

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

**COMMITTEE ON OPERATIONS
MINUTES OF SPECIAL, INTERIM MEETING
Thursday, December 10, 2009**

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**COMMITTEE ON OPERATIONS
MINUTES OF SPECIAL, INTERIM MEETING**

225 Park Avenue South

New York, NY

Thursday, December 10, 2009

PRESENT:

Hon. Anthony R. Coscia, Chair
 Hon. Henry R. Silverman, Vice-Chair
 Hon. Virginia S. Bauer
 Hon. Michael J. Chasanoff
 Hon. Stanley E. Grayson
 Hon. Anthony J. Sartor
 Hon. David S. Steiner
 Committee Members

Christopher O. Ward, Executive Director
 Susan Bass Levin, Deputy Executive Director
 Darrell B. Buchbinder, General Counsel
 Karen E. Eastman, Secretary

Susan M. Baer, Director, Aviation
 Ernesto L. Butcher, Chief Operating Officer
 Ana Carvajalino, Supervising Financial Analyst, Aviation
 Rosemary Chiricolo, Assistant Director, Management and Budget
 Arthur J. Cifelli, Deputy Director, Public Safety/Deputy Superintendent of Police
 James N. Colangelo, Supervising Financial Analyst, Management and Budget
 Steven J. Coleman, Assistant Director, Media Relations, Public Affairs
 Harry Czinn, Senior Project Manager, Management and Budget
 John C. Denise, Audio Visual Supervisor, Public Affairs
 Michael P. DePallo, Director, Rail Transit
 Claudia Dickey, Assistant Director, Management and Budget
 Francis A. DiMola, Director, Real Estate Services
 Michael P. Dombrowski, Cinematographer, Public Affairs
 John J. Drobny, Director, Security Projects
 Michael G. Fabiano, Deputy Chief Financial Officer/Comptroller
 Michael A. Fedorko, Director, Public Safety/Superintendent of Police
 Michael B. Francois, Chief, Real Estate and Development
 Jennifer Friedberg, Staff Public Information Officer, Media Relations, Public Affairs
 Linda C. Handel, Deputy Secretary
 Mary Lee Hannell, Director, Human Resources
 Alan H. Hicks, Senior Public Information Officer, Public Affairs
 Mark D. Hoffer, Senior Counsel, Law
 Charles Huang, Manager, Corporate Financial Services, Financial Analysis

Kara Hughes, Senior Advisor for New York State, City & Labor Affairs, Government and Community Affairs

Howard G. Kadin, Esq., Law

Victoria C. Kelly, Director, Tunnels, Bridges and Terminals

Catherine Kim, Leadership Fellow, Human Resources

Kevin J. Kirchman, Director, Marketing and Special Events

Cristina M. Lado, Director, Government and Community Affairs

Conor Lanz, Special Assistant to the Executive Director

Richard M. Larrabee, Director, Port Commerce

Francis J. Lombardi, Chief Engineer

Stephen Marinko, Esq., Law

Ronald Marsico, Assistant Director, Media Relations, Public Affairs

Michael G. Massiah, Director, Management and Budget

Candace McAdams, Director, Media Relations, Public Affairs

Carol A. McCarthy, Executive Secretary, Port Commerce

James E. McCoy, Manager, Board Management Support, Office of the Secretary

Sanjay S. Mody, Advisor to the Chairman

Anne Marie C. Mulligan, Treasurer

Lynn A. Nerney, Senior Business Manager, Office of the Secretary

Summer Oesch, Special Assistant to the Deputy Executive Director

Steven P. Plate, Director, World Trade Center Construction

Stephen H. Sigmund, Chief, Public and Government Affairs

Timothy G. Stickelman, Assistant General Counsel

Gerald B. Stoughton, Director, Office of Financial Analysis

David B. Tweedy, Chief, Capital Programs

I. Midori Valdivia, Leadership Fellow, Human Resources

Lillian D. Valenti, Director, Procurement

Sheree R. Van Duyne, Manager, Policies and Protocol, Office of the Secretary

Andrew S. Warshaw, Chief of Staff to the Executive Director

Peter J. Zipf, Deputy Chief Engineer/Director of Engineering

Speakers:

John Castella, CWA Local 1102

Bill Lindauer, New York Taxi Workers Alliance

Berrisford Simmons, New York Taxi Workers Alliance

In view of the fact that there would be no quorum for the Board to act on certain matters to be considered at today's Board meeting, the Secretary reported that, pursuant to the Board's resolution of December 15, 1994, a special, interim meeting of the Committee on Operations was called to permit the Committee to act on these items for and on behalf of the Board.

The meeting was called to order in public session by the Chair at 1:38 p.m. and ended at 1:52 p.m.

WORLD TRADE CENTER (WTC) SITE – AUTHORIZATION TO ACCEPT ASSIGNMENT OF A TRADE CONTRACT FOR LANDSCAPING FOR THE WTC MEMORIAL PROJECT

It was recommended that the Board authorize the Executive Director to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. (NS11MM) to Kelco Landscaping, Inc. for the installation of landscaping for the World Trade Center (WTC) Memorial Project, at an estimated amount of \$3,888,000, including an eight-percent contingency; and (2) accept a partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance of construction management (CM) services associated with the landscaping trade contract, at an estimated cost of \$357,984. The Port Authority is not responsible for any of these costs, because the scope of work supports the WTC Memorial Project exclusively.

Pursuant to a July 2006 Project Agreement with the Lower Manhattan Development Corporation, the NS11MM, the City of New York and the State of New York, the Port Authority is to assume responsibility for construction of the WTC Memorial and the Memorial Museum Projects.

In December 2006, the Board authorized the Executive Director to finalize agreements with the NS11MM providing for the Port Authority to accept an assignment of the Bovis CM contract and manage all construction work for the WTC Memorial and Memorial Museum Projects. In anticipation of the full assignment of the Bovis CM contract, the NS11MM has proceeded with procurement of the landscaping trade contract, as an essential component of the critical path schedule for the WTC Memorial, Memorial Museum and WTC Infrastructure Projects.

The NS11MM will award the landscaping trade contract to Kelco Landscaping, Inc., the lowest qualified bidder, selected from among multiple competitive bids based on a list of select bidders established in the Bovis CM contract. The scope of work for the trade contract includes the installation of all landscaping for the WTC Memorial, including necessary soil and plantings. The contractor will be responsible for all labor, materials and equipment necessary to install landscape elements in areas adjacent to the WTC Memorial reflecting pools. This package also will include a complete drip irrigation and sprinkler system, which will be supplied from two on-site harvest tanks to be located in the northwest corner of the site. A one-year maintenance agreement, commencing upon completion of the work, is included in the proposed contract. Installation and maintenance of WTC Memorial trees is not included in this contract.

Pursuant to the foregoing report, the Committee on Operations, acting for and on behalf of the Board pursuant to delegated authority, adopted the following resolution with Commissioners Chasanoff, Coscia, Grayson, Silverman and Steiner voting in favor; none against; Commissioners Bauer and Sartor recused:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. to Kelco Landscaping, Inc. for the installation of landscaping for the World Trade Center (WTC) Memorial Project, in an estimated amount of \$3,888,000, including an eight-percent contingency; and (2) accept a

partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance of construction management services associated with the landscaping trade contract, at an estimated cost of \$357,984; and it is further

RESOLVED, that the form of all contracts and agreements necessary to effectuate the foregoing shall be subject to the approval of General Counsel or his authorized representative.

WORLD TRADE CENTER (WTC) SITE – AUTHORIZATION TO ACCEPT ASSIGNMENT OF A TRADE CONTRACT FOR MAINTENANCE AND UTILITY CORRIDORS FOR THE WTC MEMORIAL AND MEMORIAL MUSEUM PROJECTS

It was recommended that the Board authorize the Executive Director to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. (NS11MM) to Navillus Contracting, Inc. for the installation of maintenance and utility corridors for the World Trade Center (WTC) Memorial and Memorial Museum Projects, at an estimated amount of \$17,118,000, including an eight-percent contingency; (2) accept a partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance of construction management (CM) services associated with the maintenance and utility corridors installation trade contract, at an estimated cost of \$1,576,124. The Port Authority is not responsible for any of these costs, because the maintenance and utility corridors contract pertains solely to the WTC Memorial Project.

Pursuant to a July 2006 Project Agreement with the Lower Manhattan Development Corporation, the NS11MM, the City of New York and the State of New York, the Port Authority is to assume responsibility for construction of the WTC Memorial and the Memorial Museum Projects.

In December 2006, the Board authorized the Executive Director to finalize agreements with the NS11MM providing for the Port Authority to accept an assignment of the Bovis CM contract and manage all construction work for the WTC Memorial and Memorial Museum Projects. In anticipation of the full assignment of the Bovis CM contract, the NS11MM has proceeded with procurement of the maintenance and utility corridors trade contract, as an essential component of the critical path schedule for the WTC Memorial, Memorial Museum and WTC Infrastructure Projects.

The NS11MM will award the maintenance and utility corridors trade contract to Navillus Contracting, Inc., the lowest qualified bidder, selected from among multiple competitive bids based on a list of select bidders established in the Bovis CM contract. The scope of work for the trade contract includes installation of all masonry utility maintenance corridors, which will provide access to utilities and the irrigation system located beneath the Memorial Plaza. This contract also includes the placement of the protection slab above the masonry corridors and all anchor bolts, and mechanical, electrical and plumbing sleeves, and blockouts required to coordinate the installation of irrigation, mechanical and electrical systems.

Pursuant to the foregoing report, the Committee on Operations, acting for and on behalf of the Board pursuant to delegated authority, adopted the following resolution with Commissioners Chasanoff, Coscia, Grayson, Silverman and Steiner voting in favor; none against; Commissioners Bauer and Sartor recused:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. to Navillus Contracting, Inc. for the installation of maintenance and utility corridors for the World Trade Center (WTC) Memorial and Memorial Museum Projects, in an estimated amount of \$17,118,000, including an

eight-percent contingency; and (2) accept a partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance of construction management services associated with the maintenance and utility corridors trade contract, at an estimated cost of \$1,576,124; and it is further

RESOLVED, that the form of all contracts and agreements necessary to effectuate the foregoing shall be subject to the approval of General Counsel or his authorized representative.

Whereupon, the meeting was adjourned.

Secretary