City Department of Parks and Recreation and Department of Design and Construction. Finally, staff has already performed a detailed review of the submitted cost proposal and has determined that the costs conform with labor and material rates utilized by various site contractors currently working for the Trust. Further, the proposed pricing is modestly less than that estimated by Gilbane Building Company (“Gilbane”), the construction site manager for the construction the new building, for the mechanical work. Staff and Gilbane held an initial interview with the proposer to ensure the proposer understood the contract requirements and scope and found the proposer to be well-versed in the required scope of work.

The Trust is continuing to review the proposal as a single source procurement, including scheduling a second interview and completing the responsibility determination. If the review is overall positive, the Board memorandum for the requested ratification of the contract at the Board’s next meeting would formally address the selection of the contractor as a single source procurement pursuant to the criteria above as required under the Procurement Guidelines.

Gansevoort Peninsula Building Electrical Construction:

The Trust received five proposals for the Gansevoort Peninsula Building Electrical Construction RFP. A selection committee comprised of the Trust’s Design/Construction and Legal staff will review the submissions and evaluate each firm according to the identified selection criteria in the RFP, including the contractor’s experience, reputation and references, diversity practices and commitment to encouraging M/WBE participation, proposed subcontractors, proposed project schedule, quality of the proposal and price proposal. Following an initial evaluation of the proposals, staff may request all respondents to clarify aspects of their proposals, or may conduct interviews with the highest ranked respondents. Afterwards, more scope clarifications may occur until a selection is made, after which time the Responsibility Determination would take place.

Each of the four contracts that was advertised included a combined 30 percent MWBE goal and six percent SDVOB goal. A number of the proposers that submitted proposals are NYS-certified MWBE firms. Staff will vet MWBE and SDVOB responses and will seek waivers based on New York State’s requirements to the extent necessary.

IV. Funding

Funding for these contracts will be provided from the City of New York.

V. Requested Action

The Trust requests Board authorization to contract for the Gansevoort Peninsula Building General Construction Work for a Maximum Contract Value of up to \$9,650,000; for the Gansevoort Peninsula Building Plumbing Construction Work for a Maximum Contract Value of up to \$850,000; for the Gansevoort Peninsula Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and for the Gansevoort Peninsula Building Electrical Construction Work for a Maximum Contract Value of up to \$1,100,000.

Attachment:

Resolutions

Confidential Memo to Directors Listing Proposers and Prices

HUDSON RIVER PARK TRUST - Authorization to Contract for the Gansevoort Peninsula Building General Construction, Gansevoort Peninsula Building Plumbing Construction, Gansevoort Peninsula Building Mechanical Construction, and Gansevoort Peninsula Building Electrical Construction

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building General Construction Work for a Maximum Contract Value of up to \$9,650,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building Plumbing Construction Work for a Maximum Contract Value of up to \$850,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Gansevoort Peninsula Building Electrical Construction Work for a Maximum Contract Value of up to \$1,100,000; 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 resolutions.

For Consideration
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Contract for Pier 97 Building General, Plumbing, Mechanical and Electrical Construction Work

I. Contract Summary

Contractor(s): To Be Determined

Proposed Work: Pier 97 Building General, Plumbing, Mechanical and Electrical Construction Work

Contract Numbers: C5440, C5460, C5470 and C5450

Contract Amounts: C5440 (GC) - Base Contract Amount of up to \$10,900,000
C5460 (Plumbing) - Base Contract Amount of up to \$1,000,000
C5470 (Mechanical) - Base Contract Amount of up to \$500,000
C5450 (Electrical) - Base Contract Amount of up to \$1,625,000

Total Authorization: Total Maximum Value for the four contracts to construct the Pier 97 building of \$14,025,000

II. Background

The Board of Directors (“Board”) has previously approved several contracts needed to transform Pier 97 into Hudson River Park’s northernmost public park pier, including a playground, an activity field, flexible gathering areas and a gently sloping lawn. The planned completion date is Summer 2023. The design for this Park area, which was the subject of an extensive community design process, also includes a new park building on the upland area just north of Pier 97. That building will contain public restrooms, a maintenance and operations space for the Trust, and a small concession. Because the Trust is subject to the Wicks Law, it must separately procure the general construction, electrical, plumbing, and mechanical work needed for the building.

As discussed more fully below, the Trust advertised four separate procurements for the required building contractors and is in the process of reviewing the submissions. Thus, specific contractors have not yet been selected. In order to ensure construction of the building proceeds on schedule, Trust staff seeks authorization by the Board of Directors (“Board”) to enter into four contracts with

a combined Total Maximum Value of \$14,025,000, and with individual Maximum Contract Amounts for General Construction, Plumbing, Mechanical, and Electrical Construction as defined below for construction of the new building. Specific contractors would be selected pursuant to the selection criteria set forth in the Requests for Proposals and described in Section III below, after which Trust staff would seek ratification of the four contractors and contracts at the next Board meeting currently scheduled for December 2021. The term for each contract is expected to be up to 24 months from commencement of the work.

The Board has separately been provided with a confidential memorandum listing the names of the respondents and the initial, still-under-review proposal prices for each procurement. Based on this information, staff has determined that the Maximum Contract Value of work will not exceed the corresponding values listed below:

C5440- Pier 97 Building General Construction: Maximum Contract Value of \$10,900,000 for the scope of work including general construction of the Pier 97 Building, including foundations, structure, roofing, all finishes, solar panels, and fencing;

C5460- Pier 97 Building Plumbing Construction: Maximum Contract Value of \$1,000,000, which includes installation of all plumbing for the Pier 97 Building;

C5470- Pier 97 Building Mechanical Construction: Maximum Contract Value of \$500,000, which includes installation of all heating, ventilation, and air conditioning (HVAC) systems for the Pier 97 Building; and

C5450- Pier 97 Building Electrical Construction: Maximum Contract Value of \$1,625,000, which includes installation of all building electric, connection to Con Edison vault, light fixtures, outlets, electrical feeds to Mechanical, Electrical and Plumbing equipment, grounding, electrical panels and disconnects for the Pier 97 Building.

The Maximum Contract Values listed above were determined based on the submitted proposals responses for each RFP, vetted against professional cost estimates received for the Building trades prior to the procurement process commencing, and after eliminating proposals that far exceeded the original cost estimate or price ranges of other submitted proposers for the requested services. No contract will be executed prior to staff conducting responsibility determinations for the selected contractors, which includes confirmation of each contractor's legal authority, integrity and past performance as well as a review of each contractor's financial capacity. At the next Board meeting, in addition to seeking Board ratification of the four contracts with a confirmed final maximum contract price for each, Trust staff will also seek Board approval for some contingency funding in case there are unforeseen issues during construction requiring Change Orders.

III. Procurement Process

The Trust issued four separate Requests for Proposals ("RFP") for general construction, plumbing, mechanical, and electrical work for the Pier 97 Building. Pursuant to the Trust's Procurement

Guidelines, advertisements for each RFP were published on the Trust's website and in the New York State Contract Reporter for the period between July 22, 2021 and August 27, 2021. After conducting extensive contractor outreach (including outreach to MWBEs and SDVOBs), the proposal submission deadlines for the RFPs for Pier 97 Building General Construction, Building Plumbing Construction, and Building Electric Construction were extended to September 10, 2021. The proposal submission deadline for the RFP for Pier 97 Building Mechanical Construction was extended to September 10, 2021 and again to September 17, 2021. In each case, the extensions were implemented by Trust staff in an effort to increase the number of potential respondents and obtain best value for each procurement.

Pier 97 Building General Construction:

The Trust received five proposals for the Pier 97 Building General Construction RFP. A selection committee comprised of the Trust's Design/Construction and Legal staff will review the submissions and evaluate each firm according to the identified selection criteria in the RFP, including the contractor's experience, reputation and references, diversity practices and commitment to encouraging M/WBE participation, proposed subcontractors, proposed project schedule, quality of the proposal and price proposal. Following an initial evaluation of the proposals, staff may request all respondents to clarify aspects of their proposals, or may conduct interviews with the highest ranked respondents. Afterwards, more scope clarifications may occur until a selection is made, after which time the Responsibility Determination would take place.

Pier 97 Building Plumbing Construction:

The Trust received two proposals for the Pier 97 Building Plumbing Construction RFP. A selection committee comprised of the Trust's Design/Construction and Legal staff will review the submissions and evaluate each firm according to the identified selection criteria in the RFP, including the contractor's experience, reputation and references, diversity practices and commitment to encouraging M/WBE participation, proposed subcontractors, proposed project schedule, quality of the proposal and price proposal. Following an initial evaluation of the proposals, staff may request all respondents to clarify aspects of their proposals, or may conduct interviews with the highest ranked respondents. Afterwards, more scope clarifications may occur until a selection is made, after which time the Responsibility Determination would take place.

Pier 97 Building Mechanical Construction:

The Trust received three proposals for the Pier 97 Building Mechanical Construction RFP. A selection committee comprised of the Trust's Design/Construction and Legal staff will review the submissions and evaluate each firm according to the identified selection criteria in the RFP, including the contractor's experience, reputation and references, diversity practices and commitment to encouraging M/WBE participation, proposed subcontractors, proposed project schedule, quality of the proposal and price proposal. Following an initial evaluation of the proposals, staff may request all respondents to clarify aspects of their proposals, or may conduct interviews with the highest ranked respondents. Afterwards, more scope clarifications may occur until a selection is made, after which time the Responsibility Determination would take place.

Pier 97 Building Electrical Construction:

The Trust received four proposals for the Pier 97 Building Electrical Construction RFP. A selection committee comprised of the Trust's Design/Construction and Legal staff will review the submissions and evaluate each firm according to the identified selection criteria in the RFP, including the contractor's experience, reputation and references, diversity practices and commitment to encouraging M/WBE participation, proposed subcontractors, proposed project schedule, quality of the proposal and price proposal. Following an initial evaluation of the proposals, staff may request all respondents to clarify aspects of their proposals, or may conduct interviews with the highest ranked respondents. Afterwards, more scope clarifications may occur until a selection is made, after which time the Responsibility Determination would take place.

Each of the four contracts that was advertised included a combined 30 percent MWBE goal and six percent SDVOB goal. A number of the proposers that submitted proposals are NYS-certified MWBE firms. Staff will vet MWBE and SDVOB responses and will seek waivers based on New York State's requirements to the extent necessary.

IV. Funding

Funding for these contracts will be provided from capital budget funds allocated to the Trust by New York State and restricted funds from the sale of air rights within Manhattan Community Board 4. The contracts will also be filed with the Office of State Comptroller as required.

V. Requested Action

The Trust requests Board authorization to contract for the Pier 97 Building General Construction Work for a Maximum Contract Value of up to \$10,900,000; for the Pier 97 Building Plumbing Construction Work for a Maximum Contract Value of up to \$1,000,000; for the Pier 97 Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and for the Pier 97 Building Electrical Construction Work for a Maximum Contract Value of up to \$1,625,000.

Attachment:

Resolutions

Confidential Memo to Directors Listing Proposers and Prices

HUDSON RIVER PARK TRUST - Authorization to Contract for the Pier 97 Building General Construction, Pier 97 Building Plumbing Construction, Pier 97 Building Mechanical Construction, and Pier 97 Building Electrical Construction

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building General Construction Work for a Maximum Contract Value of up to \$10,900,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building Plumbing Construction Work for a Maximum Contract Value of up to \$1,000,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building Mechanical Construction Work for a Maximum Contract Value of up to \$500,000; and be it further

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, 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 for the Pier 97 Building Electrical Construction Work for a Maximum Contract Value of up to \$1,625,000; 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 resolutions.

For Consideration
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Authorization to Amend the 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
Authorized Amount: An additional \$423,500 including a 10% contingency for a Total Board Authorization of \$453,200

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. The exterior of the sculpture consists of steel that was treated with a proprietary coating in order to resemble aged bronze. Over the years, the original coating has chipped in places such that the exposed base steel has rusted. The sculpture was further damaged during Hurricane Sandy when salt water infiltrated the interior of the bottle, leaving a watermark that staff has not been able to remove and accelerating the corrosion of exposed 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. Pursuant to the contract, Wilson prepared the plan in coordination with the artist and then worked with the Trust to secure New York City’s Public Design Commission’s (“PDC”) approval for both the conservation methods and conservator. The project was put on hold following receipt of PDC’s approval due to the COVID-19 pandemic. At its June 2021 meeting, the Board of Directors (“Board”) approved a term extension to allow for Wilson to complete the logistics plan required to determine final pricing for the actual conservation work. The Board was alerted that staff planned to return to the Board for approval of the actual conservation work once final pricing was determined.

The Trust now requests Board authorization to amend the contract with Wilson to cover the full scope of the conservation. The scope includes removing the piece from the site and transporting it to a specialized facility, removing the current exterior finish, making repairs to the steel, and applying a new painted finish that will be more easily maintainable. The interior will be thoroughly

cleaned and the floor panels replaced. The glazing in the porthole windows will be replaced with a more resilient material. Upon completion of the work, the sculpture will be re-installed in Clinton Cove. The piece is expected to be off-site for approximately four months. The work will be completed by a team of experts assembled by Wilson and approved by the artist and the Public Design Commission.

III. Procurement Process

The Trust seeks to amend the contract with Wilson as a sole source procurement on the basis of Wilson's partnership with the artist, Malcolm Cochran, as well as the approval of PDC. Under the Trust's Procurement Guidelines, a sole source procurement is appropriate when only one contractor can perform the services required by the Trust.

The nature of the required conservation work is highly specialized and needs to be completed with the involvement and support of the artist. Wilson is singularly qualified to perform the work, not only due to its extensive experience in a highly specialized field, but due to its close working relationship with the artist and the implicit trust bestowed from the artist to conservator. In approving conservation plans for art, PDC heavily considers the artist's recommendations and as well as its own knowledge of conservationists. Wilson developed the detailed conservation plan and assembled the team of experts, which was reviewed and approved by PDC's Conservation Advisory Group as part of the approval process. PDC's approval of the conservation approach also includes specific approval of the conservation team, and neither can be altered without reopening the PDC process. Given the sculpture's condition, it is important to proceed with its conservation in a timely fashion to prevent further damage due to weather. Further, Trust's staff has determined the price to be fair and reasonable based on the Trust's review of similar scope items from other projects and the construction manager's review of the costs for the means and methods necessary to remove and reinstall the sculpture. Accordingly, the Trust seeks to amend the original contract with Wilson to include the full scope of conservation work as a sole source procurement.

IV. Funding

Funding for this project is available from the Trust's Capital Maintenance Budget either through funding by New York City or restricted funds from the Trust's sale of air rights as the project constitutes capital maintenance within the boundaries of Manhattan Community Board 4.

V. Requested Action

The Trust requests Board authorization to amend the contract with Wilson Conservation, LLC for the conservation of *Private Passage* Sculpture for an additional \$423,500 and to extend the term of contract by 10-months through June 23, 2022.

Attachment:
Resolution

HUDSON RIVER PARK TRUST - Authorization to Amend the Contract with Wilson Conservation, LLC for the Conservation of *Private Passage* Sculpture for a Total Board Authorization Amount of up to \$453,200

RESOLVED, based upon the materials presented to the Board of Directors at its meeting of September 30, 2021, 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 amend the contract with Wilson Conservation, LLC for the conservation of *Private Passage* Sculpture for an additional \$423,500 and to extend the term of contract by 10-months, through June 23, 2022; 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
September 30, 2021

To: The Directors

From: Noreen Doyle

Re: Approval and Adoption of the *Estuarine Sanctuary Management Plan For Hudson River Park: Progress Report & Action Agenda 2021-2030*

I. Background

Section 8 of the Hudson River Park Act (“Act”) designates Hudson River Park’s water areas as an estuarine sanctuary and requires the Hudson River Park Trust (“Trust”) to prepare an Estuarine Sanctuary Management Plan (the “Plan” or “ESMP”) in conformity with the rules and regulations of the New York State Department of Environmental Conservation (“DEC”), and in consultation with DEC and other governmental agencies, educational and environmental organizations, and interested individuals.

The Act directs the Trust to develop a Plan that provides for:

- (a) conservation of the marine resources found in the area, with special consideration for habitat values;
- (b) environmental education and research;
- (c) public recreational use of the water section, including boating, fishing and swimming;
- (d) in the portions of the water section adjacent to park/commercial uses, authorized commercial maritime uses; and
- (e) other water dependent uses permitted in the water section under the Act.

The Act also states that the Plan may include water surface zones including the establishment of sanctuary/preserve areas and areas where motorized or non-motorized vessels are or are not permitted, and restrictions on noise and other potential nuisance conditions. Once approved by the Trust’s Board of Directors (“Board”), the Act requires that the Plan be formally submitted for approval to DEC.

In 2002, the Trust’s first ESMP was approved by the Board. Because most of the Park areas did not exist at that time, the goals and objectives set forth in the 2002 ESMP did not benefit from the significant operational experiences that the Trust now has. Nevertheless, for nearly two decades, the 2002 ESMP served as a foundational management document that has guided the Trust and its partners in protecting and conserving critical aquatic habitat while also facilitating public access to the river and fostering awareness and public education about this vital natural resource.

Drafting of the 2021 ESMP began in 2017 with the Trust reconvening a Technical Advisory Committee (“TAC”) of experts in three management areas: public access & recreation, environmental education, and research & habitat enhancement. Additionally, at that time, Trust staff conducted public surveys to solicit broad community feedback regarding Sanctuary awareness as well as perceptions on progress and goals for the future. For several years thereafter, Trust staff worked side-by-side with the members of the TAC and DEC staff to establish goals and priorities in each of three management areas. The Board’s Sanctuary Committee also convened and reviewed progress over this period.

On May 27, 2021, the Trust issued a notice commencing the public review and comment period for the draft Plan. Outreach included posting the notice and draft document on the Trust’s website as well as extensive email outreach to advisory council members, community boards, elected officials, and environmental and academic colleagues. Outreach also included posting the notice in local papers and governmental publications. On June 29, the Trust conducted the public hearing; aside from staff, members of the Board including members of the Sanctuary Committee and DEC staff attended. The public comment period remained open until August 9, 2021. In total, ten people provided oral testimony during the public hearing and the Trust received 15 written comments as well. Staff has addressed the comments in the annexed *Response to Comments* document, and has incorporated public feedback where appropriate into the revised Plan.

The ESMP is organized into two sections. The first section provides an overview of progress and accomplishments under the original 2002 ESMP Action Agenda. To a very large extent, the goals and objectives identified in the 2002 ESMP have been accomplished, providing a strong foundation for the next nine years of Sanctuary planning and management. The second section sets forth the 2021-2030 Action Agenda, which is intended to guide the Trust and its partners in managing the Sanctuary through the current decade. The Action Agenda goals are intended to be both ambitious and aspirational while also reflecting operational and managerial realities and experiences.

The ESMP is the result of multiple years of development, review and revision. Staff is grateful to the Board’s Sanctuary Committee, the Advisory Council, members of the TAC, and staff at DEC for their time, ideas and commitment to the Sanctuary. The 2021-2030 Action Agenda has been strengthened immeasurably through their ongoing participation and input.

II. Requested Action

The Trust therefore requests Board approval of the *Hudson River Park Estuarine Sanctuary Plan* dated September 2021 and authorization to formally submit it to DEC for its approval in accordance with Section 8 of the Hudson River Park Act.

Attachments:

- Resolution
- Proposed Final ESMP
- Response to Comments

Hudson River Park Trust – Approval and Adoption of the Hudson River Park Estuarine Sanctuary Management Plan

RESOLVED, based upon the materials presented to the Board of Directors at its meeting on September 30, 2021, a copy of which is ordered filed with the records of the Hudson River Park Trust, the Board hereby approves and adopts the *Hudson River Park Estuarine Sanctuary Management Plan For Hudson River Park: Progress Report & Action Agenda 2021-2030* dated September 2021 and authorizes its submission to the New York State Department of Environmental Conservation for approval; 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 foregoing resolution.