

Hugh L. Carey Battery Park City Authority
Meeting of the Members
200 Liberty Street, 24th floor
New York, New York 10281
September 1, 2022
2:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF THE JULY 27, 2022 MINUTES
- III. PUBLIC COMMENT
- IV. M/WBE REPORT
- V. RESILIENCY UPDATE
- VI. CORPORATE ACTION
 - A. Authorization to Enter into a Contract with Turner EE Cruz a JV for North West Battery Park City Resiliency Project: Progressive Design-Builder.
 - B. Authorization to Enter into a Contract with E.W. Howell Co., LLC for South Battery Park City Resiliency Project: Wagner Park Pavilion Construction Services.
 - C. Approval to Enter into a Contract with the F.A. Bartlett Tree Expert Company (Tree Care Services).
- VII. MOTION TO CONDUCT EXECUTIVE SESSION TO DISCUSS THE NEGOTIATIONS RELATED TO THE LEASE OF REAL PROPERTY, THE PUBLICITY OF WHICH COULD SUBSTANTIALLY AFFECT THE VALUE OF THE RELEVANT PROPERTIES.
- VIII. MOTION TO ADJOURN

AUTHORIZATION TO EXECUTE A CONTRACT WITH TURNER EE CRUZ A JV FOR THE PROGRESSIVE DESIGN-BUILD 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 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 Turner in the not-to-exceed amount of \$81,974,529 for the performance of the Phase 1 Services, and adopting a Fixed Fee Percentage of 5.25% for the Phase 2 Services, in connection with the North and 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 EXECUTE A CONTRACT WITH E.W. HOWELL CO., LLC FOR THE SOUTH BATTERY PARK CITY RESILIENCY PROJECT: WAGNER PARK PAVILION 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 E.W. Howell Co., LLC in the lump-sum amount of \$68,813,459.00, inclusive of two million, two-hundred and fifty-thousand dollars (\$2,250,000) in allowances, to perform the general construction contractor services associated with the South Battery Park City Resiliency Project: Wagner Park Pavilion 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

APPROVAL OF A CONTRACT WITH THE F.A. BARTLETT TREE EXPERT COMPANY FOR TREE CARE 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 enter into an agreement with The F.A. Bartlett Tree Expert Company for tree care services for a term of three (3) years in the not-to-exceed amount of \$250,500.00, 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 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.