



New York City Economic Development Corporation

MINUTES OF THE REGULAR MEETING  
OF THE EXECUTIVE COMMITTEE  
OF  
NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION  
August 2, 2017

A regular meeting of the Executive Committee of the Board of Directors of New York City Economic Development Corporation ("NYCEDC") was held, pursuant to notice by an Assistant Secretary, on Wednesday, August 2, 2017, at NYCEDC's offices at 110 William Street, in Conference Rooms 4A and 4B, New York, New York.

The following members of the Executive Committee were present:

William Candelaria (by conference telephone)  
Wilton Cedeno  
James McSpirtt  
Carl Rodrigues (as alternate for Alicia Glen)  
Michael Schlein  
Timothy Wilkins

Other Directors of NYCEDC, members of NYCEDC staff and members of the public also were present.

The meeting was chaired by Michael Schlein, Chairperson of NYCEDC, and called to order at 8:50 a.m. Meredith Jones, General Counsel, Executive Vice President and Secretary of NYCEDC, served as secretary of the duly constituted meeting, at which a quorum was present.

1. Approval of the Minutes of the June 28, 2017 Regular Meeting of the Executive Committee

There were no questions or comments with respect to the minutes of the June 28, 2017 regular meeting of the Executive Committee, as submitted. A motion to approve such minutes, as submitted, was made, seconded and unanimously adopted.

2. Contracts and Other Matters

The following contracts, authorizations, expenditures and matters were then presented to the Executive Committee for approval. (Attached hereto as Attachment 1 is a definition sheet that contains the definitions of certain frequently used terms contained in the Exhibits attached hereto.)

(a) East Midtown Greenway – 53<sup>rd</sup> Street to 61<sup>st</sup> Street

Yvi McEvilly, a Project Director of NYCEDC, presented (i) a proposed consulting contract with a consultant to be chosen by staff from respondents to a publicly advertised request for proposals to provide engineering, design and construction administration services and related consultant services for the design of East Midtown Greenway – 53<sup>rd</sup> Street to 61<sup>st</sup> Street (the “Greenway”), a new waterfront esplanade to be located along the western shore of the East River in Manhattan, as well as certain improvements to existing nearby parklands, and (ii) any agreements necessary to obtain funds (“Funding Source Agreements”) for this project, on substantially the terms set forth in Exhibit A hereto.

In answer to a question from Mr. Cedeno, Ms. McEvilly stated that the conceptual design was completed in 2014, after Superstorm Sandy, and that the elevation of the esplanade therefore was designed to withstand contemplated possible storm events and sea level rise. In answer to a question from Shirley Aldebol, a Member and Director of NYCEDC, Ms. McEvilly stated that upon completion it was contemplated that the Greenway would be passed over to the New York City Department of Parks and Recreation for maintenance. In answer to a question from Mr. Wilkins, Ms. McEvilly stated that there would be a separate procurement process for construction and that NYCEDC anticipated that construction would start in 2019 and be completed in 2022.

A motion was made to authorize the matters set forth for authorization in the Proposed Resolution section of Exhibit A hereto. Such motion was seconded and unanimously approved.

(b) NYPD Conduit Design Project

Phillip Grant, a Senior Vice President of NYCEDC, presented (i) a proposed consultant contract with LiRo Engineers, Inc. for engineering, design and related consultant services for the design for the replacement of the electrical conduit systems for facilities of the New York City Police Department known as Harbor Charlie, Pier 76 (principally a tow pound) and Pier 36 (used by the Manhattan Narcotics Division), and (ii) any needed Funding Source Agreements for this project, on substantially the terms set forth in Exhibit B hereto.

A motion was made to authorize the matters set forth for authorization in the Proposed Resolution section of Exhibit B hereto. Such motion was seconded and unanimously approved.

(c) Facilities and Construction Management Services

Mr. Grant presented (i) a proposed facilities management/construction management contract (a “FM/CM Contract”) with Hunter Roberts Construction Group, L.L.C. (“Hunter Roberts”) for the provision of facilities management (“FM”) and construction management (“CM”) services as NYCEDC may direct, including CM services for waterfront and railroad related properties and infrastructure, for three years and two one-year option periods, and (ii) any needed Funding Source Agreements for

this project, on substantially the terms set forth in Exhibit C hereto.

In answer to a question from Mr. McSpirtt, Mr. Grant stated that NYCEDC had utilized FM/CM Contracts for years, and that NYCEDC staff would propose amendments to the proposed contract for various projects, usually under the Citywide Rehabilitation/Improvements project heading, at future Executive Committee meetings.

A motion was made to authorize the matters set forth for authorization in the Proposed Resolutions section of Exhibit C hereto. Such motion was seconded and unanimously approved.

(d) LifeSci NYC Internship Program

Carlo Yuvienco, a Senior Project Manager of NYCEDC, presented a proposed contract with Upper West Strategies, LLC for services related to the development and implementation of the LifeSci NYC Internship Program, which will connect selected students with unique opportunities at life sciences companies and institutions in the City as well as provide a suite of programmatic events and activities, on substantially the terms set forth in Exhibit D hereto.

Mr. Yuvienco stated that the proposed project was part of a \$500,000,000 life science initiative and that principally undergraduate and graduate students would be involved with the current project. He anticipated that the proposed contract would be for three years with two one year extension options. In answer to a question from Mr. Wilkins, Ana Ariño, an Executive Vice President of NYCEDC, stated that NYCEDC would focus on City schools for this program. Ms. Ariño further explained that NYCEDC had conducted a soft launch of an internship program over the summer and that many of the interns enrolled across seven life sciences companies in the City came from The City University of New York schools. Students from other universities such as Columbia University, New York University and Cornell University also participated in the program. NYCEDC anticipated that the LifeSci NYC Internship Program would be a continuation and enhancement of that summer program. In answer to a second question from Mr. Wilkins, Mr. Patchett noted that the Cornell Tech project originally did not focus on life sciences, and that this internship program would complement the engineering and tech focused work at Cornell Tech.

In answer to a question from Ms. Mellow, Mr. Yuvienco stated that NYCEDC would like to have a diverse racial, ethnic and gender composition of the students selected for the internships. Mr. Patchett additionally noted that by working at the internship level NYCEDC could bring more people from City colleges and other places interested in the life sciences industry into the field and get more people to major in this field. Over time it was anticipated that this would allow for the development of a more diverse talent pool in the life sciences field. In answer to a question from Mr. Cedeno, Mr. Yuvienco stated that stipends and stipend matching opportunities would be assessed with the consultant and the program's host companies.

A motion was made to authorize the matter set forth for authorization in the Proposed Resolution section of Exhibit D hereto. Such motion was seconded and

unanimously approved.

(e) Mitigation and Restoration Strategies for Habitat and Ecological Sustainability ("MARSHES")

Sakiru Okeowo, a Senior Project Manager of NYCEDC, presented a proposed amendment to NYCEDC's contract with Louis Berger & Assoc., P.C. related to design, development, permitting, construction administration and regulatory approval-related services for the restoration of approximately 54-68 acres of the Saw Mill Creek salt marsh in Staten Island to obtain compensatory mitigation credits, to provide for additional regulatory approval-related services for this project, on substantially the terms set forth in Exhibit E hereto.

In answer to a question from Mr. Cedeno, Max Taffet, an Assistant Vice President of NYCEDC, stated that to date no credits had ever existed or been sold in the City or New York State, but that credits in the New Jersey Meadowlands had recently sold for approximately \$1.1 million. Mr. Taffet further explained that the value of credits was based on the alternatives and, considering that construction costs, the challenges of mobilization and permitting and the base value of land were greater in the City, NYCEDC expected that a credit would be valuable in New York City. Mr. Patchett added that perhaps the most valuable element in this context was time, and that the availability of credits would allow projects to move ahead more expeditiously.

In answer to a question from Mr. Wilkins, Mr. Taffet explained that NYCEDC had obtained all of the necessary permits, and that the focus now was on complying with those permits as sediment testing and sampling work moved forward. He added that NYCEDC anticipated that construction work would commence in the fall, and that weather, and particularly the intensity of the coming winter, would largely determine when the project would be completed.

A motion was made to authorize and approve the matters set forth for authorization and approval in the Proposed Resolution section of Exhibit E hereto. Such motion was seconded and unanimously approved.

(f) Atlantic Avenue Extension

Mr. Okeowo presented (i) a proposed construction contract with J. Anthony Enterprises Inc. for construction services related to construction to extend Atlantic Avenue through an existing mapped right-of-way connecting Atlantic Avenue with 95<sup>th</sup> Avenue, streetscape improvements on 94<sup>th</sup> and 95<sup>th</sup> Avenue, and new open park space, and (ii) any needed Funding Source Agreements for this project, on substantially the terms set forth in Exhibit F hereto.

In answer to a question from Mr. Wilkins, Mr. Okeowo stated that approximately 40% of the funding would be paid by the Federal government. In answer to a question from Mr. McSpirtt, Mr. Okeowo stated that delayed access to the site in early 2015 was the result of some interagency issues.

A motion was made to authorize the matters set forth for authorization in the Proposed Resolution section of Exhibit F hereto. Such motion was seconded and unanimously approved.

3. Other Contracts and Matters

The following contracts, authorizations, expenditures and matters were then presented to the Executive Committee for authorization after a brief summary of those matters by James Katz, an Executive Vice President of NYCEDC.

(a) Reconstruction of Springfield Gardens Residential Area, Queens – Phases D1 and D2

(i) A proposed amendment to a resident engineer contract with Henningson, Durham & Richardson, P.C., d/b/a Henningson, Durham & Richardson, Architecture and Engineering, P.C. for construction project oversight and resident engineering services for the Springfield Gardens Residential Area Reconstruction Project's Phase D2, which includes installation of new drainage infrastructure, upgrading existing sanitary sewers and water mains, the reconstruction of streets and improvements to the existing natural open water system in the area, to provide for additional such services for Phase D2, (ii) a proposed amendment to a construction contract with EIC Associates, Inc. for Phase D2 to provide for additional construction services for Phase D2, and (iii) any needed Funding Source Agreements for this project, on substantially the terms set forth in Exhibit G hereto.

(b) NYCEDC Incubator Initiative: Made in NY Media Center

(i) A proposed amendment to the existing agreement with The Independent Feature Project, Inc. for the management of the existing Made in NY Media Center (the "Media Center"), a media and technology incubator that provides affordable workspace for media and entertainment projects, entrepreneurs and companies, provides educational and networking programming to Media Center users and the broader community, and facilitates collaboration across media and entertainment industry segments, to provide additional funds for the project to facilitate additional project scope, and (ii) any needed Funding Source Agreements for this project, on substantially the terms set forth in Exhibit H hereto.

(c) Citywide Rehabilitation/Improvements

(i) One or more proposed amendments to NYCEDC's construction management contract (a "CM Contract") with Armand Corporation d/b/a Armand of New York, (ii) one or more proposed amendments to NYCEDC's existing FM/CM Contract with Hunter Roberts (the "Hunter FM/CM Contract") (iii) one or more proposed amendments to

NYCEDC's CM Contract with Gilbane Building Company, (iv) one or more proposed amendments to NYCEDC's CM Contract with Skanska USA Building Inc., and (v) any needed Funding Source Agreements, to provide for work related to waterfront and other facilities at various locations in the City, and in the case of the amendments to the Hunter FM/CM Contract, to extend the Hunter FM/CM Contract until work being completed under that contract is finished, on substantially the terms set forth in Exhibit I hereto.

(d) Academy Bus LLC Service Contract: Amendment

(i) One or more proposed amendments to the contract (the "AE Contract") with Academy Express LLC or a related entity ("Academy") for the provision of express bus service between the South Shore of Staten Island and Midtown Manhattan during weekday morning and evening commute hours, to extend the contract term for twelve months until September 7, 2018, (ii) any other needed agreements, amendments to agreements (including a memorandum of understanding with New York City Department of Transportation) or arrangements with one or more City or State agencies or affiliates thereof related to their assisting in administration of the AE Contract, and (iii) any needed Funding Source Agreements for this project, on substantially the terms set forth in Exhibit J hereto.

(e) Nixon Peabody LLP: Legal Retainer

(i) A proposed increase in the amount of funds payable under the existing agreement with Nixon Peabody LLP for legal representation of NYCEDC regarding NYCEDC's possible fuel and/or interest rate hedging transactions in connection with the fueling of vessels used to provide citywide ferry service and related matters, from up to \$20,000 to up to \$95,000, and (ii) any related agreements, on substantially the terms set forth in Exhibit K hereto.

(f) Carter Ledyard & Milburn LLP

(i) A proposed increase in the amount of funds payable under the existing agreement with Carter Ledyard & Milburn LLP for legal representation of NYCEDC regarding the Times Square project, primarily with regard to a reset of base rent pursuant to the Agreement of Lease dated December 13, 1996, between the City, as landlord, and FC 42<sup>nd</sup> Street Associates, L.P., as tenant, including negotiation of the base rent valuation, a potential arbitration of same and related litigation matters, from up to \$200,000 to up to \$400,000, and (ii) any agreements related to such increase, on substantially the terms set forth in Exhibit L hereto.

(g) Funding Agreement

(i) A proposed funding agreement with Boys & Girls Club of Metro Queens, Inc., or an affiliate, and (ii) any agreements or amendments to agreements necessary to obtain funds for said funding agreement, on substantially the terms set forth in Exhibit M hereto.

(h) On-Call Special Inspection Retainer Services

(i) A proposed consultant contract, and possibly amendments thereto, with each of Tectonic Engineering & Surveying Consultants P.C., Universal Testing & Inspection Services Inc. and Urban Engineers of New York, D.P.C. (collectively, the "SI Consultant Contracts") for the provision of on-call special inspection and related services in connection with various capital improvement construction projects throughout the City, and (ii) any Funding Source Agreements necessary to obtain funds for any tasks under the SI Consultant Contracts, on substantially the terms set forth in Exhibit N hereto.

(i) On-Call Gate and Door Maintenance Services

A proposed contract with City Store Gates Mfg. Corp. to provide gate and door maintenance services at various sites managed by NYCEDC and designated by NYCEDC, on substantially the terms set forth in Exhibit O hereto.

Approval of Section 3 Contracts and Matters

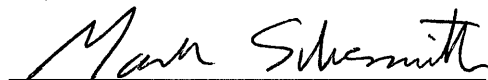
A motion was made to authorize the matters set forth for authorization in the Proposed Resolution sections of Exhibits G –O hereto. Such motion was seconded and unanimously approved.

4. Approvals

With respect to the items set forth in Sections 2(a) – (f) and 3(a) – (i) above, it was understood that authorization and approval of such matters included authorization for the President and other empowered officers to execute the necessary legal instruments, and for the President and other empowered officers to take such further actions as are or were necessary, desirable or required, to implement such matters substantially on the terms described above.

5. Adjournment

There being no further business to come before the meeting, the meeting of the Executive Committee was adjourned at 9:36 a.m.

  
Assistant Secretary

Dated: September 29, 2017  
New York, New York

**Attachment 1**

**DEFINITIONS**

Apple .....	Apple Industrial Development Corp.
Armand .....	Armand Corporation d/b/a Armand of New York
BAT .....	Brooklyn Army Terminal
Bovis .....	Bovis Lend Lease LMB, Inc.
CDBG .....	Federal Community Development Block Grant
CDBG-DR Funds .....	Federal Community Development Block Grant-Disaster Recovery Program funds
CEQR .....	City Environmental Quality Review process
City DEP .....	New York City Department of Environmental Protection
City DOT .....	New York City Department of Transportation
City Parks .....	New York City Department of Parks and Recreation
City Planning .....	New York City Department of City Planning or City Planning Commission
CM .....	A construction manager
CM Contract .....	A construction management contract
DCAS .....	New York City Department of Citywide Administrative Services
EIS .....	Environmental Impact Statement
ESDC .....	New York State Urban Development Corporation d/b/a Empire State Development Corporation
FEMA .....	Federal Emergency Management Agency
FM .....	A facilities manager
FM/CM Contract .....	A facilities management/construction management contract
Funding Source Agreement .....	Any agreement necessary to obtain funds for the Project, including IDA Agreements
Gilbane.....	Gilbane Building Company
HPD .....	New York City Department of Housing Preservation and Development
Hunter Roberts .....	Hunter Roberts Construction Group, L.L.C.
IDA .....	New York City Industrial Development Agency
IDA Agreement .....	Agreement with IDA pursuant to which IDA retains NYCEDC to accomplish all or part of the Project and reimburses NYCEDC for the costs of the work
LiRo .....	LiRo Program and Construction Management, PE P.C.
LMDC .....	Lower Manhattan Development Corporation
McKissack .....	The McKissack Group, Inc. d/b/a McKissack & McKissack
MOU .....	A memorandum of understanding



NYCEDC .....	New York City Economic Development Corporation, survivor of a November 1, 2012 merger of a local development corporation (the "LDC") named New York Economic Development Corporation with and into New York City Economic Growth Corporation. References to NYCEDC prior to such merger are references to the LDC.
NYCHA .....	New York City Housing Authority
NYCLDC .....	New York City Land Development Corporation
Noble Strategy .....	Noble Strategy NY Inc.
OMB .....	New York City Office of Management and Budget
Port Authority .....	The Port Authority of New York and New Jersey
RFP .....	Request for Proposals
Sanitation .....	New York City Department of Sanitation
SBS .....	New York City Department of Small Business Services
SEMO .....	New York State Emergency Management Office
SEQR .....	State Environmental Quality Review process
Skanska .....	Skanska USA Building Inc.
State DEC .....	New York State Department of Environmental Conservation
State DOS .....	New York State Department of State
State DOT .....	New York State Department of Transportation
State Parks .....	New York State Office of Parks, Recreation and Historic Preservation
Tishman .....	Tishman Construction Corporation of New York
Turner .....	Turner Construction Company
ULURP .....	Uniform Land Use Review Procedure

Exhibit A

**EAST MIDTOWN GREENWAY – 53<sup>rd</sup> STREET TO 61<sup>st</sup> STREET  
Executive Committee Meeting  
August 2, 2017**

**Project:** Engineering, design and construction administration services and related consultant services for the design of East Midtown Greenway – 53rd Street to 61st Street, a new waterfront esplanade to be located along the western shore of the East River in Manhattan, as well as certain improvements to existing nearby parklands. The Project is a sub-project to the larger East Midtown Waterfront Project between East 38<sup>th</sup> and East 61<sup>st</sup> Streets that will serve the East Midtown neighborhood.

**Procurement Method:** Publicly advertised RFP

**Contractor:** A consultant (the “Consultant”) to be chosen by staff from respondents to a publicly advertised RFP

**Agreements to be Approved:**

- A consulting contract with the Consultant (the “Consultant Contract”) to provide engineering, design and construction administration services and related consultant services for the Project
- Any needed Funding Source Agreements

**Amount to be Approved:** Up to \$10,000,000

**Source of Funds to NYCEDC:** City Capital Budget funds

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Consultant Contract and any needed Funding Source Agreements, substantially as described herein

**Background:** The Manhattan Waterfront Greenway is an approximately 32-mile route that circumnavigates the island of Manhattan. The greenway is intended to transform underutilized waterfront into public open space for both recreational and commuting use. Despite progress in recent years on new waterfront public open space in the City of New York, a major gap exists in Midtown East. Disconnected from the water by the FDR Drive and the campus of the United Nations, the communities of Midtown East have few connections to the waterfront. In recent years, a number of planning efforts have examined this issue, including efforts by the local community board, the Municipal Art Society, and City Planning, as well as efforts by the United Nations and the United Nations Development Corporation.

NYCEDC, working with City Parks and City DOT, conceived the East Midtown Waterfront Project in an effort to address the gap and improve access to the East River waterfront, enhance bicycle and pedestrian connectivity, and create waterfront amenities for public use and enjoyment.

In April 2017, the Mayor announced a commitment of capital funding for the design and construction of the portion of the East Midtown Waterfront Project between 53rd and 61st Streets, which, if funding allows, may also include an upland bridge connection at 54<sup>th</sup> Street. The selected Consultant will provide engineering, design and construction administration services and related consultant services for the Project and may be requested at a later date to provide additional Project-type services for the balance of the East Midtown Waterfront Project: the UN Esplanade (from 41<sup>st</sup> to 53<sup>rd</sup> Streets) and an associated upland bridge connection at 48<sup>th</sup> Street.

A master plan for the East Midtown Waterfront Project was produced in 2013 and environmental review and permitting has been partially completed.

**NYCEDC Project Code:** 3361

**Staff:** Yvi McEvilly, Project Director, Capital Program  
Sakiru Okeowo, Senior Project Manager, Capital Program  
Kathryn Prybylski, Assistant Vice President, Capital Program  
Michael Barone, Counsel, Legal

Exhibit B

**NYPD CONDUIT DESIGN PROJECT  
Executive Committee Meeting  
August 2, 2017**

**Project:** Engineering, design and related consultant services for the design for the replacement of the electrical conduit systems for facilities of the New York City Police Department ("NYPD") known as Harbor Charlie, Pier 76 (principally a tow pound) and Pier 36 (used by the Manhattan Narcotics Division)

**Procurement Method:** Publicly advertised RFP

**Consultant:** LiRo Engineers, Inc. ("LiRo Engineers")

**Agreements to be Approved:**

- Consultant contract with LiRo Engineers (the "Consultant Contract") for the Project services
- Any needed Funding Source Agreements

**Amounts to be Approved:** Up to \$643,560

**Source of Funds to NYCEDC:** FEMA and City Capital Budget funds

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Consultant Contract and any needed Funding Source Agreements, substantially as described herein

**Background:** In October 2012, Superstorm Sandy caused damage to several City facilities, including damage to electrical conduit systems. The City subsequently secured FEMA funding for the restoration of electrical conduit systems damaged during Superstorm Sandy, which include damage at certain facilities operated by the NYPD. The NYPD facilities and damage sustained are substantially as follows:

- Harbor Charlie – Harbor Charlie is an NYPD harbor unit located at the waterfront at BAT, partially on a pier, with a dock area and helicopter pad. The site was flooded approximately three feet above street level by Superstorm Sandy. The site is fed by an electrical utility pole located on the south corner of the site. The majority of conduit here is underground, running to the helipad, fueling station, boat docks and site lighting. Many runs are embedded in the pier slab. The above ground conduit is located mainly in a Harbor Charlie building, feeding utility machinery or supplying dock lighting.
- Pier 76 – Located at West 38<sup>th</sup> Street in Manhattan, Pier 76 houses an NYPD tow pound, NYPD vehicle repair shop and the NYPD "Mounted Troup B", on a 'T' shaped pier extending from the west side of Manhattan. As a result of Superstorm Sandy, the facilities experienced approximately 2.5 feet of brackish flooding from the Hudson River. The site is fed from a manhole on 34th Street, and its telephone service is fed from Pier 78, just north of Pier 76.

The underground conduit mainly consists of lines embedded in the pier slab running from the main electrical room in the Mounted Troop B facility, to the tow pound's administrative offices and from there to the receptacles in that office. Most of the other receptacles, including car charging receptacles, and a car storage rack, are or were fed from above ground and account for the above ground conduit.

- Pier 36 - Manhattan Narcotics Division – Located at 299 South Street in Manhattan, Pier 36 houses the NYPD's Manhattan Narcotics Division, a New York City Fire Department ("FDNY") station, a New York City Sanitation Department station and a commercial basketball facility, located on the east side of Manhattan. The NYPD site consists of a station building, surrounding parking lot and site lighting. As a result of Superstorm Sandy, the facility was flooded with approximately 4.5 feet of brackish water. The site is fed electrically from the FDNY station just north of the NYPD building, and telecommunication lines are fed from a manhole on South Street. The majority of the conduit here is located underground, feeding site lighting, a gate motor (no longer in use), and the NYPD site itself. Within the building, however, conduit lines run in the ceiling and drop down to receptacles in the walls - accounting for a majority of the above ground conduit.

NYCEDC is undertaking the replacement of the electrical conduit systems at the above NYPD locations based on the proximity of the project sites to properties managed by NYCEDC on behalf of the City, as well as NYCEDC's expertise in waterfront rehabilitation/restoration construction. The project is intended to replace below and above ground electrical conduit in all three facilities.

At this time NYCEDC proposes to enter into the Consultant Contract for engineering, design and related work for substantially the above described Project elements. NYCEDC will issue an RFP at a later date for a CM to undertake construction of the project and will return to the Executive Committee at a later date to authorize the CM Contract.

**NYCEDC Project Code:** 6637

**Staff:** Phillip Grant, Senior Vice President, Asset Management  
Sophia Abel, Project Manager, Asset Management  
Luz Fontana, Senior Counsel, Legal

Exhibit C

**FACILITIES AND CONSTRUCTION MANAGEMENT SERVICES  
Executive Committee Meeting  
August 2, 2017**

**Project:** Provision of FM and CM services as NYCEDC may direct, including CM services for waterfront and railroad related properties and infrastructure (the "Services")

**Procurement Method:** A publicly advertised RFP using the competitive sealed proposals procurement method

**Contractor:** Hunter Roberts

**Agreements to be Approved:**

- FM/CM Contract with Hunter Roberts for the provision of Project-related FM and CM services (the "Hunter Roberts Contract") for three years and two one-year option periods
- Any needed Funding Source Agreements

**Amounts to be Approved:**

- For an initial three year term of the Hunter Roberts Contract, an aggregate amount not to exceed \$6,000,000, plus \$2,000,000 per year in each of two one-year option periods, plus unspent funds previously authorized for the services under the existing Hunter Roberts FM/CM Contract not being spent for work remaining under the existing Hunter Roberts FM/CM Contract
- For the Hunter Roberts Contract, any amount allocated for any contract year not used in that year may be used in subsequent contract years

It is expected that future Executive Committee authorizations will be sought to amend the Hunter Roberts Contract to provide for additional expenditures on various projects.

**Source of Funds to NYCEDC:** It is anticipated that the Hunter Roberts Contract will be funded principally by City Capital Budget funds. However, NYCEDC may use other types of available funds, including, without limitation, NYCEDC programmatic budget funds and Federal, State or other grant funds.

**Proposed Resolution:** To authorize the President and any empowered officer (a) to enter into the Hunter Roberts Contract, and any needed Funding Source Agreements, all substantially as described herein, and (b) to exercise the options for the Hunter Roberts Contract

**Background:** NYCEDC performs a variety of property and construction management functions on behalf of the City. NYCEDC's current property management portfolio includes various waterfront, railroad and other properties owned, managed and/or leased by the City or by NYCEDC. NYCEDC also regularly assists the City by undertaking or participating in capital and other projects at these and other properties (including privately-owned properties), in order to implement the City's economic

development goals (the management portfolio properties and all other properties collectively, the "Properties").

NYCEDC issued a publicly advertised RFP for contractors to provide the Services at various properties located throughout the City. Basing its selection primarily on the quality of the proposals and the experience, expertise and breadth of the respondent and its team, NYCEDC has selected Hunter Roberts as the most qualified to perform the Services.

Hunter Roberts will act as FM or CM on projects it undertakes and will subcontract out most of the various needed project services. Subcontractors and subconsultants may provide a wide array of services, including, without limitation, construction, engineering and architectural services, conditions surveys, remediating toxic and hazardous material, undertaking operations assessments, providing code and expediting services, and supplying specialty testing services. Generally, Hunter Roberts will procure subcontracts using procurement methods permitted to be used by CMs under NYCEDC's annual contracts with the City. The above types of services among others, and other work on capital projects and CM and FM services at the Properties, may be included in the services under the new Hunter Roberts Contract.

The Hunter Roberts Contract will provide a base contract amount for the term of the contract that will cover the cost of full time FM services to be provided by the staff of a full time site office at a facility to be determined. The base contract amount will also cover certain accounting services, supervision of staff services, and liability insurance. The base contract funds proposed to be provided under the Hunter Roberts Contract may also be used in connection with projects that Hunter Roberts is asked to undertake under its contract with NYCEDC.

Certain projects currently being undertaken under, or that are authorized for, the existing Hunter Roberts FM/CM Contract may be completed or undertaken by Hunter Roberts under the new Hunter Roberts Contract.

NYCEDC will only incur expenses for CM services performed if and when it assigns work to Hunter Roberts. It is anticipated that in the future Executive Committee authorizations will be sought to amend the Hunter Roberts Contract to provide for additional expenditures on various FM and CM projects that Hunter Roberts is asked to undertake (including large projects) or manage. These projects are currently unknown or not well defined and their funding is not included in the present budget for the contract.

**NYCEDC Project Code: 7018**

**Staff:** Rory Melvin, Senior Vice President, Asset Management  
Phillip Grant, Senior Vice President, Asset Management  
Paul Boomgaardt, Assistant Vice President, Asset Management  
Vedesh Persaud, Senior Project Manager, Asset Management  
Prince Flanigan, Project Manager, Asset Management  
Michael Barone, Counsel, Legal

Exhibit D

**LIFESCI NYC INTERNSHIP PROGRAM  
Executive Committee Meeting  
August 2, 2017**

**Project:** The development and implementation of the LifeSci NYC Internship Program (the "Program"), which will connect selected students with unique opportunities at life sciences companies and institutions in the City as well as provide a suite of programmatic events and activities

**Procurement Method:** Publicly advertised RFP

**Contractor:** Upper West Strategies, LLC ("UWS")

**Agreement to be Approved:** A contract with UWS for services related to the Project (the "UWS Contract")

**Amount to be Approved:** Up to \$1,500,000

**Source of Funds to NYCEDC:** NYCEDC programmatic budget funds

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the UWS Contract substantially as described herein

**Background:** Key to supporting the rapid growth of the life sciences industry in New York City is the development and availability of skilled and diverse talent and eliminating significant barriers to career opportunities in life sciences.

To bridge this gap, NYCEDC is launching the Program with the mission to offer hands-on industry experience to students currently enrolled in a life sciences-related academic field wherein they gain unparalleled exposure and valuable connections while "host" companies grow a robust pipeline of future talent. With NYCEDC's consent, UWS may subsidize a "host" company's compensation of an intern, if any.

Each year, the Program will facilitate the competitive matching of approximately one hundred selected students with opportunities at New York City-based companies. The Program will also provide a suite of programmatic events such as professional development and skills-training workshops, networking opportunities and mentorship activities intended to reinforce the internship experience.

**NYCEDC Project Code:** 6997

**Staff:** Doug Thiede, Senior Vice President, Life Sciences and Healthcare  
Carlo Yuvienco, Senior Project Manager, Life Sciences  
Eunice Anderson, Project Manager, Life Sciences  
Léon Willis, Senior Counsel, Legal



Exhibit E

**MITIGATION AND RESTORATION STRATEGIES FOR HABITAT AND  
ECOLOGICAL SUSTAINABILITY (“MARSHES”)  
Executive Committee Meeting  
August 2, 2017**

**Project:** Construction management, construction administration and related services for, and implementation of, the restoration of approximately 54-68 acres of the Saw Mill Creek salt marsh in Staten Island (the “Site”) to obtain compensatory mitigation credits

**Procurement Method:** A sole source amendment to a contract procured through a publicly advertised RFP

**Contractor:** Louis Berger & Assoc., P.C. (“Louis Berger”)

**Agreement to be Approved:** An amendment (the “Amendment”) to NYCEDC’s contract with Louis Berger (the “Consultant Contract”) related to the design, development, permitting, construction administration and regulatory approval-related services for the Project, to provide for additional regulatory approval-related services for the Project

**Amount to be Approved:** Up to an additional \$594,068 for the Amendment, bringing the total authorized amount for the Consultant Contract to up to \$1,833,556

**Source of Funds for the Amendment:**

- Department of State Environmental Protection Grant Fund
- City Capital Budget funds
- ESDC Grant Fund

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Amendment substantially as described herein and to approve the use of City Capital Budget funds in place of CDBG-DR funds for certain work to be undertaken by Louis Berger previously authorized by the Executive Committee for the MARSHES initiative

**Background:** MARSHES is intended to explore policies and strategies for fostering sustainable waterfront development while enhancing and protecting the City’s coastal resources. This is a City initiative. As an interagency effort, MARSHES is led by NYCEDC working closely with the Mayor’s Office of Housing and Economic Development, SBS, the Mayor’s Office of Recovery and Resiliency, City DEP and City Parks.

The restoration at Saw Mill Creek is the first step at implementing the MARSHES initiative. The restoration is being done under State and federal regulatory oversight as a wetlands mitigation bank. The primary permitting and regulatory agencies overseeing the process are the United States Army Corps of Engineers (“USACE”), the State DEC, and the State DOS. Additionally involved agencies are U.S. Fish and Wildlife Service

("USFWS"), National Marine Fisheries Service, U.S. Environmental Protection Agency and City Planning. Collectively, these entities comprise the Interagency Review Team.

Current waterfront regulation in the City requires that aquatic areas impacted by in-water construction projects must provide compensatory mitigation to offset impacts. This often involves a lengthy, inefficient and unpredictable permitting process that frequently impedes waterfront development and restoration work. While average waterfront permitting takes 12 to 18 months, identifying compensatory mitigation on a case-by-case basis, as is now the norm, may add up to three years to project timelines, and can cost up to \$4 million per acre of impact.

Through the MARSHEs initiative and the restoration of the Saw Mill Creek Marsh, NYCEDC seeks to pilot the first mitigation bank in New York City (the "Saw Mill Creek Pilot Wetland Mitigation Bank"). Mitigation banking makes available a regulatory tool previously absent in the City, a marketplace of environmental impact credits. This is a regulatory tool that benefits numerous U.S. cities and municipalities; mitigation banking is used in Upstate New York and 28 other U.S. states. Mitigation banks create credits by restoring a site in advance of a specific future mitigation need. The restoration of a site, in this case at Saw Mill Creek, generates credits that provide a mitigation option to developers (including the City) that are seeking to offset unavoidable aquatic impacts resulting from construction projects. Through the Saw Mill Creek Pilot Wetland Mitigation Bank, NYCEDC is restoring degraded City land that is under City Parks jurisdiction. The restoration of the Site will create City owned mitigation credits for use by the public and private sectors. Credits will be sold to private entities needing mitigation credits. Once credits are created and used for the permitting of specific development, the bank will close and City Parks will become the long term steward of the Site.

The Executive Committee previously authorized NYCEDC to enter into the Consultant Contract to perform design, development, construction administration and permitting/regulatory approvals for the Project. The central work product created from contracting with Louis Berger to design and permit the Project is the creation of a mitigation banking instrument (the "MBI") for the Saw Mill Creek Pilot Wetland Mitigation Bank. The MBI, dated as of June 2015, represents a compilation of all of the design and development work that have gone into MARSHEs to date. The MBI defines the terms and duration during which specific wetland restoration activities occur. In exchange for NYCEDC performing the restoration and subsequent monitoring activities, USACE and State DEC issue compensatory mitigation credits.

On April 25, 2017 USACE issued a permit for the Saw Mill Creek Pilot Wetland Mitigation Bank that included special permit conditions intended to address comments from USFWS (the "USACE Special Permit"). The USACE Special Permit conditions include substantial pre and post construction biota and sediment testing as a permit compliance requirement.

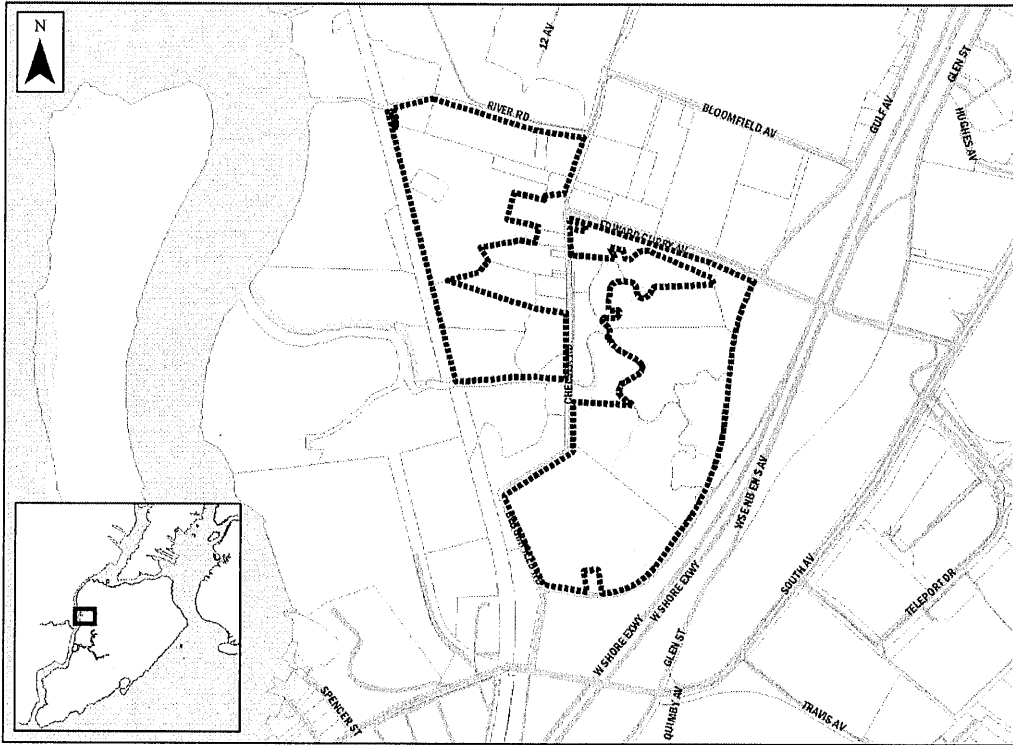
NYCEDC proposes to further amend the Consultant Contract to provide for additional regulatory approval-related services required by the USACE Special Permit conditions,

including providing and obtaining approval for a sampling plan, and sampling and analysis of biota and sediment.

**The Mitigation and Restoration Strategies for Habitat and Ecological Sustainability Project was last presented to the Executive Committee on September 30, 2015 and as part of the Citywide Rehabilitation/Improvements item at the May 10, 2017 Executive Committee meeting.**

**NYCEDC Project Code: 5330**

**Staff:** Sakiru Okeowo, Senior Project Manager, Capital Program  
Max Taffet, Assistant Vice President, Ports and Transportation  
Jennifer Cass, Vice President, Capital Program  
Astrid Andre, Senior Counsel, Legal



NYCEDC MGIS 07/07/2017

0 500 1,000 Feet

**Exhibit F**

**ATLANTIC AVENUE EXTENSION  
Executive Committee Meeting  
August 2, 2017**

**Project:** Construction to extend Atlantic Avenue through an existing mapped right-of-way connecting Atlantic Avenue with 95th Avenue, streetscape improvements on 94<sup>th</sup> and 95<sup>th</sup> Avenue, and new open park space

**Procurement Method:** Competitive sealed bid

**Contractor:** J. Anthony Enterprises Inc. (the "Construction Contractor")

**Agreements to be approved:**

- Construction contract (the "Construction Contract") with the Construction Contractor for Project construction services
- Any needed Funding Source Agreements

**Amount to be approved:** Up to \$11,500,000 for the Construction Contract

**Sources of Funds to NYCEDC:** Federal Highway Administration funds and City Capital budget funds

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Construction Contract and any needed Funding Source Agreements, substantially as described herein

**Background:** The Atlantic Avenue Extension Project is designed to improve access from the Van Wyck Expressway to, and create a gateway to, the Jamaica LIRR/Air Train station transit hub by providing (i) an extension to Atlantic Avenue through an existing mapped right-of-way connecting Atlantic Avenue with 95<sup>th</sup> Avenue, (ii) streetscape improvements on 94<sup>th</sup> Avenue and 95<sup>th</sup> Avenue from the Van Wyck Expressway Service Road to Sutphin Boulevard, and (iii) new park space.

The Atlantic Avenue Extension project will extend Atlantic Avenue for one additional block beyond its existing eastern terminus. This new roadway will be built in an area that has been mapped as a street pursuant to a 2007 ULURP approval. Public parks are mapped on both sides of the Atlantic Avenue Extension. Two formerly private lots on the project site have been acquired by the City. They contained one industrial building and its adjacent parking, which have been demolished. This Project will address a current deficiency in the east-west street network that serves downtown Jamaica and will alleviate the traffic congestion that regularly occurs for eastbound vehicles on 94th Avenue at its intersection with Sutphin Boulevard. This Project will create a higher roadway capacity and attractive "gateway" to and from the LIRR/AirTrain station area. The Atlantic Avenue Extension Project will also result in the creation of new public open park space in a neighborhood with few open space amenities.

At the March 19, 2014 meeting, the Executive Committee approved NYCEDC entering into a construction contract for the Project for up to \$8,000,000. The construction work was awarded to Inter Contracting Corp. ("Inter") in January 2015 but construction work did not start until October 2015 because of delay in gaining access to the site for the work.

Inter asked to renegotiate its bid proposal to account for cost escalation resulting from the delay in the start of construction. Since FHWA rules do not allow for re-negotiation of an awarded contract, NYCEDC's contract with Inter was terminated after Inter completed the environmental remediation and demolition of the building required for the Project.

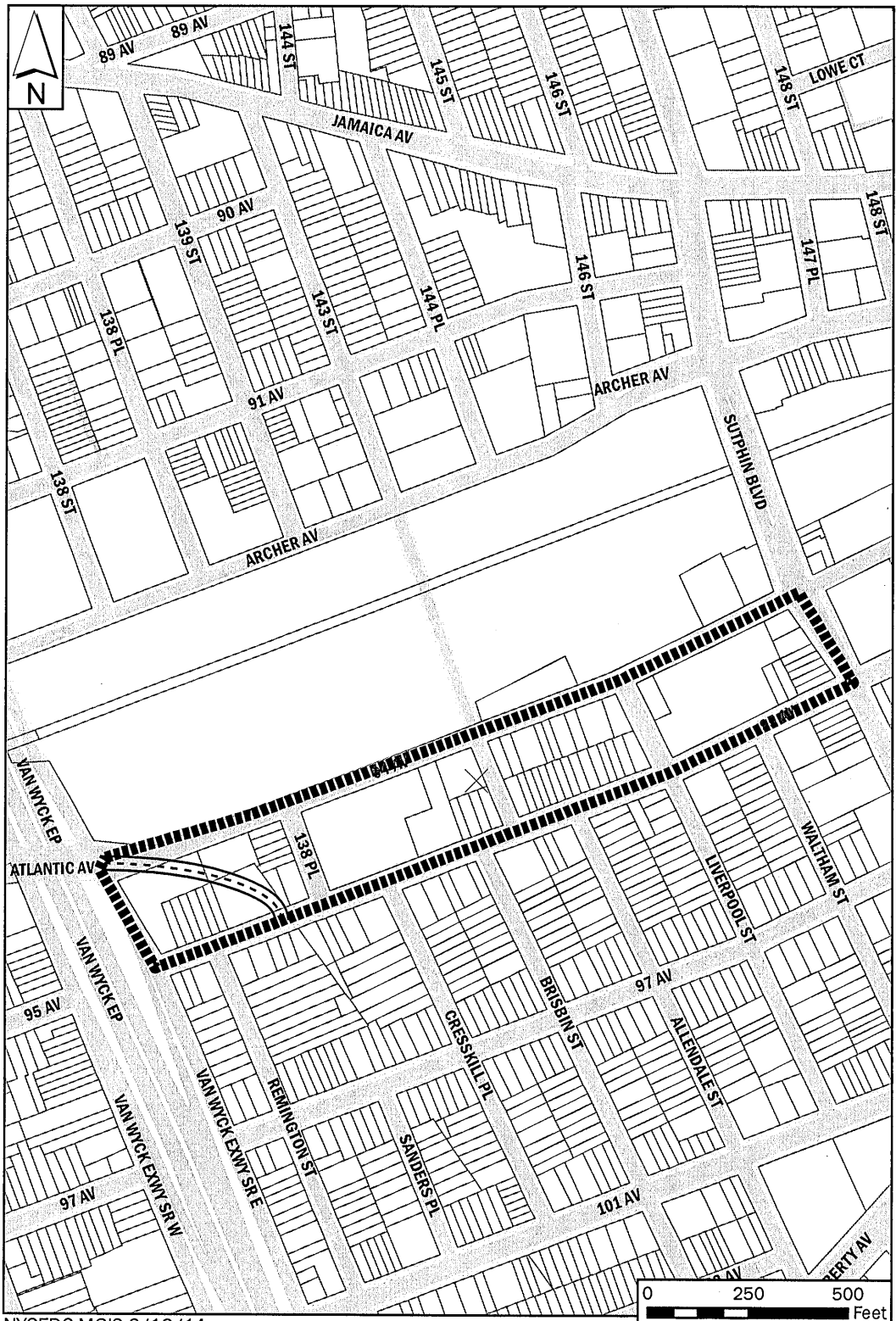
An Invitation for Bids was released for remaining Project construction work. The Construction Contractor submitted the lowest responsive and responsible bid and was selected to enter into the Construction Contract for such remaining construction work.

**The Atlantic Avenue Extension Project was last presented to the Executive Committee on April 30, 2015.**

**NYCEDC Project Number: 5434**

**Staff:** Sakiru Okeowo, Senior Project Manager, Capital Program  
Terri Bahr, Vice President, Capital Program  
Valerie Himelewski, Senior Counsel, Legal

# ATLANTIC AVENUE EXTENSION



NYCEDC MGIS 2/12/14

## Exhibit G

### **RECONSTRUCTION OF SPRINGFIELD GARDENS RESIDENTIAL AREA, QUEENS – PHASES D1 AND D2 Executive Committee Meeting August 2, 2017**

**Project:** Phases D1 and D2 for the Springfield Gardens Residential Area Reconstruction Project include infrastructure upgrades to alleviate the chronic flooding conditions and improve water quality as well as reconstruction of streets. Phase D1 included the reconstruction of roadways with new raised concrete medians, new street lighting, landscaping, and other improvements. Phase D2 includes installation of new drainage infrastructure, upgrading existing sanitary sewers and water mains as well as the reconstruction of streets. Phase D2 also includes improvements to the existing natural open water system in the area including Springfield Lake and its inlet and outlet streams as well as three proposed pocket wetlands.

#### **Procurement Methods:**

- A sole source amendment to a resident engineer contract (“RE Contract”) with Henningson, Durham & Richardson, P.C., d/b/a Henningson, Durham & Richardson, Architecture and Engineering, P.C. (“HDR”) that was procured through a publicly advertised RFP
- A sole source amendment, probably through a change order, to a construction contract (the “Construction Contract”) with EIC Associates, Inc. (“EIC”), that was procured through a publicly advertised competitive sealed bid

#### **Contractors:**

- HDR
- EIC

#### **Agreements to be Approved:**

- An amendment to the RE Contract for construction project oversight and resident engineering services for Phase D2 (the “HDR Amendment”) to provide for additional such services for Phase D2
- An amendment to the Construction Contract for Phase D2 (the “EIC Amendment”) to provide for additional construction services for Phase D2
- Any needed Funding Source Agreements

#### **Amounts to be Approved:**

- Up to \$1,120,000 for the HDR Amendment (which includes approximately \$27,000 of funds authorized but not used for an HDR Contract for Phase D1). With the addition of such funds, the total authorized amount of the RE Contract will be up to \$5,520,000.
- Up to \$1,300,000 for the EIC Amendment. With the addition of such funds, the total authorized amount of the Construction Contract will be up to \$60,000,000.

#### **Source of Funds:**

- Up to \$552,792 in City Capital Budget funds being made available by City DOT
- Up to \$1,867,208 in City Capital Budget funds being made available by City DEP



**Proposed Resolution:** To authorize the President and any empowered officer to enter into the HDR Amendment, the EIC Amendment, and any needed Funding Source Agreements, substantially as described herein

**Background:** The Springfield Gardens area, located in southeastern Queens, north of JFK Airport and Nassau Expressway, is divided into two distinct land use functions, residential and industrial. The residential community basically consists of one and two family detached and semi-detached housing and is located generally north of 147<sup>th</sup> Avenue. The residential area also includes a portion of Springfield Park, a stream from a lake in the park, a portion of Idewild Park and various streets south of 147<sup>th</sup> Avenue. The industrial section is mainly occupied by air freight handling companies and other airport service related businesses.

The Springfield Gardens area had extremely poor drainage. There had been widespread flooding due to the lack of adequate grading and storm water sewer facilities. Most of the existing streets were substantially below legal grade and without any storm water sewers and/or basins.

The Project site is located in the residential areas of Springfield Gardens. The Project is separated into Phase D1 and Phase D2. The Phase D1 reconstruction area is located along Springfield Boulevard from South Conduit Avenue to a point south of 145<sup>th</sup> Road. Phase D1 included reconstruction of the existing roadway, new street lighting, landscaping and other improvements and was completed on December 31, 2015. Phase D2 includes installation of new drainage infrastructure, upgrading existing sanitary sewers and water mains as well as the reconstruction of streets. Phase D2 also includes improvements to the existing natural open water system in the area including Springfield Lake and its inlet and outlet streams as well as three proposed pocket wetlands utilizing best management practices, which will serve to cleanse the storm water before discharging it into the natural wetland systems. Currently, Phase D2 is anticipated to be completed by December 31, 2018.

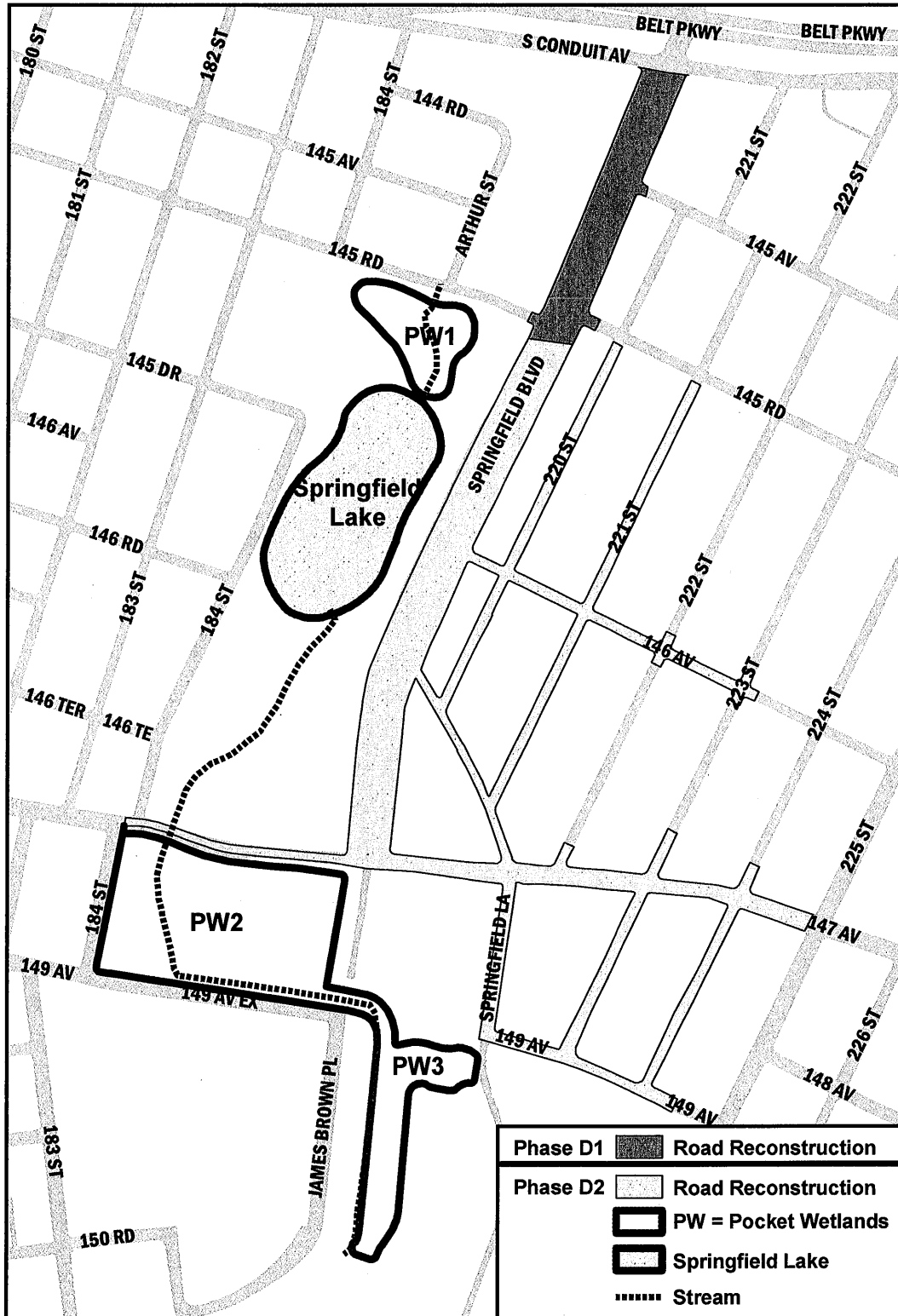
At its April 25, 2012 meeting, the Executive Committee authorized NYCEDC to enter into the RE Contract and the Construction Contract for Phase D2. At this time, NYCEDC proposes to enter into the HDR Amendment to provide additional construction project oversight and resident engineering services for Phase D2 work associated with the construction and close-out requirements for Phase D2. In addition, NYCEDC proposes to enter into the EIC Amendment to complete additional construction work associated with Phase D2.

**The Reconstruction of Springfield Gardens Residential Area, Queens – Phases D1 and D2 was last presented to the Executive Committee on April 25, 2012.**

**NYCEDC Project Code:** 190

**Staff:** Jawad Assaf, Vice President, Capital Program  
Rebecca Parelman, Senior Project Manager, Capital Program  
Luz Fontana, Senior Counsel, Legal

# Reconstruction of Springfield Gardens Phase D



NYCEDC MGIS 03/10/11

0 250 500 1,000 Feet

Exhibit H

**NYCEDC INCUBATOR INITIATIVE: MADE IN NY MEDIA CENTER  
Executive Committee Meeting  
August 2, 2017**

**Project:** Manage the existing Made in NY Media Center (the "Media Center"), a media and technology incubator that provides affordable workspace for media and entertainment projects, entrepreneurs and companies; provides educational and networking programming to Media Center users and the broader community; and facilitates collaboration across media and entertainment industry segments

**Procurement Method:** Sole source amendment

**Contractors:** The Independent Feature Project, Inc. ("IFP")

**Agreements to be Approved:**

- An amendment (the "Amendment") to the existing agreement with IFP (the "Agreement") for the Project to provide additional funds for the Project to facilitate additional Project scope
- Any needed Funding Source Agreements

**Amount to be Approved:** Up to \$500,000

**Source of Funds:** Tax Levy funds provided by the Mayor's Office of Media and Entertainment ("MOME")

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Amendment and any needed Funding Source Agreements substantially as described herein

**Background:** NYCEDC's incubator initiative is part of the City's strategy to help strengthen and diversify the City's economy. The goal is to build a network of incubators that offer affordable space and educational networking and mentoring services to entrepreneurs across various industries in the City. Since the commencement of the initiative, NYCEDC has helped to launch 16 incubators across several industries, including technology, food manufacturing, fashion and arts.

NYCEDC and IFP entered into the Agreement for the Media Center located at 30 John Street in Brooklyn, in October 2012 for a term of eight years. Occupying approximately 20,000 square feet, the Media Center offers affordable workspace to incubate media projects and start-ups along with a wide range of programming targeted at Media Center users and the greater community. The facilities also include a café, media exhibition and gallery space, a production grade theater and classrooms.

The Media Center currently has over 100 members and continues to see increased interest from creative and technology companies. Media Center has also seen growth

in its Expert in Residence program that provides pro-bono consultations on a range of subjects, including law, accounting, marketing, branding, application development, and interactive media.

The additional funding provided under the Amendment will be used principally to implement an updated version of the standing incubator services plan, to continue successful programs, and to create the initial phase of new programs; all programming is intended to encourage innovative content creation, industry innovation and sector diversity. The programs to be funded include:

- a. Diversity Fellowships:** IFP contemplates that it will award 10-12 fellowships to individuals with diverse skill sets and professional backgrounds seeking to produce films and create content, to develop innovative products or to launch new media/technology ventures that reflect a diversity of voice and participation in the industry. These fellowships are contemplated to include, among other matters, twelve months of incubator space at the Made in NY Media Center, mentorship by industry leaders and knowledgeable IFP staff, access to IFP classes, and networking events and facilities.
- b. Creative to Founder Labs:** IFP contemplates that it will produce a series of programs—two 8-week sessions and two weekend intensives—for the Diversity Fellows and creatives from the community at-large who would like to strengthen their business skills and network to bring their business ideas to life. Modules may include topics such as: design thinking, rapid prototyping, agile and lean product development, creating a marketing strategy and growth strategies for early stage companies. The 8-week programs and weekend intensives will allow for greater reach to constituents with busy schedules.
- c. Podcast Development Studio:** IFP contemplates that it will create a Podcast program to support the burgeoning podcasting community and marketplace through offering public symposiums, workshops and integration into IFP's ClassWork series of professional development courses. The program will explore every aspect of podcast making, from development to production and post-production through to distribution and monetization. The program will focus on serialized content, both narrative and non-narrative with a concentration on journalism. IFP will host and enable in its theater space live-recording events specifically for podcast production. IFP will also create a recording studio with control room and audio booth, which will provide participants with the infrastructure to serve as a resource to design, program and host public events.
- d. Professional Development Programs:** IFP will support New York City-based media and film professionals with a series of programs as part of the ClassWork series, including, without limitation, VR/AR workshops, short-form serial and long-form content, and new forms of narrative focusing on financing, production, distribution and monetization.

**e. Youth Programs in Media and Film:** IFP will conduct a series of trainings for New York City youth interested in media and film. It is contemplated that trainings will include workshops on creating and editing VR/AR content, short-form serial content, innovative storytelling, and new forms of narrative.

**f. Thought Leadership Business Summits:** IFP will conduct an event series targeting large media and media-tech corporations for engagement on corporate innovation including company culture, employee engagement, scaling business and the future of work.

**g. MOME Programming:** Ongoing programming design and support to further promote MOME initiatives around film financing, podcast creation, VR/AR production and development tools, reaching and recruiting diverse voices in filmmaking, Made in NY Industry and career panels.

NYCEDC proposes awarding the Amendment on a sole source basis since IFP already has a contract to operate the Media Center and has a long history of identifying and supporting creators and media projects early on in their development and supporting them to execution. This curatorial expertise has been successfully adapted to the Media Center where much of the membership has grown their ideas into scalable businesses, grown their teams and raised capital. IFP's unique ability to further support these viable projects will allow NYCEDC to further the mission of supporting and impacting the growth of the media/technology sector in New York City.

**The Media Center incubator project was last presented to the Executive Committee on September 30, 2016.**

**NYCEDC Project Code: 3662**

**Staff:** Kate Daly, Senior Vice President, Initiatives  
Carrie Bronsther, Senior Project Manager, Initiatives  
Lauren Brady, Senior Counsel, NYCEDC

Exhibit I

**CITYWIDE REHABILITATION/IMPROVEMENTS  
Executive Committee Meeting  
August 2, 2017**

**Project:** Work related to waterfront and other facilities at various locations in the City

**Procurement Method:** Sole source amendments to contracts that were competitively procured. Each Contractor is acting as a CM and procuring subcontractors for the Project work assigned to it in a manner permitted under its contract, with the primary procurement method anticipated to be a method similar to the CM method of procurement in NYCEDC's contacts with the City.

**Contractors:**

- Armand
- Hunter Roberts
- Gilbane
- Skanska

**Agreements to be Approved for Project Work:**

- One or more amendments (the "Armand Amendments") to NYCEDC's CM Contract with Armand (the "Armand Contract") to provide for Project services
- One or more amendments (the "Hunter FM/CM Amendments") to NYCEDC's existing FM/CM Contract with Hunter Roberts (the "Hunter FM/CM Contract") to provide for Project services and to extend the Hunter FM/CM Contract until work being completed under that contract is finished
- One or more amendments (the "Gilbane Amendments") to NYCEDC's CM Contract with Gilbane (the "Gilbane Contract") to provide for Project Services
- One or more amendments (the "Skanska Amendments") to NYCEDC's CM Contract with Skanska (the "Skanska Contract") to provide for Project Services
- Any needed Funding Source Agreements

**Amounts to be Approved:**

- Up to \$382,454 for the Armand Amendments
- Up to \$7,705,000 for the Hunter FM/CM Amendments
- Up to \$10,000,000 for the Gilbane Amendments
- Up to \$8,000,000 for the Skanska Amendments

**Source of Funds to NYCEDC:** City Capital Budget funds

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Armand Amendments, Hunter FM/CM Amendments, Gilbane Amendments, Skanska Amendments and any needed Funding Source Agreements, substantially as described herein

**Background:** Under its annual contracts with the City, NYCEDC manages certain City-owned property and projects at City-owned property. NYCEDC also leases properties,

owns some properties and undertakes various other projects at the direction of the City. At this time, NYCEDC proposes that Armand, Hunter Roberts, Gilbane and Skanska undertake substantially the Project work listed in Attachment A. Attachment A indicates the responsible Contractor and the maximum amounts to be spent for the specified work, as well as the contract the work will be performed under. The Project costs, in most cases, will include engineering, design, construction, construction management and/or insurance costs.

With NYCEDC's approval, subcontractors retained by the Contractors may, in turn, subcontract certain work.

Estimated approximate payments to be made to the respective Contractors for CM services related to the portion of the Project undertaken by them are as follows:

<u>Contractor</u>	<u>Approximate Payment</u>
Armand	\$ 30,596
Hunter Roberts	\$ 600,800
Gilbane	\$ 800,000
Skanska	\$ 640,000

**The Citywide Rehabilitation/Improvements Project was last presented to the Executive Committee on June 28, 2017.**

**NYCEDC Project Codes:** See Attachment A.

**Staff:** Phillip Grant, Senior Vice President, Asset Management  
Paul Boomgaardt, Assistant Vice President, Asset Management  
Vedesh Persaud, Senior Project Manager, Asset Management  
Prince Flanigan, Project Manager, Asset Management  
Sophia Abel, Project Manager, Asset Management  
Valerie Himelewski, Senior Counsel, Legal

**Attachment A**

<b>Contract</b>	<b>Work Site</b>	<b>Borough</b>	<b>Project Work</b>	<b>Estimated Maximum Cost</b>	<b>Project Code</b>
Armand	East New York Incubator	Brooklyn	Design, construction and other related work with regard to rehabilitation and improvements at the East New York Incubator	\$382,454	TBD
			<b>Total Armand Amendments</b>	<b>\$382,454</b>	
Hunter Roberts	La Marqueta Building 4	Manhattan	Design, construction and other related work with regard to rehabilitation and improvements of the La Marqueta Building 4 facade	\$1,195,000	TBD
Hunter Roberts	BAT Building B	Brooklyn	Design, construction and other related work with regard to rehabilitation and improvements of some of the elevator systems in Building B at BAT	\$6,510,000	TBD
			<b>Total Hunter FM/CM Amendments</b>	<b>\$7,705,000</b>	
Gilbane	Bush Terminal Building G	Brooklyn	Design, construction and other related work with regard to the demolition of Bush Terminal Building G	\$10,000,000	TBD
			<b>Total Gilbane Amendments</b>	<b>\$10,000,000</b>	
Skanska	Manhattan Cruise Terminal Pier 90	Manhattan	Design, construction and other related work with regard to rehabilitation and improvements of the Manhattan Cruise Terminal Pier 90 fendering systems.	\$8,000,000	TBD
			<b>Total Skanska Amendments</b>	<b>\$8,000,000</b>	



Exhibit J

**ACADEMY BUS LLC  
SERVICE CONTRACT: AMENDMENT  
Executive Committee Meeting  
August 2, 2017**

**Project:** Provision of express bus service between the South Shore of Staten Island and Midtown Manhattan during weekday morning and evening commute hours (the "SI Bus Services")

**Procurement Method:** The contract for SI Bus Services (the "Contract") was procured pursuant to an RFP. The Contract was previously amended on a sole source basis as a result of a declaration of bankruptcy by the initial operator, Atlantic Express Coachways, Inc., and the subsequent auction by the bankruptcy court and assumption of the Contract to operate the SI Bus Services by Academy Express LLC or a related entity ("Academy"). The currently proposed amendment is being entered into on a sole source basis.

**Consultant:** Academy

**Agreements to be Approved:**

- One or more amendments to the Contract (the "Amendment") to extend the contract term for twelve months until September 7, 2018 (the "Extension Period").
- Any other needed agreements, amendments to agreements (including an MOU with City DOT) or arrangements with one or more City or State agencies or affiliates thereof related to their assisting in administration of the Contract (the "Administration Agreements")
- Any needed Funding Source Agreements

**Amounts to be Approved:** Up to \$3,500,000. Academy will also retain monies received by Academy for farebox collections and advertising revenue.

**Sources of Funds:** Funds made available by the City (in addition to funds received by Academy through farebox collections and advertising revenue)

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Amendment, any needed Administration Agreements, and any needed Funding Source Agreements

**Background:** The Contract provides for Metrocard-compatible SI Bus Services on two routes that have been agreed to by the operator, NYCEDC and City DOT. NYCEDC proposes to extend the Contract for the Extension Period. The original agreement, executed in September 2001, was for a one-year term, but has been extended

periodically. The Contract, as currently extended, is scheduled to expire on September 7, 2017.

The Contract grew out of a growing demand for commuter bus services between the fast-growing South Shore of Staten Island and Manhattan. The two routes of the SI Bus Services supplement routes operated by the MTA. It is anticipated that City DOT will assume responsibility for all matters related to the SI Bus Services upon expiration of the Amendment in 2018.

**The last time a contract for the SI Bus Service was presented to the Executive Committee was December 19, 2013.**

**NYCEDC Project Code: 1379**

**Staff:** Ryan White, Assistant Vice President, Ports & Transportation  
Andrew Genn, Senior Vice President, Ports & Transportation  
Caroline Nguyen, Counsel, Legal Department

Exhibit K

**NIXON PEABODY LLP: LEGAL RETAINER  
Executive Committee Meeting  
August 2, 2017**

**Project:** Legal representation of NYCEDC regarding NYCEDC's possible fuel and/or interest rate hedging transactions in connection with the fueling of vessels used to provide citywide ferry service and related matters

**Procurement Method:** Sole source amendment

**Contractor:** Nixon Peabody LLP ("Nixon Peabody")

**Matter to be Approved:** Increase the amount of funds payable under the existing agreement for Project services with Nixon Peabody (the "Retainer Agreement") from up to \$20,000 to up to \$95,000

**Amount to be Approved:** Up to an additional \$75,000

**Source of Funds to NYCEDC:** NYCEDC's programmatic budget

**Proposed Resolution:** To authorize an increase in the amount of funds payable under the Retainer Agreement from up to \$20,000 to up to \$95,000 and to authorize the President and any empowered officer to enter into any related agreements substantially as described herein

**Background:** NYCEDC on behalf of the City launched the initial phase of the Citywide Ferry System ("CFS") in 2017 as a compliment to the City's transportation options, offering residents more convenient transit options. The CFS is being launched in phases and includes the previously operating East River Ferry route. The South Brooklyn and Rockaway routes began operation in 2017, the Astoria route will start later in 2017, and the Soundview and Lower East Side routes will start in 2018. The CFS is projected to consume approximately 1 to 3 million gallons of Ultra Low Sulfur Diesel annually over the six year term of the CFS operating contract. As a means to mitigating the price risk of fuel, NYCEDC engaged a financial advisor and is entering into fuel and/or interest rate hedging transactions in connection with the fueling of vessels used to provide the CFS.

In order to negotiate such hedging transactions, NYCEDC needed and continues to need the legal services of a counsel with extensive experience with such commodities trading transactions, particularly with experience in and knowledge of the requirements of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the rules and regulations promulgated thereunder.

NYCEDC's Legal Affairs Committee authorized the Retainer Agreement for up to \$20,000 as a micro purchase on October 14, 2016. At this time, it has been determined that additional funds will be necessary to complete the Project services, resulting in an

increase in the amount of funds payable under the Retainer Agreement from up to \$20,000 to up to \$95,000.

Nixon Peabody will continue to charge the following rates per hour through at least January 1, 2018 (by which time it is anticipated that Project services will be complete): \$550 for partners, \$450 for counsel and senior associates with at least 6 or more years' experience, \$350 for associates with more than two but less than six years of experience, and \$175 for associates with up to two years of experience and paralegals. Nixon Peabody will also continue to be reimbursed for certain expenses. It should be noted that the City's Law Department, pursuant to its role under NYCEDC's annual contracts with the City, has approved the rates and retention of Nixon Peabody for this matter.

**Staff:** Lauren Brady, Senior Counsel, Legal

Exhibit L

**CARTER LEDYARD & MILBURN LLP  
Executive Committee Meeting  
August 2, 2017**

**Project:** Legal representation of NYCEDC regarding the Times Square project (the "Project"), primarily with regard to a reset of base rent pursuant to the Agreement of Lease dated December 13, 1996, between the City of New York (the "City"), as landlord, and FC 42nd Street Associates, L.P., as tenant (the "Lease")

**Procurement Method:** Sole source amendment

**Contractor:** Carter Ledyard & Milburn LLP ("Carter Ledyard")

**Matter to be Approved:** Increase the amount of funds payable under the existing agreement with Carter Ledyard for Project services, including negotiation of the base rent valuation, a potential arbitration of same and related litigation matters (the "Retainer Agreement"), from up to \$200,000 to up to \$400,000. The amount spent through June 30, 2017, is approximately \$142,000.

**Amount to be Approved:** Up to an additional \$200,000

**Source of Funds to NYCEDC:** NYCEDC's programmatic budget,

**Proposed Resolution:** To authorize an increase in the amount of funds payable under the Retainer Agreement from up to \$200,000 to up to \$400,000 and to authorize the President and any empowered officer to enter into any agreements related to such increase, substantially as described herein

**Background:** The redevelopment of 42nd Street was conceived in the 1980s as a joint effort of the City and the State of New York to transform 42nd Street between 7th and 8th Avenues into a vibrant office and cultural center. Using its power of eminent domain, the State of New York (through ESDC) condemned the 42nd Street project properties. Numerous long-term leases were negotiated, sites were cleared, and a historic theater building was moved from one location on the street to another. Nearly all of the properties have been redeveloped.

The State's interest was transferred to the City in 2011, and NYCEDC was authorized to manage and administer the 42nd Street Project on behalf of the City.

Section 3.01 of the Lease requires a base rent reset during the "2nd Rental Period", which starts on the twentieth anniversary of the Lease, and continues for fifteen years, after which there are further rent resets. In compliance with the terms of the Lease, NYCEDC sent the tenant the landlord's Valuation Notice on November 11, 2016. The tenant rejected landlord's valuation. The interpretation of certain Lease provisions related to the reset is currently being determined by a declaratory judgement proceeding which is being handled by Carter Ledyard.

The City Law Department was unable to provide legal representation for a potential arbitration, and it recommended Carter Ledyard as outside counsel for the Project. Considering the pressing nature of this valuation dispute, and the timing provided in the Lease, NYCEDC retained Carter Ledyard, which has experience in arbitrating and litigating base rent resets for ground leases. (Carter Ledyard also represents the ESDC on a base rent reset for a ground lease on Roosevelt Island.) At this time, it has been determined that additional funds will be necessary to be paid under the Retainer Agreement.

Carter Ledyard charges the following rates per hour: \$550 for partners and Lee A. Ohliger, counsel, \$450 for senior associates with at least 6 years' experience and other counsel, \$350 for associates with more than two but less than 6 years' experience, and \$175 for associates with less than 2 years of experience and paralegals. Carter Ledyard is also being reimbursed for certain expenses. It should be noted that the City's Law Department, pursuant to its role under NYCEDC's annual contracts with the City, approved the rates and retention of Carter Ledyard for this matter.

**NYCEDC Project Code: 6985**

Staff: Nicholas Nguyen, Assistant Vice President, Asset Management  
Richard Palumbo, Senior Counsel, Legal

**FUNDING AGREEMENT**  
**Executive Committee Meeting**  
**August 2, 2017**

**Proposed Resolution:** To authorize the President and any empowered officer to enter into a funding agreement that has been procured on a sole source basis, substantially as described herein, and any agreements or amendments to agreements necessary to obtain funds for said agreement

Contractor Name and Description, and Agreement/Amendment (the agreement may be with the named contractor or an affiliate of the named contractor)	Project Site Address(es), Borough	Source of New NYCEDC Funds	Amount Under New Agreement/ Amendment	Application of New Funds and Related NYCEDC Actions
(1) Boys & Girls Club of Metro Queens, Inc. ("BGCMQ"), a not-for-profit corporation – Funding Agreement	110-04 Atlantic Avenue, Queens	Queens Borough President, City Council	Up to \$286,261	To fund the purchase of furniture, computer hardware and software, and other equipment needed to utilize new community center space at 110-04 Atlantic Avenue, including age appropriate tables and chairs for students, smartboards in classrooms to enhance lessons, and new computers to support the science, technology, engineering and math initiatives at the club. NYCEDC previously provided funds for renovating and expanding BGCMQ's facility at 110-04 Atlantic Avenue.

**NYCEDC Project Code:** (1) 6014

**NYCEDC Staff:** (1) Priya Ananthanathan, Senior Project Manager, Funding Agreements

### Description of Contractor

- (1) Boys & Girls Club of Metro Queens, Inc. was founded in 1957 with the mission to inspire and enable young people to reach their full potential as productive, caring and responsible citizens.



Exhibit N

**ON-CALL SPECIAL INSPECTION RETAINER SERVICES  
Executive Committee Meeting  
August 2, 2017**

**Project:** Provision of on-call special inspection and related services in connection with various capital improvement construction projects throughout the City

**Procurement Method:** A publicly advertised RFP

**Contractors (collectively, the "Consultants"):**

- Tectonic Engineering & Surveying Consultants P.C.
- Universal Testing & Inspection Services Inc
- Urban Engineers of New York, D.P.C.

**Agreements to be Approved:**

- A consultant contract, and possibly amendments thereto, with each of the Consultants for Project services (collectively, the "Consultant Contracts")
- Any Funding Source Agreements necessary to obtain funds for any tasks under the Consultant Contracts

**Amount to be Approved:** Up to \$12,000,000 in the aggregate for the Consultant Contracts

**Source of Funds to NYCEDC:** The source of funds will vary depending on the particular task or project. Sources may include, without limitation, Capital Budget funds, FEMA funds, CDBG-DR funds, and other sources.

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Consultant Contracts and any needed Funding Source Agreements, substantially as described herein

**Background:** The New York City Building Code and the Rules of the City of New York require that certain materials, operations and equipment for construction projects be inspected and/or tested to verify compliance with code requirements, for all construction projects filed with the New York City Department of Buildings ("DOB") on or after July 1, 2008.

NYCEDC's Executive Committee previously approved consultant contracts, and amendments thereto, for on-call special inspections and related services to comply with DOB requirements that require that special inspections be performed by a DOB-approved special inspection agency retained independently by NYCEDC. The new on-call special inspections contracts are being proposed because the previously executed contracts have expired.

In May 2017, NYCEDC released a publicly advertised RFP for on-call special inspections, requesting that DOB-approved special inspection agencies demonstrate their capacity to inspect and certify that construction operations performed and materials installed by a CM, a General Contractor ("GC"), and/or sub-contractor(s) to

the CM and/or GC adhere to all Building Code special inspections and other requirements, and comply with the drawings and specifications issued by a design consultant, the CM, the GC and/or the resident engineer.

In addition to performing special inspections for materials, operations and equipment as required, the Consultants, when specifically requested by NYCEDC, will also ensure technical compliance with other requirements of the plans and specifications for the construction project. The Consultants may choose to subcontract the inspection of certain specialized disciplines as required for each specific assignment. The specific subcontractor staff must be certified in that specific discipline.

NYCEDC received eighteen proposals in response to a publicly advertised RFP. The review process resulted in the selection of three consultants.

NYCEDC will issue task order assignments to the Consultants on a task-by-task or project assignment basis. It is anticipated that each assignment will have its own distinct funding source(s).

NYCEDC may seek future Executive Committee authorizations to provide for additional funds for additional projects.

**On-Call Special Inspection Retainer Services was last presented to the Executive Committee on June 15, 2016.**

**NYCEDC Project Code: 6809**

**Staff:** Brian Larsen, Senior Vice President, Capital Program  
Kyong Vasquez, Assistant Vice President, Capital Program  
Samantha Solano, Analyst, Capital Program  
Busayo Olupona, Counsel, Legal

Exhibit O

**ON-CALL GATE AND DOOR MAINTENANCE SERVICES  
Executive Committee Meeting  
August 2, 2017**

**Project:** Gate and door maintenance services (the "Services") at various sites managed by NYCEDC and designated by NYCEDC

**Procurement Method:** Publicly advertised RFP using the competitive sealed proposals procurement method

**Contractor:** City Store Gates Mfg. Corp. ("City Gates")

**Agreement to be Approved:** A contract with City Gates to provide the Services (the "Agreement")

**Amount to be Approved:** Up to \$1,000,000

**Source of Funds to NYCEDC:** NYCEDC programmatic budget funds

**Proposed Resolution:** To authorize the President and any empowered officer to enter into the Agreement with City Gates substantially as described herein

**Background:** Pursuant to its annual contracts with the City, NYCEDC manages certain City-owned property, and leases and owns numerous properties, throughout the City. As part of its management duties for these properties, NYCEDC requires contractors to provide various property management related services, including the Services.

City Gates has been selected for the Services, to provide the equipment and furnish all necessary labor and supervision, supplies, materials and permits for door and gate maintenance services, including the removal, replacement and/or repairs of gates and doors and miscellaneous parts and materials.

**NYCEDC Project Code:** 6762

**Staff:** Joseph Palazzola, Project Manager, Asset Management  
Eric Bassig, Project Manager, Administrative Services  
Mayra Ortiz-Ranko, Vice President, Asset Management  
Rory Melvin, Senior Vice President, Asset Management  
Busayo Olupona, Counsel, Legal