



**NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION**

**MEETING OF THE DIRECTORS**

In Accordance with Recently Passed Legislation,  
the Meeting is Being Held Via Teleconference

Monday

March 21, 2022 – 2:00 p.m.

**AGENDA**

**I. FOR INFORMATION**

- A. President's Report – Oral Report

**II. CORPORATE ACTION**

- A. New York Convention Center Development Corporation – Jacob K. Javits Convention Center Renovation and Expansion Civic and Land Use Improvement Project – Authorization to Adopt Annual Operating and Capital Budgets for FY 2022-23; and Authorization to Take Related Actions
- B. New York Convention Center Development Corporation – Jacob K. Javits Convention Center – Renovation and Expansion Civic and Land Use Improvement Project – New York Convention Center Operating Corporation Capital Improvements – Authorization to Amend New York Convention Center Renovation Funding Agreement; and Authorization to Take Related Actions
- C. New York Convention Center Development Corporation – Jacob K. Javits Convention Center – Authorization to Amend a Legal Fee Reimbursement Agreement with New York Convention Center Operating Corporation; and Authorization to Take Related Actions

**III. FOR CONSIDERATION**

- A. New York Convention Center Development Corporation – Jacob K. Javits Convention Center – Renovation and Expansion Civic and Land Use Improvement Project - Authorization to Amend a Contract for Project Management Services

**III. FOR CONSIDERATION - Continued**

- B. New York Convention Center Development Corporation – Jacob K. Javits Convention Center – Renovation and Expansion Civic and Land Use Improvement Project – Authorization to Enter into a Contract with STV Inc. for Project Management Services; and Authorization to Take Related Actions
  
- C. New York Convention Center Development Corporation – Jacob K. Javits Convention Center – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”) – Authorization to Enter into a Contract with Toscano Clements Taylor, LLC for Project Cost Estimating Services; and Authorization to Take Related Actions

**Item II. A.**



FOR CONSIDERATION

March 21, 2022

TO: The Directors

FROM: Robin J. Stout

SUBJECT: New York Convention Center Development Corporation (“CCDC”) (New York County) – Jacob K. Javits Convention Center (“Javits”) Renovation and Expansion Civic and Land Use Improvement Project (the “Project”)

REQUEST FOR: Authorization to Adopt Annual Operating and Capital Budgets for FY 2022-23; and Authorization to Take Related Actions

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**I. BACKGROUND**

In furtherance of the New York State Comptroller’s oversight responsibilities as set forth in Article X, Subsection 5 of the State Constitution and Subsection 8(14) of the State Finance Law, the Comptroller’s Office has promulgated regulations regarding the preparation, approval, submission and reporting of budgets and financial plans by public authorities (“Regulations”). The Regulations require (among other things) that, prior to commencement of the April 1 fiscal year, CCDC Directors adopt an annual budget.

Proposed CCDC Operating and Capital Budgets for the coming fiscal year are attached for your review. The Operating Budget, totaling \$551,638, will be funded with CCDC available funds. The Capital Budget, totaling \$38,000,000, will be funded with Hotel Unit Fee Bond Proceeds.

As the Directors know, both of CCDC’s transformer and expansion projects were substantially completed in 2021. CCDC has delivered possession of both projects to Convention Center Operating Corporation (“CCOC”) and CCOC has been hosting events in the new expansion since Fall 2021. On February 25, 2022, CCDC also received an occupancy permit for the ‘Combined (or Merged) Campus’ (i.e., transformer, expansion, and existing facility inclusive of its upgraded fire alarm system). Nonetheless, several close-out activities remain to be completed, including but not limited to oversight of: (a) operations interface; (b) punch list completion; (c) technical and contractual compliance and oversight; (d) permitting conclusion; (e) Final Completion; (f) cost and contract close-out; and (g) related work. Final contractual completion is expected in 2022.



## **II. THE FY 2022-23 OPERATING AND CAPITAL BUDGETS**

The proposed Operating Budget for FY 2022-23 in the amount of \$551,638 is expected to fund standard operating expenses and, in part, would cover expenses expected to be incurred in connection with potential dispositions of CCDC excess property. The Operating Budget is approximately 13.5% less than last year's budget of \$637,495, as noted in the attachment to these materials.

The proposed Capital Budget for FY 2022-23 in the amount of \$38,000,000 is expected to fund: (1) expansion project final completion work by the Lendlease Turner Joint Venture, as described above; (2) Project Manager and Integrity Monitor oversight; and (3) Capital Improvements to existing Javits, as allowed under the Reimbursement Agreement between CCDC and CCOC previously authorized by the Directors. The funds committed in the Capital Budget essentially represent previously authorized contractual commitments expected to be paid during the fiscal year. In keeping with current practice, Directors will be required to approve individual contracts when necessary. As set forth in the attachment to these materials, Construction Costs and other costs are significantly reduced from last year's budget, reflecting the close-out nature of the work to be performed in the coming fiscal year. It is expected that the remaining balance of Project funds essentially will be exhausted in FY 2022-23.

## **III. ENVIRONMENTAL REVIEW**

ESD staff, on behalf of CCDC, has determined that the requested authorization to adopt Annual Operating and Capital Budgets constitutes a Type II action as defined by the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. The construction activities in connection with the capital expenses identified in the FY 2021-22 budget have been addressed by prior SEQRA environmental reviews, and therefore no further environmental review is required in connection with the requested authorization.

## **IV. REQUESTED ACTIONS**

The Directors are requested to authorize adoption of CCDC's Annual FY 22-23 Operating Budget in the total amount of \$551,638 and of CCDC's Annual FY22-23 Capital Budget in the total amount of \$38,000,000, as set forth in the attachments, and to delegate authority to appropriate CCDC officers to take related actions.

## **V. ATTACHMENTS**

Resolutions

Proposed Annual Operating Budget for FY 2022-23

Proposed Annual Capital Budget for FY 2022-23

March 21, 2022

NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION – NEW YORK (NEW YORK COUNTY) – Jacob K. Javits Convention Center Renovation and Expansion Civic and Land Use Improvement Project – Authorization to Adopt Annual Operating and Capital Budgets for FY 2022-23; and Authorization to Take Related Actions

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RESOLVED, that, in accordance with the materials presented at this meeting and ordered filed with the records of the Corporation (the "Materials"), the Corporation hereby adopts the Annual Operating and Capital Budgets for FY 2022-23 presented to this meeting and included in the Materials, subject to the availability of funds; and be it further

RESOLVED, that, the President or his designee(s) be, and each of them hereby is, authorized and directed, in the name of and on behalf of the Corporation, to execute and deliver any and all documents and to take all actions as may be necessary or proper to effectuate the foregoing.

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**Empire State Development  
NY Convention Center Dev Corp  
Operating Budget Plan FY 2022-23**

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	Board Approved Budget FY 2021-22	Proposed Budget Plan FY 2022-23
<b><u>PERSONAL SERVICES (PS)</u></b>		
Salaries	\$ 302,170	\$ 233,196
Fringe Benefits	114,825	97,942
<b>TOTAL PERSONAL SERVICES</b>	<b>\$ 416,995</b>	<b>\$ 331,138</b>
<b>HEADCOUNT</b>	<b>2.5</b>	<b>1.5</b>
<b><u>NON-PERSONAL SERVICES (PS)</u></b>		
<b>Professional Fees</b>		
Legal / Accounting Fees	\$ 50,000	\$ 50,000
Consultant Fees	100,000	100,000
<b>Total Professional Fees</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>
<b>Other Non-Personal Services</b>		
Employee Travel & Meals	\$ 3,000	\$ 3,000
Online Services/Training/ Conferences/Subscriptions	500	500
Office Occupancy Expenses	25,000	25,000
Insurance	25,000	25,000
Outside Services and Expenses	10,000	10,000
Telephone/Fax/Internet	3,000	3,000
Office Supplies and Expenses	3,000	3,000
Computers/Software/Equipment	1,000	1,000
<b>Total Other Non Personal Services</b>	<b>\$ 70,500</b>	<b>\$ 70,500</b>
<b>TOTAL NON-PERSONAL SERVICES (NPS)</b>	<b>\$ 220,500</b>	<b>\$ 220,500</b>
<b>TOTAL PS &amp; NPS</b>	<b>\$ 637,495</b>	<b>\$ 551,638</b>

**Empire State Development  
NY Convention Center Dev Corp  
Capital Budget Plan FY 2022-23**

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	Board Approved Budget FY 2021-22	Proposed Budget Plan FY 2022-23
Acquisition Costs	\$ 0	\$ 0
Design & Other Soft Costs	2,000,000	1,000,000
Legal Costs	3,000,000	2,000,000
Property Management/Maintenance Costs	5,000,000	2,000,000
Insurance	0	1,000,000
Demolition & Site Clearance	0	0
Construction Costs	145,000,000	31,000,000
Other Misc. Costs	7,000,000	1,000,000
<b>TOTAL CAPITAL BUDGET</b>	<b><u>\$ 162,000,000</u></b>	<b><u>\$ 38,000,000</u></b>



# Item II. B.



**FOR CONSIDERATION**

March 21, 2022

**TO:** The Directors

**FROM:** Robin J. Stout

**SUBJECT:** New York Convention Center Development Corporation (“CCDC”) (New York County) – Jacob K. Javits Convention Center (“Javits”) – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”) – New York Convention Center Operating Corporation (“CCOC”) Capital Improvements

**REQUEST FOR:** Authorization to Amend New York Convention Center Renovation Funding Agreement; and Authorization to Take Related Actions

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**I. AGREEMENT BACKGROUND**

In 2015, CCDC Directors authorized CCDC to enter into the New York Convention Center Renovation Funding Agreement (“Funding Agreement”) with CCOC. Pursuant to the Funding Agreement, CCOC can undertake certain capital improvement projects on behalf of and to be funded by CCDC, subject to CCDC approval. Material modifications to previously approved projects also require CCDC Director approval. Payment for approved projects is made: (a) 50% in advance; and (b) the remaining 50% on the earlier to occur of: (i) CCDC-CCOC agreement; or (ii) expenditure of 90% of the initial 50% advance. Since execution of the Funding Agreement, CCDC Directors have authorized a cumulative total of \$45,084,714 for CCOC capital improvement projects, all of which has been allocated, pursuant to CCDC Director authorization, to the specific CCOC capital improvement projects summarized in the attached Exhibit A.

**II. PROPOSED AMENDMENTS**

The initial purpose of the Funding Agreement was to fund capital improvements that were not able to be completed as part of CCDC’s renovation of the existing facility. By its terms, the Funding Agreement has expired. Now, CCDC’s expansion project is nearing final completion, and certain capital improvements may be unable to be completed as part of the expansion project. Therefore, staff recommends two amendments to the Funding Agreement:

- (a) Extend the term of the Funding Agreement to 12/31/24; and

- (b) Amend the title of the Funding Agreement to “New York Convention Center Renovation and Expansion Funding Agreement” to reflect that the Funding Agreement may relate to capital improvements connected to the renovation and/or the expansion.

At this time, staff is seeking neither: (a) authorization to allocate additional funds to the Funding Agreement; nor (b) allocation or re-allocation of previously authorized funds under the Funding Agreement.

### **III. ENVIRONMENTAL REVIEW**

ESD staff, on behalf of CCDC, has determined that the requested authorization does not constitute an action as defined by the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations of the New York State Department of Environmental Conservation. Further, prior capital improvement allocations have been addressed by prior SEQRA environmental reviews. Therefore, no further environmental review is required in connection with the requested authorization.

### **IV. NON-DISCRIMINATION AND CONTRACTOR & SUPPLIER DIVERSITY**

Pursuant to New York State Executive Law Article 15-A, CCDC recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (“MWBEs”) in the performance of CCDC projects. Accordingly, ESD’s Non-Discrimination and Contractor & Supplier Diversity policies apply to the Funding Agreement. However, due to CCOC’s status as a “contracting agency” under Article 15-A of the New York State Executive Law, the Office of Contractor and Supplier Diversity has determined that MWBE participation goals need not be applied. CCOC shall assess MWBE goals and make good faith efforts (as defined in 5 NYCRR §142.8) during the term of the Funding Agreement to ensure the participation of NYS certified MWBEs and report directly to the Division of Minority and Women’s Business Development.

### **V. REQUESTED ACTION**

The Directors are requested to authorize the two amendments to the Funding Agreement described in these materials.

### **VI. RECOMMENDATION**

Based on the foregoing, I recommend approval of the requested action.

### **VII. ATTACHMENTS**

Resolutions  
Exhibit A

March 21, 2022

NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION (NEW YORK COUNTY) – Jacob K. Javits Convention Center – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”) – New York Convention Center Operating Corporation (“CCOC”) Capital Improvements – Authorization to Amend New York Convention Center Renovation Funding Agreement; and Authorization to Take Related Actions

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BE IT RESOLVED, that based on the materials presented at this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation (the “Materials”), the Corporation is hereby authorized to amend the New York Convention Center Renovation Funding Agreement as set forth in the Materials; and be it further

RESOLVED, that the President, or his designee(s) be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or proper to carry out the foregoing Resolution.

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**EXHIBIT A**

CCDC DIRECTOR AUTHORIZATIONS

2/9/16	\$4,400,000
2/9/16	4,600,000
5/18/16	4,500,000
4/19/17	5,000,000
1/30/19	4,100,000
6/13/19	8,484,714
12/18/19	12,000,000
11/18/20	1,000,000
10/20/21	<u>1,000,000</u>
	45,084,714

PRIOR COMMITMENTS

Upgrade Fire Alarm (original renovation)	minus	\$2,000,000
Finalize CCTV	minus	2,000,000
East Egress	minus	5,200,000
Storefront	minus	1,219,199
6/14/17 Site K	minus	63,658
6/14/17 Transformer	minus	221,772
6/14/17 Fire Alarm (Project 80200)	minus	<u>5,500,000</u>
TOTAL minus =		\$16,204,629

Reallocation from East Egress plus 4,550,000

9/13/17 Truck Ramp	minus	\$900,000
9/13/17 MER Upgrades (Project 80210)	minus	2,680,000
9/13/17 Lighting Controls 3D	minus	504,000
9/13/17 Concrete Sidewalk Repairs	minus	300,000
9/13/17 Exterior Camera Replacement	minus	162,000
9/13/17 Heating Loading Dock Doors	minus	910,000
12/13/17 Perimeter Security - 34th Street Gates	minus	760,000
12/13/17 Scope change East Egress	minus	150,000
12/13/17 Elevator Mechanical Upgrade	minus	<u>400,000</u>
TOTAL minus =		\$6,766,000

Recapture of cancelled Truck Ramp funds plus 900,000

4/5/18 High-Speed Doors Levels 1 and 3	minus	\$650,000
4/5/18 BMS Upgrade	minus	300,000

November 2018 Recapture from Exterior Camera Replacement plus 17,971



November 2018 Recapture from Heating Loading Dock Doors **plus 430,000**

11/14/18	Perimeter Security - 34th Street Gates	minus	\$30,000
11/14/18	Exterior Lighting Upgrades	minus	447,342
1/30/19	Vehicular Security Barriers	minus	4,100,000
6/13/19	Fire Alarm (Project 80200)	minus	6,021,061
6/13/19	Pedestrian Security Barriers	minus	2,463,653
12/18/19	HVAC replace / MER upgrade (80210)	minus	\$2,700,000
12/18/19	Plumbing floor port rehab (80250)	minus	200,000
12/18/19	Existing transformer replacement (80251)	minus	1,000,000
12/18/19	Fire Alarm / ARC (80252)	minus	3,000,000
12/18/19	Restroom upgrades (80253)	minus	2,700,000
12/18/19	Replacing black top with asphalt (80254)	minus	1,100,000
12/18/19	L1 lighting control replacement (80255)	minus	320,000
12/18/19	loading dock egress doors (80256)	minus	575,000
12/18/19	defibrillators (AED) (80257)	minus	<u>210,000</u>
			TOTAL minus = \$24,867,056

November 2020 Recapture from the following

(1) <b>Project 80154:</b>	\$ 5,000 remaining balance	East egress
(2) <b>Project 80208:</b>	\$ 8,856 remaining balance	Loading dock heat curtains
(3) <b>Project 80218:</b>	\$ 24,849 remaining balance	Elevator upgrades
(4) <b>Project 80250:</b>	\$199,351 remaining balance	Plumbing floor port rehab
(5) <b>Project 80251:</b>	\$350,000 remaining balance	Existing transformer replacement
(6) <b>Project 80253:</b>	\$365,216 remaining balance	Existing restroom upgrades
(7) <b>Project 80255:</b>	\$209,463 remaining balance	L1A lighting control replacement
(8) <b>Project 80256:</b>	<u>\$575,000</u> remaining balance	Loading dock egress doors
<b>plus \$1,737,735</b>		

11/18/20	MER Upgrades (Project 80210)	minus	\$1,737,735
11/18/20	Fire Alarm (Project 80200)	minus	\$1,000,000

<u>June 2021</u>	<u>Recapture from Fire Alarm (Project 80200)</u>	<b>plus</b>	<b>\$510,000</b>
<u>June 2021</u>	<u>Recapture from Restroom Upgrades (Project 80253)</u>	<b>plus</b>	<b>\$600,000</b>

6/23/21	HVAC replace / MER upgrade (80210)	minus	\$510,000
6/23/21	Truck Weigh Scales (Project 80266)	minus	\$600,000

October 2021	Recapture from Restroom Upgrades (Project 80253)	<b>plus</b>	<b>\$523,000</b>
October 2021	Recapture from Black Top Replace (Project 80254)	<b>plus</b>	<b>\$500,000</b>

10/20/21	Merge Project	minus \$1,000,000	new capital
10/20/21	Merge Project	minus \$195,000	prior balance
10/20/21	Merge Project	minus \$523,000	from 80253
10/20/21	Merge Project	minus \$500,000	from 80254

**BALANCE OF UNCOMMITTED FUNDS**

**ZERO**

**Item II. C.**



FOR CONSIDERATION

March 21, 2022

TO: The Directors

FROM: Robin J. Stout

SUBJECT: New York Convention Center Development Corporation (“CCDC”) (New York County) – Jacob K. Javits Convention Center (“Javits”)

REQUEST FOR: Authorization to Amend a Legal Fee Reimbursement Agreement with New York Convention Center Operating Corporation (“CCOC”); and Authorization to Take Related Actions

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**I. BACKGROUND**

As the Directors know, both of CCDC’s transformer and expansion projects were substantially completed in 2021. CCDC has delivered possession of both projects to CCOC, and CCOC has been hosting events in the new expansion since Fall 2021. On February 25, 2022, CCDC also received an occupancy permit for the ‘Combined (or Merged) Campus’ (i.e., transformer, expansion, and existing facility inclusive of its upgraded fire alarm system) from Dormitory Authority of the State of New York (“DASNY”).

CCOC will continue to require ‘post-project-completion’ permitting from appropriate authorities for events and operations. Although DASNY is the expansion project’s permitting authority pursuant to 2016 legislation, such legislation contemplates that, post-project-completion, permitting could be transferred to another permitting authority. Historically, the New York City Department of Buildings (“NYCDOB”) has been the permitting authority for existing Javits events and operations.

To assist in this transition process, and pursuant to CCDC Director November 18, 2020 authorization, CCDC entered into a Legal Fee Reimbursement Agreement (the “Agreement”) with CCOC pursuant to which: (a) CCOC retained legal counsel to assist both CCDC and CCOC in analyzing post-project-completion permitting issues; and (b) CCDC reimbursed CCOC for a portion of such costs, up to a maximum of \$200,000.

**II. PROPOSED AMENDMENT AND FUNDING**

The transition to NYCDOB permitting for Javits events and operations is in place, the legal work related thereto is essentially complete, and funding available under the Agreement is nearly

exhausted. In order to close out this matter, CCDC staff recommends allocating a final \$25,000 to the Agreement. CCDC would fund these expenses from Hotel Unit Fee Bond Proceeds.

**III. NON-DISCRIMINATION AND CONTRACTOR & SUPPLIER DIVERSITY**

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (“MWBEs”) in the performance of ESD projects. Accordingly, ESD’s Non-Discrimination and Contractor & Supplier Diversity policies apply to the Agreement. However, due to CCOC’s status as a “contracting agency” under Article 15-A of the New York State Executive Law, the Office of Contractor and Supplier Diversity has determined that MWBE participation goals need not be applied. CCOC shall assess MWBE goals and make good faith efforts (as defined in 5 NYCRR §142.8) during the term of the project to ensure the participation of NYS certified MWBEs and report directly to the Division of Minority and Women’s Business Development.

**IV. ENVIRONMENTAL REVIEW**

ESD staff, on behalf of CCDC, has determined that the proposed amendment constitutes a Type II action as defined by New York State Environmental Quality Review Act and implementing regulations promulgated thereunder by NYS Department of Environmental Conservation. No further environmental review is required in connection with the requested allocation.

**V. REQUESTED ACTION**

The Directors are requested to authorize the amendment to CCDC’s Legal Fee Reimbursement Agreement with CCOC as set forth in these materials, namely, to increase the not-to-exceed amount of the Agreement by \$25,000, from \$200,000 to \$225,000.

**VI. RECOMMENDATION**

Based on the foregoing, I recommend approval of the requested actions.

**VII. ATTACHMENTS**

Resolutions



March 21, 2022

NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION (NEW YORK COUNTY) – Jacob K. Javits Convention Center – Authorization to Amend a Legal Fee Reimbursement Agreement with New York Convention Center Operating Corporation; and Authorization to Take Related Actions

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BE IT RESOLVED, that based on the materials presented at this meeting, a copy of which is ordered filed with the records of the Corporation (the "Materials"), and as set forth in the Materials, the Corporation be and hereby is authorized to amend the Legal Fee Reimbursement Agreement with New York Convention Center Operating Corporation as set forth in the Materials, namely, to increase the not-to-exceed amount of the Agreement by \$25,000, from \$200,000 to \$225,000; and be it further

RESOLVED, that the President, or his designee(s) be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or proper to carry out the foregoing Resolution.

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# Item III. A.



**New York  
Convention Center  
Development  
Corporation**

A Subsidiary of Empire State Development

**FOR CONSIDERATION**

March 21, 2022

TO: The Directors

FROM: Robin J. Stout

SUBJECT: New York Convention Center Development Corporation (“CCDC”) (New York County) – Jacob K. Javits Convention Center (“Javits”) – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”)

REQUEST FOR: Authorization to Amend a Contract for Project Management Services

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**I. Background of Current Contract**

In 2016, CCDC conducted a competitive bidding process for Project Management services for the Project. At the conclusion of that process, and after Director authorization, CCDC entered into a contract with Tishman Construction, an AECOM Company, in association with Lehrer LLC, Velez Organization, and Group PMX LLC, for a four-year term at a not-to-exceed contract amount of \$38,000,000. In November 2020, the Directors authorized that such contract be extended to June 30, 2021 for an additional not-to-exceed amount of \$6,000,000, or a total contract amount of \$44,000,000. In June 2021, the Director authorized that such contract be extended to July 31, 2022 for an additional not-to-exceed amount of \$1,000,000, or a current total contract amount of \$45,000,000.

**II. Project Status**

Each of the transformer project and the expansion project is substantially complete and has obtained a Temporary Approval for Occupancy permit (“TAO”) from the Project’s permitting authority, the Dormitory Authority of the State of New York (“DASNY”). On February 25, 2022, DASNY also issued a TAO for the ‘Combined (or Merged) Campus’ (i.e., transformer, expansion, and existing facility inclusive of its upgraded fire alarm system). Nonetheless, several close-out activities, summarized below in Section III under Scope of Services, remain to be completed in order to conclude CCDC’s contract with Project design-builder Lendlease Turner.

**III. Proposed Contract Amendment**

- Consultant: Tishman Construction, an AECOM Company, in association with LehrerCumming, Velez Organization, and Group PMX LLC (collectively, the "PM Team"). The size of the PM team will be reduced commiserate with Project completion status.
- Scope of Services: Close-out Project Management services, including but not limited to oversight of: (a) operations interface; (b) punch list completion; (c) technical and contractual compliance and oversight; (d) permitting conclusion; (e) Final Completion; (f) cost and contract close-out; and (g) related work.
- Contract Amount: Increase current contract amount of \$45,000,000 by up to a maximum additional \$800,000, to a new total not-to-exceed amount of \$45,800,000.
- Contract Term: Extend current expiration date of July 31, 2022 to September 30, 2022.
- Funding Source: Hotel Unit Fee Bond Proceeds

**IV. Required Scope of Continued Work**

The Scope of Services described in Section III above will be necessary through Project completion and the Project's Design-Build Contract close-out. Given the PM Team's acquired expertise throughout the Project, substitution of the PM Team would be neither practical nor cost efficient, and accordingly a Contact Reporter Exemption request is pending for the proposed contract extension. (In a separate action at today's meeting, CCDC Directors are being asked to authorize a contract for additional project management services for the reasons explained in those separate materials.)

**V. Contract Term, Price, and Funding**

The term of the contract would be extended by two months (from July 31, 2022 to September 30, 2022) to accommodate Project close-out. CCDC staff recommends that the not-to-exceed amount of the Project Management Contract be increased by \$800,000, from \$45,000,000 to \$45,800,000. The PM Team would continue to bill on an agreed time and materials basis. Like the contract to date, the proposed increase would be funded from Hotel Unit Fee Bond Proceeds.

**VI. Responsible Party**

Pursuant to State Finance Law Section 163 and CCDC's policy related thereto, staff has: (a) considered the PM Team's ability to perform the proposed scope of services; and (b) consulted

the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the PM Team to be responsible.

**VII. Environmental Review**

ESD staff, on behalf of CCDC, has determined that the requested amendment constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation. No further environmental review is required in connection with this authorization.

**VIII. Non-Discrimination and Contractor & Supplier Diversity**

ESD's Non-Discrimination and Contractor & Supplier Diversity policies would continue to apply to this contract. The PM Team would continue to be required to: include minorities and women in any job opportunities created; solicit and utilize Minority and Women-owned Business Enterprises ("MWBEs") for any contractual opportunities generated in connection with this contract; and use Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve an overall MWBE Participation Goal of 30% related to the total value of CCDC's funding. The overall goal would continue to include a Minority-owned Business Enterprise Participation Goal of 15% and a Women-owned Business Enterprise Participation Goal of 15% related to the total value of CCDC's funding.

ESD's Service-Disabled Veteran-Owned Business ("SDVOB") policies also would continue to apply to this contract. The PM Team would continue to be required to solicit and utilize SDVOBs in the fulfillment of the requirements of the contract. The PM Team would continue to be required to demonstrate Good Faith Efforts (pursuant to 9 NYCRR §252.2) to achieve a goal of 3% for SDVOB participation.

**IX. Requested Actions**

The Directors are requested to: (1) make a determination of responsibility with respect to the PM Team; and (2) authorize CCDC to amend CCDC's current contract with the PM Team on the terms and conditions set forth in these materials.

**X. Recommendation**

Based on the foregoing, I recommend approval of the requested actions.

**XI. Attachment**

Resolutions



March 21, 2022

NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION (NEW YORK COUNTY) – Jacob K. Javits Convention Center (“Javits”) Renovation and Expansion Civic and Land Use Improvement Project (the “Project”) – Authorization to Amend a Contract for Project Management Services

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RESOLVED, that based on the materials presented at this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation (the “Materials”), the Corporation hereby finds the PM Team to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to amend its contract with the PM Team substantially on the terms and conditions as set forth in the Materials; and be it further

RESOLVED, that the President, or his designee(s) be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing Resolutions.

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# Item III. B.



**New York  
Convention Center  
Development  
Corporation**

A Subsidiary of Empire State Development

**FOR CONSIDERATION**

March 21, 2022

TO: The Directors

FROM: Robin J. Stout

SUBJECT: New York Convention Center Development Corporation (“CCDC”) (New York County) – Jacob K. Javits Convention Center (“Javits”) – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”)

REQUEST FOR: Authorization to Enter into a Contract with STV, Inc. for Project Management Services; and Authorization to Take Related Actions

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**CONTRACT NEEDS AND JUSTIFICATION**

**I. CONTRACT SUMMARY**

Consultant: STV, Inc. (“STV”)

Scope of Services: Close-out Project Management services, including but not limited to oversight of: (a) operations interface; (b) punch list completion; (c) technical and contractual compliance and oversight; (d) permitting conclusion; (e) Final Completion; (f) cost and contract close-out; and (g) related work.

Contract Amount: \$300,000

Contract Term: December 1, 2021 to September 30, 2022

Funding Source: Hotel Unit Fee Bond Proceeds

**II. BACKGROUND OF CCDC’S PROJECT MANAGEMENT CONTRACT**

In 2016, CCDC conducted a competitive bidding process for Project Management services for the Project. At the conclusion of that process, and after Director authorization, CCDC entered into a contract with Tishman Construction, an AECOM Company, in association with Lehrer LLC, Velez Organization, and Group PMX LLC (collectively, the “PM Team”), for a four-year term at a not-to-exceed contract amount of \$38,000,000. In November 2020, the Directors authorized that such contract be extended to June 30, 2021 for an additional not-to-exceed amount of \$6,000,000, or

a total contract amount of \$44,000,000. In June 2021, the Director authorized that such contract be extended to July 31, 2022 for an additional not-to-exceed amount of \$1,000,000, or a total contract amount of \$45,000,000. (In a separate action at today's meeting, CCDC Directors are being asked to increase the upset amount of such contract by \$800,000.)

**III. DOUG BLAIS EMPLOYMENT**

Doug Blais ("Blais"), previously employed by Lehrer as part of the PM Team, has relocated his employment to STV. Blais has been a key component of the PM Team for more than four years, providing continuity under three different Project Management Directors. Although Javits Expansion construction is substantially complete, numerous PM tasks remain in order to achieve final contract close-out. Specifically, staff recommends that Blais be retained, via STV instead of Lehrer, to assist in completing the Scope of Services described in Section I above. Blais would be indispensable in efficiently and effectively assisting in close-out matters.

Blais's work has always been excellent and timely, has provided continuity during times of construction and administrative transition, and is enhanced by his years of experience overseeing the Project. His Project history, knowledge, experience, and expertise cannot be replicated in another person, whether within Tishman, Lehrer, or some other new subconsultant. A Contact Reporter Exemption request is pending for the proposed CCDC-STV contract for Mr. Blais's services.

**IV. CONTRACT TERM, PRICE, AND FUNDING**

The term of the contract would be from December 1, 2021, the commencement date for Blais's STV employment, through September 30, 2022 to accommodate Project closed-out. The maximum amount of the contract would be \$300,000. STV would bill on an agreed time and materials basis for Blais and related services (the same billing structure as for the PM Team). The contract would be funded from Hotel Unit Fee Bond Proceeds.

**V. RESPONSIBLE PARTY**

Pursuant to State Finance Law Section 163 and CCDC's policy related thereto, staff has: (a) considered STV's ability to perform the proposed scope of services; and (b) consulted the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers STV to be responsible.

**VI. ENVIRONMENTAL REVIEW**

ESD staff, on behalf of CCDC, has determined that the requested authorization constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations of the New York Department of Environmental Conservation. No further environmental review is required in connection with this authorization.

**VII. NON-DISCRIMINATION AND CONTRACTOR & SUPPLIER DIVERSITY**

ESD's Non-Discrimination and Contractor & Supplier Diversity policies would apply to this contract. STV would be required to: include minorities and women in any job opportunities created; solicit and utilize Minority and Women-owned Business Enterprises ("MWBEs") for any contractual opportunities generated in connection with the contract; and use Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve an overall MWBE Participation Goal of 30% related to the total value of ESD's funding.

Pursuant to New York State Executive Law Article 17-B, CCDC recognizes its obligation under the law to promote opportunities for maximum feasible participation of New York State certified Service-Disabled Veteran-owned Businesses ("SDVOBs") in the performance of ESD projects and procurements. The Office of Contractor and Supplier Diversity has reviewed the proposed contract and has determined that there exists no potential for SDVOB participation. As such, SDVOB participation goals would not be established or required for this contract.

**VIII. REQUESTED ACTIONS**

The Directors are requested to: (1) make a determination of responsibility with respect to STV; and (2) authorize CCDC to retain STV for project management services as set forth in these materials up to a maximum amount of \$300,000.

**IX. RECOMMENDATION**

Based on the foregoing, I recommend approval of the requested actions.

**X. ATTACHMENT**

Resolutions



March 21, 2022

NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION (NEW YORK COUNTY) – Jacob K. Javits Convention Center (“Javits”) – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”) – Authorization to Enter into a Contract with STV, Inc. for Project Management Services; and Authorization to Take Related Actions

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BE IT RESOLVED, that, based on the materials presented at this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation (the “Materials”), the Corporation hereby finds STV, Inc. (“STV”) to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with STV in an amount not to exceed \$300,000, for the purposes and services, and substantially on the terms and conditions, as set forth in the Materials; and be it further

RESOLVED, that the President and his designee(s) be, and each of them hereby is, authorized to take such action and executes such documents as may be necessary or appropriate to carry out the foregoing Resolutions.

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**Item III. C.**



**FOR CONSIDERATION**

March 21, 2022

TO: The Directors

FROM: Robin J. Stout

SUBJECT: New York Convention Center Development Corporation (“CCDC”) (New York County) – Jacob K. Javits Convention Center (“Javits”) – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”)

REQUEST FOR: Authorization to Enter into a Contract with Toscano Clements Taylor, LLC for Project Cost Estimating Services; and Authorization to Take Related Actions

**CONTRACT NEEDS AND JUSTIFICATION**

**I. CONTRACT SUMMARY**

Consultant: Toscano Clements Taylor, LLC (“TCT”)

Scope of Services: Cost estimating services related to potential Project change orders

Contract Amount: \$200,000

Contract Expiration: July 31, 2022

Funding Source: Hotel Unit Fee Bond Proceeds

**II. BACKGROUND**

New York Convention Center Development Corporation (“CCDC”) seeks to enter into a contract with TCT in an amount not-to-exceed \$200,000 for cost-estimating services related to final trades and services (including Covid-19 related potential change orders) for Tishman CMAR’s transformer building within CCDC’s Javits Expansion Project. Initially, CCDC retained VJ Associates Inc. (“VJ”) for this work. CCDC had good experience with the work product of a particular VJ employee, but the VJ firm was discharged based on responsibility issues. The particular VJ employee with whom CCDC had good experience is now employed at TCT, and CCDC wishes to recapture that expertise and prior Project knowledge.

### **III. CONSULTANT SELECTION PROCESS**

TCT charges industry competitive rates. TCT was selected from a list of NYS certified MWBEs competent in cost consulting.

### **IV. CONTRACT TERM, PRICE, AND FUNDING**

The contract would extend through July 31, 2022. The maximum amount of the contract would be \$200,000. Source of funding is Hotel Unit Fee Bond Proceeds.

### **V. RESPONSIBLE PARTY**

Pursuant to State Finance Law Section 163 and CCDC's policy related thereto, staff has: (a) considered TCT's ability to perform the proposed scope of services; and (b) consulted the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers TCT to be responsible.

### **VI. ENVIRONMENTAL REVIEW**

ESD staff, on behalf of CCDC, has determined that the requested authorization constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations of the New York Department of Environmental Conservation. No further environmental review is required in connection with this authorization.

### **VII. NON-DISCRIMINATION AND CONTRACTOR & SUPPLIER DIVERSITY**

ESD's Non-Discrimination and Contractor & Supplier Diversity policies apply to this contract. TCT would be required to: include minorities and women in any job opportunities created; solicit and utilize Minority and Women-owned Business Enterprises ("MWBEs") for any contractual opportunities generated in connection with the contract; and use Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve an overall MWBE Participation Goal of 100% related to the total value of ESD's funding.

Pursuant to New York State Executive Law Article 17-B, CCDC recognizes its obligation under the law to promote opportunities for maximum feasible participation of New York State certified Service-Disabled Veteran-owned Businesses ("SDVOBs") in the performance of ESD projects and procurements. The Office of Contractor and Supplier Diversity has reviewed the proposed contract and has determined that there exists no potential for SDVOB participation. As such, SDVOB participation goals would not be established or required for this contract.

TCT is a Minority- and Women-Owned Business Enterprise certified by the State of New York and may utilize its certification to satisfy the above requirement.

**VIII. REQUESTED ACTIONS**

The Directors are requested to: (1) make a determination of responsibility with respect to TCT; and (2) authorize CCDC to retain TCT for cost estimating services as set forth in these materials for a maximum amount of \$200,000 through a term concluding July 31, 2022.

**IX. RECOMMENDATION**

Based on the foregoing, I recommend approval of the requested actions.

**X. ATTACHMENT**

Resolutions



March 21, 2022

NEW YORK CONVENTION CENTER DEVELOPMENT CORPORATION (NEW YORK COUNTY) – Jacob K. Javits Convention Center (“Javits”) – Renovation and Expansion Civic and Land Use Improvement Project (the “Project”) – Authorization to Enter into a Contract with Toscano Clements Taylor, LLC for Project Cost Estimating Services; and Authorization to Take Related Actions

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BE IT RESOLVED, that, based on the materials presented at this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation (the “Materials”), the Corporation hereby finds Toscano Clements Taylor, LLC (“TCT”) to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with TCT in an amount not to exceed \$200,000, for the purposes and services, and substantially on the terms and conditions, as set forth in the Materials; and be it further

RESOLVED, that the President and his designee(s) be, and each of them hereby is, authorized to take such action and executes such documents as may be necessary or appropriate to carry out the foregoing Resolutions.

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