NYC Department of Transportation Testimony Before the City Council Committee on Transportation and Infrastructure June 10, 2025

Good morning, Chair Brooks-Powers and members of the Committee on Transportation and Infrastructure. I am Paul Ochoa, Executive Deputy Commissioner of the New York City Department of Transportation, and I am joined by Dawn Harrison, Director of Design and Procurement Planning in our Bridges division. Thank you for the opportunity to testify on behalf of Mayor Adams and Commissioner Rodriguez on DOT's use of Design-Build.

Aside from the projects DDC is delivering for DOT, for Streets, Pedestrian Ramps, and Facilities, the agency is also managing several projects using this innovative delivery tool.

In our Bridges division, the team is currently advancing its first three Design-Build projects. This includes the replacement of four Belt Parkway bridges in Brooklyn and the replacement of two bridges over Metro-North Railroad at East 183rd Street and East 188th Street in the Bronx, which are both federally funded, as well as renovations to the 191st Street pedestrian tunnel in Manhattan. These projects follow a best-value approach to ensure that the City receives the highest quality through an efficient and transparent process. To support these efforts, DOT has engaged an Owner's Representative to provide procurement support and post-award quality assurance for the agency. These projects will be done in close coordination with the New York State Department of Transportation and the Federal Highway Administration, ensuring alignment with oversight requirements and national best practices.

In our Ferries division, we have a Design-Build project to flood-proof several of our facilities and enhance climate resilience at Whitehall Terminal, St. George Terminal, and the Ferry Maintenance Facility by implementing a combination of dry and wet floodproofing measures, including barriers, watertight doors, check valves, and equipment elevation or protection. These measures are designed to safeguard critical infrastructure and assets including electrical, mechanical, and computerized systems vital to the operation and maintenance of the Staten Island Ferry. We're working to wrap up procurement and anticipate beginning work in the first quarter of 2026.

In conclusion, Design-Build has the potential to improve how we deliver major infrastructure in New York City—streamlining processes, encouraging innovation, and delivering projects faster. Thank you again for the opportunity to testify before you today. We now welcome any questions.



Design-Build Hearing

Department of Design and Construction Thomas Foley, Commissioner June 10 **2025**

New York City Council Committee on Transportation and Infrastructure Good morning, Chair Brooks-Powers and members of the Committee. I am Thomas Foley, Commissioner of the NYC Department of Design and Construction (DDC), and I'm very pleased to be here today to discuss our successful and growing design-build program. Joining me at the table today are Yvi McEvilly, DDC's Assistant Commissioner who manages the Alternative Delivery program, and our colleagues from the New York City Department of Transportation.

SLIDE 1

To help explain and visualize some of the contacting and construction ideas that we're going to discuss, I'm happy to share a slide presentation that I will narrate.

SLIDE 2

First an overview of what design-build is and how we've fought for the right to use it.

The ability to use design-build has been granted to us and other City agencies in a piecemeal fashion by Albany, first in 2018 for the Borough-Based Jails program; in 2019, wider usage was authorized under the Public Works Investment Act. And just a few months ago, we received clearance to use another form of design-build called progressive designbuild for resiliency infrastructure projects.

Under the traditional system of lowest bidder contracting, also known as design-bid-build, we contract with a designer. That's one procurement period. Then, once the design is complete, which could take a few years depending on the scope of the project, we stop everything and engage in another lengthy procurement period to hire a contractor whose main qualification is that they submitted the lowest bid.

No construction – not even site preparation or something simple like foundation excavation – can begin at the project site until the contractor is on board and ready to mobilize. And once the contractor is on board, they have to deliver on a design that they had no input in creating. There's essentially a wall between the designer and the contractor. They are two separate business entities with no incentive to work together to innovate or to problem-solve.

This inevitably leads to conflict. When an unexpected condition arises, which happens on almost every project, the contractor and the designer

blame each other, and we, as the City, are left to negotiate between the two and sort out the pieces.

Under design-build, the designer and the contractor partner together as one team in a common business relationship. They work together from the start of the design process to innovate and make sure the design is buildable, while problem solving when issues arise in the field. And, because everyone's on board at the same time working on the same schedule, we can start work before the design is even finished.

SLIDE 3

This shows a typical lowest bidder timeline vs. a design-build timeline. Everything in the lowest bidder process is linear – one phase of the project has to be completed before we can start the next. With designbuild, what we often call "alternative delivery," there's better planning at the start of the project and phases of the project can overlap.

SLIDE 4

Another benefit of design-build is the ability to select a team on the basis of best value as opposed to just a lowest bid. We are also able to

weigh factors related to a team's ability to achieve disaggregated M/WBE goals of 30% for both design and construction.

Now, when we receive bids, we have to hope that the lowest one is from a good contractor who we want to work with. The fact is that some are better than others, but the lowest bidder process doesn't allow us to effectively evaluate companies on that basis. As long as a bidder meets some minimum qualifications and has the lowest bid, we are required by law to give them the contract.

With design-build, there's much more planning before the work starts, including a qualifications process, the creation of a shortlist of typically three qualified teams, followed by an RFP that those qualified teams can respond to and be evaluated on. This gives us much more flexibility to select the teams that can create the best projects for the people of New York. We don't have to pick just based on the lowest price; we can pick the team that offers the best value for taxpayers with a track record of delivering.

SLIDE 5

Because of the appropriately large amount of prep and evaluation that goes into the design-build selection process, we have limited resources to deploy design-build. So, then we have to ask, which projects are ideal for design-build?

Ideally, we'd have a project that has a well-defined and agreed upon scope from the beginning, since the team is going to move very quickly once they're under contract. And of course, we prioritize projects that are on tight timelines with high demand.

SLIDE 6

On the other hand, there are some projects that are more difficult for design-build. Renovation projects without a clean slate don't suit design-build, nor do projects without defined end-users. The need to acquire property to complete the project or lengthy pre-approval processes with outside timelines and entities can also be challenging.

SLIDE 7

I discussed earlier the legislative history of design-build in City government. Since we started, we've hit some significant milestones,

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including the completion of the Queens Garage behind Borough Hall for DOT, our first-ever design-build project. It was completed in 2023 in just 22 months, less than half the time we could have done it with lowest bidder contracting. Just a few months ago, we completed a maintenance center for Parks at Orchard Beach, where we saved 2.6 years. And for each of the projects, we estimate a ten percent cost savings.

SLIDE 8

I am very proud to announce that we have a successful and growing program with the potential to completely transform how City government builds. Outside of the Jails program, we have 14 ongoing projects.

SLIDE 9

This is the Orchard Beach Maintenance and Operations Building, funded by Parks, that I mentioned. It was substantially completed this April with a time savings of 2.5 years versus lowest bidder contracting and cost savings of \$3.45 million.

SLIDE 10

The \$141 million Shirley Chisholm Recreation Center in Brooklyn was designed by the world-renowned design firm Studio Gang. It will be substantially completed next month, 2.9 years faster than what would have been possible before. This is a picture of the pool on the bottom right, which will be filled in the next few weeks.

SLIDE 11

The Rockaway Operational Headquarters we're building for Parks in Queens is on track to be completed 1.8 years faster using design-build.

SLIDE 12

The Mary Cali Dalton Recreation Center on the north shore of Staten Island is a \$92 million project that will be completed about 3.1 years faster.

SLIDE 13

The Marlboro Agricultural Education Center in Brooklyn is on track to be completed 1.8 years faster.

SLIDE 14

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The \$128 million Brownsville Multi-Service Center is scheduled to be completed 2.3 years faster.

SLIDE 15

And on Lexington Avenue adjacent to Grand Central, our first designbuild infrastructure project is trimming an estimated three years off its schedule using design-build.

SLIDE 16

We continue to expand our program and have recently issue a Notice to Proceed to the design-builder for the new Roy Wilkins Recreation Center in St. Albans...

SLIDE 17

...and also, for the creation of six Parks restrooms, including in Brookville Park, which traditionally have been very difficult to construct under the City's contracting and procurement rules.

END SLIDES

Conclusion

I hope this has been helpful to you, and I hope that you see the promise that design-build holds for the future of City construction. м • •

After years of advocacy to secure the right to use design-build, DDC has aggressively applied it in a way that has us on track for numerous successes. And we plan to keep going. This is just the beginning.

On a personal note, at the beginning of 2025, I was honored to be named Chair of the National Board of Directors of the Design-Build Institute of America (DBIA). So, we are gaining national recognition as well.

Thank you, and we'd be happy to answer any questions.



NYC DDC's Implementation of Design-Build Processes

New York City Council Hearing, Committee on Transportation and Infrastructure

June 10th, 2025

Eric Adams Mayor Thomas Foley, P.E. Commissioner

Design-Build Overview



Authorized under the **Public Works Investment Act**, Design-Build allows DDC to award a contract to a **single**, **integrated team** – fostering purposeful collaboration to deliver high quality projects.

Design-Build: DDC contracts with a single entity – a design-builder – to design and build the project, usually via best value selection.

In Contrast To...

Design-Bid-Build: DDC contracts with a designer to fully design the project, then separately contracts with a contractor or multiple contractors to build the project, usually via low-bid award.

Design-Build Overview





Design-Build Overview Delivering on our goals (what works)

- High-quality design that prioritizes project excellence
- Team coordination and collaboration
- Qualitative, best value selection of design-builder
- Construction expertise during design
- Design expertise during construction
- Cost-effectiveness
- Efficient and expedited schedule





Project Selection Ideal characteristics of a Design-Build project

- All stakeholders, including end users, can be engaged early.
- Project requirements can be defined upfront in the planning stage.
- Sponsor agency is prepared to make decisions and stick with them.
- Limited third-party interference is anticipated.
- Schedule is a priority.
- Funding source is compatible.

Project Selection Suboptimal characteristics of a Design-Build project

- Not all stakeholders can be identified and engaged early on.
- Extensive third-party interference is anticipated.
- Property acquisition is required.
- Funding source is incompatible.



DDC's Design-Build Program



For decades, DDC was stuck in an antiquated design-bid-build system. We advocated to change the law. **And we got to work.**

2018 NYS law authorizes DB for Borough-Based Jails

- **2019** NYS law authorizes DB for projects across DDC's portfolio
- **2023** DDC completed first Borough-Based Jails project, 22 months after award
- **2025** DDC to complete first two DB pilot projects, three years after award.

Design-Build Portfolio

- 7 Building projects in Construction \$575M+
- 2 Building projects in Design \$143M+
- 2 Infrastructure projects in Construction \$45M+
- 1 Infrastructure project in Design \$95M+
- 2 projects in Procurement \$203M+





Shirley Chisholm Recreation Center, Brooklyn \$13,100,000 Saved 2.9 Years Saved

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ROCKAWA OPERATI HEADQUA

Rockaway Operational Headquarters, Queens \$2,350,000 Saved 1.8 Years Saved

Mary Cali-Dalton Recreation Center, Staten Island \$8,500,000 Saved 3.1 Years Saved



1.8 Years Saved



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Infrastructure Design-Build Project





Lexington Avenue Midtown East, Manhattan



Recently Awarded Design-Build Project



Roy Wilkins Recreation Center St Albans, Queens



Recently Awarded Design-Build Project





Public Restroom Building Bundle Queens, Manhattan, Bronx

DDC's Design-Build Program

Public Buildings

Project	Sponsor	Location	Scope Summary	DB Contract Value	Contract Duration
Orchard Beach M&O Facility	NYC Parks	Orchard Beach, Bronx	New 12,000 SF Maintenance & Operations facility	\$35M	3 Years
Rockaway M&O Facility	NYC Parks	Rockaway Beach, Queens	New 11,000 SF Maintenance & Operations facility	\$24M	3 Years
Shirley Chisholm Recreation Center	NYC Parks	Flatbush, Brooklyn	New 76,000 SF recreation center	\$131M	2.8 Years
Mary Cali Dalton Recreation Center	NYC Parks	North Shore, Staten Island	New 33,000 SF recreation center	\$85M	3 Years
Marlboro Agriculture Education Center	NYCHA	Gravesend, Brooklyn	New 10,000 SF urban agriculture education center and greenhouse	\$15M	2.8 Years
Brownsville Multi-Service Center	HRA	Brownsville, Brooklyn	New 60,000 SF facility to support CB 16 and non-profit organizations	\$120M	3 Years
Harper St. Admin Building and Site Improvements	DOT	Flushing, Queens	New 77,000 SF operational facility for DOT staff and site upgrades within existing 6.5-acre property	\$121M	2.9 Years
Roy Wilkins Recreation Center	NYC Parks	St Albans, Queens	New 67,000 SF recreation center	\$120M	3.8 Years
Public Restroom Buildings Bundle	NYC Parks	Multiple Boroughs	Six new 720 SF public restroom buildings in Manhattan, Queens and the Bronx	\$23M	1.5 Years

DDC's Design-Build Program

Project	Sponsor	Location	Scope Summary	DB Contract Value	Contract Duration
Lexington Avenue Pedestrian Safety Improvements	DOT, DEP	Midtown East, Manhattan	Twelve intersections and watermain work along Lexington Avenue.	\$33M	3 Years
Pedestrian Ramps	DOT	Citywide	68 pedestrian ramps located throughout Manhattan, Queens, and the Bronx.	\$12.5M	3 Years
Raised Crosswalks	DOT	Citywide	127 raised crosswalks and associated intersection safety improvements across the 5 boroughs.	\$100	3.4 Years



The General Contractors Association of New York New York City Council Committee on Transportation and Infrastructure Oversight Hearing: Design Build Authorization June 10, 2025

Good morning, Chair Brooks-Powers and members of the Committee. Thank you for the opportunity to comment today. The General Contractors Association (GCA) is a member of the Mayor's Capital Reform Task Force and, as such, was an integral part of the authorization/expansion of the original Design Build legislation and subsequent proposals.

The GCA represents Contractors in the unionized heavy civil construction industry in New York City. Our approximately one-hundred and fifty contractor members, build New York's roads, bridges, parks, schools, transit and water systems, resiliency and sustainability projects, and lay the foundations for some of the skyline's most iconic buildings. GCA contractor members are unique in the City's construction landscape, in that, to be a GCA represented contractor, you agree to perform the work with union labor. This fact amplifies the effects of any laws or regulations on our businesses.

The authorization of Design-Build, as a procurement tool to have better engineered and more cost-effective projects, can be a useful delivery system in many instances. It is also the case that, the simpler design-bid-build can also be a useful process. We are not endorsing anyone particular delivery system but recognize that many tools in the toolbelt are more useful than fewer.

In that vein, we feel it is incumbent upon the State and City to use a wide collection and analysis of the data obtained from current Design Build projects to determine if one method is more successful than others, or if an expansion or addition of other project delivery methods is warranted.

We strive for an equitable solution that works for all stakeholders. The GCA will always be available to work with State and City public owners to ensure that projects move along in a way that maintains a proper schedule and seeks to avoid cost overruns. We welcome the opportunity to be part of the process, working with the State Legislators and the Mayoral Administration to address any issues that arise.



Members of the Committees,

My name is Richard Thomas, and I serve as the Director of State and Local Government Affairs for the Design-Build Institute of America.

DBIA is the nation's leading authority on design-build. We define and teach best practices rooted in research and real-world application — an approach we call *Design-Build Done Right*. Our rapidly growing network of nearly 20,000 members and certified professionals spans industry and the public sector, including many who have joined through our expanded "open slots" program. These leaders know firsthand the challenges of delivering critical infrastructure efficiently and effectively.

Design-build is the fastest-growing alternative delivery method in the country, currently representing 44% of all construction spending. FMI, a leading consulting analyst focused on the built environment, forecasts it will account for nearly half of all construction spending by 2028. Owners across the country are choosing design-build for its proven advantages, which have been validated by extensive research:

- Faster delivery
- Fewer change orders
- Lower overall cost growth
- Higher quality outcomes
- Greater innovation

Passage of the PWIA and New York City's rollout of alternative delivery methods like designbuild has been a game changer for both the City's infrastructure and its local design and construction industry. DDC's design-build program continues to expand, delivering tangible, real-world results: high-performance projects that meet or exceed expectations on time, on budget and with reduced risk.

Few cities can match what DDC has achieved in such a short time with the resources you've provided. Under Commissioner Tom Foley's leadership, New York now manages one of the largest and most effective municipal design-build programs in the nation. The City has become a model for others across the country, prioritizing best practices, investing in training, developing innovative procedures and proactively engaging small and underutilized firms through nationally recognized outreach.

I urge the Council to continue supporting DDC's design-build program and to expand the tools available to integrate construction expertise earlier in the process, enhance cost control, reduce project delivery times and mitigate risk. Design-build will remain a critically important part of the City's procurement toolbox for years to come. Permanent, expanded design-build authority is essential to maintaining this momentum and ensuring New York can continue delivering the projects its communities depend on.

Thank you for your time. I would be happy to answer any questions.

THE DESIGN-BUILD AUTHORITY

Kathleen Collins Telephone No.: Email Address:

May 31, 2025

Council Member Selvena N. Brooks-Powers Chair New York City Council Committee On Transportation And Infrastructure Sent Online at <u>https://council.nyc.gov/testify/</u> Emailed to: <u>testimony@council.nyc.gov</u>

Copy emailed to: Julian Martin, Policy Director at

Re: New York City Council Committee On Transportation and Infrastructure-Int 0676-2024, A Local Law in relation to requiring a study on increasing the use of electric forhire vehicles and installing new charging infrastructure, and to amend the administrative code of the city of New York, in relation to annual reports on increasing the use of electric for-hire vehicles and installing new charging infrastructure. Proposed Int. No. 676-A

Dear Chair Brooks-Powers;

My name is Kathleen Collins. I am a native New Yorker who is a congenital quadruple amputee who uses a wheelchair. I am on the board of Disabled In Action of Metropolitan New York, Inc. (also known as Disabled In Action or DIA). Disabled In Action is a 501(c)(3) grassroots civil rights organization run by and for people with disabilities. Disabled In Action's mission is to eliminate discrimination for people with all kinds of disabilities.

As stated in my previous testimony, dated February 9, 2025, with respect to Int. 0676-2024, now amended to Int. 0676-A-2024, we submit that this bill needs to be further amended to also require that such a study and report include how we can have electric wheelchair accessible for-hire vehicles as well as charging infrastructure available for vehicles, including motorized wheelchairs, in New York City.

As this amendment is presently written this study will send us down the same path as in the past of New Yorkers with disabilities having to fight for a totally electric wheelchair accessible for-hire fleet. Thus, this entire bill needs to be amended to require that the study look at how the city can transition to a fully electric wheelchair accessible for-hire fleet as well as provide charging infrastructure that vehicles and motorized wheelchairs can use.

More specifically, section 2. subdivisions 9. and 10. of this bill state: "The commission shall no later than December 31, 2020 and annually thereafter submit to the council and the mayor a report on the effects of vehicle utilization [and], the regulation of the number of licenses issued to for-hire vehicles authorized by subdivision b of this section, and the use of electric vehicles. Such report shall include at least the following information: 9. An update on the city's progress towards a complete transition of all licensed for-hire vehicles to electric or wheelchair accessible vehicles, and on any agreements or commitments between the commission and private entities to facilitate such transition; and

10. Changes, if any, in incentives to encourage the adoption of electric for-hire vehicles." (underline and brackets in original).

As a tax paying, active voter, and native New Yorker with a disability who has fought long and hard for accessibility with respect to, among other things, transportation in New York City, I am highly concerned that this amended bill, continues deep-rooted systemic discrimination and thus, forces New Yorkers with disabilities to again fight for our basic civil right to have a fully electric wheelchair accessible for-hire fleet. This should not be an either or option, that is either an electric or a wheelchair accessible vehicle. Instead, the City Council should be demanding that this progress should be towards a complete transition of all license for-hire vehicles to a fully electric wheelchair accessible fleet and nothing less. I hope that the omissions here in the amended bill, Int. 676-A-2024, were a mere oversight that this Committee will correct before the bill is submitted to the entire City Council.

Please reach out to the disability community before and not after you write legislation. Thank you for this opportunity to speak and look forward to hearing from the Committee on Transportation and Infrastructure.

Sincerely, Kathleen Collins Board Member of Disabled In Action of Metropolitan New York, Inc.



June 13, 2025 Committee on Transportation and Infrastructure RE: Evaluating DDC's Implementation of Design-Build Processes

Council Member Brooks-Powers,

Welcome to Chinatown is submitting testimony about considerations for DDC and the design-build process, specifically related to the Manhattan Borough Based Jail.

I want to begin by stating clearly that design-build, when used responsibly, can be a powerful tool for public infrastructure. It's been credited with accelerating timelines, streamlining coordination, and reducing bureaucratic inefficiencies. This is particularly beneficial in projects where speed and integration between design and construction are essential. We understand and appreciate the City's desire to modernize its capital delivery approach.

DDC testified on April 14th at the Committee on Criminal Justice oversight hearing examining recommendations from the Independent Rikers Commission's Blueprint to Close Rikers that that "the BBJ program is the nation's most ambitious, complex, and challenging design build capital program of its kind, period." Our concerns lie with the use of design build by DDC for the Manhattan Borough-Based Jail contract because it demonstrates what happens when speed is prioritized over transparency and risk management.

Design-Build requires an expedited process for decision making, which risks diminishing the role of community input and feedback. The accelerated process is very suitable for standard buildings like schools or for buildings that do not pose significant public impact. However, no building like the BBJ Manhattan has ever been built, projected to be the tallest jail in the world, and it's siting deeply impacts our community, which deserves more, not less access to participate in its design. Currently, there are only two or three public participatory workshops scheduled this Summer, and these are to occur entirely within the Pre-Design phase. No meaningful community participation is allocated, as far as we know, for the core of the design process to occur over the next 2-3 years.

The procurement process was revised multiple times, and bonding requirements were ultimately loosened to increase competition. Yet only two bids were submitted, and the winning firm, Tutor Perini, now holds over 40% of the entire BBJ portfolio, despite repeated financial losses and a track record of legal disputes on past public projects.

The guaranteed maximum price of \$3.8 billion is misleading. It excludes excavation and foundation costs, even though this site sits on top of the former Collect Pond, and presents some of the most complex subsurface conditions in Lower Manhattan. The City's own engineers acknowledge the risks in the





contract: soil compression, dewatering, subway tunnel disruptions, and potential structural damage to neighboring buildings. Despite not having completed essential borings tests, the contract was signed by the Comptroller.

A detailed Schedule of Values, an essential document that breaks down how public dollars will be spent, has yet to be seen. How can the City approve a multi-billion dollar contract without clarity on the price of excavation or a transparent cost allocation? How can we claim to be practicing good governance if the public cannot even see how funds are distributed across project phases?

Design-build should not be used to lock in a contract before critical information is known. To move forward under these conditions is to reward lowball bids and invite change orders later, shifting risk away from contractors and onto the public.

We urge the Council to exercise its oversight role and address the design build concerns for the Manhattan Borough Based Jail contract.

Sincerely,

Vic Lee Executive Director



THE COUNCIL THE CITY OF NEW YORK				
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