



**Hearing before the New York City Council
Committee on Parks & Recreation
Oversight: Capital Process
January 19, 2017**

Testimony By: Mitchell J. Silver, FAICP Commissioner

Good morning, Chair Levine, members of the Parks Committee and other Members of the City Council. I am Mitchell Silver, Commissioner of the New York City Department of Parks and Recreation. I am joined here today by Therese Braddick, our Deputy Commissioner for Capital Projects, and Matt Drury, our Director of Government Relations. Thank you for inviting us today to testify about our agency's capital process, as well as Introduction 407 and Introduction 1340, both pertaining to the notification of Council Members regarding work performed on capital projects.

When I began my tenure as Parks Commissioner in May 2014, it was clear that many were frustrated with the agency's capital process. My professional background as a planner and professional consultant has provided me with broad experience in identifying and reducing inefficiencies, so I made it my top priority to take a hard look at our internal operations and improve our ability to deliver smart and well-designed capital projects as quickly as possible. We have undertaken a comprehensive and focused effort to streamline every portion of the capital process within our control, and we have seen significant and tangible improvements: improved communications, increased transparency, better efficiency and shorter delivery timelines.

I'd like to begin by providing some background about our capital portfolio, because I think the unique nature, scale and raw volume of our capital projects are important factors to keep in mind. NYC Parks is currently managing 549 active capital contracts for Parks improvement projects, including 217 in design, 151 in procurement and 181 in construction. To put this in perspective, at this time in 2015, we had 398 projects in process, a 38% increase over two years. Another indicator of our increased volume is the number of construction contracts we bid out; 182 construction contracts went out to bid during Fiscal Year 2016, representing a 61% increase over Fiscal Year 2014. Of those 182 contracts bid out, we registered 101 contracts for construction, higher than the number of contracts registered by the City's Department of Transportation, Department of Environmental Protection and the NYPD, combined. This increase, and the corresponding investment in NYC Parks capital staff to manage a growing



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portfolio, demonstrates a marked commitment from the Administration to further park equity and ensure all parks achieve a state of good repair, and we will take it as a vote of confidence that the Council continues to make significant and much-needed investments in our parks and open space. Since Fiscal Year 2014, we've been fortunate enough to receive \$155M from the Borough Presidents and \$278M from the City Council. But it's also true that this robust volume of projects increases our exposure to the kind of delays inherent in a process that is governed by state and local laws, multiple regulatory entities, and rigorous citywide policies.

Throughout our discussion today, it's important to keep in mind that thoughtful, engaging and efficient design can be difficult to define, but we all know it when we see it. New Yorkers recognize that beautiful, vibrant parks are vital to our quality of life, and NYC Parks believes that an effective design can create a new beloved neighborhood amenity or completely redefine an existing public space in surprising and delightful ways. Perhaps more importantly, the spaces we build need to be safe and maintainable, and that requires thoughtful planning. Good design is important, and that takes time. Avoiding the hiring of non-responsive or non-responsible contractors is important and that takes time. Safely constructing a quality project that will last and provide value is important, and that takes time as well. In all, we believe that the final products resulting from our capital process reflects the advanced forethought, preparation and due diligence necessary to make sure that every completed project has a full, useful life as a valuable public asset.

We can always do more, and our efforts to improve continue every day at NYC Parks, but I'm tremendously proud of the great strides we've made and even more proud to introduce the person responsible for overseeing this effort. I'd like to introduce Therese Braddick, our Deputy Commissioner for Capital Projects to give you more detailed information about our capital process.

I'd like to publicly commend DC Braddick and her team for their hard work and dedication—as I think their presentation makes clear, we have tackled concerns about the capital process head on, and we are seeing results. Comparing Fiscal Years 2015 and 2016, we reduced the average time period for design by 54 days, nearly 2 whole months. Furthermore, in past years, only 20% of our project designs were being approved by the PDC on our first submission—that approval rate is now 83%. We automated and standardized the process to compile our contract books, which used to take two weeks and now can be done in only two hours. On the topic of



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contracts, this is a good moment to mention our exemplary M/WBE efforts, as we awarded \$91 million in contracts in Fiscal Year 2016 to M/WBE firms, the second-highest total amongst city agencies.

We reduced the number of change orders for projects in the construction phase by 78%, from 407 to 90, and nearly a quarter of our Fiscal Year 2016 construction projects were completed early-- over 30 days before their scheduled completion date. The average construction project in Fiscal Year 2016 took 99 fewer days than in Fiscal Year 2015. Keep in mind, these improvements are all taking place in the context of the highest volume of individual projects ever seen by the agency—as I mentioned earlier, we registered over 100 construction contracts in Fiscal Year 2016. Despite this ambitious portfolio, the Mayor’s Management Report on Fiscal Year 2016 demonstrated that NYC Parks’ construction completions were 86% on-time, and 88% within budget, a significant improvement over years past.

At the same time, we have made more robust public information available about ongoing capital projects than at any point in the agency’s history. Our online Capital Project Tracker, launched in Fall 2014, makes the process more transparent than ever. The Capital Project Tracker is an online, searchable tool updated daily that allows anyone, be it an elected official, supporter of a specific park, or just your average curious New Yorker, to look up a specific park and learn more about any capital project’s status. I’m proud to update the Council that to date, the Tracker has received 255,571 website visits, giving citizens the information they need and deserve about park improvements in their community in real time.

To be clear, we understand there is still more work to be done. We are always searching for additional ways to make the process more efficient, and would value your partnership in this effort. For example, we would welcome the Council’s support in prioritizing funding for critical state of good repair projects in your district, and ask that you communicate with us in advance before making any allocation decisions to discuss the project and obtain a formal estimate from our Capital division. We’d ask you to continue working with us to ensure your constituents get involved early in our scoping process to ensure our designs truly reflect the community’s desires and don’t face design changes later in the process. And we would ask that you carefully consider the potential impacts of local laws and proposed legislation, to help us streamline the number of administrative steps in the process, which is a perfect segue to the proposed legislation, Intros. 407 & 1340, under discussion today.



NYC Parks understands the importance of ensuring Council Members get regular updates on the capital projects in their districts. We believe NYC Parks' existing practice of regular and robust communication between Council Members and our dedicated Borough Commissioners, in addition to our Capital Project Tracker, provide Council Members with up-to-the-moment status updates for the capital projects they support with discretionary funding. If a given Council Member feels that is not the case and has a specific question about a project, whether it regards change orders, the project timeline or other issues, my door is always open and our borough commissioners are always available to address your concerns. In short, we are concerned that mandating additional administrative steps like those described by these two bills would only serve to delay our capital process and add back time that we've worked so hard to save, in direct conflict with our shared goal of moving projects forward as quickly and efficiently as possible.

Intro 1340 further would compel the agency to provide an update to Council Members when a contractor is denied payment. It may be helpful to provide some background here. Pursuant to a directive from the City Comptroller, every agency that deals with construction projects has an Engineering Audit Office, operating independently from the Capital unit to audit and assess proposed payments to contractors. The engineers of Parks' EAO verify that costs are reasonable, consistent with the contract or change order, and properly documented, all in a timely manner, to enable prompt payment pursuant to the rules of the Procurement Policy Board. Upon arriving, it came to my attention that communication between the key parties was not as robust as it could be, leading to delays in resolving disagreements and processing payments. So I created a new position, Assistant Commissioner for Agency Compliance, to directly oversee the EAO and encourage more productive and pro-active communication between the contractor and our agency.

I'm pleased to report that complete payment denials to our contractors are extremely rare, as our EAO is empowered and encouraged to authorize partial payments for work performed, withholding only those amounts which require further documentation, clarification or review. While the EAO continues to identify discrepancies in the contractors' processes and calculations, we communicate more openly and encourage the project to continue, while specific issues are being worked out. As a result, contractors can anticipate agency demands, and work stoppages and delays due to non-payment are increasingly rare. Similar to other



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concerns about a capital project, if a Council Member has received specific feedback about a project audit, our agency is fully available to answer any questions.

We appreciate the Council's interest and advocacy regarding these topics, and look forward to continuing to work with you and your colleagues to make New York City's parks and playgrounds better than ever. As we hope today's testimony has demonstrated, NYC Parks has made it a priority to streamline our capital process and deliver quality improvements to our parks in a faster and more thoughtful manner. Of all of the initiatives I have started under my tenure here at NYC Parks, streamlining the capital process is the one of which I am most proud. Thank you for inviting us to testify today, we would now be happy to answer any questions you may have.



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Testimony By: Thérèse Braddick, Deputy Commissioner for Capital Projects

Thank you, Commissioner Silver, for your kind words and vote of confidence in me and my team. As many people know, your enthusiasm for the Parks Department is infectious and has given us all a renewed energy in our work. I'm grateful for your support for all of the changes we've made to our capital process over the past few years. We have achieved so much, and it would not have been possible without you.

Good afternoon, Chair Levine, members of the Parks Committee and other members of the City Council. I am Thérèse Braddick, Deputy Commissioner for Capital Projects. I want to briefly go over the steps in the capital process, and highlight what we've done in the past few years to streamline our efforts and improve project delivery times. The improvements we've made and are still in the process of making, are a combination of our own internal decisions of what to focus on improving, as well as some of the suggestions we received from the June 2014 New Yorkers for Parks report. As you'll hear from my comments, we've been focusing on the steps that are within our control, which is mostly in the design and construction phases.

Starting at the beginning, this slide is one you've seen from us before that shows the five different phases of the capital process: needs assessment, project initiation, design, procurement, and construction. Needs assessment and project initiation occur prior to the official start of a project. The clock then starts when we begin design, and continues on through procurement and construction. Overall, if everything goes well, on average it takes between 2½ to almost 4 years to complete a capital project from beginning to end, with design taking an average of 10-15 months, procurement taking an average of 7-10 months, and construction taking an average of 12-18 months.

The first idea of a capital project starts with what we call our needs assessment process. Currently, a parks project can be identified by anyone: Commissioner Silver, an elected official, a friends of group or a member of the public. The request then makes its way to the capital division and we put together a cost estimate based on preliminary information we receive about what



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needs to be done at the site. The cost estimate is then given to a Parks Borough Commissioner or Commissioner Silver who in turn requests the funding from elected officials or the Office of Management and Budget (OMB). The majority of our funding comes in at budget adoption, but we also can receive funding in the January and September plans.

One of the improvements we've made to our needs assessment process is the baselining of \$1.8M in expense funding for pre-design testing from OMB, which started in 2015. This has allowed us to have a better understanding of existing site conditions and subsequently create more accurate cost estimates for about 40 sites each year. In addition, it has helped to decrease the number of change orders later on in construction since there are fewer surprises.

Speaking of estimating, I know many of you have expressed concern about our estimates and how they are created. One of the main hurdles we face is that an estimate is created prior to the community scope meeting where the scope of the project is defined. So, our estimates are based on the square footage of the site and some assumptions about what we think the community would like to see, which can be difficult to predict until we have a more detailed discussion at our public scope meeting and gain a true sense of the community's priorities.

We recognize however, that we can always improve our estimating process. To this end, we started a pilot in September 2016 by hiring two professional estimators for our landscape architecture teams and also purchased new estimating software. These estimators are responsible for creating the estimates throughout the life of a project, from its first inception, through design, procurement and construction. We will evaluate this pilot after a year to see if we've been more on-target with the costs of our projects, although prices have varied significantly in the city's current competitive building climate.

Another big improvement underway related to needs assessment, is transforming how we put our new needs together. Currently, we don't have a consistent way to track the condition of our assets or compare proposed projects to one another to objectively prioritize our new needs. We'd like to get to a point where we're able to be more proactive than reactive and actually have reliable conditions data to justify the funds we request.

In March 2016, we started working with a consultant, KPMG, to create an inspection protocol and prioritization model that will allow us to determine our priorities based on actual conditions of our



properties. The goal is to have conditions data on all of Parks' 5,000 assets and then use cost-benefit analyses to determine where we'll get the most out of the capital dollars we spend. It will take several years to fully build out this system and complete the conditions assessments for all of our properties, but we're very excited about it, and have already started using the system to determine our priorities for synthetic turf field projects.

The next step in the process is project initiation. Once we receive funding at adoption, we spend several weeks going through a huge list of budget lines to determine which projects are fully funded based on the initial estimates we put together and which projects are only partially-funded. For the fully-funded projects, we assign staff accordingly. Then we hold a pre-scope meeting with internal stakeholders, and hold a public scope meeting with the community and external stakeholders to discuss the project and inform its scope of work. The only exception to this is when we have a replacement-in-kind project that can move forward without a formal scope meeting.

We've made a lot of improvements in this phase, particularly focusing on increased communication and transparency. As I just mentioned, we hold a pre-scope meeting with internal Parks stakeholders from our Maintenance & Operations staff, Recreation staff and other interested Parks divisions, and sometimes representatives from sister agencies like DEP or DOT, to gather information about the project site's use and potential issues. This is a new step in the process that we've found to be very beneficial in sharing information about a project site and communicating early on about what Parks' needs are so they can be incorporated into the scope of work. We've also created a standard process for our external scope meetings, which now only happen when a project is fully funded and staffed. These scope meetings occur at night, when more stakeholders are able to attend, and really focus on getting as much input as possible from the public about what programming and park elements they want to see in their parks.

Another improvement we've made to the process is increased communication about a project's status to you in the City Council as well as our other funders. This past fall, we sent letters about the status of Parks projects you funded this fiscal year that are unable to move forward due to a funding shortfall. We're aware sometimes the information is not what you want to hear but we think it's important to be transparent about which projects we're moving ahead with and which ones we're not.



The very good news is since 2014 we've received approval to hire an additional 121 staff, including the 55 you were so instrumental in getting approved. Thank you again for that assistance. This new staff has helped us significantly increase our productivity.

The next phase in the process is design, where we've focused a lot on streamlining the process and creating efficiencies. This graphic shows, at a high level, the basic steps in the design process which includes design development, where we create a concept design and then a more fully-developed schematic design; internal reviews; external reviews; and construction document preparation. On average, it takes between 10 and 15 months to move through the design process.

One of the first improvements we made to the design process is to streamline our internal review meetings from five to two, which helped reduce preparation work and clarify design direction for our designers. In addition, we've increased the use of standard templates so we don't start every project from scratch. An example is our comfort stations, with an image here on this slide where we worked with our Maintenance & Operations staff, design staff, and the Public Design Commission, to create a design that is not only beautiful but uses stock materials that are easy for our Maintenance & Operations staff to repair and maintain.

A few other improvements to highlight are our new written standard operating procedures for design, which serve as a great resource for our recently hired and existing staff, as well as our design consultants; new "red zone" meetings as we call them with Commissioner Silver to immediately troubleshoot projects that are not moving for one reason or another, which also increases accountability since staff has to present to the Commissioner if there's an issue; and Commissioner-level interagency coordination meetings to elevate and resolve issues with the sister agencies we interact the most with: DEP, DOT and DDC.

Several other design improvements worth noting relate to the Public Design Commission, where we've made great strides in improving communication on our design philosophy for some of our key assets, like comfort stations, green infrastructure and synthetic turf, all of which has made it easier for us to receive approval. We've also reduced the documentation required for our submissions, which has allowed us to move through the approval process much faster. Overall, we've increased our approval rate for first time submissions to PDC from 20% several years ago to 83%, a remarkable achievement that is a credit to both agencies.



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Now we'll go into the procurement phase, which is where we have the least control over how our contracts move through the process. In this phase we have four main steps: pre-solicitation review, which includes several legal reviews; solicitation, when we release the contract out on the street; pre-award, where we perform many reviews to determine the lowest responsive, responsible contractor; and finally, award and registration, when we submit the contract to the Comptroller's office for approval. On average, procurement takes 7-10 months.

I'm not going to go into every step in the procurement process, but we included this slide to emphasize that a majority of the steps we follow are mandated by state and city laws, as well as citywide policies, as you can see by the boxes outlined in red. In total, 73% of the steps in the process are required by entities outside the Parks Department. It's important to recognize that this is the same procurement process that all other city agencies follow. It's not as if we do anything differently than DDC, DOT or DEP. In addition, the Mayor's Office of Contract Services has been working with Parks and other city agencies to alleviate some of the required steps in this process. We're very hopeful when all of their improvements are in place, we'll be able to move through it at a much faster pace.

Very often, we hear how much faster the School Construction Authority is able to do parks-related projects. This slide here shows a side by side comparison between Parks, a New York City agency and the SCA, which is a state authority and shows, particularly in procurement, how different we are and that it really isn't an apples to apples comparison. For a number of important reasons, all city agencies are subject to a variety of State and city rules and laws including the Procurement Policy Board rules, which include many procedural, notification and oversight requirements; Local Law 63, which requires us to advertise work that we intend to contract out to consultants; as well as reviews from oversight agencies like the Law Department and MOCS. The New York State Legislature granted the SCA specific exemptions from a majority of the laws, rules, policies and procedures that Parks, and all city agencies, are required to follow. In light of these exemptions, the SCA can plan, procure and award contracts much faster than Parks.

As I mentioned, we've really focused our improvement efforts in areas where we can realize the most change. Although we can't change rules and laws relating to procurement, we have been able to improve some aspects of our internal processes. We've ensured our internal legal review process moves as quickly as possible. We've also created a new system, built by in-house staff, to automate how we put our landscape architecture contract books together, which reduces this effort



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from two weeks to two hours. Not only have we saved significant time, but the contract books we release to the public are now more professional and accurate, reducing the need for us to issue addenda to the contract, potentially extending the solicitation. Finally, we're working to enhance the Parks webpage for our vendors. We hope in the near future contractors will be able to go directly to our website and download contract books and receive other information related to our projects, which will save time and money for everyone.

Finally, the last phase in the capital process is construction. After a contract is registered with the Comptroller, we set a start date, called the Order to Work, which starts the clock for construction. Our staff oversees subcontractor approvals; materials sample submittals; change orders and overruns; and payments. On average, construction takes 12-18 months, with a majority of our site work projects having a contract duration of 12 months, and the majority of our building projects having a contract duration of 18 months.

Similar to design, we've made a lot of headway in improving our construction process since we have more control over this phase of the process than procurement. One of the biggest impacts has been a sharp reduction in the number of change orders we approve during construction. Prior to Commissioner Silver's arrival, we would process a lot of design changes in construction. Now, with his mandate that we shouldn't move forward with change orders during construction unless it's a life safety issue, in addition to the fact that we're incorporating more comments from the public during the design process and producing better design documents, we've reduced our change orders by 78% between FY14 and FY16, from 407 to 90. We've also created a training for our construction staff. In fact, just this week we started our eight-week course led by our Deputy Chief of Construction that goes through the entire construction process from pre-construction planning through closeout. We've worked hard to improve our relationships with our contractors by increasing communication and lastly, we're in the process of creating written standard operating procedures for our construction process, similar to what we did in design.

I'd like to turn the presentation back to Commissioner Silver to talk about some of the early indications we are seeing that give us confidence these process improvements are having an impact.



Introduction

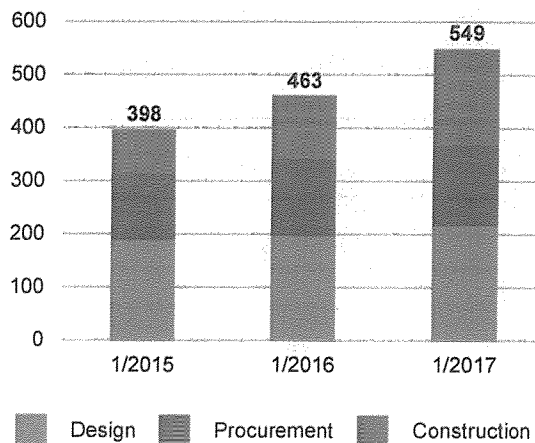
Currently, NYC Parks has **549 active projects** in design, procurement and construction, a **38% increase** from January 2015 (398).

NYC Parks is **streamlining** the capital process to improve

- communication
- transparency
- efficiency
- project delivery times



Active Capital Projects,
1/2015-1/2017



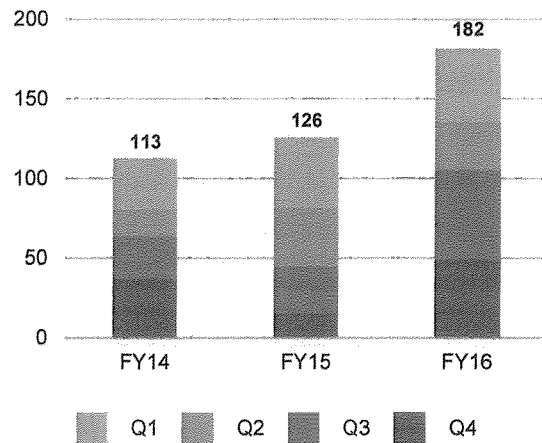
Procurement Statistics

In FY16, Parks bid out 182 construction contracts, 61% more than in FY14, and 44% more than in FY15.

We bid 106 contracts in 2nd half of FY16: nearly as many as FY14 total.



Construction Contracts Bid, FY14-FY16



Mary Whalen Playground, Forest Park/Woodhaven



Laureton West Playground, Cambria Heights

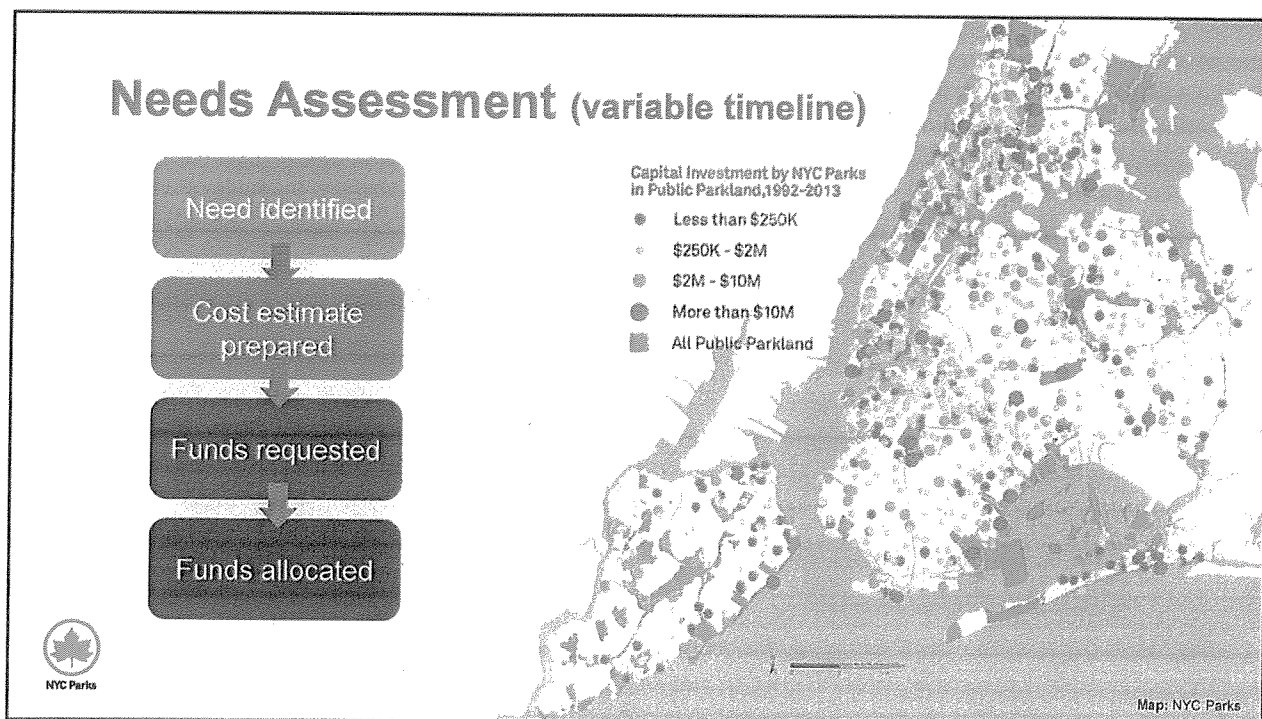
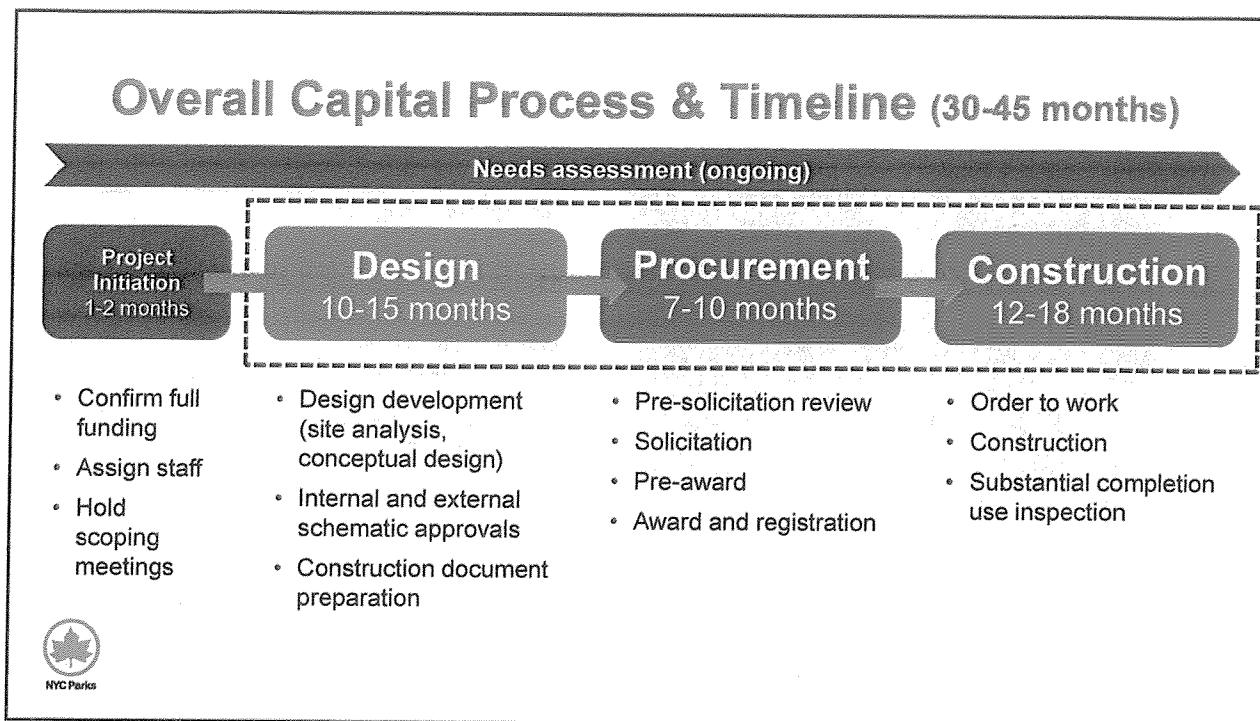


Crotona Pool, Claremont



Photos: NYC Parks

Washington Square Park, Greenwich Village



Needs Assessment Improvements



Boring machine taking soil samples from Epiphany Playground, Williamsburg

IMPROVEMENT	COMPLETED	IN PROCESS
Obtain expense funding for pre-design testing	✓	
Improve estimating process		→
Transform capital needs assessment system to enable Parks to determine priorities based on conditions data and cost-benefit analyses		→



Photo: TRC Solutions

Project Initiation (1-2 months)

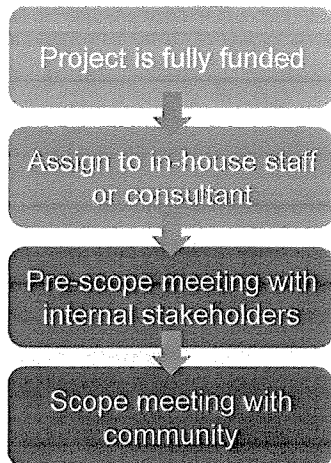
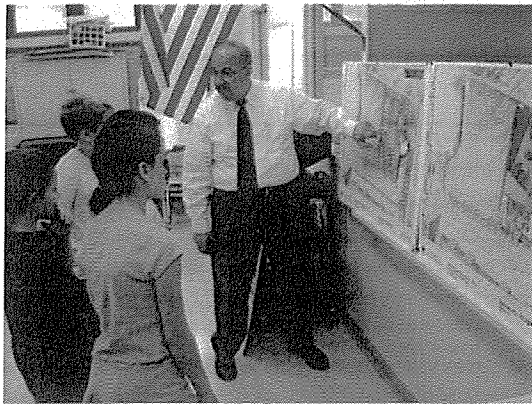


Photo: NYC Parks

Project Initiation Improvements



IMPROVEMENT	COMPLETED	IN PROCESS
Initiate a pre-scope meeting for every project	✓	
Establish standardized scope meeting process	✓	
Hold scope meeting only after project is staffed and fully funded	✓	
Increase communication to funders about project status	✓	
Start design process within 9 months of full funding		→
Hire 121 staff members (70 of 121 hired)		→

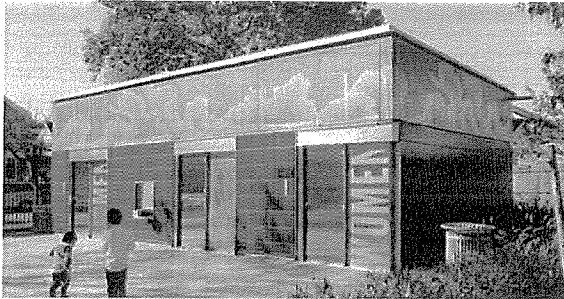


Photo: NYC Parks

Design Process (10-15 months)



Design Process Improvements



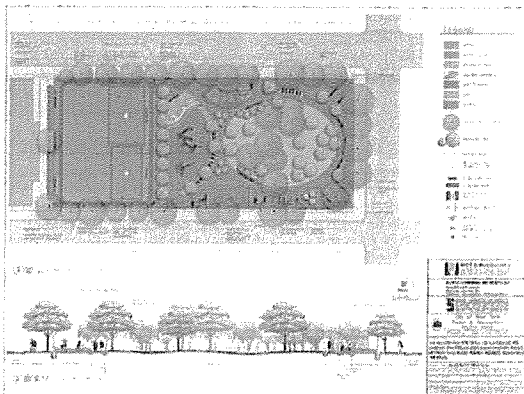
PS 197/Lannett Playground Comfort Station, Far Rockaway

IMPROVEMENT	COMPLETED	IN PROCESS
Reduce internal design review meetings from five to two	✓	
Increase use of standard templates	✓	
Write standard operating procedures	✓	
Establish monthly "red zone" meetings to receive Commissioner-level assistance on stalled projects	✓	
Hold interagency coordination meetings with DEP, DOT, DDC	✓	



Photo: NYC Parks

Design Process Improvements: PDC



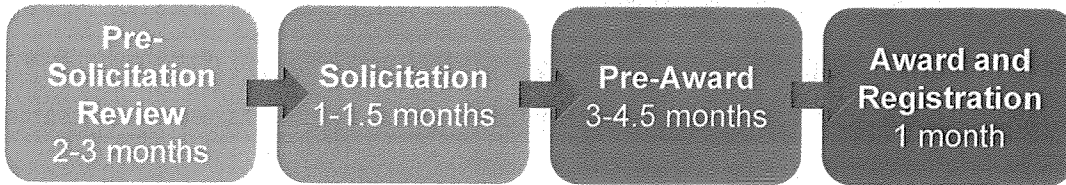
PS 100/Story Playground, Soundview

IMPROVEMENT	COMPLETED	IN PROCESS
Present design philosophy on key features (e.g., green infrastructure, comfort stations) to get buy-in	✓	
Minimize documentation required for submissions	✓	



Image: NYC Parks

Procurement Process (7-10 months)



- Parks legal review
- NYC Law Department legal review
- Schedule for bid

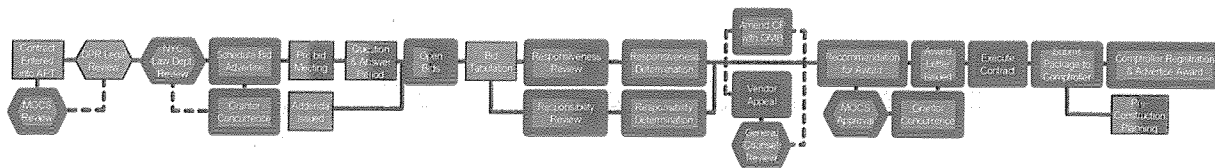
- Pre-bid meeting
- Question and answer period
- Open bids

- Responsiveness/Responsibility review and determination
- Vendor appeal (if applicable)
- Recommendation for award
- Award letter issued

- Vendor executes contract
- Agency submits package to Comptroller
- Comptroller registration

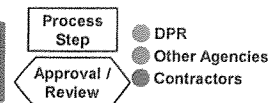


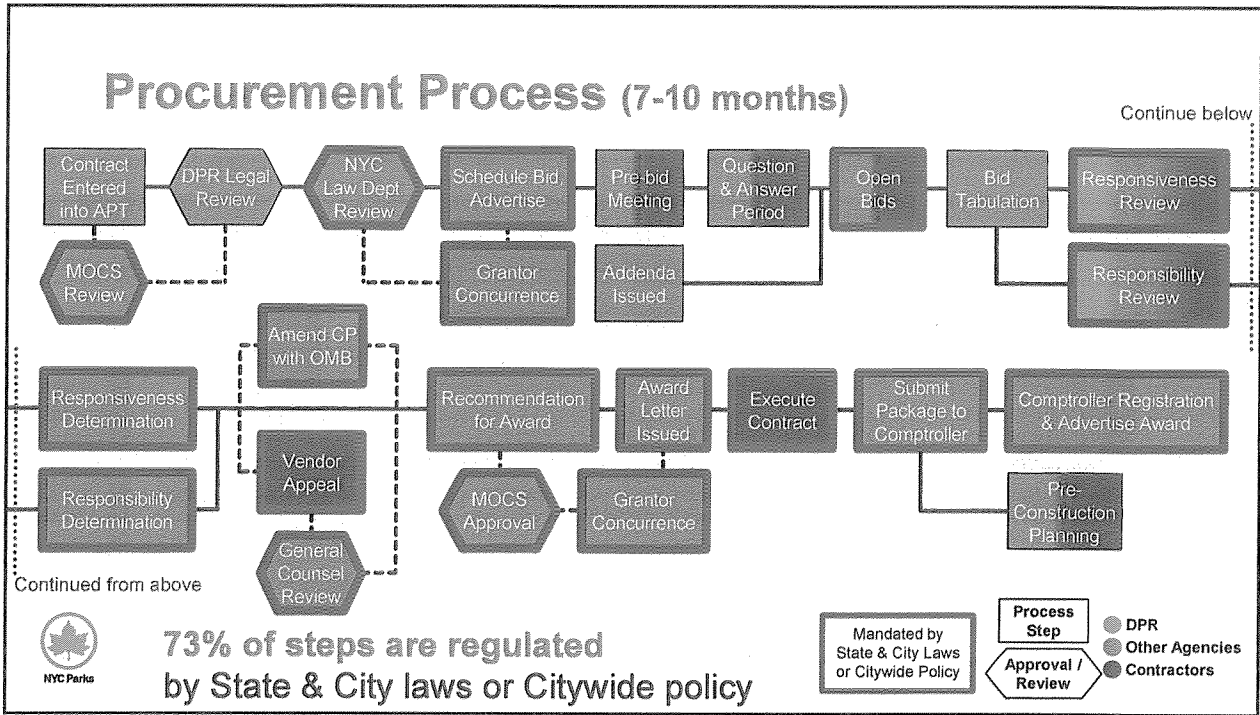
Procurement Process (7-10 months)



73% of steps are regulated by State & City laws or Citywide policy

Mandated by State & City Laws or Citywide Policy

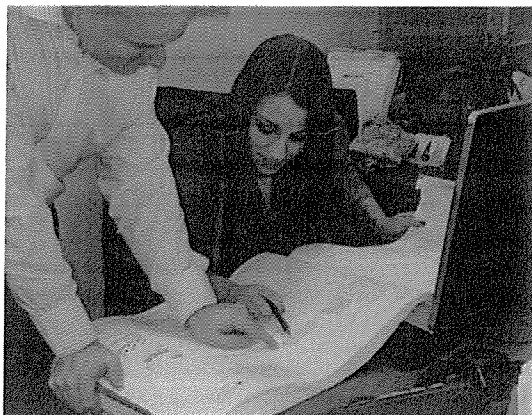




Procurement Process Comparison

	Parks City Agency	SCA State Authority
Oversight Reviews		
MOCS Review	X	
Law Department Review	X	
Governing Procurement Rules		
Procurement Policy Board (PPB) Rules	X	
General Municipal Law Section 103 (competitive sealed bidding)	X	
Local Laws and Labor Initiatives		
MWBE Local Law 1	X	
Construction Labor Initiatives	X	
Local Law 63 (contracting out)	X	
Budget		
Private funds		X

Procurement Process Improvements



IMPROVEMENT	COMPLETED	IN PROCESS
Set up contract review system to ensure timely review of contract books	✓	
Automate contract book assembly (down from 2 weeks to 2 hours)	✓	
Enhance marketing & outreach to potential vendors via the Capital Projects Opportunities webpage		→

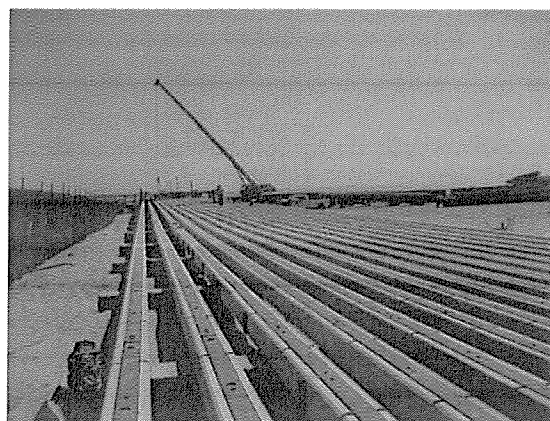


Photo: NYC Parks

Construction Process (12-18 months)

Construction
12-18 months

- Order to work date (start of construction)
- Construction supervision
 - Subcontractor approvals
 - Submittals
 - Change orders and overruns
 - Payments
- Use inspection (official end of construction)

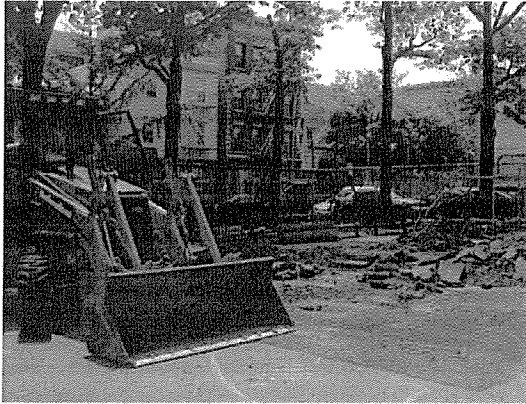


Rockaway Beach Boardwalk



Photo: NYC Parks

Construction Process Improvements



Ciccarone Park, Belmont

IMPROVEMENT	COMPLETED	IN PROCESS
Sharply reduce change orders during construction	✓	
Establish training program for resident engineers	✓	
Improve outreach and relationships with vendors		→
Write standard operating procedures		→



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Photo: NYC Parks

Impacts of Capital Project Improvements

54

days shaved off the design process on average from FY15 to FY16

83%

of design projects are now approved in the first submission to PDC, compared to a 20% approval rate several years ago

2

hours is all it takes to put a contract book together with our new automated system, built by in-house staff. It used to take two weeks (70 hours), a 97% reduction

\$91M

awarded in prime contracts to M/WBE firms in FY16, ranking us #2 in the city



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Impacts of Capital Project Improvements

78%

reduction in the number of change orders in our construction projects (from 407 to 90) from FY14 to FY16

23%

of construction projects were completed early (more than 30 days prior to their scheduled completion date) in FY16

99

day average reduction in construction time from FY15 to FY16

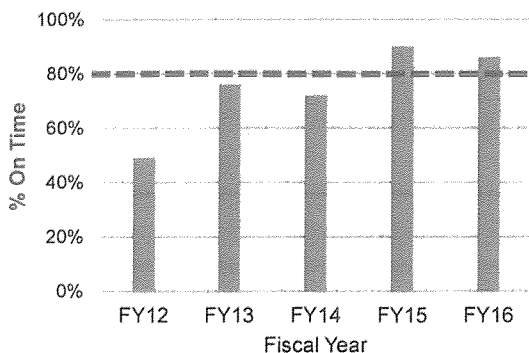
101

construction contracts registered in FY16, more than DOT (27), DEP (32) and NYPD (16) combined. Only DDC has a comparable volume, with 147 construction contracts registered

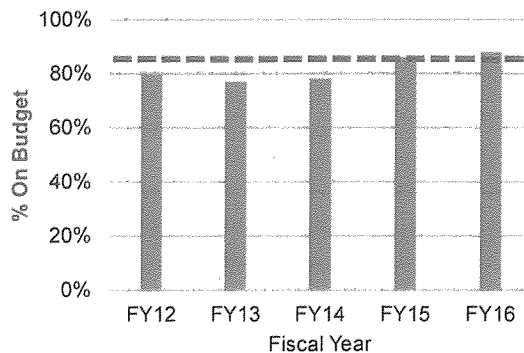


Mayor's Management Report Statistics

% Projects On Time or Early (80% target)



% Projects On Budget (85% target)



Additional Improvements: Capital Tracker

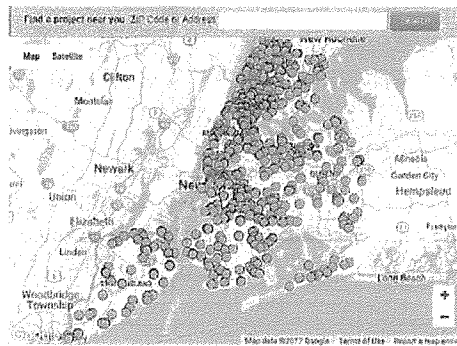
Capital Project Tracker

In order to invest in the care of our parks, we must regularly re-evaluate and rebudget our city's parks and facilities. There are more than 400 active projects being done at any time in parks throughout the city, ranging from improvements to parks, playgrounds, and greenways, to renovations of ball fields and recreational facilities, to restoration efforts for beaches and boardwalks. Learn more about projects taking place near you, and find out the current status of a project.



How We Build Parks

Visit our [How We Build Parks](#) page to learn more about the three main phases of the city's capital process and how a project becomes eligible for capital funding.



- Provides daily updates on all active, proposed, completed and partner projects
- Viewed **255,571** times since October 2014 launch
- Increased accountability and transparency

How You Can Help

- Prioritize funding for **state-of-good-repair** projects
- Seek **formal cost estimate** from Parks before allocating funding
- Share and **publicize Parks meetings and resources**, including scope meetings and online capital tracker, with constituents
- Evaluate how **existing local laws and proposed legislation** affect capital projects





Our Accomplishments

- 54 days shaved off design process on average
- 83% approved at PDC in first submission
- 2 hours instead of 2 weeks for contract books
- \$91M in M/WBE prime contracts
- 78% reduction in change orders
- 23% construction projects finished early in FY16
- 99-day average reduction in construction time
- 101 construction contracts registered in FY16
- 255,571 visits to online project tracker

Parks



**New York City Council Committee on Parks & Recreation
Hearing on Int. 0407-2-14 & Int. 1340-2016, Relating to Capital Projects Implemented by
NYC Parks
January 19, 2017
Lynn Kelly, Executive Director**

Good afternoon, my name is Lynn Kelly, and I am the Executive Director of New Yorkers for Parks. I want to thank the City Council Committee on Parks and Recreation for inviting us to speak on this important issue today. As the citywide, independent advocate for parks and open spaces throughout New York City, the process of capital improvements in parks has long been of great interest to us.

It is clear that the two pieces of legislation up for consideration today reflect a deep frustration with the process of capital improvements – a frustration we believe is shared by everyday New Yorkers, members of the City Council, and the agency itself. In 2014, New Yorkers for Parks and Public Works Partners undertook a detailed survey of the process of capital projects management as it related to not just the Parks Department, but other city agencies that complete capital construction projects. Our findings showed that other city agencies were often able to execute capital projects more quickly, nimbly, and under-budget than Parks. These findings shaped a set of recommendations to NYC Parks that we are proud to say have had real impacts on how the agency manages this process. It is worth noting that the nature of parks make them inherently more challenging to improve – there are simply more stakeholders, more varied kinds of construction projects, and a procurement system beyond the agency’s control that result in some of the frustrations we’ve heard expressed today.

We want to commend NYC Parks on the changes it has implemented regarding the capital process. Many of these changes have made the process more transparent to the public, such as the development of the Parks Capital Tracker tool. This tool provides an invaluable service to the public in terms of understanding the process of how parks get built; what phase a specific project is in at any given time; and when folks can expect to see their park projects completed. We would encourage NYC Parks to make this tool more readily

available to the public through the home page of the NYC Parks website, as it is not currently apparent where to find this tool within the site. Recent Mayoral and Council funding commitments to the capital division at Parks have also allowed the agency to build the ranks of staff, which has also resulted in a more streamlined capital process. It is our understanding that Parks has made strides in fostering a greater sense of staff accountability and empowerment within the capital division, while also minimizing the implementation of change orders.

Regarding today's legislation specifically, we recognize the need for more clarity about where things stand in the capital process, especially in light of the significant funding commitments made by Councilmembers citywide to improve parks in their districts. We do have some concerns that both pieces of legislation may have the unintended effect of slowing down the overall process by adding another layer of required reporting, without funding to provide additional staff to take on these tasks. We would encourage the Council to examine ways it can help push for more robust cross-agency collaboration in the capital process, which we feel would go a long way toward minimizing the length of time it takes for a capital project to be completed. One recommendation would be to encourage the city to consider how it can best facilitate relationships with the common pool of design and construction firms that work across capital agencies. As it stands now, each agency has its own internal process and approach to creating bids and managing its vendors, many of which are shared across agencies, rather than sharing systems or leveraging each other's experience. More effective cross-agency collaboration at this level would have the effect of addressing some of the concerns brought forth in today's legislation.

New Yorkers for Parks looks forward to working with both the Council and NYC Parks on continuing to reform the system of capital projects. Thank you for the opportunity to speak, and I welcome any questions you might have.

###

For over 100 years, New Yorkers for Parks (NY4P) has built, protected, and promoted parks and open spaces in New York City. Today, NY4P is the citywide independent organization championing quality parks and open spaces for all New Yorkers in all neighborhoods.
www.ny4p.org



**Testimony of Denise M. Richardson, Executive Director
The General Contractors Association of New York
NYC Council Committee on Parks and Recreation
Hearing on Intro 0407-2014 and Intro 1340
January 19, 2017**

Good afternoon. Thank you for the opportunity to testify on Intro 407 and Intro 1340. I am Denise Richardson, Executive Director of the General Contractors Association of New York. The GCA strongly supports both of these bills.

The GCA represents the city's unionized heavy civil and public works contractors that build and rehabilitate the city's parks, roads, bridges, water and wastewater network and other public facilities. Our 300 members work both as prime and as subcontractors, and include multi-generation family owned businesses, MWBEs, and large nationally known contractors. Regardless of the size of the company, our members all have one thing in common: we all grew up in New York and the city's park system was our backyard. Like the GCA members, I too, consider the Parks to be my backyard, and I can be found at some point on every weekend at Astoria Park. From our members that created Flushing Meadow Park out of a former landfill, to our current members who are doing the same with Fresh Kills Park, the Parks Department capital program was at one time the hallmark of our work as public works contractors.

While it would be easy to attribute the erosion of our Parks Department work to our members simply being outbid by other contractors, the reality is much more complex. Poor project designs, a cumbersome departmental project management structure, difficulties getting payments and change orders approved and an overwhelmingly adversarial mindset on the part of the Parks field staff have led our members to seek bidding opportunities with other public agencies.

As union contractors, the GCA members and our subcontractors pay prevailing wages every day. Every contractor that works as a subcontractor to a GCA member on any project participates in its affiliated union apprenticeship program. On every job, our members' attention to safety is paramount to getting a job done. We cannot compete in an environment where these same standards are not enforced across all contractors bidding on work. Submitting a responsive bid is a time-consuming undertaking. When a responsible contractor submits a bid, it is after an extensive analysis and development of a plan for how that

contractor will execute the work to keep the project on time and on budget. In too many instances, Parks projects have been awarded to firms that uphold none of these standards. It is noteworthy that the Citywide Performance Indicators in the most recent Mayor's Management report show a 9% decline in the number of Parks capital projects completed on time or early.

For you as council members, as well as for the Mayor's office, an effective Parks Department capital program is one of the ways that government can demonstrate to the public that it is operating efficiently. When a family goes to a park and sees new ballfields, a new playground or a new bike path, it gives everyone a feeling of safety, pride in their surroundings and a feeling that the city as an institution is looking out for them. It is for these intangible, but important, reasons why the Parks Department capital program is so vital to the fabric of New York. I am sure that many of your constituents' questions are about their local parks and the status of various projects.

The two pieces of legislation that you are considering today will do two things. First, they will enable you to have more contemporaneous information about the status of the projects in your districts. Second, they will provide a level of fiscal accountability for the projects. These are worthy goals.

We do, however, have a concern about how a notification of a change order will be interpreted. The capital projects have a lifespan of 30 years or more, so it makes sense to address unanticipated issues while the project is being constructed. Many change orders result from requests by the community to add additional benches or water fountains. Change orders also often result from unanticipated conditions that need to be addressed for safety reasons such as moving a playground gate away from the entrance to a bike path. There are also instances where changes are made because of conditions that were overlooked during the design, and these changes can often lead to significant cost increases and project delays. It is important to understand why the change is needed, and not just that a change is occurring.

We appreciate your attention to the issue of contractor payments. This has been an ongoing issue with the Parks Department and has had the unfortunate impact of having driven contractors into bankruptcy and putting them out of business. The provisions of Intro 1340 will improve the accountability within Parks for its payment process and will add a measure of fairness to the contractor-agency relationship.

Thank you for the opportunity to comment today. We look forward to working with you and the Parks Department to improve the delivery of the Parks capital program.

TESTIMONY OF:

Lowell Barton, Vice President and Organizing Director, Laborers' Local 1010

for

**Hearing before The New York City Council
Committee on Parks and Recreation**

January 19th, 2017

Laborers' Local 1010 is the premier Paving and Road Building Union of New York City. Our members work together to build streets, bridges and highways throughout the five boroughs of NYC. Local 1010, an affiliate of the NYS Laborers', representing 40,000 men and women across the state, is a proud affiliate of the Laborers' International Union of North America (LIUNA). I would like to thank the City Council Committee on Parks and Recreation, and Chair Mark Levine for holding this hearing today as well as Council Member Torres for introducing legislation to ensure accountability and transparency of NYC agencies, especially the Department of Parks & Recreation, regarding regular updates to Council Members on the status of each phase of those projects. Capital project delays in parks prevent community members from using NYC parks for months and sometimes years at a time.

Lack of Accountability & Transparency

The New York City Department of Parks and Recreation Fiscal 2016 Capital Budget totals \$803.2 million and includes \$298.9 million for large, major and regional parks reconstruction, \$380.9 million for neighborhood parks and playgrounds, \$57.2 million for land acquisition and tree planting, \$3.2 million for beaches and boardwalks, \$49.8 million for major recreation facilities, \$9.3 million for vehicles and equipment, and \$3.9 million to support the City's zoos¹.

With millions of dollars in Executive and Capital funding, the Department of Parks and Recreation (DPR) must ensure accountability and transparency to the public on the hundreds of projects overseen by their agency. Community members and elected officials fund these projects

¹ <http://council.nyc.gov/html/budget/2016/ex/dpr.pdf>

that sometimes take months and even years over initially estimated timelines. While it is understandable that construction, reconstruction, and renovations, take time, project changes and delays of projects in any community must be recorded and shared with the public in a timely manner. **Laborers' Local 1010 and the New York State Laborers' Union supports Introduction 1340, which would provide regular updates to Council Members who fund capital projects in parks, on the status of each phase of those projects (e.g. starting date, completion date, delays, design alterations, etc.) and notification to a contractor when it has denied payment for work done by such contractor on a park capital project, including the reasons for such denial and the process for the contractor to satisfactorily complete the project and receive payment.**

New York City must protect the public from the devastating results due to the lack of accountability and delays of DPR to provide timely and safe projects to community members. For this reason, Laborers' Local 1010 and the New York State Laborers' applauds the steps NYC Council members are taking to better alert community members of any delays and to hold DPR accountable on their projects, deadlines, and safety measures.

Active and Completed Capital Project Delays in DPR

In 2013, the New York City Comptroller found half of NYC park capital projects were behind schedule. The Audit Report on the Department of Parks and Recreation's Oversight of Capital Projects highlights the tremendous delays that NYC DPR Capital Projects can have with delays ranging from 1 day to 1,181 days (roughly 3 years, 3 months), pp. 33- 35. A brief overview of the projects lists on the DPR capital tracker show not much has changed since the 2013 audit report.

Of the 30 "city-wide" projects listed as completed on the DPR capital project tracker, 28 have some sort of delay ranging from 2 to 31 months. Additionally, of the first 22 "active" projects listed as being in the Bronx on the DPR capital project tracker, 19 have delay ranging from 1 to 37 months. While this does not include all of the current active projects in that borough, we are confident that further research would expose similar result.

Finally, of all of the projects pulled from Capital Project tracker during the Week of Dec. 19th, 2016, 58 had delays ranging from 1 month to 24 months. Why should council members continue to allocate funds to DPR, or should communities trust in an agency that is not meeting their own deadlines set forth?

Lack of Appropriate Vetting

Unfortunately, while delays are an issue, there are worse outcomes due to the lack of accountability and transparency of DPR. DPR often fails to accurately vet awarded contractors to ensure they are abiding by the law and do not have a history of noncompliance.

In the aftermath of Hurricane Sandy, the Department of Parks and Recreation hired Carlstadt, N.J.-based RML Construction to remove trees on Richards St. near Pioneer St. in Red Hook, located in Council Member Menchaca's District. The city contract rules required the firm to use four-person crews, including a foreman, for the removal of a street tree. The company admittedly used only two men. In addition, the area was not properly secured with cones and tape, as the city also requires, and there was no DPR oversight. The failure to comply resulted in the death of 48-year-old Jin An Liu. This tragedy could have been prevented with the following of proper protocol.²

Congresswoman Nydia Velázquez, shortly after the incident, also made a statement expressing her concern. The Congresswoman questioned whether the contractor had followed safety protocols that might have prevented Liu's tragic death³. The NYS Laborers' have submitted a detailed FOIL request to collect all the information pertaining to this case to ensure faulty contractors are held accountable for their actions. Initially, FOIL requests received show that no comprehensive investigation had been conducted following the incident and that no form of standard safety protocols had been instituted. Contractors, such as RML Construction, who are

² Venugopal, Nikhita. 2015, November 18. Red Hook Delivery Man Dies From Injuries After Being Struck by Tree Branch. Retrieved from <https://www.dnainfo.com/new-york/20151118/red-hook/red-hook-delivery-man-dies-from-injuries-after-being-struck-by-tree-branch>

³ Venugopal, Nikhita. 2015, November 18. Red Hook Delivery Man Dies From Injuries After Being Struck by Tree Branch. Retrieved from <https://www.dnainfo.com/new-york/20151118/red-hook/red-hook-delivery-man-dies-from-injuries-after-being-struck-by-tree-branch>

hired by the Department on Parks, and who do not follow city requirements, are putting pedestrians' and workers' lives at risk.

Most troubling regarding this incident is that prior to the accident, I alerted employees at NYC DPR of the potential for danger on multiple sites run by RML Construction. These emails sent between July 15, 2015 and September 16, 2015 express concern for the safety of workers on the job site and surrounding pedestrians. I included photographs I took myself of safety hazards on and surrounding the job site. Despite RML's poor safety record and provided evidence, the DPR allowed them to continue work on other jobs ultimately resulting in the death of a New Yorker.

Additionally, K & S Contracting, also awarded contracts through the Department of Parks and Recreation, were found to have violated Labor Law section 220 by willfully failing to pay 36 of its workers the prevailing wage rate of wages and benefits on public works projects, falsified payroll documents, and employed kickbacks of wages to avoid paying the prevailing wage. According to the recent OATH decision, K & S Contracting now owe 3.2 million dollars to their workers. K & S was awarded a quarter mile bike path along the Bronx River known as the Bronx River West Farms Park Bike Path, located on the borders of Council District 15 and 17. This project, originally began construction in 2008 saw significant delays. The project award was originally awarded at \$1.8 million. This project was expected to take 1 year but was put on hold. Since then, K & S Contracting Corps. was investigated for the allegations listed above. The project was posted again in 2014 through DPR and is still currently in the procurement process.

I believe K & S workers would have lost less of their wages if we had the proper documentation to flag this case earlier. Unfortunately, because of the long turnaround to receive the FOIL information I made for the certified payroll to the Department of Parks and Recreation and the Department of Design and Construction (DDC), this was not possible. Proper vetting of contractors will weed out bad actors who skirt the law and pose a higher risk to community members and workers.

Conclusion

In conclusion, introduction 1340 will begin the process of ensuring the Department of Parks and Recreation follow a transparent process and are accountable to City Council member and community members. As a member and Vice President of a 1,700-member construction local, it is imperative that the agency overseeing the timely process of capital projects prioritize integrity and safety on all job sites. Thank you for your consideration of our comments. We look forward to continuing to work with the Council to create meaningful accountability in our City.

**Testimony of Klari Neuwelt
On Behalf of Community Board 7/Manhattan
Regarding Intros 0407-2014 and 1340-2016
New York City Council, January 19, 2017**

I am Klari Neuwelt, Chair of the Parks & Environment Committee of Community Board 7/Manhattan. We support Intros 0407-2014 and 1340-2016, both of which require updates on DPR capital projects to Council members who have secured funding for those projects.

However, we also strongly urge that the bills be amended to require the same notice at the same time to the Community Board in whose district the projects are located.

The identification of the need for a DPR capital project, the securing of funding, and the planning and the construction most often involve a three-way collaboration among elected officials (most often, but not always, the local Council member or members), the Community Board and DPR. For example, CB7 develops its annual list of capital priorities for DPR projects in consultation with DPR staff. CB7 then actively works with our Council members and other elected officials to have funds allocated for projects that we have identified as priorities.

CB7, through our Committee, also tries, as best we can, to monitor and support the progress of capital projects from the time when funds are allocated through their completion. However, a large percentage of such projects for which funds have been allocated take years from that point until completion, even under the smoothest of circumstances. Even worse, in many instances, the bids from contractors come in over the amount that is allocated and available, a situation that may be exacerbated by DPR's combining numerous otherwise unrelated projects in one bidding package, as it often does, leaving one or more high priority projects in limbo for long periods. Sometimes, as a result

of bids that are too high, or for other reasons, the plans shown to CB7 for approval are modified along the way, either prior to contract or by change order after construction is under way. Even if plans are not changed, there are often long delays during the course of construction. We may think that a project will be completed within the announced schedule, and have notified our communities accordingly, only to discover that construction has not even started, or is way behind the projected schedule.

It is often, through our own commitment to following the progress of these capital projects and our own diligence, that we learn from questioning DPR, and not the other way around, about a problem or delay with a project. We sometimes make these discoveries well before the elected official who allocated funds receives the same information. In some cases, it has been CB7, and not DPR, that has first told the relevant elected official about a funding or other problem with a DPR project.

Knowing how DPR capital projects are progressing, and the reasons for delays or other problems, is essential to our ability adequately to represent our communities. It also facilitates the healthy three-way collaboration among the Community Board, the elected official and DPR. Accordingly, we strongly urge that these bills be amended to require that the affected Community Board or Boards receive the same notice, at the same time, as the Council member. And, of course, if, for instance, the Borough President has allocated funds, as has been true for numerous projects in our District, that elected official should also receive notice.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/19/17

(PLEASE PRINT)

Name: _____

Address: Michael D' Ambrosio

I represent: Agency Chief Contracting officer,

Address: DEPT. PARKS & RECREATION

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/19/17

(PLEASE PRINT)

Name: Asst. Commissioner John Luisi

Address: for Agency Compliance

I represent: DEPT. OF PARKS & RECREATION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Denise Richardson

Address: 60 EAST 42 ST NY NY 10065

I represent: General Contractors Assoc.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1.19.17

(PLEASE PRINT)

Name: Lynn Kelly

Address: 55 Broad St.

I represent: New Yorkers for Parks

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Klari Newweit

Address: 330 W 72nd St NY NY

I represent: CB 7 / Manhattan

Address: 250 W 87th St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: FAY D. HILL

Address: 182-05 145th Drive

I represent: Volunteers for Springfield

Address: P.O. Box 301295 Jamaica NY 11435

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Lawell BARTON (PLEASE PRINT)

Address: 167-40 95 Street Jamaica NY

I represent: LOCAL 1010

Address: 1720 Whiteside RA/Ryan

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/19/17

(PLEASE PRINT)

Name: _____

Address: MITCHELL SILVER

I represent: DEPT of PARKS and RECREATION

Address: Commissioner

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/19/17

(PLEASE PRINT)

Name: _____

Address: MATT DRURY

I represent: DIR. of GOV'T RELATIONS

Address: Dept. Parks and Recreation

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: _____

Address: THERESE BRADDICK

I represent: DEPUTY COMM. for CAPITAL Projects

Address: DEPT. of PARKS and RECREATION

Please complete this card and return to the Sergeant-at-Arms