Hugh L. Carey Battery Park City Authority
Meeting of the Members
200 Liberty Street, 24th floor
New York, New York 10281
June 26, 2024
2:00 p.m.

AGENDA

I. CALL TO ORDER

II. APPROVAL OF THE MAY 2, 2024 MINUTES

III. PUBLIC COMMENT

IV. INVESTMENT COMMITTEE MEETING REPORT

V. PRESIDENT'S REPORT

VI. NORTHWEST RESILIENCY PROJECT

VII. SOUTH RESILIENCY PROJECT BRIEFING/PRESENTATION

VIII. MWBE REPORT BRIEFING/PRESENTATION

IX. CORPORATE ACTION

A. June 2024 Consent Agenda
1. Authorization to Enter into an Amendment with Dewberry – Owner's Representative for South Resiliency
2. Authorization to Enter into a Contract with Waterfront Alliance, Inc. for Waterfront Edge Design Guidelines Verification Services
3. Authorization to Enter into an Amendment with JP Morgan Chase
4. Authorization to Enter into an Amendment with Wasserman (EEO Investigation Services)
5. Authorization to Enter into an Amendment with the On-Call Engineering/Architecture Pane

B. Authorization to Accept the 2024-25 Insurance Program and Authorization to Pay the Related Insurance Premiums.
C. Authorization to Enter into a Contract with Cooling Guard Mechanical (HVACR Maintenance)
D. Approval of Pre-Qualified Panel to Provide Financial Reporting Consultant Services
E. Approval of Panel for the On-Call CM
F. Authorization to Enter into an Amendment with AECOM (SBPCR)
G. Authorization to Enter into an Amendment with Posillico / Bove JV (SBPCR)
H. Authorization to Enter into an Amendment with AECOM (N/WBCPR)

X. 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.

XI. MOTION TO ADJOURN

AUTHORIZATION TO EXECUTE AN AMENDMENT WITH DEWBERRY ENGINEERS, INC. (“DEWBERRY”) FOR OWNER’S REPRESESENTATIVE SERVICES FOR BATTERY PARK CITY (“BPC”) RESILIENCY PROJECTS

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 Dewberry for the BPC Resiliency Projects – Owner’s Representative Services by approximately sixteen (16) months, from June 6, 2024 through September 30, 2025; and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the amendment on behalf of the Hugh L. Carey Battery Park City Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Authority, such approval to be conclusively evidenced by the execution and delivery of the amendment; and be it further

RESOLVED, that the President or her/his 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 further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

AUTHORIZATION TO EXECUTE A CONTRACT WITH WATERFRONT ALLIANCE, INC. FOR THE WATERFRONT EDGE DESIGN GUIDELINES VERIFICATION 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 twenty-four (24) month contract with Waterfront Alliance, Inc., in the not-to-exceed amount of $36,000 to provide all required WEDG review/verification services for the North/West Battery Park City Resiliency Project; 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 AMEND AN AGREEMENT WITH JP MORGAN CHASE BANK, N.A. TO PROVIDE BANKING SERVICES

BE IT RESOLVED that in accordance with the materials presented to this meeting, the President and Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President") or her/his designee(s) be, and each of them hereby is, authorized and empowered to amend Contract #15-2272 with JP Morgan Chase Bank, N.A. to extend the contract term by two (2) years from June 12, 2024 to June 12, 2026, and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the amendment on behalf of the Hugh L. Carey Battery Park City Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Authority, such approval to be conclusively evidenced by the execution and delivery of the amendment; and be it further

RESOLVED, that the President or her/his 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 further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

<u>AUTHORIZATION TO AMEND AGREEMENT WITH WASSERMAN LAW LLP FOR EQUAL EMPLOYMENT OPPORTUNITY INVESTIGATION SERVICES</u>

BE IT RESOLVED, that in accordance with the materials presented to this meeting, the President & CEO (the "President") of the Authority, or her/his designees be, and each of them hereby is, authorized and empowered to amend agreement #23-3214 (the "Agreement") with Wasserman Law LLP to extend the term by one (1) year to June 15, 2025 and to add an additional $10,000.00 in funds for a new not to exceed contract value of $50,000.00, 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 amendment on behalf of the Authority, subject to such changes as the officer or officers executing the amendment 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 amendment; and be it further,

RESOLVED, that the President or her/his designees be, and each of them hereby is, authorized and empowered to execute all such other and further documents, and take all such other and further actions as may be necessary, desirable or appropriate in connection with the transaction contemplated in the foregoing resolution, 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 EXTEND APPROVAL PERIOD OF CURRENT PRE-QUALIFIED PANEL OF ON-CALL ENGINEERING/ARCHITECTURAL FIRMS

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 extend the Authority's approval of the following panel of pre-qualified construction management firms (the "Current E/A Panel") by six months, from August 24, 2024 through February 24, 2025, during which time the Authority may continue to assign work to the Current E/A Panel on an as-needed/as-requested basis in accordance with the requirements of the Pre-Qualified Vendor Policy:

- Arora & Associates, P.C.;
- Cashin Associates, P.C.;
- Ensign Engineering, P.C.;
- Goldman Copeland Associates & Engineers, P.C.;
- H2M Architects + Engineers, D.P.C.;
- M.G. McLaren Engineering & Land Surveying, P.C.;
- Ronnette Riley Architect, LLC;
- Stantec Consulting Services, Inc.;
- Superstructures Engineering + Architecture, PLLC;
- Tetra Tech Engineers, Architects, and Landscape Architects, P.C.;
- Urban Engineers of New York, D.P.C.; and,
- Watts Architecture + Engineering, D.P.C.

RESOLVED, that the President or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver contracts on behalf of the Authority, subject to such changes as the officer or officers executing the contracts shall, with the advice of counsel, approve as necessary and appropriate and in the best interest of the Authority; 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 ACCEPT THE 2024-25 INSURANCE PROGRAM, AUTHORIZATION TO PAY THE RELATED INSURANCE PREMIUMS

BE IT RESOLVED, that the Members hereby authorize the President and Chief Executive Officer (the "President") of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to accept the 2024-25 Insurance Program and to authorize the payment of the insurance premiums in the total amount not to exceed $6,521,538 subject to such changes as the officer or officers, with the advice of counsel, shall approve as necessary and appropriate and in the best interest of the Authority; and be it further

RESOLVED, that the President of the Authority or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute any documents, file said budgeted and related information with all parties as required pursuant to all outstanding bond resolutions, agreements and requirements of law 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 resolution, 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.

Summary of Policies and Premiums
2024-2025 Insurance Program

Type of Policy	Limit	Coverage	2023 Policy Cost	2024 Policy Cost	Δ	Δ%
Insurance - Property						
Commercial Property	$102,907,375	Building, Loss of Rents, Earthquake	$119,198	$117,609	$ (1,589)	-1%
Pier A/Seawall Property	$100MM	All Risk Property Coverage, including Flood and EQ, plus $15MM flood coverage for commercial properties	$2,093,705	$2,075,616	$(18,089)	-1%
Excess Flood	$15MM	Bringing the total limit of flood coverage in place for the commercial properties to $30MM	$146,182	$153,491	$7,309	5%
Terrorism	$100MM		$66,400	$68,475	$2,075	3%
Flood - NFIP	$500K	Federal Flood Coverage (NFIP) for 75 Battery Place $500k Contents/$25k Ded	$4,276	$4,882	$606	14%
Inland Marine	$1,403,206	Scheduled Equipment - Horticulture, Maintenance, and Programming	$11,057	$11,617	$560	5%
Fine Arts	$63.5MM	Includes Terrorism Coverage	$37,786	$37,786	$ -	0%
Equipment Breakdown	$10MM	$10 MM PD & Bus Income Equipment Breakdown- Pier A Building	$4,320	$4,770	$450	10%
Insurance - General Liability						
General Liability	$1MM	Bodily Injury & Property Damage, Personal & Advertising Injury, Products & Completed Operations	$705,889	$769,618	$63,729	9%
Umbrella Liability	$100MM		$2,503,543	$2,710,104	$206,561	8%
Insurance - Workers Comp						
Workers Comp		NYS Statutory Coverage (plus Hamond Safety Group Fee)	$218,353	$246,279	$27,926	13%
Insurance - Management Liability						
Public Officials & EPL	$15MM	$15MM Aggregate / $100k Deductible	$184,012	$175,475	$(8,537)	-5%
Insurance - Other Policies						
Automobile	$1MM	Liability and Physical Damage coverage	$53,329	$59,779	$6,450	12%
Crime & Fidelity	$5MM	Employee Theft, Forgery, Funds Transfer 5MM w/various sublimits	$7,304	$8,230	$926	13%
Cyber Liability	$1MM	Cyber Liability - $1MM Each Claim / $1MM Aggregate	$87,352	$77,807	$(9,545)	-11%
TULIP	$1MM	Tenant User Liability - General Liability $1MM	$ -	$ -	$ -	0%
TOTAL			$6,242,707	$6,521,539	$278,832	4%

<u>AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH COOLING GUARD MECHANICAL CORP FOR HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION MECHANICAL EQUIPMENT MAINTENANCE AND REPAIR SERVICES</u>

BE IT RESOLVED that in accordance with the materials presented to this meeting, the President and Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President") or her/his designee(s) be, and each of them hereby is, authorized and empowered to enter into an agreement with Cooling Guard Mechanical Corp. for a term of five (5) years in the not-to-exceed amount of $856,245.00, and be it further

RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the contract on behalf of the Hugh L. Carey Battery Park City Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Authority, such approval to be conclusively evidenced by the execution and delivery of the contract; and be it further

RESOLVED, that the President or her/his 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 further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

AUTHORIZATION TO ESTABLISH A PRE-QUALIFED PANEL OF FIRMS TO PROVIDE FINANCIAL CONSULTING REPORTING SERVICES

BE IT RESOLVED that in accordance with the materials presented to this meeting, the President and Chief Executive Officer of the Hugh L. Carey Battery Park City Authority (the "President") or her/his designee(s) be, and each of them hereby is, authorized and empowered to establish the following panel of pre-qualified financial consultancy firms for a period three (3) years with an option to extend for two (2) additional single year periods during which time the Authority may contract with and assign work to the panel members on an as-needed basis in accordance with the requirements of the Pre-Qualified Vendor Policy with such work not to exceed the annual, aggregate cap equal to the approved budgeted amount for financial consultant services:

Firm
Stellar Services, Inc.
MFR Consulting

BE IT FURTHER RESOLVED, that the President or her/his designee(s) be, and each of them hereby is, authorized and empowered to execute and deliver the contracts on behalf of the Hugh L. Carey Battery Park City Authority, subject to such changes as the officer or officers shall, with the advice of counsel, approve as necessary and appropriate and in the best interests of the Authority, such approval to be conclusively evidenced by the execution and delivery of the contracts; and be it further

RESOLVED, that the President or her/his 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 further actions heretofore taken are hereby ratified and any actions hereafter taken are confirmed and approved.

APPROVAL OF PRE-QUALIFIED CONSTRUCTION MANAGERS PANEL

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 approve the following list of pre-qualified construction managers (“CMs”) for a period of three (3) years, with the sole option on the part of the Authority to authorize up to two (2) one-year extensions, during which time the Authority will enter into on-call construction management contracts (the “Contracts”) with, and assign work to, the following Pre-Qualified CMs on an as-needed basis, in accordance with the requirements of the Authority's Pre-Qualified Vendor Policy:

- AECOM USA, Inc.;
- EnTech Engineering, P.C.;
- EPIC Management of New York, L.L.C.;
- Hudson Meridian Construction Group, L.L.C.;
- JMT of New York, Inc.;
- KS Engineers, P.C.;
- LaLand Baptiste, LLC;
- LiRo Program and Construction Management, PE P.C.;
- M & J Engineering, P.C.; and,
- Urban Engineers of New York, D.P.C.

RESOLVED, that the President or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver the Contracts on behalf of the Authority, subject to such changes as the officer or officers executing the Contracts 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 Contracts; 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 AMEND THE AGREEMENT WITH AECOM USA, INC. (THE "AECOM CONTRACT") TO PROVIDE ADDITIONAL DESIGN & ENGINEERING SERVICES FOR THE SOUTH BATTERY PARK CITY RESILIENCY 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 amend the AECOM Contract to add the additional services as presented at this meeting, and to increase the value of said Contract by the not-to-exceed amount of $494,141.62, resulting in a new not-to-exceed total of $20,847,619.04 (the "Amendment"); 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 Amendment on behalf of the Authority, subject to such changes as the officer or officers executing the Amendment 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 Amendment; 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.

<u>AUTHORIZATION TO AMEND THE AGREEMENT WITH POSILLICO/BOVE JOINT VENTURE ("PBJV") FOR THE SOUTH BATTERY PARK CITY RESILIENCY PROJECT: WAGNER PARK / MUSEUM OF JEWISH HERITAGE SITE WORK CONSTRUCTION (THE "PROJECT")</u>

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 amend the PBJV Contract to increase its Work Order Allowance value by $10,000,000, from $6,000,000 to $16,000,000, resulting in a Contract value increase from $77,653,200 to $87,653,200; 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 amendment on behalf of the Authority, subject to such changes as the officer or officers executing the amendment 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 amendment; 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.

APPROVAL TO AMEND AGREEMENT WITH AECOM USA INC. FOR CONSULTING ENGINEER SERVICES FOR THE NORTH/WEST BATTERY PARK CITY RESILIENCY PROJECT

BE IT RESOLVED, that in accordance with the materials submitted at this Board meeting, the President & Chief Executive Officer ("CEO") of the Battery Park City Authority or his/her designee(s) be, and each of them hereby is, authorized and empowered to amend that certain agreement with AECOM USA Inc. for Consulting Engineer Services for the North/West Battery Park City Resiliency Project: (a) authorize the creation of a contract Escalation Allowance; (b) provide for an increase with the Contract Schedule Extension; and (c) provide for an increase associated with the performance of certain additional and supplemental services, resulting in a total increase in the Contract not-to-exceed amount from its current value of $23,369,223.00 by $6,532,197.00, totaling a new not-to-exceed amount of $29,901,420.00; and be it further

RESOLVED, that the CEO or his/her designee(s), and each of them hereby is, authorized and empowered to execute and deliver the amendment on behalf of the Authority, subject to such changes as the officer or officers executing the amendment 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 amendment; and be it further

RESOLVED, that the CEO 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.