

Torres Rojas, Genara

Subject: FW: Freedom of Information Online Request Form

From: Dunlap, David [<mailto:dunlap@nytimes.com>]
Sent: Monday, August 11, 2014 11:15 AM
To: Duffy, Daniel
Cc: Dumas, Erica
Subject: Re: Freedom of Information Online Request Form

Dear Mr. Duffy,

Thank you so much for advising me timely that my request had exceeded the number of characters permissible for an online FOI request.

Here is that request again, with the missing "ern Dist." at the end. It is otherwise identical to the one you received online.

(2003) Staff summary, synopsis and/or evaluation of the three architecture/engineering respondents to the RFQ/RFP. Any other pertinent documents explaining the rationale for choosing the Downtown Design Partnership.

(2003) Contract between the Port Authority and the Downtown Design Partnership for professional architectural and engineering services, plus amendments and riders.

(2005) Contract between the Port Authority and Phoenix Constructors for general contracting and construction management, plus amendments and riders.

(2008) Report(s) of the Transportation Hub Design Alternatives Working Group.

(2009) Port Authority's notice to Phoenix Constructors of its intent to remove Phoenix from the Hub project, while allowing the constituent companies to bid on future work.

(2009) Request by Governor Paterson and the Port to the FTA for \$671 million in additional financing for the Hub.

(2011) Port's answer to the complaint in *Urssa v. DCM Erectors*, US District Court, Southern Dist.

David W. Dunlap
The New York Times
212.556.7082
dunlap@nytimes.com

THE PORT AUTHORITY OF NY & NJ

September 12, 2014

FOI Administrator

Mr. David W. Dunlap
The New York Times
620 Eighth Avenue
New York, NY 10023

Re: Freedom of Information Reference No. 15206

Dear Mr. Dunlap:

This is a response to your August 11, 2014 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code") for copies of "(2003) Staff summary, synopsis and/or evaluation of the three architecture/engineering respondents to the RFQ/RFP. Any other pertinent documents explaining the rationale for choosing the Downtown Design Partnership. (2003) Contract between the Port Authority and the Downtown Design Partnership for professional architectural and engineering services, plus amendments and riders. (2005) Contract between the Port Authority and Phoenix Constructors for general contracting and construction management, plus amendments and riders. (2008) Report(s) of the Transportation Hub Design Alternatives Working Group. (2009) Port Authority's notice to Phoenix Constructors of its intent to remove Phoenix from the Hub project, while allowing the constituent companies to bid on future work. (2009) Request by Governor Paterson and the Port to the FTA for \$671 million in additional financing for the Hub. (2011) Port's answer to the complaint in *Urssa v. DCM Erectors*, US District Court, Southern Dist."

In an effort to provide available documents as quickly as possible, we are responding to a portion of your request at this time. We will continue the processing of your request as expeditiously as possible and to the extent that our review would permit us to provide you with additional responsive documents while the review is ongoing, we will endeavor to do so.

Material responsive to your request and available under the Code in connection with the Port Authority's notice to Phoenix Constructors and Governor Paterson's request to the FTA can be found on the Port Authority's website at <http://www.panynj.gov/corporate-information/foi/15206-WTC.pdf>. Paper copies of the available records are available upon request.

We have searched the Port Authority's files and found no records responsive to your request for a copy of the Port Authority's answer to the complaint in *Urssa v. DCM Erectors*.

We anticipate that it will take at least three weeks for us to complete the processing of the remainder of your request.

Please refer to the above FOI reference number in any future correspondence relating to your request.

225 Park Avenue South, 17th FL
New York, NY 10003
T: 212 435 3642 F: 212 435 7555



THE PORT AUTHORITY OF NY & NJ

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Duffy', written over a horizontal line.

Daniel D. Duffy
FOI Administrator



THE PORT AUTHORITY OF NY & NJ

Steven Plate
Director, WTC Construction

Mr. Darrell Waters
Project Director
Phoenix Constructors, JV
115 Broadway, 18th Floor
New York, NY 10006

WTC TRANSPORTATION HUB CONTRACT WTC-284.458GC- GENERAL CONTRACTING SERVICES - WORK PACKAGE 4C- DEMOLITION OF TEMPORARY STATION AND H&M STRUCTURE, WORK PACKAGE 4B EAST SIDE BASEMENT, BASEMENT WALLS AND EXCAVATION INSTALLATION OF TIEBACKS IN H&M AREA.

Dear Mr. Waters:

This letter will confirm the verbal direction given to G. Winsper by R. Behnke of my staff on September 21, 2009, in accordance with Chapter IV, Clause 34 "Authority of the Director," of the subject Contract. We have concluded that it is not in the Port Authority's best interest for Phoenix Constructors, JV to complete the remaining work under Work Package 4C and the remaining H&M tieback work under Work Package 4B. Phoenix's work shall continue in accordance with the latest schedule until the close of business on September 23, 2009, at which time Phoenix shall commence demobilization of all equipment and materials, which demobilization shall be completed no later than September 27, 2009. However, the crane utilized by Phoenix located on Church Street shall remain in place for use by others.

All material purchased for the work must be turned over to the Port Authority at the Work Package 4C H&M site no later than September 27, 2009. An appropriate credit to the Port Authority for the remaining unperformed work will be determined by the Director, not including "anticipated profits" as provided in Clause 34 of the Contract.

If you have any questions, please contact R. Behnke of my staff at (212) 435-5676.

Very truly yours,
Steven Plate
Director
WTC Construction

115 Broadway
New York, NY 10006
T: 212 435 5529 F: 212 435 5512

splate@panynj.gov



STATE OF NEW YORK
EXECUTIVE CHAMBER

ALBANY 12224

DAVID A. PATERSON
GOVERNOR

June 30, 2009

Mr. Matt Welbes
Acting Administrator
Federal Transit Administration
East Building
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Mr. Welbes:

Thank you for the ongoing commitment to assist the State of New York in rebuilding its transportation infrastructure after the devastating terrorist attacks of September 11, 2001. The federal resources provided to restore and enhance New York's major transportation infrastructure has had an enormous impact on Lower Manhattan over the last several years and will continue to have a positive impact in the years ahead. From the \$4.55 billion fund, the Governor's Office has requested and the Federal Transit Administration (FTA) has awarded more than \$4.2 billion to date.

We can now see the results and benefits of these funds. A significant achievement was the Metropolitan Transportation Authority Capital Construction (MTACC) opening of the South Ferry (SoFe) Station for service operation on March 16, 2009. MTACC also continues to make steady progress on the Fulton Street Transit Center (FSTC). At the World Trade Center (WTC) site, there are visible results of the work completed by the Port Authority of NY & NJ (PANYNJ) on the WTC Transportation Hub (Hub) project, most notably the completion of a new "east bathtub". Preliminary Engineering for the WTC Vehicular Security Center (VSC) project will be complete by the end of June 2009. The South Promenade along 9A connecting to Battery Park was completed in April 2007. Lastly LMCCC continues to provide assistance to FTA funded projects and adjacent projects throughout Lower Manhattan.

While we've seen progress on all FTA-funded projects, it has become evident the transit agencies have experienced significant cost increases above and beyond the State's original funding requests. More specifically, the PANYNJ WTC Hub project cost has significantly increased, with a revised estimate of approximately \$3.204 billion, or \$983 million more than the \$2.221 billion project budget identified in the May 2006 Construction Agreement with the FTA.

In light of the increased cost to the Hub project, it is in the State's interest to maximize the federal funds available by channeling all of the available funds to the PANYNJ for the WTC Hub Project. This would include the remaining funds available, including previously identified reserves and set asides, and a reallocation of certain funds awarded previously, which is outlined below and in the attached table.

Thank you once again for your continued commitment and support of the redevelopment of transportation projects in Lower Manhattan.

Sincerely,

David A. Paterson

WTC Transportation Hub & WTC Vehicular Security Center Projects (PANYNJ)

The PANYNJ performed a comprehensive assessment of the cost and schedule for both the Hub and VSC projects, and reported their findings to me on June 30, 2008 and October 2, 2008. As stated earlier, the PANYNJ estimates a revised Hub project cost of approximately \$3.204 billion, or \$983 million more than the original \$2.221 billion identified in its May 2006 report.

The State and PANYNJ agree there is a greater need for federal support and assistance for the WTC Transportation Hub project that is well into construction.

To meet the funding needs of the revised WTC Hub project cost, I am requesting that FTA grant a total of \$212.95 million to the WTC Hub Project from the following: remaining un-programmed funds in the amount of \$47.35 million; funds previously set aside for the Cortlandt Street Subway Station in the amount of \$70 million; and funds identified for the VSC Reserve in the amount of \$95.6 million. In addition, I request that approximately \$450 million in unspent federal funds on the VSC project from the original grant of \$478 million be reallocated to the PANYNJ WTC Hub Project. The PANYNJ continues to move forward on the VSC project, and it is committed to completing the VSC project without federal funds.

Upon FTA approval of this request, the federal participation in the WTC Hub Project would increase by \$662 million for a total of \$2.863 billion (including the reserve of \$280 million). The PANYNJ will also increase its local participation on the project by \$320.05 million for a total local participation of \$620.05 million.

Fulton Street Transit Center (MTACC)

The FSTC Project cost is currently projected to be \$1.4 billion. To date, the FTA has programmed \$847 million in federal funds and MTA has allocated an additional \$129 million in local funds to the project. The State has announced its intention to allocate \$424 million in American Recovery and Reinvestment Act (ARRA) funds to complete the FSTC project.

Cortlandt Street 1 Line Station

The commitment to restoring the Cortland Street Station (IRT I-Line) remains strong. To that end, on March 5, 2009, the PANYNJ Board authorized expenditures of up to \$150 million for the design and construction/reconstruction of the MTA Cortlandt Street 1-Line Station. The PANYNJ and MTA will enter into necessary agreements to ensure the reopening of the Cortlandt Street 1-Line Station in conjunction with the WTC Transportation Hub opening.

In conclusion, this request will account for the complete programming of federal funds made available from the President under the *Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (DOD Act)*, Pub. L 107-117 Signed into law on January 10, 2002 and *Supplemental Appropriations Act for Further Recovery From and In Response to Terrorist Attacks on the United States Public Law 107-206* signed on August 2, 2002. We look forward to working with your staff to provide any additional information necessary to facilitate these requests. Keeping this momentum going is crucial to the economic vitality of the State of New York and the rebuilding of Lower Manhattan.

WTC Transportation HUB Project

<i>(\$ in millions)</i>	<i>FTA Funds</i>	<i>PA Funds</i>	<i>Total</i>
<i>Original Project Funding</i>	1,921	300	2,221
<i>Transfer of VSC Grant Funds to Hub</i>	450		450
<i>Allocate Unprogrammed FTA Funds to Hub</i>	95.6		212.9
- <i>FTA Reserve for VSC</i>	70		
- <i>FTA Reserve for Cortlandt St. Station</i>	47.3		
- <i>Other Unallocated FTA Reserves</i>	212.9		
<i>Additional PA Funds</i>		320	320
Total	2,583.9	620	3,203.9
<i>Additional FTA Project Reserve</i>	280		