



New York City Economic Development Corporation

MINUTES OF A SPECIAL MEETING  
OF THE LEGAL AFFAIRS COMMITTEE  
OF  
NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION  
November 18, 2016

A special meeting of the Legal Affairs Committee (the "Committee") of the Board of Directors of New York City Economic Development Corporation ("NYCEDC") was held, pursuant to notice by an Assistant Secretary, on Friday, November 18, 2016.

The following members of the Committee were present by conference telephone:

Matthew Hiltzik  
James McSpiritt

Members of NYCEDC staff also were present.

The meeting was chaired by Mr. McSpiritt and called to order at 9:47 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. Hawkins Delafield & Wood LLP: Legal Retainer

Luz Fontana, a Senior Counsel of NYCEDC, presented a proposed agreement with Hawkins Delafield & Wood LLP ("Hawkins") for services related to the development of Design-Build procurement and contract documents to be utilized by NYCEDC for capital Design-Build projects, on substantially the terms set forth in Exhibit A hereto.

Ms. Jones noted that Hawkins would prepare templates of procurement documents and contracts for NYCEDC's use, and that NYCEDC would negotiate the terms for and prepare documents for specific Design-Build projects in the future.

Mr. McSpiritt then confirmed that the City's Law Department had approved the retention and proposed rates of Hawkins for this project. Mr. McSpiritt additionally noted that NYCEDC could use the Design-Build method for select contracts going forward.

It was moved that the Committee approve the selection of Hawkins and recommend that the Executive Committee authorize NYCEDC to enter into a legal retainer agreement with Hawkins substantially as described in Exhibit A hereto. The motion was seconded and unanimously approved.

2. Adjournment

There being no further business to come before the meeting, the meeting of the Committee was adjourned at 9:51 a.m.

  
\_\_\_\_\_  
Assistant Secretary

Dated: November 23, 2016  
New York, New York

## Exhibit A

### **HAWKINS DELAFIELD & WOOD LLP: LEGAL RETAINER Executive Committee Meeting November 21, 2016**

**Project:** Retaining counsel for development of Design-Build procurement and contract documents to be utilized by NYCEDC for capital Design-Build projects

**Procurement Method:** Publicly advertised RFP

**Contractor:** Hawkins Delafield & Wood LLP ("Hawkins")

**Agreement to be Approved:** An agreement with Hawkins for Project services (the "Retainer Agreement")

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

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

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

**Background:** With a portfolio of approximately 75 projects valued at approximately \$5.3 billion, NYCEDC's Capital Division undertakes capital projects for NYCEDC and assists and works in collaboration with a long list of partnering City agencies and City related entities. The Capital Division's mission is to channel capital budget investments into design and construction projects that support economic development in the five boroughs of New York City.

In an effort to increase project efficiency and decrease project costs and delays, NYCEDC's Capital Division wishes to implement the alternative project delivery method known as Design-Build. Under Design-Build, NYCEDC, may retain one entity that will be the single point of responsibility for the design and construction of a project. While Design-Build is a common project delivery method in the private sector, it has been authorized on a limited basis in New York City for public construction projects. NYCEDC's Capital Division has identified a streetscape project for its first Design-Build contract.

NYCEDC wishes to retain Hawkins to develop the necessary documents for procurement and contracting under the Design-Build project delivery method. The documents shall serve as templates for future NYCEDC Design-Build projects.

Hawkins will charge the following rates per hour: \$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. Hawkins will also 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 Hawkins for this matter.