

Hugh L. Carey Battery Park City Authority
Meeting of the Members
200 Liberty Street, 24th floor
New York, New York 10281
April 12, 2023
1:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF THE MARCH 8, 2023 MINUTES
- III. PUBLIC COMMENT
- IV. M/WBE REPORT
- V. RESILIENCY UPDATE
- VI. CORPORATE ACTION
 - A. Approval of Pre-Qualified Panel to Provide Legal Services
 - B. Authorization to Enter into a Contract with Battery Park Constructors, LLC (SBPCR Pier A Plaza / Battery Site Work and Near Surface Isolation Construction Services).
 - C. Authorization to Enter into a Contract with Amaracon Testing & Inspections, LLC (SBPCR Special Inspections and Laboratory Testing Services).
 - D. Authorization to Amend the Contract with CSA Group NY Architects & Engineers, P.C. (200 Rector Place Interior Services Project).
- VII. MOTION TO CONDUCT EXECUTIVE SESSION TO DISCUSS NEGOTIATIONS RELATED TO THE LEASE OF REAL PROPERTY, THE PUBLICITY OF WHICH COULD SUBSTANTIALLY AFFECT THE VALUE OF THE RELEVANT PROPERTIES, AND PROPOSED, PENDING OR CURRENT LITIGATION
- VIII. MOTION TO ADJOURN

APPROVAL OF PRE-QUALIFIED PANEL TO PROVIDE LEGAL SERVICES

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the "President") of the Battery Park City Authority or his/her designee(s) be, and each of them hereby is, authorized and empowered to approve the panel of pre-qualified law firms described on Appendix A attached hereto, for a period of three (3) years, with the option to extend the approval period for up to one (1) additional year at the discretion of the General Counsel, during which time the Authority will enter into retainer agreements (the "Agreements") with firms on an as-needed basis, in accordance with the requirements of the Authority's Pre-Qualified Vendor Policy; and be it further

RESOLVED, that the annual spending authority for the Pre-Qualified Legal Panel shall be the amount approved by the Board for external law firms in the Authority's Operating Budget plus the amount included as a footnote for legal services in the Authority's Capital budget; and be it further,

RESOLVED, that the President or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver the Agreements on behalf of the Authority, subject to such changes as the officer or officers executing the Agreements shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority, such approval to be conclusive evidence by the execution and delivery of the Agreement; and be it further

RESOLVED, that the President or his/her designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and to take all such other and further actions as may be necessary, desirable or appropriate, in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other and further actions heretofore taken are hereby ratified, and any actions hereafter taken are confirmed and approved.

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**AUTHORIZATION TO EXECUTE A CONTRACT WITH BATTERY PARK
CONSTRUCTORS, LLC FOR THE SOUTH BATTERY PARK CITY RESILIENCY
PROJECT: PIER A PLAZA / BATTERY SITE WORK AND NEAR SURFACE
ISOLATION (NSI) CONSTRUCTION SERVICES**

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the “President”) of the Battery Park City Authority (the “Authority”) or his/her designee(s) be, and each of them hereby is, authorized and empowered to enter into a thirty (30) month contract with Battery Park Constructors, LLC in the not-to-exceed amount of seventy-three million, five-hundred and ninety-three thousand dollars (\$73,593,000), inclusive of a lump-sum fee of sixty-nine million, five-hundred and forty-three thousand dollars (\$69,543,000) and four million and fifty-thousand dollars (\$4,050,000) in allowances, to perform the general site and infrastructure construction contractor services associated with the South Battery Park City Resiliency Project: Pier A Plaza / Battery Site Work and Near Surface Isolation (NSI) Construction Services; and be it further,

RESOLVED, that the President or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver the Contract on behalf of the Authority, subject to such changes as the officer or officers executing the Contract shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority, such approval to be conclusive evidence by the execution and delivery of the Contract; and be it further,

RESOLVED, that the President or his/her designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and to take all such other and further actions as may be necessary, desirable or appropriate, in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other and further actions heretofore taken are hereby ratified, and any actions hereafter taken are confirmed and approved.

AUTHORIZATION TO EXECUTE A CONTRACT WITH AMARACON TESTING & INSPECTIONS, LLC FOR THE SOUTH BATTERY PARK CITY RESILIENCY PROJECT: SPECIAL INSPECTION AND LABORATORY TESTING SERVICES

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the “President”) of the Battery Park City Authority (the “Authority”) or his/her designee(s) be, and each of them hereby is, authorized and empowered to enter into a thirty (30) month contract with Amaracon Testing & Inspections, LLC in the not-to-exceed amount of one million, sixty-four thousand, two-hundred and fifty dollars (\$1,064,250), inclusive of one-hundred thousand dollars (\$100,000) in the form of an allowance, to perform the South Battery Park City Resiliency Project: Special Inspections and Laboratory Testing Services; and be it further,

RESOLVED, that the President or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver the Contract on behalf of the Authority, subject to such changes as the officer or officers executing the Contract shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority, such approval to be conclusive evidence by the execution and delivery of the Contract; and be it further,

RESOLVED, that the President or his/her designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and to take all such other and further actions as may be necessary, desirable or appropriate, in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other and further actions heretofore taken are hereby ratified, and any actions hereafter taken are confirmed and approved.

AUTHORIZATION TO EXECUTE AN AMENDMENT WITH CSA GROUP NY ARCHITECTS & ENGINEERS, P.C. FOR 200 RECTOR INTERIOR SERVICES PROJECT

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President and Chief Executive Officer (the “President”) of the Battery Park City Authority (the “Authority”) or his/her designee(s) be, and each of them hereby is, authorized and empowered to execute an amendment to extend the term of the Authority’s contract with CSA Group for the 200 Rector Interior Services Project from April 10, 2023 through September 10, 2023; and, be it further,

RESOLVED, that the President or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver the Contract on behalf of the Authority, subject to such changes as the officer or officers executing the Contract shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority, such approval to be conclusive evidence by the execution and delivery of the Contract; and be it further,

RESOLVED, that the President or his/her designee(s) be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and to take all such other and further actions as may be necessary, desirable or appropriate, in connection with the transactions contemplated in the foregoing resolutions, and any such execution of documents and any other and further actions heretofore taken are hereby ratified, and any actions hereafter taken are confirmed and approved.