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## 

##### **THE NEW YORK CITY COUNCIL**

**BRIEFING PAPER OF THE INFRASTRUCTURE DIVISION**

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**COMMITTEE ON PARKS AND RECREATION**

Hon. Shekar Krishnan*, Chairperson*

December 6, 2022

**Oversight: Improving the Efficiency of Parks Department Capital Projects**

**Int. No. 174:** By Council MembersKrishnan, Cabán, Stevens, Hanif, Brewer, Won, Restler, Marte, Nurse, Williams, Holden, Yeger, Bottcher, Riley, Powers, Brooks-Powers, Gennaro, Menin, Narcisse, Hudson, Brannan, Schulman and Velázquez (by request of the Manhattan Borough President)

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures

**Admin Code:** Adds section 18-159

**Int. No. 680:** By Council MembersKrishnan, Louis, Yeger, Riley, Restler, Hanif, Hudson, Ung, Won, Gutiérrez, Holden, Gennaro, Menin and Narcisse

**Title:** A Local Law in relation to a survey to determine the feasibility of creating micro parks and green spaces on vacant city owned land near dead ends and highway entrance and exit ramps

**Preconsidered Int. No. 842:** By Council MemberKrishnan, Brooks-Powers, Narcisse, Hudson, Brannan, Riley, Hanif, Menin and Velázquez

**Title:** A Local Law in relation to requiring the department of parks and recreation to develop a strategic blueprint to reduce its capital project durations by at least 25 percent

**Introduction**

On December 6, 2022, the Committee on Parks and Recreation, chaired by Council Member Shekar Krishnan, will hold an oversight hearing entitled “Improving the Efficiency of Parks Capital Projects.” The committee will also consider the following pieces of legislation: Int. No. 174, A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures, Int. No. 680, A Local Law in relation to a survey to determine the feasibility of creating micro parks and green spaces on vacant city owned land near dead ends and highway entrance and exit ramps and preconsidered Int. No. \_\_\_, A Local Law in relation to requiring the department of parks and recreation to develop a strategic blueprint to reduce its capital project durations by at least 25 percent. Representatives from the Department of Parks and Recreation (DPR), parks conservancies and alliances, parks advocates, community organizations, as well as other concerned community groups have been invited to testify.

**Capital Process Overview[[1]](#footnote-1)**

DPR estimates that most capital projects take 30 to 45 months from the initial “need” identification until the completion of construction. DPR breaks down its capital process into five stages: Needs Assessment, Project Initiation, Design, Procurement, and Construction.

Needs Assessment is an ongoing process conducted by DPR, and also informally by community members and elected officials. Once a need is identified, DPR Capital Division prepares a cost estimate. To meet the estimated project cost, funds are requested through the Office of Management and Budget (OMB), for inclusion in the capital plan. Sometimes additional discretionary funds are requested from City Council and the Borough Presidents. Only after the estimated project cost is fully funded can the project proceed to Project Initiation.

Project Initiation typically takes one to two months. DPR staff and/or an outside consultant are assigned to the project. Next there is a pre-scope meeting to review the project, often including both DPR and external agencies such as the Department of Environmental Protection (DEP). A threshold decision is made as to whether a completely new specialty design is warranted or, in the case of an existing park, if it may be replaced in-kind, with a similar park. The final step of Project Initiation is a scope meeting, which brings together DPR and members of the community to determine the scope of the project.

The Design stage, which typically takes 10 to 15 months, is itself broken down into four discrete sub-stages: Design Development (two to five months), Internal Schematic Approvals (one month), External Schematic Approvals (two to three months), and Construction Document Preparation and Permit Applications (five to six months).

Design Development starts with a site analysis and a tree inventory. After a DPR coordination meeting and the development of a conceptual design that identifies the project’s main elements, pre-applications are made to external agencies as needed, including the State’s Department of Environmental Conservation (DEC) and Department of Transportation (DOT), as well as the City’s Department of Buildings (DOB). Design Development ends with the development of a schematic design that fully articulates the program for the space.

Internal Schematic Approvals are the high-level review and approval of the schematic design, first by the Deputy Commissioner for Capital Projects and then by the DPR Commissioner. In the case of specialty designs, but not in the case of replacements-in-kind, these internal approvals are followed by External Schematic Approvals, first by the local Community Board, and then simultaneously by the Public Design Commission (PDC) and the Landmarks Preservation Commission (LPC).

Construction Document Preparation and Permit Applications starts with a second coordinating meeting. Once construction documents are about 80 percent developed, there is a landscape construction review, a maintenance and operations review, and a constructability review, followed by the submission of a certificate to proceed to OMB. Once construction documents are about 90 percent developed, the project is submitted to final review by the PDC and the LPC, followed by Minority and Women Owned Business Enterprise (WMBE) review and, finally, submission of all permit applications. Once construction documents are about 98 percent developed, there is final sign off and submission to landscape construction and forestry review. Only then are the complete construction documents submitted to the Department’s Map File division.

The Procurement stage, which typically takes seven to ten months, is broken down into four discrete sub-stages: Pre-Solicitation Review (two to three months), Solicitation (one to one and a half months), Pre-Award (three to four and a half months), and Award and Registration (one month).

Pre-Solicitation Review starts with the contract being entered into the DPR’s Automated Procurement Tracking (APT) system. The contract next undergoes legal reviews: in the case of contracts subject to a project labor agreement or a contract estimate exceeding $5 million, it is first reviewed by the Mayor’s Office of Contract Services (MOCS), and in the case of all contracts they are reviewed by DPR legal followed by the Law Department. Then the project is scheduled to advertise a request for proposals.

Solicitation of Proposals starts with a pre-bid meeting with contractors, where applicable, and a question and answer period. Addenda to the request for proposals may be issued as well. Only then the request for proposal is opened for bids.

The Pre-Award Process starts with bid tabulation. Bids are simultaneously reviewed for responsiveness by the DCP chief contracting officer, DPR legal, and MOCS, and also for responsibility, by the same mentioned entities, as well as by the Department of Investigation (DOI) and the Department of Labor Services (DLS). Several outcomes are possible. If bids are found to be non-responsive or non-responsible, contractors may appeal to the DPR general counsel. If bids come in higher than the original certificate to proceed price, DPR can ask to amend the certificate, subject to review by the DPR General Counsel. Only if a bid is found responsive and responsible will DPR make a recommendation for award and an award letter will be issued.

The Award and Registration process begins with the chosen contractor executing a contract and providing insurance, and, if applicable, bonds. DPR then submits the package to the City Comptroller. Once the Comptroller registers the contract, DPR will publicly notice the award to the contractor. Simultaneous with Comptroller review, DPR and the contractor can undertake pre-construction planning.

The Construction stage typically takes 12 to 18 months. Pre-Construction Planning by the contractor and DPR continues for one to four months until the Order to Work date, which DPR sets as official start date for construction. Since the majority of DPR’s construction is weather dependent, Order to Work dates are typically scheduled in the spring, summer, or fall, when the weather is warmer.

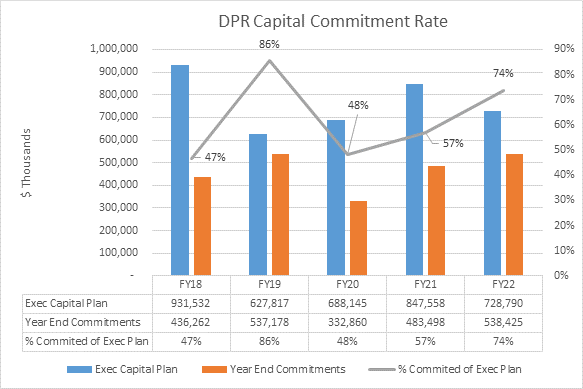
Construction typically takes 12 to 18 months and is closely supervised by DPR staff who oversee the daily operations of the project to ensure that it is built to contract specifications and to resolve any issues that arise. Construction supervision responsibilities include subcontractor approvals, submittals, change orders and overruns, and payments, which occur simultaneously on a project. Construction staff submit weekly progress reports with percent completion information and are published to the Capital Tracker.

Change Orders, which arise when contractors must deviate from the construction drawings, are an important part of the construction process. They typically take up three to 12 months and are ongoing during the construction period. At a Council hearing in 2019, DPR testified that DPR had adopted a policy that had reduced change orders by nearly 80%, only approving them if they were “directly related to public safety concerns or other emergency needs.”[[2]](#footnote-2)

Once a change order is initiated by DPR, a scope and cost estimate are prepared. If additional project funds are fully covered by OMB contingency funding, the contractor will submit a proposal that undergoes several rounds of approval by DPR: first by the resident engineer, then by the construction director, the project designer, and the team leader. For all change orders estimated to cost more than $15,000, an additional step is required: approval by a DPR change order review panel. The change order is then reviewed by the engineering audit office and the team leader (again). The change order is entered into APT and the revised budget is approved. For projects requiring additional project funds, a revised budget may be approved only after additional funds are identified, and OMB approved an amended certificate. The Chief Contracting Officer must also approve all change orders, as must MOCS for all change orders larger than ten percent of original budget or $500,000. Once fully approved, the change order must be registered with the Comptroller. Only then can the contractor be advised to start work on executing the change order.

Substantial completion is an important construction milestone. DPR holds an inspection with the contractor and determines that the work required under the contract is substantially, but not entirely, complete and identifies a final punch list. The project is then typically open to the public while the contract closes out the open issues identified by the punch list over the next two to twelve months. There is also a Guarantee Inspection one year after Substantial Completion to ensure that the contractor work has proven durable as required under the contract.

While DPR has in recent years struggled to commit more than half of the funding in its capital plan, with unmet commitment targets and significant appropriations available to roll into outyears, in Fiscal Year 2022 it achieved a capital commitment rate of 74 percent, which was down from a recent high of 86 percent in Fiscal Year 2019, but higher than recent Fiscal Years, where the COVID-19 pandemic forced many capital projects to be delayed. The chart immediately below shows the capital commitment rate between FY18 and FY22.  The blue bar shows the amount proposed in the executive capital plan and the orange bar represents the year end commitments (how much was actually spent).  The line graph represents the percent of capital that was committed compared to the executive capital plan.



**Issues and Concerns**

Various concerns regarding the implementation of capital projects by DPR have been expressed by elected officials, community members and park advocates. Such concerns relate to the overall efficiency of the process, with many expressing frustration regarding delays, cost overruns and lack of communication between DPR and funders of capital projects. Often, the delays and cost overruns relate to problems securing various permits, the need to make revisions to the scope of the project and coordinating the work schedules of the various contractors.[[3]](#footnote-3) When compared to capital projects performed by public-private partnerships, DPR projects routinely take longer to complete and cost more.[[4]](#footnote-4) For example, the Trust for Public land has built over 180 playgrounds throughout the City and has reported that its costs are about half of DPR’s costs.[[5]](#footnote-5) The capital process for parks projects has been criticized as being inefficient and convoluted, with at least 7 different agencies and offices that typically review various parts of each project.[[6]](#footnote-6)

Historically, delays in DPR capital projects have been significant, with large backlogs in fully funded projects. For example, in FY 2010 and FY 2011, of the 315 completed capital projects, approximately 47 percent (149 projects) were not completed according to their original timeframes.[[7]](#footnote-7) The delayed projects were 218 days late on average, with roughly 10% (30 projects) going $10 million over budget.[[8]](#footnote-8) Such delays resulted in approximately $13 million in additional staffing and construction costs, which included $4 million in change orders resulting from design errors.[[9]](#footnote-9)

However, a more recent picture of the implementation process was slightly more promising. In Fiscal 2022, DPR completed construction on 119 capital projects (down from a recent high of 163 in Fiscal 19).[[10]](#footnote-10) Of these 119 capital projects, 81 percent were completed on time and 86 percent were within budget.[[11]](#footnote-11) The on time percentages for Fiscal 2018, 2019, 2020 and 2021 were 88, 86, 78 and 85 percent, respectively, with a stated target goal of 80 percent, while the percentages for projects completed within budget for Fiscal 2018, 2019, 2020 and 2021 were 88, 90, 92 and 93 percent, respectively, with a stated target goal of 85 percent.[[12]](#footnote-12)

**Improving the Process**

Over the last few years DPR has made some progress in improving the efficiency of some phases of the capital process. For example, in October 2014, DPR created a capital projects tracker on its website which includes an interactive map of all active DPR projects.[[13]](#footnote-13) The tracker is an effort by DPR to make the capital process more transparent and allow anyone to learn about the current stage of a particular capital project.[[14]](#footnote-14) The tracker provides information, such as design, procurement and construction phases for over 400 active DPR projects.[[15]](#footnote-15) The tracker also provides the total amount of funding for the project and the funding source.[[16]](#footnote-16) The capital tracker was codified into law when the City Council passed Local Law 98 of 2015, which requires DPR to provide on its website up to date information on each funded capital project, including a detailed description of each project, the location of each project, the actual or estimated starting and completion dates of each phase of each project and the total amount of funds allocated to each project. Int. No. 174, discussed below, would add additional requirements to the Capital Tracker.

DPR also announced that in FY 2017, funding was allocated for a full capital needs assessment that would provide DPR with a more comprehensive understanding of the needs of the parks system and allow DPR to plan better for meeting its capital needs. Such funding was used for 18 in house designers and 28 resident engineers ($4 million), for 20 new capital division staffers to eliminate yearly backlog ($2 million), and for a Capital Estimating Unit that will use specialized software to more accurately estimate the cost of capital projects ahead of time in order to minimize unexpected delays.[[17]](#footnote-17)

At a January 19, 2017 City Council hearing, then-Commissioner Mitchell Silver (Commissioner Silver) testified on further improvements regarding capital projects. At the hearing, Commissioner Silver stated that comparing FY 2015 to FY 2016, DPR reduced the average time period for design by 54 days, nearly two months, and that project designs were being approved by the PDC at a rate of 83 percent on DPR’s first submission, as opposed to only 20 percent in prior years.[[18]](#footnote-18) DPR also automated and standardized the process to compile their contract books which used to take two weeks and now takes only two hours.[[19]](#footnote-19) DPR reduced the number of change orders for projects in the construction phase by 78 percent, from 407 to 90, with nearly a quarter of DPR’s 2016 construction projects completed early.[[20]](#footnote-20)

At the same hearing, DPR stated that it had made improvements to its needs assessment process by baselining $1.8 million in expense funding for pre-design testing from OMB allowing DPR to better understand existing site conditions and create more accurate cost estimates for approximately 40 sites per year.[[21]](#footnote-21) In order to improve DPR’s estimating process, a pilot was started in September 2016 hiring two professional estimators to assist DPR’s landscape architecture teams and new estimating software was purchased.[[22]](#footnote-22) The estimators’ responsibilities include creating the estimates from the projects’ inception, through design, procurement and construction.[[23]](#footnote-23)

Improvements were made in the project initiation phase focusing on increased communication and transparency by holding pre-scope meetings with internal DPR stakeholders from Maintenance and Operation staff, Recreation staff and other DPR divisions and also engaging with other city agencies to gather information about project site uses and potential issues with certain sites.[[24]](#footnote-24)

DPR also improved the design process by streamlining the internal review meetings from 5 to 2 meetings, which reduced preparation work and clarified design direction for DPR’s designers.[[25]](#footnote-25) The agency also reduced the documentation required for all submissions which has decreased the time it takes to approve a project as well.[[26]](#footnote-26)

At the most recent Council hearing that focused on the DPR’s capital project process, on November 12, 2019, then-Commissioner Silver testified that since 2014, 648 capital projects were completed, which included nearly 130 delayed projects before his tenure.[[27]](#footnote-27) Commissioner Silver further testified that since the beginning of his tenure with DPR, although the number of active capital projects increased over 80 percent, 85 percent of all DPR projects were on time and 87 percent of projects remained within budget during construction.[[28]](#footnote-28) DPR cut the design time for capital projects in half by getting projects through the Public Design Commission at a 93 percent rate in FY19, as compared to a 20 percent rate before 2014.[[29]](#footnote-29) In addition, DPR reduced the number of change orders by 50 percent from FY14 to FY19.[[30]](#footnote-30) DPR created a new capital bids solicitation system allowing contractors to view upcoming projects and download the solicitation documents online instead of requiring them to travel to DPR’s capital headquarters in Flushing Meadows Corona Park.[[31]](#footnote-31)

In April 2022, Mayor Eric Adams convened a Capital Process Reform Task Force (Task Force), composed of individuals with expertise in the capital process, labor leaders, various City agencies such as DPR, the Department of Environmental Protection (DEP) and the Department of Transportation (DOT), and the City’s Comptroller’s office.[[32]](#footnote-32) The goal of the Task Force is to undertake a comprehensive review of the City’s capital process and develop recommendations for reforming the process with the goals of increasing the timeliness and reducing the cost of the process.[[33]](#footnote-33)

In October 2022, the Task Force released a report that highlighted several initial recommendations, which include the following:[[34]](#footnote-34)

* Improving the project pipeline to better advance specific projects by properly defining the project scope and determining the status of site conditions at project locations. Use of the Capital Project Scope Development Fund should be doubled to provide more resources for early project development and investigation that will reduce the number of change orders, cost overruns and other delays.[[35]](#footnote-35)
* Streamline the approval process for various aspects of the process in order to speed up project timelines. Every capital project requires a Certificate to Proceed (CP) from the Office of Management and Budget to ensure it is capitally eligible, properly funded and within the original scope for which it was approved. A standardized template should be developed for agencies to submit project information to OMB. This would reduce the chance of missing information and ensure that OMB is better equipped to approve the start of a project. Additionally, a standard response timeline between OMB and agencies should be developed, which will improve communication, expedite review and remove at least 3 weeks from the current 2 to 3 month process.[[36]](#footnote-36)
* Project timeliness should be incentivized to improve efficiency. The Department of Design and Construction (DDC) developed a pilot program that offers financial incentives for contractors to meet critical project milestones on a targeted basis. DDC was able to remove 2 months on average from project schedules and saved an average of 23 percent per project of the anticipated costs. This program should be extended to other agencies that perform capital work.[[37]](#footnote-37)
* Capital project budgets should include an allowance to address unforeseen field conditions during the construction phase. The Expanded Work Allowance, already being piloted by DDC, where a dollar amount is agreed upon at contract inception to pay for common contract change orders that arise due to unforeseen challenges in the field. This has the benefit of side stepping the often lengthy change order approval process.[[38]](#footnote-38)
* The Financial Control Board should increase the dollar threshold that triggers a review of capital contracts by 5 times. The threshold has not been increased since 1987 and doing so would save about 2 weeks for projects that fall under the new threshold.[[39]](#footnote-39)
* The threshold for when public hearings are required for projects should be increased above $100,000. This has not been changed since 1989 and currently adds about 3 weeks to the procurement process for each project that undergoes a public hearing.[[40]](#footnote-40)
* State legislation should be pursued to allow electronic bidding for City capital contracts so contractors can more efficiently compete for City work through a single digital system. Other state entities such as the New York State Department of Transportation and Metropolitan Transportation Authority (MTA) already allow for electronic bidding.[[41]](#footnote-41)
* State legislation should be pursued to allow capital agencies to use design-build for more capital projects. Design-build is an approach to public contracting projects that bundles together the design and construction phases of a project instead of implementing and contracting for those phases separately. This allows agencies to more quickly select a vendor and facilitates early stage collaboration to examine engineering and construction challenges and agree on solutions before determining a final scope and price.[[42]](#footnote-42)
* The City should make it easier for smaller entities to work on projects, thereby increasing the available pool of people who can participate in the capital process, by creating a database that will give potential bidders real-time insight into upcoming, current and past projects, pursing State legislation to increase the M/WBE small purchase threshold for City contracts to $1.5 million to match the current threshold used by the MTA, designating a senior employee in each agency performing capital work to serve as an ombudsperson to support contractors throughout the process and by conducting educational information sessions to engage with M/WBEs about project labor agreement requirements.[[43]](#footnote-43)

Those in the advocacy community have proposed numerous ideas for improvement as well, including the following:

* The City should require all the agencies with a role in the capital process to deliver a strategic blueprint that would detail steps to reduce project durations by 25%.[[44]](#footnote-44)
* The City should create a new Deputy Mayor of Infrastructure position and charge them with implementing a full-scale reform effort of the capital process across City government.[[45]](#footnote-45)
* State legislation should be pursued to expand procurement options and reform the low-bid requirements, which adds to the inefficiency of the process when poor bidders are selected because of having made low bids.[[46]](#footnote-46)
* The City should streamline the inspection process. Numerous agencies such as OMB, the Comptroller’s Office, and various mayoral offices contribute to lengthy delays through staggered, uncoordinated inspections and approvals. A single, dedicated interagency inspection team should be created to streamline these approvals.[[47]](#footnote-47)
* DPR should empower project managers to make most key decisions, following the example of other agencies that perform capital work such as DEP, DDC, DOT, the Economic Development Corporation (EDC) and the School Construction Authority (SCA), where fewer bureaucratic layers are involved in managing each step of the process.[[48]](#footnote-48)
* DPR should require project managers to use uniform project management software tools as part of its standard operation procedures as in the case of the other capital agencies, rather than leaving it up to the discretion of each manager.[[49]](#footnote-49)
* The City should provide DPR with its own discretionary capital budget to enable it to better plan and budget for capital projects over the long term.[[50]](#footnote-50) Currently, for the vast majority of capital projects, DPR is completely reliant on Mayoral funding and discretionary allocations from various elected officials whose priorities might differ from those of DPR.[[51]](#footnote-51) Some are concerned that this adds to the inefficiency of the overall process, contributes to inequity throughout the park system, since many large projects are concentrated in large landmark parks, and makes it very difficult for DPR to plan for long-term capital maintenance and improvement of all of its parks.[[52]](#footnote-52) It has been argued that if DPR had a separate discretionary capital budget or greater control over its capital spending, it could more efficiently direct capital spending to the infrastructure and maintenance needs of a wider range of parks.[[53]](#footnote-53) DPR should follow the lead of other capital agencies that use capital funding from elected officials as a “last-in” to complete funding for prioritized projects.[[54]](#footnote-54)
* DPR should increase the use of standardized design templates to improve the speed of the design phase. The customization of every capital project unnecessarily slows down the process as it involves many stakeholders in the design process. DPR uses standardization for small park components like benches, fencing and some playground equipment, but larger structures, such as comfort stations and entire playgrounds are very customized and can differ greatly, leading to more back and forth with stakeholders and resulting in a longer design process. The use of more standardized templates would reduce the need to redesign similar projects and increase the likelihood of PDC approval.[[55]](#footnote-55) DPR should also reduce the amount of outsourcing of its design work (currently 30 percent), which can also add to the inefficiencies, since procuring design work can take up significant time.[[56]](#footnote-56)
* DPR is almost completely reliant on procuring vendors for the construction work of its capital projects. DPR, when compared to other capital performing agencies, has been criticized as being slow to pay vendors for completed work, while DPR has countered that payment was not always forthcoming due to unsatisfactory work by vendors. Many of DPR’s projects are less than $1 million, which is beneath the City’s bonding threshold. Therefore, many vendors are smaller entities that are inexperienced in doing work with the City. DPR should increase the technical assistance it provides to its vendors and work on standardizing its invoice review and approval process.[[57]](#footnote-57)
* DPR should expand its pre-qualified list (PQL) of contractors.[[58]](#footnote-58) PQLs limit the bidding universe to vendors that are more likely capable of completing the bid efficiently and satisfactorily. DPR recently created a PQL of vendors for projects under $3 million, without a building component.[[59]](#footnote-59) DPR should follow the lead of other capital performing agencies and expand the list to include larger projects.[[60]](#footnote-60) DPR should also establish its own database of vendor performance that goes beyond the requirements of VENDEX, the City’s tracking system for vendors it has contracted with.[[61]](#footnote-61) However, DPR has currently placed a cap of $3 million for projects using prequalified vendors.[[62]](#footnote-62) Since many parks projects now cost much more than $3 million, the effect of the prequalification is minimal.[[63]](#footnote-63) Therefore, it has been suggested that DPR should expand its prequalification process to include a greater number of higher cost projects and prequalify more specialized contractors such as geothermal engineers, masonry contractors and drainage system specialists.[[64]](#footnote-64)
* Projects should be managed with an integrated project delivery model, which integrates project stakeholders and decision makers into one team who share the same objectives and deadlines.[[65]](#footnote-65) DPR, in order to implement this model should increase the use of DPR staff cost estimators and employ onsite construction managers who can be empowered to resolve issues as they arise during construction.[[66]](#footnote-66)
* DPR’s capital tracker, which posts updated information regarding the status of each DPR capital project should be expanded to include more detail including the dates that projects were fully funded, reasons for specific delays and the length of time it took to complete each project.[[67]](#footnote-67)
* Implementing design-build for certain parks projects would speed up the process and result in fewer cost overruns. Design-build is an approach to public contracting projects that bundles together the design and construction phases of a project instead of implementing and contracting for those phases separately.[[68]](#footnote-68) It works by contracting with one entity to provide design and construction services, thereby consolidating many of the various phases under one roof.[[69]](#footnote-69) According to the Design-Build Institute of America, cost savings are achieved by avoiding cost escalations through an accelerated project delivery timetable, a reduction in change orders, and innovations that come from collaborative work between the design and construction team.

**LEGISLATION**

Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

**Int. No. 174, A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures**

Int. No. 174 would require the DPR to expand its web based capital projects tracker to include more detailed information regarding its capital projects, including the reasons for delays, the dates projects were fully funded, the total number of projects in its portfolio, projected and actual cost overruns, individual sources of funding and the length of time it took to complete each project.

This local law would take effect 180 days after it becomes law.

**Int. No. 680, A Local Law in relation to a survey to determine the feasibility of creating micro parks and green spaces on vacant city owned land near dead ends and highway entrance and exit ramps**

Int. No. 680 would require the Department of Transportation, in conjunction with the Department of Environmental Protection and DPR to conduct a survey of streets with dead ends located in residential zones in each borough, parcels of vacant land owned by the city and land that abuts highway entrance and exit ramps that are suitable for the planting of trees or other vegetation.

Recent studies have shown that green space investments in areas that are otherwise lacking have countless environmental benefits and can improve safety in neighborhoods, resulting in drops in major felonies and gun violence.[[70]](#footnote-70) Former Council Speaker Corey Johnson, in a report issued in March 2020 entitled “Securing Our Future: Strategies for New York City in the Fight Against Climate Change,” called on the City to focus on converting dead ends and other areas lacking in green space and vegetation by determining the feasibility of converting such areas into bioswales or similar green space that have the potential to improve stormwater capture, improve air quality, and beautify neighborhoods.[[71]](#footnote-71) Council Speaker Adrienne Adams, in her State of the City Address on May 22, 2022, also focused on the need to identify areas of the City, such as dead ends that could be viable for conversion into areas suitable for the planting of vegetation, conversion into micro-parks or other green space and stated that the Council would pursue legislation to further that end.[[72]](#footnote-72)

The survey required under Int. No. 680 would have to be submitted to the Mayor and Council by July, 1 2023, and it would have to determine which dead ends and highway entrance and exit ramps could be converted into a bioswale or other green space that would support the planting of trees or other vegetation. The City would then be required to plant trees and other vegetation in those dead ends and highway entrance and exit ramps by July 1, 2027.

This local law would take effect immediately.

**Preconsidered Int. No. \_\_, A Local Law in relation to requiring the department of parks and recreation to develop a strategic blueprint to reduce its capital project durations by at least 25 percent**

Preconsidered Int. No.\_\_ would require DPR to coordinate with other agencies as appropriate to prepare a strategic blueprint to reduce the duration of capital projects by at least 25 percent. Such blueprint would review, at a minimum, early completion incentives; standardization of processes, timelines, and forms; and coordination with utility companies.

This local law would take effect immediately.

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Int. No. 174

By Council Members Krishnan, Cabán, Stevens, Hanif, Brewer, Won, Restler, Marte, Nurse, Williams, Holden, Yeger, Bottcher, Riley, Powers, Brooks-Powers, Gennaro, Menin, Narcisse, Hudson, Brannan, Schulman and Velázquez (by request of the Manhattan Borough President)

..Title

A Local Law to amend the administrative code of the city of New York, in relation to reporting on park capital expenditures

..Body

 Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-159 to read as follows:

§ 18-159 Reporting on capital project expenditures in parks. a. For each capital project, under the jurisdiction of the department, for which certain data is posted on the public online capital projects database, pursuant to subdivision d of section 219 of the charter, such data shall also be posted on the website of the department, updated no less than quarterly and include the following:

1. The location of such capital project, specified by borough and community district;

2. The date when funding for such capital project was fully allocated and any addition or subtraction made to the funding allocation for such project after such date and the reasons for such addition or subtraction;

3. A description of any phase of such capital project that is delayed and the reason for such delay;

4. A description of any projected or actual cost overrun for each phase of such project; and

5. The date such project was first assigned to an employee of the department.

b. The department shall also post on its website, the total number of capital projects that were completed during the most recent fiscal year, the average amount of time taken to complete such projects, measured from the date when each project was fully funded to the date construction was completed and the total number of capital projects currently under the jurisdiction of the department.

§ 2. This local law takes effect 180 days after it becomes law.

Session 12

KS

LS #6727

3/29/22 11:15AM

Session 11

KS

LS 1161

Int #161-2018

Int. No. 680

By Council Members Krishnan, Louis, Yeger, Riley, Restler, Hanif, Hudson, Ung, Won, Gutiérrez, Holden, Gennaro, Menin and Narcisse

..Title

A Local Law in relation to a survey to determine the feasibility of creating micro parks and green spaces on vacant city owned land near dead ends and highway entrance and exit ramps

..Body

Be it enacted by the Council as follows:

Section 1. The department of transportation, in conjunction with the department of environmental protection and the department of parks and recreation shall identify locations that are suitable for the planting of trees or other vegetation, for the purpose of establishing bioswales, micro parks or other green spaces, by conducting a survey of: streets with dead ends located in residential zones in each borough; parcels of vacant land owned by the city in proximity to such streets; and land that abuts highway entrances and exits. Such survey shall be submitted to the mayor and speaker of the council no later than July 1, 2023 and include but not be limited to the following information:

1. The location of each street containing a dead end or terminating in proximity to a vacant lot owned by the city;

2. An analysis on the condition of each such dead end or vacant lot and the feasibility of whether such dead end or vacant lot can be converted into a bioswale, micro park or other green space that would support the planting of trees or other vegetation;

3. For each such dead end or vacant lot that the survey found to be suitable for conversion into a bioswale, micro park or other green space, a plan to convert such dead end or vacant lot and a description of the cost of such plan, provided that such plan provides for the conversion of each suitable dead end and vacant lot owned by the city no later than July 1, 2027.

4. The locations of any area abutting highway entrance and exit ramps under the jurisdiction of the department of transportation that currently has no trees or other vegetation planted and an analysis of whether each such highway entrance and exit ramp is suitable for the planting of trees or other vegetation and;

5. For each such highway entrance and exit ramp that the survey found to be suitable for planting of trees or other vegetation, a plan to conduct such planting on each such highway entrance and exit ramp and a description of the cost of such plan, provided that such plan provides for the planting of trees or other vegetation on each suitable highway entrance and exit ramp no later than July 1, 2027.

§ 2. This local law takes effect immediately.

KS

LS # 4005

8/8/22 11:30AM

Int. No.

By Council Member Krishnan, Brooks-Powers, Narcisse, Hudson, Brannan, Riley, Hanif, Menin and Velázquez

..Title

A Local Law in relation to requiring the department of parks and recreation to develop a strategic blueprint to reduce its capital project durations by at least 25 percent

..Body

Be it enacted by the Council as follows:

Section 1. By no later than December 1, 2023, the department of parks and recreation shall, in coordination with other agencies as appropriate, prepare and file with the mayor and the council, and post on its website, a strategic blueprint to reduce the average duration of its capital projects by at least 25 percent. Such blueprint shall review, at a minimum, early completion incentives; standardization of processes, timelines, and forms; and coordination with utility companies.

§ 2. This local law takes effect immediately.

Session 12

ARP

LS #10755

11/30/22

1. The information in this section is adapted from DPR’s Capital Process Overview presentation to the joint City Council-Administration Capital Projects Taskforce on November 8, 2017, on file with the City Council Finance Division. [↑](#footnote-ref-1)
2. Testimony of Matt Drury, DPR Director of Government Relations, Hearing before the New York City Council Committee on Parks & Recreation, February 7, 2019. [↑](#footnote-ref-2)
3. Audit Report on the Department of Parks and Recreation’s Oversight of Capital Projects, City of New York Office of the Comptroller, Audit Report 7E12-067A, January 11, 2013, p 4. [↑](#footnote-ref-3)
4. Center for an Urban Future, *A New Leaf, Revitalizing New York City’s Aging Parks Infrastructure,* June 2018, p. 10, available at: <https://nycfuture.org/pdf/CUF_A_New_Leaf_.pdf>. [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. *Id* at p 10. [↑](#footnote-ref-6)
7. *Note 1* at p 8. [↑](#footnote-ref-7)
8. *Id*. [↑](#footnote-ref-8)
9. *Id.*  [↑](#footnote-ref-9)
10. Mayor’s Management Report for Fiscal 2022, Department of Parks and Recreation, Goal 3b, available at <https://www.nyc.gov/assets/operations/downloads/pdf/mmr2022/dpr.pdf>. [↑](#footnote-ref-10)
11. *Id.* [↑](#footnote-ref-11)
12. *Mayor’s Management Report, Fiscal Year 2016, Department of Parks and Recreation, available at:* [*http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/dpr.pdf*](http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2016/dpr.pdf)*.Id.* [↑](#footnote-ref-12)
13. <https://www.nycgovparks.org/planning-and-building/capital-project-tracker>. *See also,* The Freshkills Park Alliance Website, “From Behind the Mounds: New York City Department of Parks and Recreation’s Capital Project Tracker,” October 29, 2014, available at: http://freshkillspark.org/blog/new-york-city-department-parks-recreations-capital-project-tracker [↑](#footnote-ref-13)
14. *See,* New York City Department of Parks and Recreation Website, Press Releases, “NYC Parks Launches Online Capital Project Tracker To Increase Capital Projects Transparency,” October 17, 2014, available at: https://www.nycgovparks.org/news/press-releases?id=21262 [↑](#footnote-ref-14)
15. *See,* The Freshkills Park Alliance Website, “From Behind the Mounds: New York City Department of Parks and Recreation’s Capital Project Tracker,” October 29, 2014, available at: http://freshkillspark.org/blog/new-york-city-department-parks-recreations-capital-project-tracker [↑](#footnote-ref-15)
16. *See,* New York City Department of Parks and Recreation Website, Bronx and Queens General Roofing Systems Reconstruction, available at: https://www.nycgovparks.org/planning-and-building/capital-project-tracker/project/6259 [↑](#footnote-ref-16)
17. Testimony of Commissioner Mitchell J. Silver of the New York City Parks Department, “Oversight: Fiscal Year 2017 Preliminary Budget,” March 3, 2016. [↑](#footnote-ref-17)
18. Testimony of Commissioner Mitchell J. Silver of the New York City Parks Department, “Intros 407 and 1340,” January 19, 2017, available at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1825177&GUID=55198C60-50C9-4303-8E4E-783F82EB46DB&Options=&Search= [↑](#footnote-ref-18)
19. *Id*. [↑](#footnote-ref-19)
20. *Id*. [↑](#footnote-ref-20)
21. Testimony of Deputy Commissioner for Capital Projects, Therese Braddick of the New York City Parks Department, “Intros 407 and 1340,” January 19, 2017, available at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1825177&GUID=55198C60-50C9-4303-8E4E-783F82EB46DB&Options=&Search= [↑](#footnote-ref-21)
22. *Id*. [↑](#footnote-ref-22)
23. *Id*. [↑](#footnote-ref-23)
24. *Id*. [↑](#footnote-ref-24)
25. *Id*. [↑](#footnote-ref-25)
26. *Id*. [↑](#footnote-ref-26)
27. New York City Council’s Parks and Recreation Committee Hearing, *Improving the Efficiency of the Parks Department Capital Projects,* November 12, 2019, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4204990&GUID=AA4C0B8D-4DB4-4306-81D4-E2A98F0022AA&Options=&Search>= [↑](#footnote-ref-27)
28. *Id.* [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. *Id.*  [↑](#footnote-ref-30)
31. *Id.* [↑](#footnote-ref-31)
32. Press Release, “*Mayor Adams Announces Comprehensive Effort To Overhaul Capital Process, Reducing Red Tape and Ensuring Faster and Cheaper Project Delivery,”* October 12, 2022, <https://www.nyc.gov/office-of-the-mayor/news/740-22/mayor-adams-comprehensive-effort-overhaul-capital-process-reducing-red-tape-and#/0> [↑](#footnote-ref-32)
33. *Id.* [↑](#footnote-ref-33)
34. Report, “New York City Capital Process Reform Task Force: Initial Recommendations,” October, 2022, <https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2022/CP-Reform-Task-Force.pdf> [↑](#footnote-ref-34)
35. *Id* at p 3. [↑](#footnote-ref-35)
36. *Id* at p 4*.* [↑](#footnote-ref-36)
37. *Id* at p 5. [↑](#footnote-ref-37)
38. *Id* at p 5-6. [↑](#footnote-ref-38)
39. *Id* at p 8. [↑](#footnote-ref-39)
40. *Id* at p 9. [↑](#footnote-ref-40)
41. *Id* at p 9. [↑](#footnote-ref-41)
42. *Id* at p 9. [↑](#footnote-ref-42)
43. *Id* at p 11-13. [↑](#footnote-ref-43)
44. Adam Ganser and Jonathan Bowles, “Op-Ed: Let’s overhaul the city’s capital process for the sake of our parks, playgrounds and libraries,” Crains New York Business, August 30, 2022, <https://www.crainsnewyork.com/op-ed/time-fix-new-york-city-capital-process>. [↑](#footnote-ref-44)
45. Report, *“Stretching New York City’s Capital Dollars: A Blueprint for Fixing NYC’s Broken Capital Construction Process for Social Infrastructure,”* Center for an Urban Future, April 2021, p 17, <https://nycfuture.org/pdf/CUF_Stretching_Capital_Dollars_4-21.pdf> [↑](#footnote-ref-45)
46. *Id* at p 17- 18. [↑](#footnote-ref-46)
47. *Id* at p 18. [↑](#footnote-ref-47)
48. *See,* “A Survey of Capital Projects Management Among New York City Government Agencies, Prepared for New Yorkers for Parks by Public Works Partners, June 4, 2014,p 6, available at <http://www.ny4p.org/client-uploads/pdf/Other-reports/NY4P_Capital_Projects_Management.pdf> [↑](#footnote-ref-48)
49. *Id.* [↑](#footnote-ref-49)
50. *See*  supra, note 55 at p 9. [↑](#footnote-ref-50)
51. *Id., see also;* Lisa W. Foderaro, “A Little Known Reason for Disparities in New York’s Parks,” The New York Times, June 16, 2013. [↑](#footnote-ref-51)
52. *Id.* [↑](#footnote-ref-52)
53. *Id.* [↑](#footnote-ref-53)
54. *See supra,* note 55 at p 10. [↑](#footnote-ref-54)
55. *Id.* [↑](#footnote-ref-55)
56. *Id.* [↑](#footnote-ref-56)
57. *Id.* [↑](#footnote-ref-57)
58. *Id.* [↑](#footnote-ref-58)
59. *Id.* [↑](#footnote-ref-59)
60. *Id.* [↑](#footnote-ref-60)
61. *Id.* [↑](#footnote-ref-61)
62. Center for an Urban Future, *A New Leaf, Revitalizing New York City’s Aging Parks Infrastructure,* June 2018, p 47, available at: <https://nycfuture.org/pdf/CUF_A_New_Leaf_.pdf>. [↑](#footnote-ref-62)
63. *Id.* [↑](#footnote-ref-63)
64. *Id.* [↑](#footnote-ref-64)
65. *Id.* [↑](#footnote-ref-65)
66. *Id.* [↑](#footnote-ref-66)
67. *Id.* [↑](#footnote-ref-67)
68. Design Build Institute of America, “What is Design-Build: A Design-Build Primer Done Right,” available at: [*https://dbia.org/wp-content/uploads/2018/05/Primers-What-is-Design-Build.pdf*](https://dbia.org/wp-content/uploads/2018/05/Primers-What-is-Design-Build.pdf). [↑](#footnote-ref-68)
69. *Id.* [↑](#footnote-ref-69)
70. <https://www.nyrp.org/about/who-we-are/in-the-news/media/a-greener-new-york-is-a-safer-new-york/>; <https://www.citylab.com/solutions/2016/04/vacant-lots-green-space-crime-research-statistics/476040/> [↑](#footnote-ref-70)
71. Report, “*Securing Our Future: Strategies for New York City in the Fight Against Climate Change,*” New York City Council, March 2020, p 62-63, http://council.nyc.gov/data/wp-content/uploads/sites/73/2020/03/Securing-our-Future\_Report-2020.r4.pdf. [↑](#footnote-ref-71)
72. Press Release, Speaker Adrienne E. Adams Outlines Vision Calling for Expanded Health and Opportunity Investments as Path to Public Safety and Pandemic Recovery in First State of the City Address, May 22, 2022,

    https://council.nyc.gov/press/2022/05/22/2190/. [↑](#footnote-ref-72)