



City of New York Parks & Recreation

**New York City Council
Committee on Parks & Recreation Oversight**

From Conception to Completion: Overview of a Parks Capital Project

January 27, 2009

**Testimony by
Therese Braddick
Deputy Commissioner for Capital Projects**

INTRODUCTION

Parks' Capital division is responsible for building and rebuilding playgrounds, green areas, nature centers and recreation centers in parks across the city. We have an excellent team of Architects, Engineers, Landscape Architects and other professionals dedicated to improving parks for all New Yorkers. New York City is in the largest period of park expansion since Robert Moses and the WPA projects of the 1930s. With a capital budget of \$3.8 billion over the next ten years, even after the current cuts and roll-outs, we are building innovative parks and facilities at an unprecedented scale across the city. This extraordinary growth of the capital program is shown on the slide before you. Our capital budget has grown from less than \$500 million in 2002 to nearly \$2 billion today.

CAPITAL BUDGET OVERVIEW

Like other City agencies, we receive Capital funding from the Mayor, City Council and five Borough Presidents, as well as non-City sources. It is important to note that over 90% of our capital budget is allocated to specific projects, at the funder's discretion, not ours. We do not have a significant discretionary capital fund set aside to tackle projects not funded through the budget process.

Mayor Bloomberg provides the largest portion of our capital budget – about \$1.5 billion in this year's plan. Like his predecessors, the Mayor typically funds large infrastructure projects and those that impact all New Yorkers. Of course, you've all heard of the Pliancy program, which has injected hundreds of millions of dollars into rebuilding parks. This initiative includes renovating large regional parks as well as providing every New Yorker with a green space within a ten minute walk of their home. The Mayor also funds our citywide Requirements Contracts program to which many of you have generously added funds. This program innovatively stretches dollars by replacing significantly deteriorated elements that cannot be repaired, rather than rebuilding a park or facility from scratch.

The Borough Presidents also contribute substantially to our capital plan, about \$200 million in this year's plan, typically to borough-wide projects and initiatives. The Borough Presidents rarely fund an entire project alone, but often collaborate with the Council Members and the Mayor to jointly fund a project.

Parks also receives funding from State and Federal grants and private contributions, about \$260 million in this year's plan. These funds are usually limited to a small number of sites. Nonetheless, as many grant programs require city matches, this is a great way to leverage funds and get more for our dollar.

Finally, you, the City Council, fund many bread and butter neighborhood park and playground projects, about \$280 million in this year's plan. These projects rebuild our well-used facilities, targeted to the specific properties and facilities chosen by the Council Members. All of you have seen the smiling faces of the kids when we reopen their neighborhood parks, playgrounds and recreation centers.

CAPITAL PROJECT TIMELINE

The schedule of our capital projects, from concept and funding to completing and opening the facility typically takes between one and four years. I will now walk you through the four main steps in this process.

- Planning List
- Design
- Procurement
- Construction

It is important to note that much of this process is governed by the City Charter and many other laws and regulatory agencies, including the Landmarks Preservation Commission, Public Design Commission and the state Department of Environmental Conservation, among others.

Planning List

We follow a collaborative process in planning our projects. Each fall, after meeting with our operations staff, park users, volunteers, Community Boards, civic associations and other local groups, Parks compiles a list of possible new projects. As you know, in the winter and spring, we focus our time on meeting with Council Members and Borough Presidents to discuss projects that would merit funding allocations in the next fiscal year. In May, we learn which projects the Mayor will likely fund. After the Adopted Budget is approved, we learn what projects will be funded by the City Council and Borough Presidents for the current fiscal year.

In September, Commissioner Benepe and the five Borough Parks Commissioners meet with our capital staff to decide which projects will move forward in the fiscal year. It's important to note that not all projects can move forward immediately. First, Parks must ensure that an appropriate

design team can be assigned to the project, and must also make sure that there are sufficient funds to complete the desired scope of work. At this point, we also decide which projects we can do in-house and which would be better designed by consultants.

In recent years, our staffing needs have grown and unfortunately have not kept pace with the huge influx of capital funding. I have been taking a strong look at this issue and in the past six months have made it a priority to hire additional staff to try and meet our needs.

Design

From beginning to end, our design process usually takes three months to a year, based on the complexity of the project, external reviews required and permitting needs. The industry standard for design, without regulatory review, is nine to 12 months.

The first step in the design process is to hold a **scope meeting** with the funder(s), our operations staff, community board, interested park users, volunteer groups and our designer and project manager. Since the input of the funder and Community Board are essential to develop the scope, their availability determines how quickly the project can proceed.

The next step is to create a **schematic design** that considers all of the major site features and program elements, but does not include actual measurements, elevations and construction details. The schematic design process typically takes from one to six months, where we develop a preliminary design of the site, including utilities, circulation, and programming. These plans are presented to Parks, the Community Board, then either the Landmarks Preservation Commission (LPC) and/or the Public Design Commission depending on the scope of work. Both Landmarks and the Design Commission have binding authority over the projects we present to them and we work closely with them on any changes they request. Concurrent with the schematic design phase, we must complete an environmental review in order to comply with the City Environmental Quality Review process.

After these approvals are in place, the designer begins **final design**, which often takes up to six months. The final design adds any requested changes, and includes specifications, construction drawings and a detailed cost estimate. Designers prepare "bid books," including item cost estimates and specifications and construction drawings. At this time, we also file for required permits, such as those from Buildings, DOT, DEP and state DEC that often cannot be filed until construction drawings are complete. As with schematic design, the final plans are reviewed by Parks, the Community Board, and the Landmarks Preservation Commission and/or the Design Commission.

Procurement

After design is complete, it can take four to six months until the construction contract is registered with the Comptroller and we can start construction. The completed bid books and construction drawings are reviewed by our in-house attorneys and must also be approved by the City Law Department. The bid process is governed by the City Charter, State Law and the City Procurement Policy Board Rules. All contracts are advertised and contract awards are made only

to the lowest responsive responsible bidder. A determination as to whether a contractor is responsive and/or responsible involves a review of the bids as well as a review of the contractor's performance record and business integrity. A bidder's ability to perform the contract in accordance with applicable law includes reviews of the bidder's MWBE (Minority and Women-Owned Business Enterprises) plan, apprenticeship program, prevailing wage compliance, performance evaluations and any other information deemed necessary to thoroughly vet the bidder.

An early step in the procurement process is obtaining OMB approval, a Certificate to Proceed (CP), for the project. As you may be aware, OMB's authorization is required before we are able to spend funds that are included in the budget. OMB reviews our projects and contracts to make sure the project is capitably-eligible and a prudent use of public funds.

If a bidder or bid is deemed not qualified for a project or if the lowest responsible bid exceeds the funds authorized by OMB, the agency may redesign the project, seek additional authorization from OMB or new funding for the project. This process can cause some delays in the procurement process, but we are fortunate to have efficient and helpful partners in our OMB task force.

The final stage in the procurement process is registration by the Comptroller, who has 30 days to review and accept, reject or object to a contract. If the Comptroller has objections to a contract, it can delay registration, and thus construction beginning, for several months.

Construction

Construction begins with an Order to Work (OTW) and can take anywhere from 2 to 24 months depending on the scope and size of the project. Although a large number of our projects take about a year in construction, some of this time is due to winter or other weather conditions that make site work impossible to perform. Almost all of our work is outdoor landscape work, subject to weather delays. When constructing a building, however, one can erect the shell of the building and continue working through inclement weather conditions.

Site work also involves other seasonal items, for instance—planting can only be done in the fall or spring; asphalt pavement cannot be laid in the winter; concrete cannot be poured on the coldest days, and excavation is difficult after the ground freezes. Color seal coat on basketball courts and glues in synthetic turf do not properly adhere in cold or wet conditions. In addition, we usually start ballfield reconstruction projects in the fall, so as not to interfere with the sports season. Similarly, we rarely begin demolition on playgrounds in the late fall, as they would likely sit closed all winter, with little work going on.

As I said earlier, time is also affected by the size and complexity of the project. For example, replacing fences or pavement or installing a garden may take only a couple of months, while building a larger park or building with utility connections, complicated layouts and multiple regulatory approvals, may take several years.

There are other reasons why the construction process may be lengthy. For example, projects near the waterfront require a Wetlands permit from the DEC for any work that impacts a wetland

or occurs within 100' of a tidal or fresh water wetland. More of our big projects are being constructed on landfills and other brownfield sites, which require extensive permitting. This is also an area of focus for me because we have a huge backlog of projects that have not moved forward because permits have not been issued. At the highest levels, we are working with DEC to resolve this. Of course, we also see delays to projects caused by litigation, and the contractors' legal and financial problems.

CONCLUSION

Now that you have a better idea of the capital process and timeline, I would like to take a few minutes to show you some of the successful projects that we have completed in your neighborhoods. In all five boroughs, we are doing great things to enhance and improve our greenspaces for every city resident.



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Adrian Benepe was appointed Commissioner of the New York City Parks & Recreation in February 2002. Under his leadership, he changed the organizational structure of the Capital Projects Division to place the Borough Commissioners of Maintenance & Operations in charge of the Capital Program. These changes are significant: The Chiefs of Design, Construction and Administrative Services became advisors to the Deputy Commissioner for Capital Projects. All of the Professionals?Engineers, Landscape Architects, Architects and Surveyors? were placed under a Team Leader system. This new organizational chart however was not approved by OMB.

Following the direct orders of the Borough Commissioners, the Team Leader's role is administrative. In turn, the Team Leader then directs the Design Professionals. This new system put the Team Leaders in charge of both design and construction which makes it possible to make changes without going back to the signing professional. The Team Leader system was implemented fully January 2003. They also charge to the State Inter Fund Agreement (IFA) without producing contract documents.

As a result, management costs quadrupled the next year. Capital funds which would ordinarily be used for capital projects were now being diverted to pay for management positions which is supposed to come from the expense budget. This is how they implemented the team leader system despite not having approval from OMB. What this means is that there is less money to spend on the actual project. This is a complaint I have heard from numerous Council members who see money they thought they were allocating for construction disappear.

For the Landscape Architects and Architects, there is a burdensome approval process for Schematic Designs supervised almost entirely by non-professionals. For example, four of the six Borough Team Leaders are not licensed in the practice of Landscape Architecture yet they are leading two or more people in its practice.

Licensed Professionals are often sidelined or excluded from the process of generating contract documents and from construction supervision. For many Designers, there are no Licensed Professionals between them and the Deputy Commissioner.

Borough Commissioners and Team Leaders are making changes to both in-house and consultant generated contract documents without consulting with the signing Licensed Professionals. This is happening during the bidding process and during construction. Since they are not licensed professionals they are not obligated to uphold public health, safety and welfare. This is a violation of State Professional Practice Law and is a felony.

The lack of licensed professionals has also contributed significantly to the huge cost increases due to change orders. Change orders for all Capital Projects have exploded to over 50%, up from 17% in 2001. In fact the DPR now leads all city agencies in cost over runs related to capital projects. This is unacceptable. The city's tax payers should not be further burdened by costs which can and should be avoided. Capital funds are also routinely being used for maintenance and operation which also against the law.

Far too many of the these projects are being farmed out to consultants. In fact seven of the eight \$ 40 million dollar plus so-called undeveloped destination parks in the mayor's PlaNYC alone are being performed by consultants and at significantly higher costs. For example if the project is designed and construction supervision is done in-house it costs twenty percent of the capital budget however if these services are performed by consultants the number can be as high as 40 percent.

The DPR also routinely avoids community-based planning and consultation. Often elected Officials and Community Boards are involved minimally or are excluded completely from the entire design and construction process. Environmental impacts of these projects are routinely minimized or misrepresented in order to push projects forward. And because of existing laws often there is little a community can do.

This is the same system that has also created the synthetic turf debacle which has played out in the press over the last couple of years. The administration has repeatedly ignored public outcries over the multiple health and safety concerns raised. Synthetic turf is preferred by this administration because they lack adequate personnel for the maintenance of natural turf and grass.

With little oversight, the city is spending like drunken sailors. From the synthetic turf debacle to the Yankee project, from Washington Square to Union Square, Ferry Point golf course, Randall's Island, Seaside Park Amphitheater to the One Million Trees initiative, the irresponsible and mismanaged tax-payer funded projects are too numerous to mention. The DPR's capital division and the waste of public and private funding must be reined in. We must begin to demand accountability. We need strong oversight of these capital funds.

These are our communities and our money that is being spent. And long after the people who are responsible for making these decisions today are gone, it will be us who will have to live with these decisions.

NYC Park Advocates Inc. is a non-profit, non-partisan watchdog group dedicated to improving public parks, restoring public funding, increasing public recreation programs, expanding open space and accessibility, and achieving the equitable distribution of these vital services in New York City for all. We are the only non-profit park advocacy group dedicated to all City, State and Federal parkland in New York City. For more information please visit us at <http://nycparkadvocates.org>

January 26, 2009

The City Council
The City of New York
Office of the Speaker
City Hall
New York, New York 10007

Dear Council Speaker:

I, Samuel L. Wansley, a Korean war veteran armed services of the United States Honorable Discharges a member of the Friends of Charlton Garden a group of Veterans from the Bronx, New York.

We are disappointed at the way the delays, completing the phases of progress is very sad is no effort is made to addressed the progress of the "project".

We have attended meetings concerning the problem but things remain the same. We would like for the Council to look into the problem, "please".

The sad part is the family of Sergeant Cornelius H. Charlton would like closurer and is disappointed that progress is slow. Young kids are asking why? I have no answer for them. I felt sad.

The question I have is "why the project is not moving? The money was appropriated for the project. This veteran gave his life for this country the most anyone can give the ultimate sacrifice. Please see that the people or person in charge of this project do see that is done. Please?

We veterans of Korean War and others wars, take this very seriously, also New York State Veterans and Bronx County Veterans.

This is my testimony thank you for allowing me to testify,

Mr. Samuel L. Wansley
Koren Veteran

P.S. Never should any veteran be forgotten for his or her ultimate sacrifice to family, friends, citizens and country----For their unselfish relinquishments of one's soul, so that other may live free.



**New York City Council
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**New Yorkers for Parks Testimony
January 27, 2009**

Good morning. My name is Sheelah Feinberg and I am the Government and External Relations Director at New Yorkers for Parks, the only independent watchdog and advocate for all New York City parks, beaches and playgrounds. For 100 years we have worked to ensure greener, safer, and cleaner parks for all New Yorkers.

MAINTENANCE

Mayor Bloomberg has led a renaissance for New York City Parks, but recently due to the economy, parks have received some cuts to personnel and maintenance funding. These unfortunate cuts could decrease the Parks Department's operating budget by as much as \$40 million from its high point in FY 2008.

We think it is irresponsible to build new ball fields, playgrounds, and parks without providing the means to support them, particularly when one out of every eight parks is rated "unacceptable" by the department's own Parks Inspection Program.

In 2007, New Yorkers for Parks commissioned The Citizens Budget Commission report, "Making the Most of Our Parks." The report states a concern that the Department of Parks and Recreation relies too heavily on capital funding to cover some maintenance projects because it's easier to obtain.

We encourage DPR to counter this practice by including maintenance costs within their capital budget requests. A multiyear program for shifting funds from the capital to the operating budget would ensure that some of the borrowed funds will go towards maintenance and operations. This would encourage preventive maintenance and provide sustainable financial support for park infrastructure.

New Yorkers for Parks also suggests that the Parks Department explore new diversified funding sources such as keeping a portion of concession revenues for long term maintenance funding.

FIX IT FIRST APPROACH

Once funding for capital projects are acquired, we suggest that the DPR adopt a “fix it first approach” when allocating resources. According to the Mayors Management Report of September 2008, DPR has completed 131 capital projects; of which 89% were completed within budget. We think DPR should think twice before breaking ground on new projects when existing park infrastructure, our cities’ assets, are in disrepair.

Since funding for capital projects is so easier to obtain, a portion of those funds should go towards improving existing conditions before embarking on new projects. New resources dedicated to the DPR should be targeted to the parks with the greatest need rather than the greatest PR potential.

TRANSPARENCY

Overall, DPR should improve transparency in regards to the funding and development of capital projects. As projects progress, the public should be assured that their playgrounds, parks, or beaches will be consistently well maintained.

In this time of fiscal uncertainty, we must ensure that we continue to provide basic city services and support innovative strategies to increase revenue for our parks. We cannot afford to pass off the responsibility of maintaining our parkland to the next generation.

Thank you.