

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON CAPITAL BUDGET

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HELD AT: Remote Hearing, Virtual Room 1

B E F O R E: Helen K. Rosenthal
Chairperson

COUNCIL MEMBERS: Helen K. Rosenthal
Mark Gjonaj
Barry S. Grodenchik
Steven Matteo
Vanessa L. Gibson
Adrienne E. Adams
Brad S. Lander

A P P E A R A N C E S (CONTINUED)

Jamie Torres-Springer
First Deputy Commissioner
New York City Department of Design and
Construction

Rachel B. Laiserin
Chief Financial Officer
New York City Department of Design and
Construction

Andrew Hollweck
Deputy Commissioner
New York City Department of Design and
Construction

Adam Roberts

Bill Murray

Lisa Alpert

Glen Bolofsky

1
2 SERGEANT AT ARMS: PC recording is
3 rolling.

4 SERGEANT AT ARMS: Cloud recording is up.

5 SERGEANT AT ARMS: Good morning and
6 welcome to today's remote New York City Council
7 hearing on the Subcommittee on Capital Budget. At
8 this time would council staff please turn on their
9 video. Please place electronic devices on vibrate or
10 silent. If you wish to submit testimony you may do
11 so at testimony@council.nyc.gov. That is
12 testimony@council.nyc.gov. Thank you. Chair, we are
13 ready to begin.

14 CHAIRPERSON ROSENTHAL: Good morning.

15 Um, I am Council Member Helen Rosenthal and this is
16 my debut hearing serving as chair of the Subcommittee
17 on Capital Budget. I am grateful to the speaker for
18 giving me this opportunity. I'd like to welcome
19 Council Members Gibson, Adams, and Minority Leader
20 Matteo. Thank you for joining us today. From my
21 time at the Mayor's Office of Management and Budget
22 before I joined the council, as well as my service as
23 chair of the Committee on Contracts during my first
24 time, I've developed a profound appreciation for any
25 mayoralty's, ah, execution and in this administration

1 their efficient execution of the city's capital
2 program. And I've witnessed this council's ability
3 to strengthen transparency and oversight. I was
4 delighted when Speaker Johnson established this
5 committee in 2018 to laser focus our attention on the
6 city's capital budget, and I celebrate the work of my
7 predecessors, Chair Vanessa Gibson, in elaborating on
8 that important vision with hearings over the past
9 three years. Today we're here to discuss restarting
10 the city's capital program, which came to a
11 screeching halt in the early days of the COVID-19
12 pandemic when the market for municipal bonds seized
13 up largely because of investors' fear that the
14 pandemic would put cities at fiscal risk. The
15 administration rightly went into triage mode to
16 conservative our limited capital dollars and
17 prioritize health and safety capital projects. This
18 shutdown affected a wide range of capital activities.
19 For example, contracts that were at the comptroller's
20 office about to be registered were clawed back. OMB
21 stopped granting most certificates to proceed, and
22 early stage design and planning work was largely put
23 on hold. The comedic examples of Charlie Chaplin in
24 the Modern Times and Lucy and Ethel in I Love Lucy
25

1
2 remind us that on factory assembly lines workers must
3 work together and consistently to avoid creating
4 bottlenecks and fouling the entire production
5 [inaudible] steps to advance [inaudible]
6 infrastructure. Its success ultimately requires
7 continuous effort across all stages because of
8 limited capacity at each step. With the city's
9 bonding capacity now restored, although we can
10 certainly hear more about that, the challenge is how
11 to restart a stalled capital process and address the
12 accumulated backlog of projects that were put on
13 pause or never commenced. This challenge will
14 largely fall to the Department of Design and
15 Construction, which, ah, it, which in its capacity as
16 the city's expert capital construction project
17 manager is responsible for the design, construction,
18 and coordination of capital projects for city
19 agencies. We are joined today by DDC's first deputy
20 commissioner, Jamie Torres-Springer, and chief
21 financial officer, Rachel Laiserin, someone who I
22 happen to know is expert in this field. And I look
23 forward to hearing the department's vision for this
24 herculean task. Before I conclude, I want to thank
25 the staff who helped prepare for this hearing and in

1 particular I'd like to thank the finance division and
2 subcommittee staff whose work I've always admired,
3 Nathan Tote, deputy director, Chima Obetary, unit
4 head, Monica Boujak, finance analyst, Rebecca Chasen,
5 senior counsel, and Noah Brick, assistant counsel,
6 and of course from my staff Madri Shukla, my
7 legislative director, Sarah Crean, my communications
8 director, and Cindy Cardinal, my chief of staff. I
9 will now turn it over to our committee counsel to go
10 over some procedural items and swear in the
11 witnesses, and then we will hear testimony from DDC.
12 Thank you.

14 COMMITTEE COUNSEL: Thank you. I am Noah
15 Brick, counsel to the City Council's Subcommittee on
16 Capital Budget. Before we begin, I want to remind
17 everybody that you will be on mute until you are
18 called upon to testify, at which point you will be
19 unmuted by the Zoom host. I will be calling on
20 panelists to testify. Please listen for your name to
21 be called, as I will periodically announce who the
22 next panelist will be. We will first hear testimony
23 from the administration, which will then be followed
24 by questions from council members and then testimony
25 from members of the public. I will now administer

2 the oath. Um, please raise your right hands. Do you
3 affirm that your testimony will be truthful to the
4 best of your knowledge, information, and belief, Mr.
5 Torres-Springer?

6 FIRST DEPUTY COMMISSIONER TORRES-
7 SPRINGER: Yes.

8 COMMITTEE COUNSEL: Ah, Ms. Laiserin?

9 CHIEF FINANCIAL OFFICER LAISERIN: Yes.

10 COMMITTEE COUNSEL: And, ah, I see we're
11 also joined by Mr. Hollweck, ah, in case he jumps in.
12 Ah, Mr. Hollweck, can you also, ah, affirm?

13 DEPUTY COMMISSIONER HOLLWECK: Yes.

14 COMMITTEE COUNSEL: Thank you. Um, ah,
15 before I, ah, ask the, the, ah, Mr. Torres-Springer
16 to start his testimony, I just want to acknowledge
17 that we've been joined by Council Member Lander. Ah,
18 Mr. Torres-Springer, you may begin when ready.

19 FIRST DEPUTY COMMISSIONER TORRES-
20 SPRINGER: Thank you very much. Ah, good morning,
21 Chair and council members. Um, before I start with
22 testimony I, I just wanted to, I did get a message,
23 ah, a minute ago that my microphone wasn't working,
24 so everyone hear me [inaudible]?

2 CHAIRPERSON ROSENTHAL: You're good. OK,
3 you're not good. We just lost you. No problem.

4 COUNCIL MEMBER LANDER: That was perfect
5 timing, Chair. I think in like a future video about
6 Zoom hearings, you know, you can hear them and then
7 not.

8 FIRST DEPUTY COMMISSIONER TORRES-
9 SPRINGER: Um, can you hear me?

10 CHAIRPERSON ROSENTHAL: Yes.

11 FIRST DEPUTY COMMISSIONER TORRES-
12 SPRINGER: OK, I switched to my backup, which is a
13 little more, more of an [inaudible] setup, but it
14 should work. Always have a backup.

15 CHAIRPERSON ROSENTHAL: [inaudible].

16 FIRST DEPUTY COMMISSIONER TORRES-
17 SPRINGER: Ah, let me just, OK, we're good. So good
18 morning, ah, Chair Rosenthal and other members of the
19 subcommittee. Um, I do, actually, before I start the
20 prepared remarks I do also want to thank, ah, Council
21 Member Gibson for, ah, her work as chair of this
22 subcommittee. Um, it's been really productive for us
23 over the last few years to engage with this
24 subcommittee both in hearings and also offline in the
25 many meetings that we've had about, ah, the

1 preparation and the implementation of DDC's Strategic
2 Blueprint for Construction Excellence, which has led
3 to, um, ah, the last year aside, which we'll talk
4 about significant improvements and how we deliver on
5 capital projects, so I really do want to thank, ah,
6 Council Member Gibson for, for, ah, for working with
7 us on that. Um, so, ah, as you mentioned, I'm Jamie
8 Torres-Springer. Ah, I'm First Deputy Commissioner
9 of the Department of Design and Construction. I'm
10 happy to appear before you today to discuss the
11 impacts to the COVID-19 pandemic on DDC's capital
12 program, and I'm joined by Rachel Laiserin, our chief
13 financial officer. Ah, Rachel joined us fairly
14 recently, ah, and, ah, and has been, ah, making a, a
15 huge difference for us, um, based on, ah, as you say,
16 years of experience across city government, ah,
17 including previously at DDC, which has been a huge
18 advantage for us. I want to begin my testimony on
19 this subject by describing DDC's role in the city's
20 capital construction process. Ah, we're the city's
21 design and construction manager for much of its
22 capital portfolio. We collaborate with more than 20
23 sponsor agencies and the Office of Management and
24 Budget to help ensure the constructability and the
25

1 scope of projects presented to us initially through
2 our front-end planning unit. Once a sponsor agency
3 project is approved to move forward, we then use the
4 budget allocation and proceed with design and
5 construction while working to ensure this is done as
6 efficiently and cost effectively as possible. To
7 give you the sense of the scope of our overall
8 portfolio, the total value of active projects at the
9 moment is a little bit in excess of 22 billion
10 dollars across nearly 700 active projects. The
11 pandemic has been a challenging time for DDC, as it
12 has for the city as a whole. Um, there have also
13 been some positive impacts, which I will explain.
14 But first I'd like to take the opportunity to
15 publicly thank the DDC staff who have continued to
16 work through very difficult conditions to keep our
17 projects on track and who played an outsized role in
18 creating the field hospitals, testing and vaccination
19 sites, and other facilities the city needs for an
20 effective pandemic response. I've personally
21 witnessed the dedication and tireless effort of
22 these, thank you, these frontline professionals and
23 they deserve a tremendous amount of credit. Um, so
24 starting with the, the early pandemic, um, as you are
25

1 aware, on March 7 of last year the governor issued
2 Executive Order 202, declaring a disaster emergency
3 throughout the state because of COVID-19. The
4 governor's order led to an executive order by the
5 mayor enforcing the state's mandate at the local
6 level. DDC then worked with our partner agencies to
7 determine the best way to proceed in the earliest and
8 darkest days of the pandemic in a manner that would
9 protect our employees, our contractors and vendors,
10 and the general public while still carrying out our
11 duty to the public at the highest level possible.
12 The agency's infrastructure construction projects,
13 which by their nature affect the critical delivery of
14 drinking water as well as the proper functioning of
15 sewer and the surface transportation systems
16 continued without significant delay. Periodically
17 projects were paused when there were health issues,
18 um, on the work site for, ah, the quarantine period,
19 but then restarted safely. Within days of the
20 declaration most of our public buildings portfolio in
21 construction, with the exception of a handful of
22 projects, really just about seven, ah, that were
23 essential to life safety, were paused. Our division
24 of site and safety support worked closely with our
25

1 infrastructure division and our public buildings
2 division during this time to develop protocols,
3 checklists, and educational materials that would
4 allow projects to continue with the smallest amount
5 of risk. Subsequently consultant design worked
6 paused as much of the city locked down and the
7 impacts of the crisis widened. Exceptions were made
8 for critical programs such as the East Side Coastal
9 Resiliency Project, for projects with outside
10 deadlines such as for a consent decree, or where
11 there was significant federal or state funding that
12 was on a, a clock or a deadline, and for a small
13 number of projects that were deemed critical by the
14 Department of Environmental Protection for the
15 performance of the water and sewer systems. So
16 there, just to be clear, I'm talking about the
17 projects that we had in design and were not yet in
18 construction, but were in design. And then getting
19 to the period of restarting our work, last June DDC
20 began restarting the public buildings construction
21 projects, construction projects, in consultation with
22 OMB and our sponsor agencies. We have since returned
23 all projects to construction and over the last
24 several months we have gradually restarted the most,
25

1
2 ah, most design consultant contracts for both public
3 buildings and infrastructure projects, again in
4 consultation with our partner or sponsor agencies.
5 We expect to resume all outstanding work over the
6 next few months, although I must note that this
7 timeline is subject to change based on the city's
8 cash flow needs. We also remain ready to assist OMB
9 and our sponsor agencies in navigating their future
10 capital plan prioritizations. Ah, looking ahead, ah,
11 we're looking forward to outlining our capital plan
12 at our upcoming hearing on the preliminary budget.
13 In short, the preliminary budget reflects continued
14 strong investment in both our infrastructure and
15 public buildings divisions, but, again, we must
16 qualify that, um, those investments are subjects to
17 change based on the city's budget needs. Um, I'm
18 going to spend a minute on our work during the
19 pandemic, for which we're extremely proud. Um,
20 though DDC was impacted by the pandemic, staff were
21 responsible for truly heroic work. Working closely
22 with New York City Emergency Management, the Health
23 and Hospitals Corporation, the Department of Health
24 and Mental Hygiene, and many, many others, ah, we
25 built the facilities the city has relied on to manage

1 the pandemic. Briefly, since the pandemic began the
2 agency has designed and built two field hospitals
3 with 1100 patient beds, including, ah, a number of
4 beds for those in intensive care. We've designed and
5 built 28 COVID testing sites across the city with
6 many that include space for on-site contact tracing.
7 We procured for Health and Hospitals eight mobile
8 testing trucks which are weatherproof and able to be
9 deployed at COVID hotspots outdoors in the winter.
10 We've expanding four health department laboratories
11 and upgraded them with negative air pressure
12 handling. That's how much of the, ah, rapid PCR
13 testing results, ah, in the city are being produced.
14 And finally we have substantially completed from
15 start to finish three large COVID centers of
16 excellence, ah, which are post COVID ambulatory care
17 facilities that Health and Hospitals will operate as
18 community clinics specially designed to manage the
19 long-term healthcare needs of New Yorkers recovering
20 from COVID, and these have been built in
21 neighborhoods that have been deeply impacted by the
22 pandemic, ah, including Morrisania, Bushwick, um,
23 and, ah, and Elmhurst. Ah, so we're very, we're very
24 proud of that, that, ah, set of projects. We're also
25

1 now deeply engaged in creating vaccination centers
2 and the vaccination roll-out effort in general. Ah,
3 we recently completed the large vaccination sites at
4 Yankee Stadium and at the Empire Outlets on the North
5 Shore of Staten Island and we're in the midst of, ah,
6 preparing to create a number of additional
7 vaccination expansion sites in Staten Island,
8 Manhattan, and the Bronx while our colleagues at the
9 School Construction Authority manage a number of site
10 build-outs in Brooklyn and Queens. This has been a
11 remarkable effort by DDC staff and it is placed among
12 the frontlines of the pandemic with much of the risk
13 and urgency experienced by other frontline personnel
14 and we're very proud of that. The COVID work I have
15 described was performed under procurement rules
16 allowed by the state's and city's emergency
17 declarations and the fact that we were able to
18 deliver hundreds of millions of dollars of
19 construction from start to finish in mere months
20 shows what the agency is capable of when working
21 outside the typical constrained procurement
22 administrative and oversight regimen. What's more,
23 the work was emblematic of the foundational goals of
24 DDC's Blueprint for Construction Excellence, ah,
25

1 efficiency, process improvement, and quality project
2 delivery. Our COVID work is ongoing, ah, but we are
3 already reviewing these successes and we will make
4 future recommendations for how to improve the capital
5 construction processes based on our experiences since
6 March. That will likely [inaudible] changes to Local
7 Law 63, which currently requires a 60-day waiting
8 period before any type of consultant contracts can be
9 advertised to even begin the procurement process.

10 It's worth noting that many of our infrastructure
11 projects which remained in construction throughout
12 the pandemic also saw remarkable progress and were
13 able to be finished well ahead of schedule. We
14 attribute this to decreased vehicle and pedestrian
15 traffic, which allowed our staff and contractors to
16 get more generous work permits and work much more
17 quickly in the field. Indeed, I was there in June
18 when we celebrated with the Department of
19 Transportation completion of phase 2 of the
20 rebuilding of Atlantic Avenue in Brooklyn, a 48
21 million dollar project that finished six months ahead
22 of schedule and has brought traffic calming and many
23 other safety enhancements to, ah, over a mile-long
24 stretch of this very busy thoroughfare. Um, thank
25

1
2 you for the opportunity to testify today. Um, Rachel
3 and I are happy to answer any questions that you and
4 your colleagues may have.

5 CHAIRPERSON ROSENTHAL: Well, thank you
6 so much. First, I'd like to acknowledge that we've
7 been joined by Council Member Grodenchik. Welcome.
8 Um, I, I actually want to start by something, with
9 something that you just mentioned in your testimony
10 that, um, the two, you have a, you have a lead-in
11 that was just terrific where you talked about during
12 COVID, ah, and with the state of emergency there were
13 many things that were lifted, so you were able to
14 move more quickly. And I'm really interested in
15 understanding what those things were. Um, in your
16 testimony you mentioned Local Law 63 and traffic,
17 both of which are, I get, um, but neither of which
18 are state, I mean, I guess Local Law 63, but, you
19 know, I, I'm really interested in learning what those
20 state, um, or city regulations were, um, even if you
21 could just mention a couple and, and we, well, I
22 guess this is public testimony, but we won't hold you
23 to it.

24 FIRST DEPUTY COMMISSIONER TORRES-

25 SPRINGER: Right, yep, thank you very much, Chair. I

1 mean, this is our, this is, ah, although we, um,
2 clearly have been struggling, ah, like, like everyone
3 throughout the pandemic, I mean, this is one of the,
4 remains one of the most important things, ah, for our
5 agenda and, ah, something that we would, we would
6 prefer to talk about more than anything else, which
7 is how we can, ah, sort of, ah, ah, as one of my
8 colleagues likes to say, ah, remove the handcuffs
9 from DDC so that we can deliver more effectively. So
10 I would summarize, um, what we've been able to do
11 with emergency work during the pandemic in basically
12 three categories. The first is alternative modes of
13 delivery. So, um, we were not consigned to using the
14 conventional design bid build, ah, process which is,
15 has been historically the only way that DDC can
16 deliver, ah, because of the low bid requirement in
17 General Municipal Law 103. And we have received
18 authorization from the state legislature to use doing
19 build, but in a fairly constrained way. And so in
20 the pandemic we were able on an emergency basis to
21 hire a construction manager, um, and, ah, bring that
22 construction manager together with the design time as
23 an integrated project delivery team and have them
24 design and build the project. Um, we're able to
25

1 maintain all of the constraints, um, get all the
2 paperwork done. Um, they, you know, competitively
3 bid, ah, much of the construction work, um, wherever
4 possible, ah, and, and yet we're able to, you know,
5 in the case of those centers of excellence, um,
6 projects that would have taken four or five years, we
7 got them built, 120 million dollars' worth of capital
8 work, we got them built in less than nine months.
9 Um, so, ah, you know, that's very significant, um,
10 probably, you know, the most significant thing is
11 just giving us alternative modes of delivery. The
12 second thing, um, is streamlining the notice and
13 hearings process and that's an example of where Local
14 Law 63, um, does add months to procurement, where
15 effectively we need to, ah, to advertise, ah, 60 days
16 before we advertise, um, and if we haven't done that
17 we have to just stop and wait. Um, and so, you know,
18 I think Local Law 63 is well-founded legislation by
19 the council, but there are [inaudible] improvements
20 that could be made to make it easier for us. Um, the
21 third is emergency oversight, um, in which, ah, we're
22 able to register contracts immediately because there
23 was streamlined oversight at OMB and we're not
24 required to go through the standard comptroller
25

1 reviews, which also typically add months to our
2 procurements, ah, and so the, um, the role of various
3 oversights, including the comptroller in, ah,
4 registering, ah, DDC contracts is, is something that
5 certainly, ah, you know, we would recommend taking a
6 hard look at after this.
7

8 CHAIRPERSON ROSENTHAL: Wow. You
9 answered more than I thought you would. So thank you
10 for that.

11 FIRST DEPUTY COMMISSIONER TORRES-
12 SPRINGER: We were ready with that one.

13 CHAIRPERSON ROSENTHAL: Yeah. I, I'm
14 taking notes, trying to keep up with you. Um, it's
15 very, very helpful. Um, are the changes to the
16 comptroller's review written into, are, are the
17 comptroller's reviews stat, ah, process written into
18 the charter or is that more rule-making within the
19 office of the comptroller?

20 FIRST DEPUTY COMMISSIONER TORRES-
21 SPRINGER: Um, I might defer some of that to the
22 Mayor's Office of Contract Services and the Law
23 Department. I mean, I, I would say in general that,
24 um, there is a step, contract registration, um, which
25 does to the comptroller, um, and within the charter,

1
2 ah, it's, it's narrowly defined as, ah, basically
3 checking if, ah, a project has, if funds have been
4 appropriated and checking to make sure that we've
5 done the appropriate reviews of the vendor and that,
6 you know, has often, um, become a, you know, a more
7 significant and lengthy review, um, which, ah, and
8 the preparation for that more significant and lengthy
9 review has, has slowed us down quite a bit.

10 CHAIRPERSON ROSENTHAL: Um-hmm. And is
11 there a way, um, just sort of thinking about this
12 hearing, this proposed hearing topic, which we're,
13 this has now turned into, um, I'm wondering if
14 there's, would you be able to do perhaps with the
15 Mayor's Office of Contracts sort of a side by side of
16 what changes were made with the comptroller's review
17 over that period of time and, or whether or not
18 changes were made during that review. In other
19 words, you know, if we made it a shorter review
20 period what would the impact be on outcomes? Would
21 you be able to do that kind of analysis?

22 FIRST DEPUTY COMMISSIONER TORRES-
23 SPRINGER: Sure, yeah, we'd be happy to, to give you
24 something on that.

1
2 CHAIRPERSON ROSENTHAL: Great. OK. Um,
3 let me ask you, ah, what, oh, could you just mention
4 a few of the projects that DDC was able to continue
5 during the pause and the OMB slowdown, like, like
6 immense kudos for all the work you did with the
7 vaccine sites, the test and trace, the hospitals,
8 like amazing, but were there any projects that had
9 been going prior to the pause that continued and how,
10 how did that go in terms of, you know, ah, now being
11 under the emergency procurement roles?

12 FIRST DEPUTY COMMISSIONER TORRES-
13 SPRINGER: Um-hmm, yeah, um, happy to. Ah, so, ah,
14 as I was mentioning, our infrastructure portfolio
15 spaces, roads, water, and sewer, um, which is about
16 60% of DDC's capital portfolio, that was able to
17 continue. It was essential work under the governor's
18 and the mayor's executive orders. It also, um, those
19 sites are outdoors so it was, um, um, you know,
20 relatively straightforward to maintain social
21 distance and appropriate health and safety controls.
22 Um, so all of those projects continued and, as I
23 mentioned, many of them, ah, were accelerated, um,
24 ah, and I think I mentioned in the testimony we, we
25 opened a significant improvement to Atlantic Avenue,

1 we completed a number of different, um, street and
2 sewer and water reconstruction projects over the last
3 year. Um, the public buildings, ah, side of the
4 portfolio has, had been, ah, shut down, um, you know,
5 again, not, not covered, except for, ah, the
6 essential life safety projects, um, not covered in
7 the executive order, generally indoors, harder to
8 maintain social distance, um, so we were able to
9 bring those back online safely, ah, in June. Um, we,
10 um, we did have a tremendous effort by our site
11 safety group, ah, to make sure that we put all new
12 protocols in place, um, the mask wearing, ah, primary
13 among them. I did sort of personally spend a lot of
14 time in the, ah, late spring and during the summer
15 driving around to sites where mask wearing hadn't
16 become sort of culturally accepted within the
17 construction industry yet and, and, um, and we did,
18 ah, ah, take a very hard line on that. So, um, there
19 were a number of cases that, ah, emerged on our
20 construction sites and we would shut down that site,
21 ah, quarantine the people who had been, ah, closely
22 linked to each other, ah, and then bring it back.
23 But, um, the cases actually really were kept to quite
24 a minimum. Um, and then, ah, I think I was
25

1 mentioning that most of our, um, design that is
2 consultant-based, ah, because of cash flow concerns,
3 budget concerns, was paused, um, and, ah, we did
4 keep, ah, the East Side Coastal Resiliency Project
5 going. Um, we started that project, um, ah, in
6 November in the field in the northern section. We
7 just received bids for the southern section of the
8 project. Um, we did pause our borough-based jails
9 program, ah, for a number of months and we revised
10 the schedule, ah, as a result of that. But it is now
11 going and we expect to, ah, register significant
12 work, ah, on all four of the borough-based jail sites
13 before the end of this year.

14
15 CHAIRPERSON ROSENTHAL: [inaudible].

16 FIRST DEPUTY COMMISSIONER TORRES-
17 SPRINGER: And, and then a lot of other projects
18 have, have been restarted and have kept going, which
19 I could go on and on about. But that's, that's some
20 guidelines.

21 CHAIRPERSON ROSENTHAL: May I ask would
22 it be in the control, I want to ask about the
23 borough-based jails, this is totally off message and
24 I promise my last question will be back to being on
25 message. But does the comptroller, could the

2 building happens quickly. Um, and if there's
3 anything this committee can do to help, ah, we stand
4 ready.

5 FIRST DEPUTY COMMISSIONER TORRES-

6 SPRINGER: Thank you.

7 CHAIRPERSON ROSENTHAL: My last question

8 is, um, and, and you're starting to answer that

9 question, but what are the largest barriers to DDC's
10 immediate progress in ramping up to full capacity?

11 Um, are there projects that went out to bid but are

12 waiting to be registered where, ah, DDC would now

13 need to refresh or reopen stale bids, um, you know, I

14 mean, if you can speak to, um, you know, OMB's, ah,

15 um, whether or not they're lifting, you know, the

16 chokehold, rightly so what they did on, um, moving

17 CPs through the process, so, so what are the largest

18 barriers now to...

19 FIRST DEPUTY COMMISSIONER TORRES-

20 SPRINGER: Yeah.

21 CHAIRPERSON ROSENTHAL: ...[inaudible] not

22 to full capacity.

23 FIRST DEPUTY COMMISSIONER TORRES-

24 SPRINGER: Yeah, I mean, I guess I'd start by saying

25 that I, I think in, in many ways we're well

1 positioned for the restart. As I said, construction
2 has been restarted for some time. Um, most, all of
3 our in-house design, which is primarily how we do the
4 infrastructure design, that's, that's in-house,
5 that's been going, um, and we've, ah, gradually been
6 restarting our public buildings, our external design
7 projects, um, and hope to restart a hundred percent
8 of them over the coming months. Um, we did have
9 projects that were, ah, bid and were put on hold, ah,
10 for, ah, you say, for the CP issuance and the
11 registration. Ah, but so far no vendors have
12 withdrawn their previously open bids, ah, which is
13 great. Um, there's still a lot of interest in
14 working with DDC and the city. Um, and so, um, so
15 we're, we're pretty confident. I mean, I would just
16 say, you know, sort of to your point, um, Council
17 Member, you know, the economic crisis that was
18 brought about by COVID-19 is, is far from over and
19 it's forced the city to make some difficult decisions
20 with respect to spending. Um, so, ah, you know, at
21 the moment all projects that, ah, have been paused
22 are planned to restart over the next few months, but,
23 um, you know, I'd say on behalf of the, the
24 administration as a whole that this is really subject
25

1
2 to change based on the city's cash flow needs and,
3 you know, we are, we remain in a dire, ah, budget
4 situation and that, that's really what [inaudible].

5 CHAIRPERSON ROSENTHAL: Yeah, makes
6 sense, makes sense. Do you have a list of priorities
7 where you could sort of say here's our list, top 10,
8 next 20, whatever?

9 FIRST DEPUTY COMMISSIONER TORRES-
10 SPRINGER: Yeah, I, so, I think, as I was saying in
11 the testimony, I mean, we in, in a sense are the, the
12 delivery agency. Um, I, my understanding is that,
13 ah, the sponsor agencies have made priority lists and
14 have sent those in, ah, to OMB and they've been
15 analyzing them. Um, we know that, you know, as I was
16 saying, there's a certain set of criteria, ah, life,
17 safety, ah, is there a consent decree, um, is there
18 federal or state funding that's at risk and it's on a
19 deadline, um, you know, is it, is it essential work
20 in some way. Those are certainly where the
21 priorities lie, and then beyond that there's a set
22 of, there's a prioritization, ah, by the sponsor
23 agencies and at some point, ah, we'll be told what
24 the priorities are and we'll design and build them.

1
2 CHAIRPERSON ROSENTHAL: I think you just
3 answered my follow-up question. Do you play a role
4 in deciding? Are there meetings with the agency
5 heads, your office, OMB, contracts together to decide
6 or is that really in OMB's house?

7 FIRST DEPUTY COMMISSIONER TORRES-
8 SPRINGER: There's a lot of dialogue. Um, we have
9 over the last few years created just a fabulous
10 front-end planning group, um, and really empowered
11 that group. It was kind of something that was
12 missing from the city as a whole. We have, obviously
13 we have the Department of City Planning. They have
14 the Capital Planning Group that's focused on sort of
15 the inputs of capital planning, you know, where
16 should we build and what are the [inaudible]
17 demographics and so on, and what we were missing was
18 kind of something focusing on the outputs, which is,
19 is a project constructible, is it, um, you know, how,
20 ah, how much of a priority is it sort of physically
21 in terms of the city's infrastructure that we get a
22 project on, and we have that capacity at the front-
23 end planning group. So they're very engaged in the
24 discussions that take place between the sponsor
25 agencies and OMB as priorities are set.

1
2 CHAIRPERSON ROSENTHAL: You know, as, ah,
3 that is awesome and let's sort of put a pin in that
4 discussion because for sure that will be the topic
5 of, ah, another, um, hearing as the speaker has put
6 out a plan to talk about these issues of coordination
7 between the agencies and community input, etcetera.
8 So I'll look forward to that hearing and it sounds
9 like you've made some headway, which is really
10 terrific. All right, thank you. I'm going to turn
11 it back now to the committee counsel. Thank you,
12 Noah.

13 COMMITTEE COUNSEL: Thank you. Um, I
14 will now call on council members to ask questions in
15 the order in which they have used the Zoom raise hand
16 function. Ah, if you'd like to ask questions please
17 raise your hand. Ah, we will now hear from Council
18 Member Lander.

19 COUNCIL MEMBER LANDER: Ah, thank you
20 very much, Chair. Thank you for convening this
21 hearing and congrats on being the, the chair of this,
22 ah, committee, um, and thanks for your work in
23 pushing on these issues in the past and now. Um, ah,
24 and Deputy Commissioner, it's great to see you, um,
25 you know, I want to say thank you to you, but on

1
2 behalf of your whole agency for the quite remarkable
3 work DDC has done in response to COVID. I've had the
4 chance to see some of those testing sites that you
5 guys put up. I haven't been to the big vaccination
6 sites yet but I'm excited to see those as, as well,
7 and it is, ah, impressive and we're grateful. And I
8 also want to thank you for the work you've been doing
9 through your strategic planning process to transform
10 DDC, you know, I think before you and Commissioner
11 Grillo got there, um, you know, there, we, I did not
12 feel and the council broadly did not feel, but I
13 certainly did not feel that the agency was really
14 taking seriously the need for significant
15 transformation of our capital projects management
16 system and there is a long way to go certainly, but,
17 but there's no doubt that you are taking it
18 seriously, building a team that has made a lot of
19 progress, and I also want to appreciate your answer
20 to Chair Rosenthal's question about what some of
21 those next steps look like and how the council and
22 other partners, um, including the comptroller's
23 office, can be a valuable part of helping really
24 accelerate. You know, I think we're entering a
25 moment when we need to jump start our economy. We

1
2 need a bold recovery when getting projects going now
3 so they employ people and create jobs even as they're
4 building a platform for a more sustainable, ah, and
5 thriving future. It's just really critical. So I'm
6 glad you've done that work. We absolutely want to be
7 your partner in pushing forward on it. Um, I do want
8 to ask some questions about the pausing and unpausing
9 because I do have to be honest and I, I think more of
10 my frustration sits in the, in the nexus that you
11 were just describing with Council Member, with Chair
12 Rosenthal about OMB, but I found it very difficult to
13 understand why some decisions got made about what was
14 paused, when, and why, and what was unpaused, when,
15 and why, and I had some public disagreements with
16 the, with OMB, you know, because I, I think they
17 simply said, there were some things that were
18 straightforward, obviously, during the period when
19 all construction was shut down, things were shut
20 down, safety comes first. Um, but then cash flow got
21 used to cover over everything. Like, I did not feel
22 like meaningful public information was provided to
23 get clear how much cash flow there was for capital
24 projects, why things were unpaused when they were,
25 whose decision it was, and how the council, much less

1 the public, could know any of it. So I just want to
2 start with one project in particular before I ask
3 about the general questions and you might not know
4 about it, so if you want to pick a different project
5 you can, but the one that I was familiar with is on
6 4th Avenue we have a major DOT project, you know,
7 the, that was restriped to create bike lanes and
8 pedestrian safety, but a project, I don't remember
9 the numbers, like between 50 and 100 million dollars,
10 so pretty sizeable project. Not, um, life-saving
11 urgency, it's not an emergency project, but it is a
12 road safety project and I understood you to say that
13 those were in this top priority. But, you know, from
14 my conversations with the contractor, and in that
15 case it had already been designed, it had been bid,
16 the contractor, who I think happened to be an M/WBE,
17 was standing by to hire people and get going and got
18 no information on when the project was restarted. It
19 was paused for months, well past the summer pause. I
20 could not get information on when it, you know, what
21 was going on with it, and I, I guess I'm asking a
22 couple of questions because I don't really understand
23 what happened with that project, when and how and why
24 those decisions got made, and how I or any members of
25

1 the public, or even the contractor themselves, could
2 have gotten the relevant information.

4 FIRST DEPUTY COMMISSIONER TORRES-

5 SPRINGER: Sure. Um, I mean, I'm, I'm happy to, ah,
6 come back with some more details on, on that one,
7 Council Member. Um, I guess, my, my understanding
8 of, of, um, of that issue, I mean, it was sort of a
9 project that was sitting in between, right, as I was
10 mentioning, a project that was in active construction
11 was restarted in June, um, for a project that was,
12 um, designed but not fully registered and ready to
13 start. Um, there are a number of other contractual
14 components that have to be met. One is that we need
15 a, ah, separate engineering firm to serve as the
16 project oversight, um, and I should confirm this, but
17 I believe that that it was an issue with getting
18 that, ah, what's called an REI, ah, resident engineer
19 inspector, ah getting that firm in place, um, through
20 the, you know, the pause. Um, and, ah, to your last
21 point we, we have an intergovernmental, ah, relations
22 group, um, and, ah, you know, we, we also engage with
23 the contractors very directly. So I'm, I'm not
24 actually sure, I don't know exactly who that
25 contractor is, but they certainly should know to call

1 us and get an update, and we would really encourage
2 you and your office to, ah, to give us a call if you
3 need an update on, on the status of [inaudible]. I
4 know you do, um...

6 COUNCIL MEMBER LANDER: And I, I didn't
7 mean that you were nonresponsive. I, I reached out
8 to your agency and you gave me some information about
9 the project, so, and, and of course I think the
10 contractor knew they weren't able to begin it. It's
11 helpful to understand. I just think I was as clear.
12 When you say unpaused you meant projects that were
13 already in construction, had been paused in
14 construction and were unpaused and construction of
15 projects that were at other points in our capital,
16 ah, projects system, ah, I wasn't think of this one
17 as in design, because it was post design, it had been
18 bid, a bid had been awarded, but it's true
19 construction had not started, and it sounds like
20 that, all that set of projects that were shy of
21 construction starting, um, you know, were, are just
22 in in individual projects specific states of how they
23 were able and when they were able to be picked, ah,
24 picked up. But I guess this goes to my question
25 about, go ahead, sorry.

FIRST DEPUTY COMMISSIONER TORRES-

SPRINGER: Ah, Council Member, I would just also say, I mean, I, I would defer some of the budget, um, questions to OMB, but I, I would say on their behalf, I mean, there was a moment where, you know, ah, authorizing any additional spending was just not possible based on the, you know, the capital market situation that the city was in, so it just, as, ah, difficult as it, as it was, just any new spending obligations was just not something that the city could do. Otherwise we wouldn't be able to finance the projects.

COUNCIL MEMBER LANDER: So, so I hear that. But I, I have two problems with it and I, I guess I'm just gonna put them out there and ask you to respond to them. Because I feel like two things overlapped here. One is no meaningful information was given to the council or to the public to evaluate that, what you, I don't, it's not that I don't believe, but, no, we didn't get any information. And then I really do believe OMB held onto that argument long after it was true. I, I a hundred percent agree with you there was a period of time when a dire cash flow crunch, when the tax collections were delayed

1
2 for a quarter, we did not have the money, and like
3 there really was a cash flow issue and [inaudible]
4 pay people their payroll and look, it's the same bank
5 account that's paying the payroll and paying the debt
6 on the bonds, and so, you know, that is, that was
7 real, I believe that it was real for a fairly brief
8 period of time and that OMB and their job of trying
9 to slow things down and have us spend less money and
10 act as, you know, for fiscal prudence than slow-
11 walked capital projects far beyond what was necessary
12 for cash flow purposes using that argument and I
13 guess my frustration is the council nor the public
14 got information really on either side, like either
15 meaningfully on cash flow position but also on like
16 you've described a productive dialogue between you,
17 the authorizing agencies, and OMB. But the council
18 has no visibility into that process whatsoever. And
19 we can call and ask about an individual project, but
20 if our questions are about the system don't we want
21 to be restarting more projects? Don't we need to be
22 diving in more aggressively to get them going so
23 we're creating jobs and priming our economy and
24 moving forward. What should I have been using to
25 evaluate whether the city's getting it right?

2 FIRST DEPUTY COMMISSIONER TORRES-

3 SPRINGER: I think I would really have to defer that
4 question to OMB, Council Member.

5 COUNCIL MEMBER LANDER: OK. Um, so
6 I'll...

7 CHAIRPERSON ROSENTHAL: Council Member,
8 I'm going to ask to start to wrap up, but of
9 course...

10 COUNCIL MEMBER LANDER: Thank you. I'll
11 just ask one final question, yeah, and then, um, ah,
12 which is sort of related to this, 'cause I, I
13 appreciate that this is an OMB question, it's just,
14 ah, if, if, if our, you know, you've persuaded me
15 that for those things that were already in
16 construction they're now moving forward. I still
17 think we are moving too slowly on capital projects
18 through [inaudible] projects in the system, and I
19 don't fully understand why and I think it's a mistake
20 for the city's economic recovery and I want us to
21 move faster and some of that other reforms you laid
22 out, but some of them are, I think, the reforms I'm
23 asking for, so we'll ask OMB. My guess, just, just
24 to that final point, that my last question is for
25 evaluating that question what is, you know, what's

1 lost by delays? Um, how do you think about that?
2 You know, obviously, some of it we just had to do.
3 But we do, things wind up costing more, we lose jobs
4 by not creating them, even if they're going to happen
5 in the future. Like that's a reduction of our
6 overall capital plan because things get pushed off
7 into the future. I mean, I know it's your job just
8 to manage the projects and move them forward as
9 quickly as you can, but do you or does someone
10 provide some evaluation of what the consequences are
11 of delays as we think about how to push things
12 forward [inaudible].
13

14 FIRST DEPUTY COMMISSIONER TORRES-

15 SPRINGER: Um, I, I would, I guess I would sort of
16 give a narrower answer from our perspective, which is
17 we certainly do look at and keep track of, um, time
18 delays on, on projects, which is clearly, you know,
19 important and we are going to see times, you know, I
20 don't want to, we haven't sort of said it explicitly,
21 but we are going to see delays in project
22 completions, ah, as a result of this pause. Um, and
23 that does have at least for our, um, portfolio, ah,
24 sometimes we'll have impacts in terms of escalation.
25 Um, we haven't seen that yet from, ah, contractors,

1
2 ah, which is good. Um, but, and then of course, ah,
3 pausing and then restarting has costs in terms of
4 mobilization and remobilization costs. So those are
5 things that we keep track of as an agency.

6 COUNCIL MEMBER LANDER: All right. I
7 thank you for that. This is not the hearing on the
8 Capital Projects Tracker, but I know we'll be having
9 a hearing on some, ah, adjustments to that shortly
10 and at that hearing I'll look forward to asking about
11 how it's, obviously that relates to some of what
12 you've just said and I'll look forward to...

13 FIRST DEPUTY COMMISSIONER TORRES-
14 SPRINGER: Yeah [inaudible].

15 COUNCIL MEMBER LANDER: ...having the
16 conversation Next.

17 FIRST DEPUTY COMMISSIONER TORRES-
18 SPRINGER: Sure, happy to be working with you.

19 COUNCIL MEMBER LANDER: Ah, thank you very
20 much, ah, Deputy Commissioner, and thank you
21 especially Madam Chair for convening this hearing.

22 CHAIRPERSON ROSENTHAL: Terrific. Oh,
23 I'm sorry. Are there any other, I'm turning it back
24 to you, ah, Noah Brick. My apologies.

1
2 COMMITTEE COUNSEL: Um, I see that, ah,
3 Council Member Grodenchik has his hand raised, if
4 he'd like to ask some questions now.

5 COUNCIL MEMBER GRODENCHIK: Thank you,
6 um, Madam Chair, and it's certainly good to see you
7 here. We'll miss Ms. Gibson, but I see she's around,
8 so, um, just the last question that, ah, the last
9 comment by Council Member Lander, um, I have nothing
10 but respect for, um, Ms. Grillo, ah, your, your
11 commissioner. I've known her for a generation. I
12 won't say how old we are, but, ah, and I'll leave it
13 at that. Um, since she has taken over, and I know
14 you, the whole team there has taken steps, has, this
15 is a little bit akin to what we're talking about
16 today. Um, the number of steps that need to be taken
17 for a capital project in the City of New York to move
18 from, um, from thought to completion are, um, to be
19 generous, bewildering, to be ungenerous in saying,
20 um, and I'm wondering if you can enlighten us on some
21 of the, I know that this has not been an easy time
22 for you, ah, for our city. But I'm just wondering if
23 there has been, um, some success in that.

24 FIRST DEPUTY COMMISSIONER TORRES-

25 SPRINGER: Yep, Council Member, thank you for, ah,

1 giving us the opportunity to, ah, to address that.

2 So as you know we created a strategic plan for trying

3 to address some of those issues. And, and we really

4 did and we've spent some time with, ah, Council

5 Member Gibson and the committee talking about this in

6 the past. We really did break down every step of the

7 process into its component parts and say, you know,

8 what is taking too long that could be relieved, or,

9 you know, really important in this type of work, what

10 can be done at the same time so that one thing isn't

11 holding something else up. And, ah, as a result of

12 that I will say that before the pandemic, um, we had

13 already seen a six-month improvement in the average

14 time to deliver a project which, um, you, you know,

15 in the very short term that we had been looking at,

16 which was only a couple of years, that was really

17 impressive and that was really about, to your point,

18 um, we were able to reduce the time it takes to

19 initiate a project, meaning from the time that the

20 budget is appropriated and the project comes to DDC

21 until the time that we start designing it, we were

22 able to reduce that time, ah, from a year to, ah,

23 about eight months, ah, already. And that was

24 through a number of different process improvements,

25

1
2 which I think are some of the more frustrating
3 components of the, of the process for the council as
4 well, so that we use our front-end planning unit to
5 be much more clear up front, and then the other
6 component is through streamlining procurement. We
7 had saved an additional three months. Um, you know,
8 the pandemic will, obviously, have impacts on overall
9 time frames, but we put a number of other measures
10 into place to reduce the time it takes to design a
11 project and to build a project, which is where the
12 real time savings can be found. Um, so, so we're,
13 ah, definitely excited to keep working on all that.

14 COUNCIL MEMBER GRODENCHIK: Thank you.
15 Um, I figured it was an opportunity to talk about it
16 just for a few minutes, and I want to thank the chair
17 for indulging me, and with that, um, Madam Chair, I
18 will relinquish back to you.

19 COMMITTEE COUNSEL: Ah, Chair Rosenthal,
20 it looks like Council Member Gibson now has her hand
21 raised, if, ah, we can recognize her, please.

22 CHAIRPERSON ROSENTHAL: So good to see
23 you. Welcome back, Chair. Go get 'em. But you have
24 to unmute.

25

1
2 COUNCIL MEMBER GIBSON: Thank you. Good
3 morning, everyone. Good morning, Madam Chair, and
4 thank you so much to everyone for joining us today.
5 Ah, I want to congratulate Chair Rosenthal on
6 becoming the new chair of the Subcommittee on
7 Capital. Ah, you are in good hands under your
8 leadership and I look forward to remaining a member
9 of the committee and really talking about a lot of
10 the great things that we've started working with, ah,
11 DDC and OMB and the mayor's office, ah, and really
12 recognizing that, you know, COVID-19 has been a real
13 setback for us all across the, the city, ah, in so
14 many ways and on so many levels. So I appreciate the
15 work that DDC has done, ah, President Grillo. I've
16 talked to her many, many times during the pandemic
17 because I know while we were on pause we really
18 didn't have the ability to do much of anything, and
19 when the pause was lifted, ah, we can essentially
20 restart a lot of our capital. So I just have two
21 very quick questions, just about prioritizing some of
22 the capital projects that were already in queue, ah,
23 that were halted because of the, um, moratorium that
24 was in place, and it's one project and I know that
25 the commissioner, you are very familiar with, that I

1
2 have to bring up again, ah, since it falls within my
3 borough of the Bronx, the Bronx Children's Museum.
4 We've been working on this for several years now, um,
5 my entire time in the council, and we were on track
6 to officially open in 2020. And now with the
7 pandemic that's been, of course, delayed. So I
8 wonder, the challenges that you talked about with
9 your existing capital and cash flow, how can we be
10 assured and what steps is DDC going to take to
11 prioritize some of these projects that are, ah,
12 really, you know, in terms of delayed, ah, been
13 around for a little while, would, would it be safe to
14 say that this project, as one example, would be
15 prioritized, um, just because there are so many other
16 projects that I know that you have in your portfolio,
17 as well as new projects, right? We know that you're
18 getting new projects each year. Um, so what, what
19 can you say to us that would help us understand how
20 you're prioritizing some of the outstanding capital
21 projects in your portfolio?

22 FIRST DEPUTY COMMISSIONER TORRES-

23 SPRINGER: Sure. Ah, thanks, Council Member, and,
24 and, um, we certainly know the importance of that
25 project to you and, and, ah, know that you, you, ah,

1 you do, ah, it, it should be said very publicly you
2 do stay, stay on top of us, ah, on that project. Um,
3 and so that's a project that's actively in
4 construction. Ah, it was, as I mentioned, paused due
5 to the executive order in the spring, um, for a
6 number of months. Ah, it's now restarted. Ah, I
7 don't have a new, ah, completion date handy. We can
8 get back to you on that. But I do know that it's
9 progressing towards substantial completion, um,
10 despite some delay and, um, it's, it's certainly, you
11 know, everything in active construction is a
12 priority. We work by, ah, contracting with, ah, the,
13 you know, the, the builder community, um, put all the
14 pieces in place and then they, they go to work.
15 They, they are highly incentivized to, ah, build as
16 quickly as they can despite what often comes up,
17 which is, you know, complexities and problems. Um,
18 so, you know, there's no, ah, issue or constraint in
19 terms of prioritizing that project for completion.

21 COUNCIL MEMBER GIBSON: OK. And then my
22 other question is, you know, working with a lot of
23 vendors and understanding that everyone is hurting,
24 right, ah, we realize that. A lot of these projects,
25 you know, ah, Chair Rosenthal, Council Member Lander,

1
2 Council Member Grodenchik, we all talk about the
3 impact that upstarting and restarting these capital
4 projects brings on the economy, the jobs that are
5 impacted, the vendors that you hire that then in turn
6 hire subcontractors and the impact that it has in
7 creating jobs. I mean, I've been talking a lot about
8 it during the pandemic that we have to get people
9 back to work because recognizing so many folks have
10 lost income, lost revenue, fallen behind in mortgage
11 and rent payments. I mean, we've all struggled to
12 survive. So I wonder how is DDC able to help now
13 that we're restarting capital projects? How are you
14 able to help any potential vendors that you work
15 with, ah, that may have a cash flow issue, right?
16 And it's just because they haven't been paid, ah, you
17 know, there's a delay in, you know, contract
18 payments. Are you able to offer any assistance at a
19 vendor level?

20 FIRST DEPUTY COMMISSIONER TORRES-

21 SPRINGER: Um, I mean, thank you for raising that
22 because it certainly is, you know, we know how
23 important we are to the, the construction industry in
24 the city and it was painful for us to have to pause
25 the projects, ah, be dealing with the vendors, ah,

1 day in and day out, who are struggling, particularly
2 the small ones and, you know, it must be said, the
3 minority and women business enterprises, um, you
4 know, for which we've made so much progress and I, I
5 do want to say that, ah, this has been one of
6 Commissioner Grillo's great priorities as, ah, as the
7 leader of this agency, ah, was to increase our M/WBE
8 participation. So it was very difficult, um, for us.
9 Um, ah, a couple of things I've mentioned. One is,
10 as I mentioned earlier, we've done an enormous amount
11 of pandemic-related emergency construction work. And
12 that has been an opportunity to get work to vendors.
13 We're very proud of the participation that we've
14 achieved for M/WBEs, um, for just as one example, um,
15 the 120 million dollar Center of Excellence, the
16 ambulatory, ah, post-COVID facilities that we built
17 for H&H in just, ah, six to nine months. Um, we
18 achieved a 46% M/WBE participation rate. Um, we were
19 able to do that because many of the constraints that
20 make it, ah, difficult for us to, ah, figure out how
21 to contract for projects quickly, that I've described
22 earlier, ah, were lifted, and so we were able to
23 really push our M/WBE goals. Um, ah, you know, the
24 other thing that we've worked on over the last couple
25

1 of years is just getting payments out quickly and,
2 ah, we're very pleased with our, ah, payment
3 processing time. It is under 30 days, um, once we
4 receive a completed payment package. Ah, we've
5 established a group, um, ah, that reports to Rachel,
6 our CFO, um, that works on prioritizing payments, um,
7 and we always try to make sure that the vendors are,
8 you know, ah, know how to contact us and, ah, you
9 know, call us if there's a payment that's, ah, that's
10 problematic and we work on facilitating it as quickly
11 as we can.

13 COUNCIL MEMBER GIBSON: OK. Um, sorry,
14 Chair Rosenthal, just two very quick final questions.
15 Um, you know that, you know, we all are very
16 concerned individually as council members about our
17 discretionary capital. Ah, some of us are leaving at
18 12:01 on December 31 [laughs], but who's counting.
19 Um, but we want to make sure that at least a lot of
20 our projects are started and, you know, it, it's just
21 been really frustrating because I realize a lot of
22 projects that, you know, we allocated in, you know,
23 previous, ah, fiscal years, FY20, FY21, while many of
24 them may have started in design, everything has been
25 halted. So we know that there will be delays. Um,

1
2 so I'm wondering, um, since that time, since the
3 pandemic has hit, has there been any changes in terms
4 of staff to the unit that handles, ah, capital
5 discretionary, ah, in terms of, of more manpower,
6 more, you know, staff that will help expedite these
7 projects, and then the second part of the
8 conversation, ah, just really relates to the
9 blueprint. Ah, a year after you first announced the
10 blueprint, ah, we have like a one-year look back in
11 terms of the success and what has happened. Ah,
12 should we be expecting any amendments to that
13 blueprint in light of COVID-19, ah, in terms of any
14 new strategies you may develop with the front-end
15 planning unit or anything like that that we should
16 expect, ah, this year?

17 FIRST DEPUTY COMMISSIONER TORRES-
18 SPRINGER: Um, I might, ah, in a moment I might ask,
19 ah, Rachel, our CFO, to respond about the
20 discretionary projects.

21 COUNCIL MEMBER GIBSON: OK.

22 FIRST DEPUTY COMMISSIONER TORRES-
23 SPRINGER: Ah, but the answer to your question is,
24 you know, I, I think as I've mentioned a couple of
25 times, that plan of ours, um, you know, it becomes

1
2 even more salient and important, um, the many things
3 that are in that plan and we can see evidence that
4 some of the reforms, um, around streamlining, um, you
5 know, hearings and public notices, ah, alternative
6 modes of project delivery, um, streamlining oversight
7 and registration, that's really what's at the core of
8 that strategic plan. But those things have all been
9 proven to be very effective during the pandemic. So
10 I, we're certainly, um, you know, we intend to keep
11 it updated, keep tracking our progress, ah, and also
12 engage with this committee and with the council as a
13 whole on some of these, ah, improvements that we can
14 make. Um, Rachel, did you want to say something
15 about the discretionary program?

16 CHIEF FINANCIAL OFFICER LAISERIN: Sure,
17 um, yeah, appreciate the question. We understand how
18 important these, ah, projects are, um, to, you know,
19 council and to the community. And, um, just as Jamie
20 mentioned before, those projects were paused, um, for
21 some period of time. Um, they have been unpaused and
22 we are working through them. We're working with OMB,
23 um, with the [inaudible], um, and council finance,
24 um, to, to get all those projects back on tract. And
25 of course if you have questions about specific

1 projects we're always happy to follow up after
2 [inaudible].
3

4 COUNCIL MEMBER GIBSON: OK, great, thank
5 you. I appreciate it. And I hope that, you know,
6 DDC considers some of these projects that we're
7 talking about in terms of capital discretionary are
8 very small. They're not multi million dollar capital
9 projects, they are \$100,000 for a mobile unit, right?
10 Which, you know, proves very beneficial right now
11 since we're not doing indoor events, but we have
12 mobile units outside, you know, reaching people in
13 the streets. Those are the types of projects that,
14 you know, we would like to see prioritize simply
15 because they shouldn't be complicated, they're a
16 small dollar amount, and they would have a tremendous
17 impact. So, you know, I will be reaching out to you
18 guys about my own local, but collectively just, ah,
19 as a council I would ask for consideration of looking
20 at a lot of these projects in terms of the magnitude,
21 the scope, the size, ah, and where you can expedite,
22 you know, certainly we would love to see that because
23 a lot of these projects really, really do make a, a
24 real difference in our communities, especially in
25 light of, of COVID. All right, thank you so much.

1 Thank you, everyone. Thank you, Chair Rosenthal.
2 Appreciate your time today. And congratulations.

3 CHAIRPERSON ROSENTHAL: Thank you. Um,
4 you know, actually to follow up on your question, ah,
5 Councilwoman Gibson, um, would DDC be willing to have
6 a small working group, tiny working group, to look at
7 projects, ah, the council member discretionary
8 projects, and maybe, you know, just sort of work with
9 you on priorities, um, you know, given, given the
10 timeline that, that we're, some of us are under.

11 FIRST DEPUTY COMMISSIONER TORRES-
12 SPRINGER: Um, yeah, I mean, I'd say we're happy to
13 do whatever is useful. I do know that we, um, we're
14 very engaged with council finance...

15 CHAIRPERSON ROSENTHAL: Yep.

16 FIRST DEPUTY COMMISSIONER TORRES-
17 SPRINGER: ...on the discretionary programs. So, and
18 I'm, I would have to check, or maybe Rachel knows, I
19 think we, we already have a group that meets maybe
20 monthly. Um, so maybe we just pull that all together
21 to make sure that we're, we're, ah, tracking
22 everything. But, yeah, happy to, whatever's useful.

23 CHAIRPERSON ROSENTHAL: Great. Busted.
24 I haven't asked the staff that question myself. So
25

1
2 great to know and I'm sure you guys are already on
3 top of it. But thank you. So I have two last
4 questions that I just want to get the answers on the
5 record. Um, so here they go. DDC's recent capital
6 work flow represents a small portion of the capital
7 program that your client agencies have pursued in the
8 past years. Um, since you weren't able to complete
9 all the projects that were on tap for last year and
10 new projects added for fiscal year 21 adoption and
11 throughout this year so far, what kind of project
12 backlog is the agency facing, um, and secondly as DDC
13 returns to its normal level of ongoing capital
14 projects in its portfolio, what assistance or
15 guidance is the administration giving to help some of
16 the backlog, and that could include, um, you know,
17 perhaps, ah, not subjecting this, ah, part of the
18 agency as much to the freeze, the hiring freeze?

19 FIRST DEPUTY COMMISSIONER TORRES-

20 SPRINGER: Um, I think, Rachel, do you want to
21 comment on the status of our commitment plan?

22 CHIEF FINANCIAL OFFICER LAISERIN: Yeah,
23 sure. Um, so, I mean, as you probably know from, and
24 I guess will be a hearing, um, in a few weeks about
25 the budget, but, you know, last year's commitment

1 plan was, ah, just over 2 billion dollars for DDC.
2
3 Um, the current, ah, commitment plan for this fiscal
4 year is now 2.7 billion, right. So that, that has
5 increased, um, because a lot of projects that
6 couldn't complete, um, or we couldn't register them,
7 um, at the end of last fiscal year rolled into this
8 year. So right now we are seeing a larger commitment
9 plan. Um, next year is, is comparably large. Ah,
10 you know, we're, we're going into obviously the next
11 budget cycle, where we are starting to look at what
12 actually can be committed this fiscal year. Um, and
13 maybe pushing some things out and, you know, this is
14 where we work really closely with our sponsor
15 agencies to, to really analyze what can be done by
16 fiscal year. Um, I think, ah, ah, Chair Rosenthal,
17 you mentioned at the beginning kind of the assembly
18 line, ah, that Lucy and Ethel, um, imaged and, um, I
19 think that's very appropriate. I mean, it is very
20 much how we think about it and, and having kind of
21 that, um, halted, you know, um, and now that we're
22 getting back on tract, you know, it's a slow, it's
23 gonna be a slow ramp-up, um, and we're not gonna be
24 able to catch up, you know, there's a period of time
25 we've lost, um, and, you know, we're not going to be

1
2 able to do double the workload in the next six
3 months. But, um, but we are ramping back up. We're
4 doing it slowly and in consultation, you know, with
5 the priorities, um, of the administration and, um, ,
6 you know, we're ready to go. I mean, the bids are
7 opening now. Ah, RFPs are going out. CPs are, are
8 being processed and, and we're kind of getting back
9 on that assembly line.

10 CHAIRPERSON ROSENTHAL: Yeah, great,
11 thank you. Um, you can even, I was just trying to
12 think, ah, over the course of a, a year, a fiscal
13 year, whatever, you could see, um, um, your workload
14 and that, you know, to the extent that fiscal year 19
15 was sort of the, um, a usual year and you could
16 compare that to, to 20 and then 21, you might see a
17 different work flow. Um, you know, in 20 it being
18 more back end and maybe 21 starting at a, a higher
19 level, maybe. Does that make sense.

20 CHIEF FINANCIAL OFFICER LAISERIN: Yeah,
21 one of the things, um, we, we were actually talking
22 about is that one of the things that usually happens
23 and if you follow kind of commitments throughout the
24 year is there's a big surge, you know, at the last
25 quarter of the year is when the majority of

1 commitments are made. Um, but because we're kind of
2 starting now, kind of restarting now, we actually,
3 um, anticipate that it's gonna be a little flatter
4 next year, that we'll have to be able to have a lot
5 more registrations in the first half of the year,
6 that might be a typical year. Um, so it'll be more a
7 sustained, consistent work flow instead of, ah, kind
8 of up and down.

10 CHAIRPERSON ROSENTHAL: Yeah, yeah,
11 great. Thank you very much. That helped to explain
12 it. Um, secondly, ah, the council is aware of a
13 letter sent to the DDC design contractors from March
14 26, 2020, understandably directing them to
15 immediately halt all services under their contracts
16 with DDC. And I have a letter written to the mayor
17 by several industry groups protesting the work
18 stoppage. Besides that letter, what did the DDC
19 communicate with its designers and vendor contractors
20 about the slowdown and how often was that back and
21 forth?

22 FIRST DEPUTY COMMISSIONER TORRES-
23 SPRINGER: Um, sure. Um, I would say, I mean, we're,
24 we're in continuous contact with our vendors, our,
25 our design and engineering consultants and our

1
2 contracts, so, and we certainly in this very
3 difficult time [inaudible] regular contact with them,
4 ah, via our website, um, we have a very good
5 [inaudible] relationship with [inaudible] and the
6 [inaudible] apprised of what was happening.

7 CHAIRPERSON ROSENTHAL: [inaudible] stay
8 on stay on for some of those representatives and
9 interesting to hear their perspective on it. Um, so
10 to the [inaudible] we can send you their testimony
11 that they've submitted so you can see what's going on
12 from their perspective.

13 FIRST DEPUTY COMMISSIONER TORRES-
14 SPRINGER: [inaudible] for the, the opportunity to,
15 and yes, we're certainly, ah, will be someone here
16 and we're, we're paying close attention to the
17 hearing.

18 CHAIRPERSON ROSENTHAL: Great. Thank you
19 so much for coming here today.

20 FIRST DEPUTY COMMISSIONER TORRES-
21 SPRINGER: Thank you, Chair.

22 CHAIRPERSON ROSENTHAL: Really
23 [inaudible] we look forward to working with you
24 [inaudible] Noah Brick.

1
2 COMMITTEE COUNSEL: Thank you. Now we'll
3 turn to testimony from members of the public who have
4 signed up in advance to testify. I'd like to remind
5 everyone that unlike our in-person council hearings
6 we will be calling individuals one by one to testify.
7 Once your name is called a member of our staff will
8 unmute you and the Sergeant at Arms will set the
9 timer and announce that you may begin. Your
10 testimony will be limited to three minutes. I would
11 now like to welcome Adam Roberts to testify, followed
12 by Bill Murray.

13 ADAM ROBERTS: Thank you, Chair
14 Rosenthal...

15 SERGEANT AT ARMS: Your time will begin
16 now.

17 ADAM ROBERTS: ...and members of the
18 committee for holding this hearing today. I'm Adam
19 Roberts, the director of policy for the American
20 Institute of Architects New York, also known as AIA
21 New York. We're the professional association
22 representing New York's public and private sector
23 architects. The design work stoppage at DDC and
24 other agencies has been devastating to our city.
25 Without design, construction cannot move forward.

1 And since the openings of countless schools,
2 libraries, parks, and other essential projects have
3 already been delayed by a full year, vulnerable New
4 Yorkers who rely most heavily on our public buildings
5 will be hurt the most by this ongoing delay. The
6 design work stoppage has also reduced the incomes of
7 tens of thousands of architects, engineers,
8 contractors, and tradespeople. For these reasons,
9 labor and industry groups sent a letter to the mayor
10 at the beginning of the pandemic asking that the work
11 stoppage end and we have yet to receive a reply. The
12 design work stoppage imperils DDC's ability to carry
13 out very time-sensitive projects. One of these is
14 the implementation of design and build, a project
15 delivery method by which architects and contractors
16 work simultaneously on design and construction. Last
17 year the city secured design build authority from New
18 York State. DDC is implementing design build, but
19 the lack of funding for its capital program has meant
20 that essentially one staffer is overseeing this
21 rollout. If the city is restarting these design
22 build projects, then DDC must be sufficiently funded
23 to oversee them. The design work stoppage at DDC
24 also hampers the city's ability to comply with Local
25

1 Law 97 of 2019, also known as the [inaudible] in only
2 a few years. With such a tight deadline to retrofit
3 potentially retrofit potentially hundreds of public
4 buildings the city must allow DDC to begin this work
5 immediately. It will be very problematic if the city
6 failed to comply with its own landmark legislation.
7 During this budget season we hope council members
8 will fight for the capital program at DDC and other
9 agencies to be fully funded. We recognize that in a
10 fiscal crisis everyone is urging that their
11 industries be fully funded. Yet the repercussions of
12 not funding the city's capital program will
13 reverberate throughout all sectors of our economy.
14 It goes against good fiscal practice, which is to
15 build more during an economic crisis in order to jump
16 start the economy. Again, thank you for holding this
17 hearing and inviting us to testify today.

18
19 COMMITTEE COUNSEL: Ah, Chair Rosenthal,
20 do you have any questions for, ah, Mr. Roberts?

21 CHAIRPERSON ROSENTHAL: May I ask you,
22 Counsel, um, how many people will be testifying?

23 COMMITTEE COUNSEL: We currently have
24 five registered to testify who are in the Zoom with
25 us now.

1 CHAIRPERSON ROSENTHAL: If people
2
3 wouldn't mind staying on, ah, I'd like to ask
4 questions that probably will be for everyone. Um,
5 so, so I'd like to keep my questions to the end. I'm
6 really listening to everyone's testimony. Thank you.

7 COMMITTEE COUNSEL: OK. On that basis,
8 can we hear next from Bill Murray, followed by Lisa
9 Alpert.

10 SERGEANT AT ARMS: Your time will begin.

11 BILL MURRAY: OK. Good morning, Chair
12 Rosenthal and members of the subcommittee. My name
13 is Bill Murray. I am the New York City director of
14 government relations for the American Council of
15 Engineering Companies of New York, or ACEC New York
16 for short. We are an association representing
17 approximately, or nearly, 300 consulting,
18 engineering, and affiliate companies with, um, about
19 30,000 employees in New York State and a concentrated
20 presence in New York City. Just to give you a sense,
21 about 53% of our, our membership, um, lies in New
22 York City. About 50% of our firms are small, meaning
23 one to 35, ah, persons in count, 40% medium, and 10%
24 large firms. What our members do is plan and design
25 the structural, electrical, mechanical, plumbing,

1 civil, environmental, fire protection, and
2 technology, ah, systems for both vertical, meaning
3 sort of building infrastructure in the city, as well
4 as horizontal, um, water, transportation, and so
5 forth. Um, we are thankful for this hearing today.
6 We are also thankful for your leadership, um, leaders
7 in government throughout the pandemic. We know it's
8 been challenging to balance, um, the public health
9 crisis and, and the fiscal fallout, um, that has
10 resulted. The pandemic's impact on the city's
11 capital program has been particularly challenging for
12 our industry, um, which, which has included the
13 city's pause on capital program design projects by
14 agencies including, but not limited to, the DDC, the
15 SCA, the DOT, and the EDC. These impacts have
16 created challenges for middle-class New York families
17 who work in and are employed by our industry. This
18 includes many thousands of engineers, construction
19 managers, subcontractors, M/WBE firms, um, which is
20 about 28% of our, um, membership, and small
21 businesses, all of whom we represent. Our members
22 have been doing their best to stay in business over
23 the last 11 months to mitigate layoffs, furloughs,
24 substantial pay cuts and benefit cuts, but
25

1
2 unfortunately some of these impacts have been a
3 reality, um, for, for many, if not most, of our
4 members over, over the recent months. While our
5 organization is marshalling resources to advocate,
6 um, for federal support to the city government, we
7 cannot rely solely on Washington, D.C. to provide,
8 um, our city with an economic recovery. Um, design
9 work is an essential core component to economic
10 recovery. It's linked to the economic well-being of
11 countless New York families, including not only the
12 architects, um, we just heard from Adam, and the
13 engineers, which I am speaking for, but also for
14 general contractors, construction workers, and
15 ancillary industry whose, whose livelihoods are also
16 dependent on the design and construction sector. Um,
17 we therefore urge, you know, that widely across all
18 of the city agencies design work be resumed and in a
19 robust way. The city needs to be ready to move
20 forward into construction once the COVID emergency
21 has subsided. Um, history has shown infrastructure
22 spending in particular has multiplier effects for the
23 economy. In the short term it results in good-paying
24 local jobs...

25 SERGEANT AT ARMS: Time has expired.

2 BILL MURRAY: ...providing wider, ah,
3 economic activity.

4 CHAIRPERSON ROSENTHAL: Feel free to
5 finish, Bill. Thank you.

6 BILL MURRAY: OK, thank you, Chair. In
7 the long term, investment in infrastructure boosts
8 economic health by increasing our economy's supply
9 capacity. For example, improving the transportation
10 system makes workers more mobile, um, makes labor
11 markets more efficient and more productive. In
12 conclusion, the capital program is not only at the
13 heart of our city's economy, ah, but it is crucial to
14 maintaining our status as a global leader. By
15 investing in capital projects, both design and
16 construction, New York can lead the way out of this
17 difficult time and develop the necessary
18 transportation, environmental, energy, resilient, and
19 business infrastructure that will keep us moving
20 forward. Um, I thank you again for, for your
21 leadership on this issue and for the time to speak.
22 Thank you.

23 COMMITTEE COUNSEL: OK. Um, one second.
24 Locating my script. OK. Ah, can we next hear from
25 Lisa Alpert, followed by Glen.

1 SERGEANT AT ARMS: Your time will begin
2
3 now.

4 LISA ALPERT: Yeah, hi, good morning
5 Chairperson Rosenthal, members of the council. My
6 name is Lisa Alpert. I'm the vice president of
7 development programming at Greenwood Cemetery in
8 Brooklyn. Um, feel pretty confident that the capital
9 project I'm gonna talk briefly about, um, which is
10 well underway, is unlike any other project you get to
11 hear about this morning. It's an education and
12 welcome center for a cemetery. And I'm just here
13 today to underscore the importance of continued
14 capital investment to keep our project and so many
15 others moving forward. Um, at Greenwood our
16 education and welcome center will be directly across
17 the street from our main entrance, combines the
18 restoration of a landmarked greenhouse new
19 construction, and it will allow us to greatly expand
20 the number of people we serve by getting us critical
21 indoor space. This project is already underway, the
22 greenhouse restoration is almost complete, and the
23 new construction, as everyone likes to hear, is
24 shovel ready. Um, just very, very quickly, I want to
25 give you some important context for what we do here

1 at Greenwood and why this building is so critical to
2 our south Brooklyn community. Um, yes, we are still
3 an active cemetery. But our 501(c)(3) organization
4 in normal years, pre-COVID, presents over 250 public
5 programs, tours, and events every year. In addition,
6 about 300,000 people were coming to Greenwood
7 annually to stroll our beautiful grounds. But last
8 year, 2020, many extraordinary things happened. One
9 in particular was that when the pandemic hit we made
10 the decision to open all four of our gates at
11 Greenwood and staff them until 7:00 p.m. every night,
12 seven days a week, and what happened? 600,000 people
13 came to Greenwood to take a walk through our grounds,
14 literally doubled the number of the previous year.
15 Um, I just want to tell you really briefly about the
16 kinds of programming that we offer, really briefly.
17 Um, we do workforce development programming at
18 Greenwood. We train young people, um, from low-
19 income communities in masonry restoration, historic
20 preservation. We have a major program with Cornell
21 Universe called the Urban Grasslands Institute on
22 Climate Change and Urban Green Spaces. We give tours
23 to over 3500 school students a year, and we host
24 innovative arts and cultural programs on our grounds
25

1 throughout the year. This capital project is a
2 critical component to allow us to serve even more New
3 Yorkers. And just in conclusion, put very simply, we
4 are a huge outdoor space, but we also need indoor
5 space for school groups and trainings and workshops,
6 and we need a place to offer first-class visitor
7 orientation and visitor services. We have 60% of our
8 funding in hand. The detailed architectural and
9 engineering plans are complete and ready to go. We
10 are shovel ready. Did I say that already? Um, and
11 it will help bring more tourists and thus help
12 accelerate the economic recovery of south Brooklyn.
13 Um, we're really eager to build this structure and to
14 serve our own community and beyond. Thank you.

15
16 CHAIRPERSON ROSENTHAL: Thank you.

17 COMMITTEE COUNSEL: Ah, can we next hear
18 from Glen Bolofsky, followed by William Getty.

19 SERGEANT AT ARMS: Your time will begin
20 now.

21 GLEN BOLOFSKY: Thank you for your help
22 there unmuting. Ah, good morning, ah, Chair
23 Rosenthal and, ah, council members, and central
24 staff. Ah, thank you everyone for your help here
25 this morning, and congratulations on the debut

1 hearing this morning, ah, Chair Rosenthal. It's
2 going very well, ah, and I'm very appreciative of,
3 ah, participating this morning. As a CPA, my
4 background is balance sheets and financial reporting.
5 I work for Carnegie Hall and, ah, many other
6 companies, both in public and private sector. And,
7 um, I appreciate the financial challenges that DDC,
8 ah, struggles with, and I greatly appreciate the
9 points that, ah, Adam Roberts and Bill Murray made
10 this morning, ah, about their industries as well, and
11 Greenwood Cemetery. It all comes down to, ah,
12 available funds, available cash, and available, ah,
13 ah, time to analyze how much cash there is at hand at
14 any given time. So, you know, that, that's really my
15 focus and at the next opportunity that, ah, presents
16 itself love to find out from DDC what their burdens
17 are in terms of, and you were asking about this, ah,
18 Chair Rosenthal, their top 10 list, their top 20
19 list, and, ah, Council Member Lander and, and Barry
20 also, ah, Grodenchik, asked about this, um, as well
21 as Councilwoman, ah, Vanessa Gibson asked about this.
22 Um, the clarification is needed as to the top 10, the
23 top 20, what financial shortfalls there are at the
24

1
2 immediate moment, and that's the testimony I have
3 this morning.

4 CHAIRPERSON ROSENTHAL: Thank you very
5 much.

6 COMMITTEE COUNSEL: Ah, at this time
7 there appear to be, we appear to have called on all
8 members of the public who are logged onto the Zoom.
9 I have just, ah, asked for last call. Please raise
10 your hand if you're in the Zoom and have not been
11 called upon. Seeing no hands raised, ah, Chair
12 Rosenthal, I'll turn it back to you.

13 CHAIRPERSON ROSENTHAL: Great. Thank you
14 so much. I have three questions. Um, two are for
15 everyone. Ah, so this is for primarily for Adam and
16 Bill. What do you think the city could have done
17 differently to alleviate the challenges and the
18 confusion during the emergency orders that were put
19 out during the pandemic?

20 ADAM ROBERTS: There's, I think there's a
21 lot they could have done differently. I think our
22 members would have liked a little notice, as far as
23 those members who were consulting with DDC, and also
24 those who work in DDC. Ah, you know, we understand
25 that this was a crisis that just unfolded over the

1 course of only a few weeks. Um, but still the,
2 pretty much, ah, people received a letter one day
3 and, and that was it, they were done working. So,
4 you know, in a future crisis of this sort, which
5 hopefully we don't have one like this again, that
6 there at least be a few days', if not a few weeks'
7 notice, ah, that design work will be stopping.

8
9 BILL MURRAY: Um, I'd, I'd chime in as
10 well and just say, you know, I, I, um, agree with the
11 sentiments. I think transparency and communication
12 is, is so crucial, um, but I do want to publicly say
13 thank you to, to Jamie Springer-Torres, to Andrew, to
14 DDC, also to, you know, my counterparts at the EDC,
15 at the DOT, I, I really feel agency staff has, you
16 know, has been in a similar boat to, to, to ACEC New
17 York, um, and to the firms we represent in doing our
18 best to learn information, um, about the decisions at
19 OMB, um, and, and, you know, we have had regular
20 meetings with our counterparts at the DDC, at, at,
21 um, sister agencies and, um, to the extent
22 information, um, was, was able to be shared it was.
23 And that continues through, through today. You know,
24 we have regular meetings with our, our, um, contacts
25 in those places. But I would say, you know, from the

1 top we have tried to engage City Hall, um, including
2 in that, in that letter, Chair, that you referred to.
3 And so, um, I say that, but also I'm aware on the
4 other hand this was a crisis, right? It was a public
5 health crisis, revenue went down as a result. Um,
6 COVID-related expenses went up, and so we trust, you
7 know, good decisions were made at, at that OMB level.
8 But, um, didn't have a ton of insight into, into
9 that, um, and really going forward I just hope that
10 we can be a voice of, hey, we may not be the most
11 vocal sector out there, but, but we are a whole
12 industry. There's a whole ecosystem and the capital
13 program really is fundamental to the city's economy.
14 So, so we hope that sort of going forward, um, you
15 know, as, as the situation improves, you know, you
16 can, you can consider that in your leadership on, on
17 the capital program.

19 CHAIRPERSON ROSENTHAL: Yeah. Thank you.
20 I'm wondering, as a follow-up, did the companies that
21 you represent have to, I imagine they had to lay off
22 workers or apply for PPP, like how did it play out?

23 BILL MURRAY: I can, I can start on that
24 one if, um, it's OK. Um, so it really, you know, I
25 spoke with some of our members the last couple days.

1
2 It really, um, every situation is unique. Um, some
3 of the things that, that affect a, um, the
4 circumstance of an individual firm are its size. So
5 ones that are smaller, um, had the PPP available to
6 them. Um, which, which was a great government policy
7 and program. There have been some issues about it,
8 um, still to this day in terms of forgiveness and,
9 and all of these things. But, um, then there were
10 firms that were not, did not have access to PPP. So
11 that is one factor. Another one is the firm's
12 portfolio, if it is a public clientele, including
13 mayoral agencies, um, they were more, more vulnerable
14 to, to the design pause. If they were private, um,
15 clientele, like, like buildings, um, you know, it's a
16 different, different story. But by and large, you
17 know, the, the impacts that we have, um, have borne
18 have been furloughs, pay cuts, and that is, you know,
19 small to all the way up to the largest of firms, and
20 just that's been the reality. Furloughs, pay cuts,
21 in some cases, um, you know people letting, being let
22 go. Um, but, um, so, so that's what I would say on
23 that. You know, speaking with an executive
24 yesterday, it is a last resort to let someone go.
25 There is, um, there is a scarcity of design

1 professionals in New York and in the whole country,
2 really. And so when you have a quality person that
3 you've invested, 'cause it's a licensed profession,
4 um, this person has education credits, um, you know,
5 they gain experience in, in the New York City market.
6 We really are loathe to let them go. So it's really
7 been a last resort.

9 CHAIRPERSON ROSENTHAL: Yeah, you know,
10 um, I'd spoken with a few architects who said that
11 their work just shifted, ah, to designing, um, you
12 know, medical centers or, or work stations, um, and
13 that a lot of the private companies built like, um,
14 you know, like an urgent center, like a medical work
15 station in the lobbies of their buildings, so that
16 she, he felt anyway that work continued, it was a
17 different type of work.

18 ADAM ROBERTS: Unfortunately that's not
19 really the experience I've heard from most of our
20 members. Ah, this has been incredibly devastating
21 for our members, as Bill said, from the smallest
22 firms to the largest firms. City work is already
23 something which few architects, ah, make a profit on,
24 a few architect firms make a profit on. It's usually
25 done for the public good, ah, or to showcase to

1 private sector clients. And so these were already
2 projects where people weren't making money and then
3 now they're starting to dramatically lose, you know,
4 millions of dollars and so unfortunately there were a
5 lot of layoffs, um, that have really devastated our
6 industry and, you know, we, we hope that these jobs
7 are, are filled in the future 'cause the last thing
8 we want is for people to go and move to other cities,
9 ah, where, you know, their, their city governments
10 are more supportive of public works.

12 BILL MURRAY: Yes.

13 CHAIRPERSON ROSENTHAL: You know, oh,
14 sorry?

15 BILL MURRAY: No, I just wanted to agree
16 with that last point that Adam made. That's so true.
17 I mean, there really is a scarcity of design
18 professionals and, and we need to keep New York a
19 home for them.

20 CHAIRPERSON ROSENTHAL: Yep. Adam, if I
21 could just follow up with you. You mentioned that
22 the work stoppage, um, could have an impact on
23 helping the city comply with the requirements of the
24 climate mobilization act for its own buildings. Can
25 you give us a few examples of that?

1
2 ADAM ROBERTS: I, I don't know specific
3 buildings. Um, but it's widely believed that by at
4 least the members I talked to who work for the city
5 that, that hundreds of city buildings will need to be
6 retrofitted and compliance is starting in, ah, only a
7 few years for those worst-performing buildings. So,
8 ah, design and construction can take, I was actually
9 just looking today at the Center for Urban Future,
10 there are [inaudible] the average city building takes
11 four years from, ah, start to completion, though
12 many, I think [inaudible] go past seven years. So if
13 the city is looking for its worst-performing
14 buildings to comply they should have started
15 designing them last year, um, and they, they haven't
16 because there has been so far, at least the year of
17 work, of work stop.

18 CHAIRPERSON ROSENTHAL: Right. I'd like
19 actually to follow up with you on that offline, you
20 know, maybe if we could, ah, you know, sort of be a
21 little more focused on that from your members and
22 hear more stories, I'd be really interested in
23 following up on that one specifically. My last
24 question for everyone is for the projects that you
25 did continue to work on were there any processes or

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2 procedures that were lifted during the pandemic that
3 you would like to see continued or that you thought
4 were not good things, that those, you know, processes
5 [inaudible] Local Law 63, whatever, that you would
6 not go for.

7 ADAM ROBERTS: The, I think the most
8 important was, um, and I alluded to this in our
9 testimony, was the institution of design build, not
10 so much because of design build as a project delivery
11 system, but because the state in allowing design
12 build allowed the city for the first time to procure
13 contractors with best value procurement, which means
14 the city does not have to go with the cheapest
15 contractor, which for many reasons is just an
16 absolutely terrible idea and is also one of the main
17 reasons M/WBEs don't work with the city. Um, so that
18 is something which going forward would require state
19 approval and, ah, hopefully does happen because it
20 would save the city countless dollars and has long,
21 for many decades, been known to be a huge problem
22 with contracting with the city. Um, so we hope that
23 is something that is continued.

24 BILL MURRAY: I would say, um, Chair,
25 one, one, um, change that has occurred which has been

1 actually good, a silver lining, has been an
2 increasing reliance on, on, um, the agencies on, um,
3 electronic processes for, you know, as opposed to
4 old, um, older, more cumbersome processes, you know,
5 sort of fortunately and coincidentally the city has
6 been rolling out this PASSPort system, um, which we
7 are terrifically optimistic about. The, the biggest
8 challenge for firms, you know, from smallest to the
9 largest in, in serving the city, um, clients is the
10 paperwork, the, um, the contract registration
11 process, the payment process. You know, it's
12 essentially floating the city alone in some cases.
13 When you do work and you pay someone to do work and
14 it takes months to receive payment, um, that's a real
15 challenge. And so we're hopeful that all this
16 movement to electronic processes can improve that.
17 So that's been you know, I think it's accelerated
18 that process, um, and we hope that that good work
19 continues.

21 CHAIRPERSON ROSENTHAL: Um, I'm very
22 familiar with PASSPort, having been the chair of the
23 Committee on Contracts for my first term. So, ah,
24 mainly I know the rollout initially focused on the
25 Health and Human Services sector, but seeing now it

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2 come to the, you know, general, um, contractor side
3 of the ledger is really great to hear about it. I'd
4 love to hear more about that and where there are
5 hiccoughs even in that, like as they roll it out to
6 your sector are you able to use, you know, the vaults
7 and are they rolling it out with the invoicing, um,
8 abilities that they are now starting to use, um, the
9 social services side. It'd be great to hear more.
10 Maybe we'll set up a meeting offline about that. But
11 that's terrific to hear. All right, with that should
12 I turn it back to you, ah, Noah?

13 COMMITTEE COUNSEL: Ah, there's nothing
14 further at this time. I think you can just thank
15 everyone and gavel.

16 CHAIRPERSON ROSENTHAL: I would like to
17 thank everyone for coming today, and again thank the
18 staff very, very much and, um, I'm going to gavel out
19 now. Thank you. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 26, 2021