

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE

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June 10, 2025
Start: 10:13 a.m.
Recess: 12:00 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Selvena Brooks-Powers, Chairperson

COUNCIL MEMBERS:

Joann Ariola
Chris Banks
Mercedes Narcisse
Carlina Rivera

OTHER COUNCIL MEMBERS ATTENDING:

Linda Lee

A P P E A R A N C E S

Thomas Foley, Commissioner of New York City's
Department of Design and Construction

Yvi McEvilly, Assistant Commissioner of the
Alternate Delivery Program of New York City
Department of Design and Construction

Paul Ochoa, Executive Deputy Commissioner at the
New York City Department of Transportation

Dawn Harrison, Director of Design, Build,
Procurement, and Planning in our Bridges Division
at the New York City Department of Transportation

Richard Thomas, Director of State and Local
Government Affairs for the Design-Build Institute
of America

Christopher Leon Johnson, self

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2 SERGEANT-AT-ARMS: Testing one, two, one,
3 two. Today's date is June 10, 2025. Today's hearing
4 is the Committee on Transportation and
5 Infrastructure, being recorded in the Committee Room
6 by Keith Polite.

7 SERGEANT-AT-ARMS: Quiet down, please.
8 Good morning, and welcome to today's New York City
9 Council hearing for the Committee on Transportation
10 and Infrastructure.

11 At this time, we ask that you please
12 silence all electronic devices, and at no time are
13 you to approach the dais.

14 If you would like to sign up for in
15 person testimony or have any other questions
16 throughout the hearing, please see one of the
17 Sergeant-at-Arms.

18 Chair, we're ready to begin.

19 CHAIRPERSON BROOKS-POWERS: [GAVEL] Good
20 morning, and thank you. What's that? Ready? Good?

21 Okay. Good morning, and thank you for
22 joining today's hearing of the Committee on
23 Transportation and Infrastructure. My name is Selvena
24 Brooks-Powers, and I am the Chair of this Committee.

25

2 Today's oversight topic is evaluating the
3 Department of Design and Construction's
4 implementation of the design-build process. In
5 addition, we will be hearing Resolution Number 886,
6 which is sponsored by Council Member Lee, and would
7 call on the New York State Legislature to introduce
8 and pass and the New York State Governor to sign
9 legislation to grant permanent and expanded design-
10 build authority to all New York City agencies.

11 The Department of Design and Construction
12 is the city's primary capital construction manager
13 and builds many of the city's civic facilities,
14 including firehouses, libraries, and police
15 precincts. Working with more than 20 other City
16 agencies, DDC designs and improves vital
17 infrastructure throughout the city. In 2019, the New
18 York State Legislature passed the Public Works
19 Investment Act, which authorized DDC and other
20 capital agencies in the city to use design-build as a
21 project-build method. Design-build is one of the
22 fastest-growing and most commonly used project
23 delivery methods in the United States and has become
24 widely used in both the private and public sector,
25 including building construction, transportation,

2 water, and wastewater markets. It combines two
3 usually separate services into a single contract,
4 allowing owners to administer a single fixed-fee
5 contract for planning services and construction. This
6 use of a single contract helps streamline the process
7 and allows for more efficient project delivery.
8 According to DDC, design-build has allowed the agency
9 to complete public projects faster and more
10 efficiently through emphasis of collaboration,
11 efficiency, and risk reduction. Moreover, it allows
12 DDC to prioritize design, qualifications, and
13 experience with an emphasis on best value when
14 selecting project vendors. As a result, in February
15 2025, the Mayor's Office and DDC announced that the
16 City anticipates saving a combined total of 50 years
17 of project time and 1.4 billion dollars thanks to the
18 use of design-build on 42 capital projects.

19 Currently, DDC is managing 22 projects
20 within the design-build portfolio with an estimated
21 cost of 14.2 billion dollars. These projects include
22 four infrastructure projects, nine public building
23 projects, and nine projects that are a part of the
24 borough-based jails program. For DOT, there are four
25 projects in its current design-build portfolio

2 totaling 400 million dollars, including three
3 projects within the Division of Bridges and one ferry
4 terminal project.

5 Overall, design-build can potentially
6 reduce construction costs and delays for City capital
7 projects. As the City's leading construction
8 management agency, DDC stands to gain from design-
9 build project delivery benefits.

10 At today's hearing, the Committee hopes
11 to receive an update on how DDC is implementing
12 design-build into its capital projects and how it is
13 improving its construction, contracting, and
14 construction processes. The Committee will also
15 discuss how design-build compares to other project
16 delivery processes and whether or not expanding the
17 use of design-build will improve the City's ability
18 to manage and build out City infrastructure projects
19 in an efficient and timely manner.

20 Before we begin, I would like to thank my
21 Staff and Committee Staff for their hard work. Kevin
22 Kotowski, Senior Policy Analyst; John Basile, Senior
23 Policy Analyst; Mark Chen, Senior Counsel to the
24 Committee; Adrian Drepaul, Senior Financial Analyst;

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2 Julian Martin, my Policy and Budget Director; and
3 Renee Taylor, my Chief-of-Staff.

4 I will now ask the Committee Counsel to
5 swear in the Administration, but first I would like
6 to acknowledge that we are joined by my Colleague,
7 Council Member Mercedes Narcisse.

8 SUBCOMMITTEE COUNSEL CHEN: Thank you. I'm
9 Mark Chen, Counsel to the Committee on Transportation
10 and Infrastructure. Our next panel will be from the
11 Department of Design and Construction and the
12 Department of Transportation. DDC Commissioner Thomas
13 Foley; DDC Associate Commissioner Yvi McEvilly; DOT
14 Deputy Commissioner Paul Ochoa; and DOT Director of
15 Design and Procurement Planning, Dawn Harrison. I
16 will now administer the oath. Please raise your right
17 hands.

18 Do you affirm to tell the truth, the
19 whole truth, and nothing but the truth before this
20 Committee and to respond honestly to Council Member
21 questions?

22 EXECUTIVE DEPUTY COMMISSIONER OCHOA: I
23 do.

24 DIRECTOR HARRISON: I do.

25 ASSOCIATE COMMISSIONER MCEVILLY: I do.

2 COMMISSIONER FOLEY: I do.

3 SUBCOMMITTEE COUNSEL CHEN: Thank you. You
4 may begin when ready.

5 CHAIRPERSON BROOKS-POWERS: Yep.

6 COMMISSIONER FOLEY: All good to start?
7 Good morning, Chair Brooks-Powers and Members of the
8 Committee. I am Thomas Foley, Commissioner of New
9 York City's Department of Design and Construction,
10 and I'm very pleased to be here today to discuss our
11 very successful and growing design-build program.
12 Joining me at the table today is Yvi McEvilly, our
13 Assistant Commissioner who manages the Alternate
14 Delivery Program, and our colleagues from New York
15 City's Department of Transportation.

16 To help explain and visualize some of the
17 contracting and construction ideas that we're going
18 to discuss, I'm happy to share a slide presentation
19 that I will then narrate. For an overview of what
20 design-build is and how we fought for the right to
21 use it, the ability to use design-build has been
22 granted to us and other City agencies in a piecemeal
23 fashion by Albany, first in 2018 for the borough-
24 based jails program, then in 2019 with a wider usage
25 was authorized under the Public Works Investment Act.

2 Just a few months ago, we received clearance to use
3 another form of design-build called progressive
4 design-build for resiliency infrastructure projects.
5 Under the traditional system of lowest bidder
6 contracting, also known as design-bid-build, we
7 contract with a designer. It's one procurement
8 period. Then, once the design is complete, which
9 could take several years depending on the scope of
10 the project, we stop everything, put pencils down,
11 and engage in a really other lengthy procurement
12 period to hire a contractor whose main qualification
13 is that they submitted the lowest bid. No
14 construction. Not even site preparation of something
15 simple like a foundation excavation can begin at the
16 project site until the contractor is on board and
17 ready to mobilize. Once the contractor is on board,
18 they have to deliver on a design that they have no
19 input in creating. There's essentially a wall between
20 the designer and the contractor. They are two
21 separate business entities with no incentive to work
22 together, to innovate, or to problem-solve. This
23 inevitably leads to conflict. When an unexpected
24 condition arises, which happens almost every project,
25 every single day, seven days a week, the contractor

2 and the designer blame each other, and we as the
3 City, as the owner, are left to negotiate between the
4 two and sort out the pieces. Under design-build, the
5 designer and the contractor partner together as one
6 team in a common business relationship. They work
7 together from the start of the design process to
8 innovate and make sure the design is buildable while
9 problem-solving when issues arise in the field. And
10 because everyone's on board at the same time working
11 on the same schedule, we can start the work before
12 the design is even finished.

13 This shows a typical lowest bidder
14 timeline versus design-build timeline. Everything in
15 the low bidder process is linear. One phase of the
16 project has to be completed before we can start the
17 next. With design-build, what we often call alternate
18 delivery, there's a better planning at the start of
19 the project, and phases of the project can overlap.
20 Another benefit of design-build is the ability to
21 select a team on the basis of best value as opposed
22 to just the lowest bid. We're also able to weigh
23 factors related to the team's ability to achieve
24 disaggregated M/WBE goals of 30 percent for both
25 design and construction. Now, when we receive bids,

2 we have to hope that the lowest one is the one from a
3 good contractor who we want to work with. The fact is
4 that some are better than others. But the lowest
5 bidder doesn't allow us to effectively evaluate
6 companies on that basis. As long as the bidder meets
7 the minimal qualification that has the lowest bid,
8 we're required by law to give them the contract.

9 With design-build, there's so much more
10 planning before the work starts, including
11 qualification process, the creation of a short list
12 of typically three qualified teams, followed by an
13 RFP that those qualified teams can respond to and be
14 evaluated on. This gives us so much more flexibility
15 to select the teams that can create the best projects
16 for the people of New York. We don't have to just
17 pick based on the basis of the lowest price. We pick
18 the team that offers the best value for the taxpayers
19 with a track record of delivering.

20 Because of the appropriately large amount
21 of prep and evaluation that goes into the design-
22 build selection process, we have limited resource to
23 deploy design-build. So then we have to ask, which
24 projects are ideal for design-build? Ideally, we'd
25 have a project that is well-defined and agreed upon

2 on the scope from the beginning, since the team is
3 going to be moving very quickly once they're under
4 contract. And, of course, we prioritize projects that
5 are on tight timelines with high demand. On the other
6 hand, there are some projects that are more difficult
7 for design-build. Renovation projects without a clean
8 slate don't suit design-build, nor do projects
9 without a defined end-user scope. They need to
10 acquire property to complete the project, or a
11 lengthy pre-approval process with outside timelines
12 and entities can also be extremely challenging.

13 I discussed earlier the legislative
14 history of design-build in City government. Since we
15 started, we hit some significant milestones,
16 including the completion of the nationally recognized
17 Queens Garage behind Borough Hall for DOT, the City's
18 first-ever design-build project. It was completed in
19 2023 in just 22 months. Less than half the time, we
20 would have done it with the lowest bidder contractor.
21 That was at 44 percent M/WBE usage. Just a few months
22 ago, we completed a maintenance center for parks at
23 Orchard Beach, actually another PDC award winner,
24 where we saved 2.5 years. And for each of these
25 projects, we estimate a 10 percent cost savings. I'm

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2 very proud to announce that we have a successful and
3 growing program with the potential to completely
4 transform how the City builds. Outside of the jails
5 program, we have 14 ongoing projects.

6 This is the award-winning Orchard Beach
7 Maintenance Operations Building, funded by parks that
8 I mentioned. It was substantially complete this April
9 with a time savings of 2.5 years versus the lowest
10 bidder contracting, with a cost savings of almost 3.5
11 million dollars. Our design M/WBE on Orchard was 61
12 percent. The construction was at 31 percent. Purely
13 revolutionary.

14 The 141-million-dollar Shirley Chisholm
15 Rec Center in Brooklyn was designed by world-renowned
16 design firm Studio Gang. It will be substantially
17 completed next month, on July 27th, 2.9 years faster
18 than what would have been possible before. This is a
19 picture of the pool at the bottom right, which will
20 be filled in the next few weeks. In all these
21 inserts, you'll see a rendering and then a depiction
22 of where we are. The pool on the previous slide for
23 Shirley Chisholm was designed by the same architects
24 that had designed the pool in Paris for the Olympics.
25 Imagine that.

2 The Rockaway Operational Headquarters
3 we're building for Parks in Queens is on track to be
4 completed 1 year faster than design-build. The Mary
5 Carey Rec Center on the north shore of Staten Island,
6 there it is, is a 92-million-dollar project that will
7 be completed over three years faster. The Marlborough
8 Agricultural Education Center in Brooklyn is on track
9 to be completed 1.5 years faster. Beautiful,
10 beautiful building. And the 128-million-dollar
11 Brownsville Multi-Service Center is scheduled to be
12 completed 2.3 years faster. And on Lexington Avenue,
13 adjacent to Grand Central, our first design-build
14 infrastructure project is trimming an estimated three
15 years off of its schedule using design-build.

16 We continue to expand our program and
17 have recently issued a notice to proceed, what we
18 call an NTP, to the design-builder for the new Roy
19 Wilkins Rec Center in St. Albans, and that's a
20 rendering there. Also, for the creation of six parks
21 restrooms, including Brookville Park, which
22 traditionally have been very difficult to construct
23 under the City's contract and procurement rules.

24 I hope this has been helpful to you. I
25 hope that you see the promise that design-build holds

2 for the future of City construction. After years of
3 advocacy to secure the right to use design-build, DDC
4 has aggressively applied it in a way that has us on
5 track for numerous successes. We plan to keep going.
6 This is just the beginning. And as I mentioned, it
7 has been nothing short of revolutionary.

8 On a personal note, at the beginning of
9 2025, I was honored to be named Chair of the National
10 Board of Directors of the Design-Build Institute of
11 America, also known as DBIA. Richard is here from
12 DBIA, and we're grateful for partnering with them for
13 following best practices, not only in New York but
14 throughout the country.

15 So thank you, and we're happy to answer
16 any questions.

17 CHAIRPERSON BROOKS-POWERS: Thank you,
18 Commissioner.

19 Also, we have been joined by Minority
20 Leader Ariola and Council Member Chris Banks.

21 Again, thank you for the testimony. I
22 know you are a big proponent for the design-build
23 model, and I'm often in private asking questions
24 about it, just wanting to learn more in terms of, you
25 know, how you see it working out and, you know,

2 wanted to do a hearing, especially in light of media
3 coverage that has shown how a lot of our projects in
4 the city in particular are often delayed and, as a
5 result, have a higher cost. I also, as it's been
6 indicated in your presentation, have about two of
7 those design-build projects currently in my District,
8 and also wanting to know the status of that as well
9 as, you know, the status of the borough-based jails
10 and where we are with that as well.

11 So, where I'll start is design-build is
12 one of the fastest-growing project delivery methods
13 in the United States and has become widely utilized
14 in both private and public sectors, as I mentioned in
15 my opening remarks, to streamline building
16 construction, transportation, water, and wastewater
17 projects. When DDC generates a short list of the most
18 qualified proposers eligible to participate in the
19 request for proposals phase, how does it rank the
20 statements of qualifications?

21 COMMISSIONER FOLEY: So, from a
22 procurement standpoint, I'll start and then I'll kick
23 it over to my colleague and friend, Yvi McEvelly.

24 So, we put out what we call an RFQ,
25 request for qualifications. The vendors, the teams,

2 which are made up of the contractor, designer,
3 subcontractors, they then, as one team, one entity,
4 they will submit to us a statement of qualifications.
5 We've been very, very fortunate because of the
6 contract terms that we have and our ability to
7 collaborate, to share in risk, that we've been having
8 very, very robust responses for all of our design-
9 build procurements. There's been literally over a
10 dozen or so that have been submitting on each of
11 these proposals. The team, a very cross-section of
12 our team, then evaluates the proposals and then
13 shortlists it to three teams who are then submitted
14 an RFP. But there's a very robust review from a
15 procurement standpoint for this analysis, both from a
16 design, constructability, schedule, budget, time
17 factors. So, our team of licensed professional
18 engineers and architects review along with our team
19 at ODIR to review each of the teams and then to
20 shortlist as best practices to the three that will
21 then be engaged with during the RFP process.

22 CHAIRPERSON BROOKS-POWERS: Thank you for
23 that. And on average, what percentage of proposers
24 who provide a statement of qualification are added to
25

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2 DDC's shortlist of firms eligible to participate in
3 the RFP phase?

4 ASSOCIATE COMMISSIONER MCEVILLY: So, I
5 can answer that question. The way that, you know, as
6 Commissioner Foley explained, that the RFQ process
7 works is that DDC would shortlist to the three top
8 qualified vendors. So, it's not based on a
9 percentage, or the percentage would really be
10 dependent on the number of SOQs or qualification
11 statements that we received per project, but we would
12 always be shortlisting three vendors to move forward
13 in our procurements.

14 CHAIRPERSON BROOKS-POWERS: Thank you for
15 that. What are some common reasons a proposer would
16 not be eligible to participate in the RFP phase?

17 ASSOCIATE COMMISSIONER MCEVILLY: I would
18 say that it's not really that they would not be
19 eligible to participate. It's just that the RFP goes
20 to the top three teams that were deemed to be the
21 most highly qualified based on the evaluation
22 criteria that we set forth in the request for
23 qualifications.

24 CHAIRPERSON BROOKS-POWERS: Understood.
25 Now, firms that were not eligible for the request for

2 qualification list from the first part of the
3 procurement process are given the opportunity to
4 partner with the design-build teams on the DDC list.
5 How often does that occur, and could you provide the
6 Committee with some examples of the kinds of work and
7 projects that these firms do receive?

8 COMMISSIONER FOLEY: So, we don't have an
9 on-call list of firms that we work with in our
10 design-build program. Each and every one of these
11 projects has a separate, including our borough-based
12 jails, has a separate procurement for each and every
13 project so there's new teams that are coming to the
14 table. What has been extremely refreshing is that
15 there's vendors that previously have not worked in
16 the public sector, and now they are. Now, that could
17 be because of industry as far as what's been
18 happening from private residential, what have you.
19 But I firmly believe that it's Yve McEvilly
20 leadership, that it's our contract terms, that we're
21 bringing vendors who would never otherwise work for
22 the City participating in this open and very
23 transparent procurement process.

24 CHAIRPERSON BROOKS-POWERS: Okay. And I'm
25 going to apologize in advance because I'm going to

2 jump around a little bit with the questions. I also
3 want to acknowledge that we've been joined by Council
4 Member Linda Lee, who will in a moment give a
5 statement regarding her legislation.

6 I want to touch on borough-based jails
7 briefly. So notably, DDC is making use of the design-
8 build for one of the largest projects, the borough-
9 based jails program. As part of the City's plan to
10 close the jails on Rikers Island, DDC will be
11 employing design-build to construct smaller jails in
12 Manhattan, Brooklyn, Queens, and the Bronx. Can you
13 please provide the Committee with an update on the
14 borough-based jails program?

15 COMMISSIONER FOLEY: Sure. As per the
16 testimony, we were authorized, right, as if we're in
17 kindergarten up in Albany, but we were authorized to
18 use design-build starting in 2019, and it has
19 transformed our ability to deliver small and large
20 complex projects, and that's certainly indicated from
21 our early works on our borough-based jails. The
22 City's first design-build project, Queens Garage and
23 Community Center, was completed in 22 months, a 60-
24 plus-million-dollar project, with an M/WBE percentage
25 at 44 percent over at Queens Garage so quite

staggering. That was completed. The other early works that we had was the Brooklyn Prep, was the Brooklyn Dismantle, the Bronx Prep. So, any of the early works that we did, we performed those dismantles using our design-build. Those are all completed, and the overall percentage of our M/WBE on our borough-based jails, what we call the early works, is at 51 percent, 51 percent M/WBE usage for our early works. Basically, the four large jail contracts have all been registered. Manhattan was recently registered on May 31st. All the other works are in progress. We are working two shifts in Brooklyn right now, and the work is, as you could see if you're going by Atlantic Avenue, it's literally rising out of the ground. Two hundred and fifty union workers are there on a daily basis, so we're really excited about the progress in Brooklyn, and we look forward to breaking ground in the Bronx and Queens within this year, and then a year from now in Manhattan. But literally, as the design is moving forward, I think one of these amazing benefits of design-build is that our contractors are working with the designers. Literally, as the design is evolving, they're breaking ground, working on foundations while the

2 design continues in parallel. They could then pivot
3 based upon market conditions, based upon tariffs and
4 supply chain issues, and this has been an amazing
5 collaborative effort between the City's team
6 collectively with the vendors that we're teaming
7 with.

8 CHAIRPERSON BROOKS-POWERS: Why is design-
9 build being used for these programs, and has
10 implementation of design-build... well, I guess you
11 already feel like it's been successful, but more so,
12 why is the design-build model being used for the
13 borough-based jails?

14 COMMISSIONER FOLEY: Quite frankly,
15 because it's efficient, it's quick, it saves time, it
16 saves money. If we were to build the borough-based
17 jails using design-build, they would not be complete
18 until after 2045.

19 CHAIRPERSON BROOKS-POWERS: Is DDC
20 providing outreach to the communities adjacent to the
21 borough-based jails?

22 COMMISSIONER FOLEY: Yes. We have round-
23 the-clock, whenever the contractor is working, the
24 two shifts. Over in Brooklyn, we have a storefront
25 right on Atlantic Avenue. We have full-time

2 construction liaisons. They're present in all of the
3 sites. Obviously, during the dismantle as well. In
4 our Lower Manhattan office, we have several community
5 liaisons, we call them CCLs, that are engaged with
6 the community. Robust outreach, monthly meetings,
7 daily notifications. We also have translation
8 services, and our CCLs speak multiple languages as
9 needed, whether that's Mandarin, Cantonese, English,
10 Spanish depending on the geographical location of the
11 jail.

12 CHAIRPERSON BROOKS-POWERS: DDC is
13 awarding separate design-build contracts for each of
14 the four jail facilities, resulting in a total of
15 nine contracts. Can you please provide us with some
16 details on each of the contracts?

17 COMMISSIONER FOLEY: Absolutely. I know
18 there's various consortiums, teams that are involved,
19 but within the Brooklyn site, it's HLK (phonetic) and
20 Tutor Perini. For the Queens, it's Stomatis
21 Construction, local contractor. For the Bronx, it is
22 Suite (phonetic) Construction, also with Sciame,
23 that's working up in the Bronx. For Manhattan, it's
24 Tutor Perini, O and G, and HLK. Then we can also
25 provide a list of all those contractors and vendors

2 that have been working on what we would call the
3 early works. Again, the early works M/WBE percentages
4 was at 51 percent, so it's really bringing a lot of
5 teams to the table that historically would not have
6 been provided that opportunity.

7 CHAIRPERSON BROOKS-POWERS: Thank you. It
8 would be good if you can send the full list so we can
9 see it. That would be amazing. When does DDC
10 anticipate completing each borough base jail?

11 COMMISSIONER FOLEY: Starting in 2029. We
12 hope and expect that Brooklyn will be open. It will
13 be Brooklyn, Bronx, Queens, and then Manhattan.
14 Manhattan was recently registered. That design is
15 literally starting as we speak. There's some early
16 works that are happening in Manhattan, so that will
17 be completed after 2030.

18 CHAIRPERSON BROOKS-POWERS: So to be
19 clear, Brooklyn, Bronx, Queens will be 2029, and
20 Manhattan will be 2030?

21 COMMISSIONER FOLEY: Manhattan will be
22 after 2030. Brooklyn is 2029. Queens and Bronx are
23 2030. At this point, we're looking at 2031 for
24 Manhattan.

2 CHAIRPERSON BROOKS-POWERS: Thank you. I'm
3 going to pause my questions to allow Council Member
4 Lee to give an opening on her legislation we're
5 hearing today then she'll be followed with an opening
6 statement from the Department of Transportation.

7 COUNCIL MEMBER LEE: Hi, everyone. Good
8 morning. I feel like it's a moot point because we're
9 already talking about a lot of the positives that
10 we're seeing around design build.

11 I wanted to emphasize the reason why I
12 wanted to put this bill forward is because I remember
13 meeting with you, Commissioner, when we were going
14 through the tour of the borough-based jail. I know
15 this is not the same context at all, but as someone
16 who ran a non-profit that received capital funding
17 from the City, we were awarded funds in 2017, had it
18 repurposed in 2018, and they still have not started.
19 What that does for groups that are trying to provide
20 services on the ground is that the costs don't
21 decrease. They just keep increasing. The amount stays
22 flat. What we're left with is just having to reduce
23 the scope and paying more or paying more out of
24 pocket, which is why I did so many golf fundraisers
25 and events that I didn't think I would have to do. It

2 was to raise extra money so that we could afford to
3 actually build out a senior center. Not only that,
4 but in conversations I've had with other folks along
5 the way, and I think all of us as Council Members
6 have experienced how long it takes sometimes with
7 certain projects with Parks or other City agencies
8 that we want to accomplish in our District. This idea
9 really came from what was on the State level, but
10 also what we're seeing in the community around saving
11 dollars, cost savings, and how much money that could
12 save city taxpayer dollars, to be quite honest, as
13 well as time. I also had conversations with some of
14 the labor unions. I just out of curiosity asked them,
15 what do you guys think of design build? What are your
16 thoughts on it? They said, we're absolutely for it
17 because what ends up happening is that there's so
18 much money that ends up being put into the project on
19 the upfront side, and then so by the time the workers
20 in the labor unions actually complete the project on
21 the back end, the money gets decreased or they get
22 the short end of the stick at the end of the day.
23 We're also not doing right by a lot of our labor
24 union workers that are really putting a lot of time
25 and energy and effort into the projects.

2 I just wanted to end by quickly saying
3 that, and you can obviously correct me if I'm wrong
4 on this, but since the State first gave a handful of
5 agencies limited design build authority, the City has
6 shaved 50 years of combined project time and 1.4
7 billion dollars in costs across 42 projects, with
8 about 10 percent savings on each project of those 42.
9 Another 46 projects are already in the pipeline
10 because the pilot was so successful. We really wanted
11 to urge all the City agencies to be allowed to
12 utilize this if they wanted to and to have that
13 option to be able to utilize design build. I look
14 forward to just continuing listening to the answers
15 to the questions. Thank you so much, Chair, for
16 hearing this bill and for allowing me to say
17 something. Thank you.

18 CHAIRPERSON BROOKS-POWERS: Of course.

19 DOT.

20 EXECUTIVE DEPUTY COMMISSIONER OCHOA:
21 Madam Chair, thank you so much. I promise my
22 testimony will be a little shorter than my
23 Commissioner's typical testimony.

24 Good morning, Chair Brooks-Powers,
25 Members of the Committee of Transportation and

2 Infrastructure. I'm Paul Ochoa, Executive Deputy
3 Commissioner at the New York City Department of
4 Transportation, and I'm joined by Dawn Harrison,
5 Director of Design, Build, Procurement, and Planning
6 in our Bridges Division. Thank you for the
7 opportunity to testify on behalf of Mayor Adams and
8 Commissioner Rodriguez on DOT's use of design build.

9 I'm going to skip a little bit.

10 CHAIRPERSON BROOKS-POWERS: Paul, is your
11 mic on?

12 EXECUTIVE DEPUTY COMMISSIONER OCHOA:
13 Yeah. Can you hear me?

14 CHAIRPERSON BROOKS-POWERS: Just move it a
15 little closer.

16 EXECUTIVE DEPUTY COMMISSIONER OCHOA: I'm
17 just going to get a little closer. Do you want me to
18 restart it, or are we good? Okay.

19 Aside from the projects that DDC
20 mentioned is delivering for DOT, which we're very
21 excited about, for streets, pedestrian ramps, and
22 facilities, the agency is also managing several
23 projects using this innovative delivery tool. In our
24 Bridges Division, the team is currently advancing its
25 first three design build projects. This includes the

2 replacement of four built parkway bridges in Brooklyn
3 and the replacement of two bridges over the Metro
4 North Railroad at East 183rd Street and East 188th
5 Street in the Bronx, which are both federally funded,
6 as well as renovations to the 191st Street pedestrian
7 tunnel in Manhattan. These projects follow a best
8 value approach to ensure that the City receives the
9 highest quality through an efficient and transparent
10 process. To support these efforts, DOT has engaged an
11 owner's representative to provide procurement support
12 and post-award quality assurance for the agency.
13 These projects will be done in close coordination
14 with the New York State Department of Transportation
15 and the Federal Highway Administration, since I
16 mentioned they were federally funded. This ensures
17 the alignment with oversight requirements and
18 national best practices.

19 In our Ferries Division, we have a design
20 build project to flood-proof several of our
21 facilities and enhance climate resilience at
22 Whitehall Terminal, St. George Terminal, and the
23 Ferry Maintenance Facility by implementing a
24 combination of dry and wet flood-proofing measures,
25 including barriers, water tight doors, check valves,

2 and equipment elevation for protection. These
3 measures are designed to safeguard critical
4 infrastructure and assets, including electrical,
5 mechanical, and computerized systems vital to the
6 operations and maintenance of the Staten Island
7 Ferry. We're working to wrap up procurement and
8 anticipate beginning work in the first quarter of
9 2026.

10 In conclusion, design build has the
11 potential to improve how we deliver major
12 infrastructure projects at the New York City
13 Department of Transportation by streamlining
14 processes, encouraging innovation, as Commissioner
15 Foley mentioned, and delivering projects faster.
16 Thank you again for this opportunity to testify
17 today, and we now welcome any questions.

18 CHAIRPERSON BROOKS-POWERS: Thank you for
19 that.

20 Picking back up on some of the general
21 questions we have. So according to DDC, design-build
22 allows the agency to complete public projects faster
23 and more efficiently through collaboration,
24 efficiency, and risk reduction. Can you please
25 elaborate on how the collaboration process is

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2 streamlined, and specifically how risk reduction is
3 achieved?

4 ASSOCIATE COMMISSIONER MCEVILLY: Sorry.

5 So, the nature of design build, it's inherent that
6 the designer and the builder are working together
7 because they work as one team and they form a
8 partnership even before the project begins, and so
9 from day one, when the contract is awarded, they're
10 working together to develop the schedule, develop
11 design, and then move into construction. And because
12 it's one team, we have construction expertise during
13 design and design expertise during construction.

14 CHAIRPERSON BROOKS-POWERS: Thank you.

15 When we look at DOT's design-build portfolio, for
16 DOT, there are four projects in its current design
17 build portfolio with a total estimated budget of 400
18 million dollars, including three projects within the
19 division of bridges, which is 355 million, and one
20 ferry terminal project, which is 45 million. Why was
21 design build used for these projects, and has it been
22 successful in terms of project delivery and M/WBE
23 participation?

24 EXECUTIVE DEPUTY COMMISSIONER OCHOA:

25 Yeah. Thank you for that question, Madam Chair. So,

2 our projects are a little different than what DDC has
3 undertaken in design build. Typically, the projects
4 that we're looking at are federally funded, which
5 require some different oversights. We also call a lot
6 of these projects horizontal projects, which, unlike
7 the vertical projects, again, just come with a bit
8 more unknowns in terms of what is underground, for
9 example, so the reason why we are implementing these
10 projects is for the exact same reason that DDC
11 mentioned. We do think it's a very efficient way of
12 delivering projects. We do think it's going to
13 deliver them faster. We haven't completed a design
14 build project yet. I mentioned we expect to break
15 ground on our ferry project in 2026, but we expect
16 the same types of efficiency gains that DDC and
17 Commissioner Foley and Assistant Commissioner Yve
18 mentioned in terms of time savings and potentially
19 money savings, but I can't give you an exact answer
20 yet of how much time and money we've saved because
21 they're still underway.

22 CHAIRPERSON BROOKS-POWERS: And so the
23 next question was going to be, what is the status of
24 the project? So none of them have started just yet?

2 EXECUTIVE DEPUTY COMMISSIONER OCHOA: No.

3 They're in different phases of design, procurement,

4 and almost ready to break ground. I can kick it over

5 to Director Dawn Harrison to talk about the bridge

6 projects. But one thing I do want to mention, Chair,

7 and I think DDC alluded to this, is we also hope this

8 reduces change orders. I think you and I have

9 discussed change orders in the past in other

10 hearings, and the whole purpose of the designers

11 working with the construction companies together is

12 so that we avoid these hiccups along the way when

13 maybe the designer created something and designed

14 something that the actual construction companies

15 can't actually implement so we actually think that

16 the change order reduction is another huge plus of

17 design build so let me kick it over.

18 CHAIRPERSON BROOKS-POWERS: And I'm sorry,

19 Dawn, one moment. Is that to be projected? Because

20 since you haven't seen it yet, so this is an

21 anticipation and hope. Sorry, Dawn.

22 EXECUTIVE DEPUTY COMMISSIONER OCHOA: Do

23 you want to run through the?

24 DIRECTOR HARRISON: If the Council would

25 like to hear it, we can give you a brief update on

2 the bridge projects in terms of where we stand,
3 right? So, the Belt Shore Parkway project, we have
4 completed the shortlist process, and we are
5 anticipating releasing our draft RFP soon, which
6 would be really spring of this year, 2025, with an
7 anticipated NTP in spring of 2026. For the Metro
8 North Railroad project at East 183rd and East 188th
9 Streets, we are anticipating releasing the RFQ in the
10 summer of this year, summer of 2025, with an
11 anticipated NTP in fall of 2026. And then for the
12 tunnel project at East 191st Street, that really is
13 technically still in its preliminary design phase,
14 and so we do not have an anticipated, really,
15 procurement schedule for that yet. We are still
16 working through, working with MTA to sort of sort out
17 and finalize the scope and maintenance requirements
18 there. As that progresses, we'll be able to give you
19 a more detailed update.

20 CHAIRPERSON BROOKS-POWERS: Thank you for
21 that.

22 I'm going to pause my questions briefly
23 because I know Council Member Narcisse has questions.

24 COUNCIL MEMBER NARCISSE: Thank you,
25 Chair, and thank you for the panelists that's here

2 doing your work, and I do appreciate the
3 presentation. I get all excited. I'm just like a kid
4 in a candy store when I see a nice, beautiful rec
5 center, and I know the problem that we're facing in
6 New York City with our youth not having a place to go
7 and delivering this and beautiful, and I am so
8 grateful for that so I want to say thank you.

9 Some of the questions I've been going
10 through back and forth, what specific challenges has
11 the DDC faced in implementing design-build processing
12 for transportation projects? Is funding a concern?
13 How does the DDC prioritize projects for the design-
14 build approach? I have a few questions. Can I
15 continue getting my question? Thank you.

16 ASSOCIATE COMMISSIONER MCEVILLY: So I'll
17 try to answer the first part of your question, which
18 was related to challenges on transportation design-
19 build projects. So, we have three that we have
20 awarded to date, and one of the challenges that we're
21 seeing is that the problems that any capital project
22 would face still exist on design-build. Design-build
23 is just a project delivery method, but there are
24 external factors that we can't get around just
25 because of the delivery method. So, anything that

2 involves third-party interference, whether that's
3 working with the private utilities or obtaining
4 permits that are out of our control, are just still
5 challenges that we're seeing with design-builds.

6 COMMISSIONER FOLEY: Sorry, Council
7 Member. I'll also add, in addition to what the
8 Assistant Commissioner was saying, was on our
9 infrastructure program, this will be a game-changer.
10 It's literally peeling away the onion. What we say
11 for the infrastructure work, peeling away the
12 asphalt, seeing what's underground, that spaghetti
13 western of all the private utilities that are there,
14 along with our DEP, you know, sewers, water mains,
15 trunk water mains, street lighting, everything else
16 that's involved with that. What we need, the tool
17 that we need in order to be successful for all of our
18 underground work, several-billion-dollar capital plan
19 is joint bidding. And as we speak, in Albany we've
20 had this successfully for 21 years. We've been using
21 joint bidding since we worked in and around the World
22 Trade Center, now citywide. It's been very, very
23 successful. Saved the City over 100 million dollars a
24 year. And rather than getting a 10-year extension up
25 in Albany, there's talk now that it will just be a

2 one-year, just like last year. I don't know why. It's
3 obviously extremely frustrating. As engineers and as
4 architects and designers, we need the tools in order
5 to succeed, and it appears as though that's in
6 question now so that will be a huge impact on our
7 capital program. A year from now, I'll be putting up
8 my right hand and saying that the City just lost, you
9 know, hundreds of millions of dollars.

10 COUNCIL MEMBER NARCISSE: I got that.

11 Since my time is limited, how does the DDC prioritize
12 projects for design-build approach?

13 COMMISSIONER FOLEY: How do we prioritize?

14 COUNCIL MEMBER NARCISSE: Mm-hmm. So, we
15 look at the, obviously, every project that we have
16 goes through our front-end planning. We have our SWOT
17 team of engineers and architects that look at it. If
18 it's a new build, in the sense of a new building, a
19 new rec center, like a Shirley Chisholm rec center,
20 we would be putting that on our path for design-
21 build. If it was renovation, then we would be looking
22 at another, like CM build, different delivery methods
23 depending on the scope of the job.

24 COUNCIL MEMBER NARCISSE: Okay. I have a
25 problem right now in Bayview Houses, right? The

2 building is done very nice, but now we have a lot of
3 problems dealing with this because it was poorly
4 built. I can say that much. What measures are in
5 place to ensure the quality of construction after the
6 project is completed and contractors have left?
7 They're gone, right? How long is the warranty period
8 for design-build projects and what does it cover? Who
9 is responsible for addressing structure issues or
10 defects that arise after the project is completed?
11 What is the process for reporting and resolving
12 problems with a building after the project is handed
13 over? Are there penalties for contractors if
14 significant issues are discovered after the project
15 is finished? How does the DDC ensure that contractors
16 adhere to quality standards during and after
17 construction? And what role does DDC play in
18 monitoring the long-term performance of completed
19 projects? I know it's a lot, but I'm willing to
20 listen.

21 COMMISSIONER FOLEY: I don't know the
22 specific project. If it was a DDC one, then I'd
23 obviously love to chat.

24 COUNCIL MEMBER NARCISSE: Bayview Houses.

25 COMMISSIONER FOLEY: Okay.

2 COUNCIL MEMBER NARCISSE: One center. We
3 don't have many going on, especially in Canarsie
4 Park, but that one is closed right now. That's the
5 reason I arise with all those questions, because I
6 want to know what's going on, because everyone has
7 been passing the buck. This person tells me, that
8 person, that person tells me, and in the meanwhile,
9 summer is about to arise and my children have no
10 place to go.

11 COMMISSIONER FOLEY: So as far as each and
12 every one of our projects is managed by a
13 professional engineer, licensed architect internally.
14 This is during the course of the project. We also
15 have our separate oversights internally, as far as
16 our site safety team that manages and inspects each
17 and every one of our 550 active projects throughout
18 the city that DDC manages. On top of that, we also
19 have what we call commissioning. Prior to the
20 substantial completion of a project, it is then
21 evaluated again by a third party. Everything is then
22 inspected. Systems are turned on, inspected. Water
23 tight, from a facility standpoint, HVAC and all that
24 magical stuff. We also coordinate with our colleagues
25

2 at the DOB for sign-offs by an independent
3 professional engineer on each and every project.

4 As far as the warranty is concerned, it's
5 18 months after the project is completed, depending
6 on the system. However, if there are any structural
7 concerns on a project, I don't care if it was built
8 10 years ago. If it was a DDC project, we go after
9 them and we meet with the Law Department and we sue
10 them.

11 COUNCIL MEMBER NARCISSE: I have a
12 structural problem.

13 COMMISSIONER FOLEY: Then they should be
14 sued. 100 percent. That is unacceptable. And the Law
15 Department and whatever City agency, obviously
16 coordinating with them to go after any of the
17 structural concerns. Because there's no warranty on
18 that. I'm a professional engineer. So, if I'm
19 designing something today, it better last 40, 50
20 years from now.

21 COUNCIL MEMBER NARCISSE: And in Marine
22 Park as well, I have a structural problem, and I've
23 been dealing with it ever since I got in office. And
24 the seniors, all the time, in and out. So I don't
25 continue, because I know my Chair probably going to

2 kick me out. So what I'm saying, I'm going to follow
3 up with you, and I do appreciate that. But in the
4 meanwhile, I'm looking forward to put another design
5 in my District, and I'm hoping for the best. To work
6 together, to collaborate together, to have a
7 building. Even where I'm gone, that the building,
8 people can use it. It should not be closed after we
9 spent so much money to address the problem that we're
10 dealing with the youth in our community. And yet, the
11 structure is a nice structure, but yet you cannot use
12 it. That's unacceptable, because the City money. So
13 thank you, Chair.

14 CHAIRPERSON BROOKS-POWERS: Thank you. And
15 I just want to actually piggyback on Council Member
16 Narcisse's question and also hearing there's no
17 warranty, and it would require a lawsuit. How is that
18 kind of taken into account as well because now it's
19 the City that would be, I would imagine, going after
20 the contractors for the faulty work. Is that correct?

21 COMMISSIONER FOLEY: That's correct.

22 CHAIRPERSON BROOKS-POWERS: And in the
23 contracts that are signed, that initiates the design-
24 build, there is no clause or anything in terms of how
25

2 the City can avoid having to sue them if there are
3 structural issues?

4 COMMISSIONER FOLEY: So, on any of our
5 active projects or completed projects, there's only
6 one project that I'm familiar with that was completed
7 10 years ago that had any structural concerns, and
8 we're currently working with Corp Council for
9 mitigation measures to be done there. We have
10 professional engineers, as I mentioned, on each and
11 every project. We also have our chief engineers that
12 will evaluate any, you know, during the course of
13 construction. So, I'm not aware of any, if there was
14 something to arise, then obviously it would be dealt
15 with extremely swiftly, proactively, and in the court
16 of law. I'm not familiar with the specific project
17 that the Council Member, but I will be.

18 CHAIRPERSON BROOKS-POWERS: Correct. And I
19 know you'll follow up with her on that. I'm just
20 concerned about, like, what's included in the
21 contract that protects the City's investment in these
22 design-build projects, and is this a difference
23 between design-build versus a regular project where
24 they would have a warranty in that versus not? And
25

2 going back to my earlier question about risk, is this
3 creating a different layer of risk for the City?

4 COMMISSIONER FOLEY: Thank you. It does
5 not create any additional risk. In fact, it's the
6 opposite. It creates the collaboration. It creates
7 innovation. If there was an issue to arise, such as
8 an existing environmental, you know, geotechnical
9 issues with the existing conditions in the ground, it
10 comes up during the design phase, and they're able to
11 pivot immediately, and we've had a couple of cases of
12 that. Rather than the job stopping, they're actually
13 working together, and the professional engineers, and
14 modifying the design, modifying the foundation to
15 account for some of that. But as far as the
16 oversights, the oversights are the same. From a site
17 safety perspective, from any of the measures that
18 were done from an auditing standpoint, commissioning,
19 there's no difference in how we evaluate that
20 building and that process, whether it's design-bid-
21 build, whether it's design-build or CM build. The
22 contractors have a responsibility, and we as,
23 obviously as engineers and architects, this is
24 something that we monitor and we sign off on, along

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2 with our colleagues at DOB and others so there's no
3 added risk with this alternate delivery method.

4 CHAIRPERSON BROOKS-POWERS: And I'm sorry,
5 just for clarity for me, because I'm still trying to
6 wrap my mind. In terms of a non-design build project,
7 does that type of work include a warranty?

8 COMMISSIONER FOLEY: Yes. They both
9 include warranties.

10 CHAIRPERSON BROOKS-POWERS: So, the
11 project build does too? Design-build, excuse me.

12 COMMISSIONER FOLEY: A project in design-
13 build has the same warranty as one in design-bid-
14 build, correct.

15 CHAIRPERSON BROOKS-POWERS: Okay. And so
16 the project that you spoke of with Council Member
17 Narcisse, and I know you have to get more details on
18 that project, that it may not have a warranty. Is it
19 because you think that it may be an expired warranty?

20 COMMISSIONER FOLEY: I'm not familiar with
21 the project, and we'll certainly find out before we
22 leave the room.

23 CHAIRPERSON BROOKS-POWERS: Okay. And if
24 you could keep me posted, because again, I just want
25 to understand the...

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2 COMMISSIONER FOLEY: I'm sorry. Sorry,
3 Council Members. That's a NYCHA project, not a DDC
4 project.

5 COUNCIL MEMBER NARCISSE: The one in the
6 Park?

7 COMMISSIONER FOLEY: Yeah.

8 COUNCIL MEMBER NARCISSE: The one in
9 (INAUDIBLE) And how exactly are you (INAUDIBLE) one
10 in Marine Park? Malone Center?

11 COMMISSIONER FOLEY: The team will review.
12 But yeah, I'm not familiar with that. I know that the
13 one...

14 COUNCIL MEMBER NARCISSE: Wait, wait,
15 wait. Let me be correct on that one. Just give me a
16 second. I think I'm confusing that one with...

17 CHAIRPERSON BROOKS-POWERS: Well, we'll
18 let...

19 EXECUTIVE DEPUTY COMMISSIONER OCHOA:
20 Chair, if I may, I think Commissioner hit it right in
21 the head. There is no difference between design-
22 build... (CROSS-TALK)

23 COUNCIL MEMBER NARCISSE: Carmine Carro.
24 Sorry. If you're talking about Marine Park, it's
25

2 Carmine Carro. The one in Bayview, it's Bayview
3 Community Center.

4 CHAIRPERSON BROOKS-POWERS: And while
5 you're checking on that, I want to acknowledge that...

6 COMMISSIONER FOLEY: Not DDC. We'll figure
7 out what... My team believes it's a NYCHA facility,
8 NYCHA building.

9 COUNCIL MEMBER NARCISSE: No, I'm talking
10 about Marine Park.

11 COMMISSIONER FOLEY: Okay.

12 COUNCIL MEMBER NARCISSE: It's different.
13 We're talking about two centers, that given problem.

14 CHAIRPERSON BROOKS-POWERS: I want to
15 acknowledge that we've been joined by Council Member
16 Rivera as well.

17 Commissioner, has DDC made any
18 institutional changes to processes or systems in
19 order to accommodate design build? And if so, what
20 are they?

21 COMMISSIONER FOLEY: So, one of the
22 approaches that we've changed, we have, to my right,
23 is Yve McEvilly. She's our Assistant Commissioner for
24 Alternate Delivery. And she leads the team for design
25 build and for alternate delivery. This is one of the

2 lessons learned that we've had. We were having a
3 number of different project managers manage a design-
4 build project along with design-bid-build, and it's
5 two different contracts. And so, we recognize that
6 that was a challenge from a staffing perspective.
7 Also, that mindset as far as that shift of how we are
8 working with the teams. So, there's a number of
9 national reports out about how public owners, such as
10 myself, such as DDC, how we would effectively manage
11 these jobs, and we implemented those changes a year
12 and a half ago, and they've been very, very
13 successful. So, that's one of the things that we
14 looked at under the microscope. We're always
15 evolving, always changing, always meeting with the
16 industry to find out what we're doing right but, even
17 more importantly, what we're doing wrong, and this is
18 one of the changes, and Yve's been leading the way.

19 CHAIRPERSON BROOKS-POWERS: Thank you. I'm
20 going to pause with my questions and allow Council
21 Member Banks to ask his.

22 COUNCIL MEMBER BANKS: Thank you, Madam
23 Chair, and I guess I'll ask a question for Mercedes.
24 But I'll do that at the end of my questions.

2 The Administration along with the Council
3 made a historic investment of 160 million dollars
4 into the Brownsville Recreation Center, and I would
5 be remiss today if I didn't ask, because that's
6 obviously the elephant in the room in the 42nd
7 Council District, when is this project going to begin
8 and if there's any design plans that the community
9 can be privy to. So, I want to know if there's any
10 update that you can provide to the residents of the
11 42nd Council District.

12 ASSOCIATE COMMISSIONER MCEVILLY: Sure.
13 So, the Brownsville Recreation Center, which is a
14 Parks project, that is currently in our front-end
15 planning process. It's in the phase two, which we're
16 looking at risk assessment, understanding the
17 schedule, ensuring we have enough budget. So, I
18 believe it would be in that phase for another two
19 months or so.

20 COUNCIL MEMBER BANKS: Another two months
21 or so. And when it comes to community input, we
22 obviously look forward to working with you and the
23 Parks Department and all the other agencies and
24 making sure that the community is kept abreast as to
25 what's going on step by step because every day we get

calls from seniors who use that center and the young folks who have used that center for years to find out what's going on with it. And obviously, it is Brownsville, it's the border of Brownsville and Eastern New York, so we need our recreational spaces and, obviously, we need them to be state-of-the-art.

Let me also now dive into some other general questions. Is the public being fairly and meaningfully engaged throughout the design-build process? And specifically, have there been any changes in how public input is gathered or incorporated, especially for large-scale transportation and infrastructure projects?

COMMISSIONER FOLEY: So, I would say from DDC's standpoint that yes, we've had the lessons learned as far as the community engagement. It's so important of how that drives the design. What are those things that we're looking for? On a normal project design-bid-build, we would be working with the designer over the course of three or four years to get that community input. Here, we really need that on the front end, because we cannot sit at the design table for four years and then bid a contract out. We have to get these projects done. And so that

2 has been a shift, and we've been doing extremely well
3 with our colleagues, both at DOT, at Parks
4 Department, and others, to then have that community,
5 to have that input early on in the process for what
6 are those deliverables, what do they want in that rec
7 center, what do they want on that plaza project or
8 whatever, so that's been a shift for us and a welcome
9 one, and it's been working.

10 COUNCIL MEMBER BANKS: Okay. And what
11 accountability measures are in place to track whether
12 the design-build model is actually delivering on its
13 promises, like saving time and reducing costs? And
14 are there regular evaluations, reports, or
15 performance reviews being done, and how does the
16 public or the Council access that information?

17 ASSOCIATE COMMISSIONER MCEVILLY: Sure.
18 So, our design-build program, right, we started
19 issuing contract awards in 2022, so we're three years
20 in, and this year we're seeing the completion of our
21 first two pilot projects. So already we can say,
22 right, with Orchard Beach Maintenance and Operations
23 Pavilion, we're saving several years off of that
24 because, you know, three years in and we already have
25 a complete building.

2 COUNCIL MEMBER BANKS: Okay. And this is,
3 I guess we're going to go back to the Bayview
4 Community Center. As Chair of the Public Housing
5 Committee, obviously it's a concern for me as well.
6 Initially, when that particular center was designed,
7 we want to know what role did your particular agency
8 play in designing that center. We do know it is a
9 NYCHA property, but we want to know what role did you
10 play in it, or if any.

11 COMMISSIONER FOLEY: I don't believe that
12 project is with us. We've only done three projects
13 within NYCHA campus. Everything else is covered under
14 NYCHA, but we could certainly have a chat after that.

15 COUNCIL MEMBER BANKS: Yeah, if you can
16 do, if you've done the research or if you can do the
17 research to take a deeper dive into that to see, you
18 know, because obviously it's been an ongoing issue,
19 and I believe the center has been closed for quite
20 some time, which has been denying a lot of the young
21 folks an opportunity to have a recreational space,
22 and we know that's a NYCHA development, and we know
23 it's badly needed, so if we can get some clarity on
24 what role your particular agency played in it, we
25 would greatly appreciate that.

2 COMMISSIONER FOLEY: Absolutely.

3 COUNCIL MEMBER BANKS: Thank you, Madam
4 Chair.

5 COUNCIL MEMBER NARCISSE: I want to say
6 thank you, but for Parks, when a design is done
7 inside the park, it's usually Parks, or you have
8 anything to do with any design within the parks?

9 COMMISSIONER FOLEY: That would be the
10 Parks department.

11 COUNCIL MEMBER NARCISSE: Totally parks?

12 COMMISSIONER FOLEY: Yes. If there's
13 anything with regards to a rec center, so they have a
14 capital program, but any large projects over 20
15 million dollars or so, they then call us up.

16 COUNCIL MEMBER NARCISSE: That's over 20
17 million dollars (CROSS-TALK)

18 COMMISSIONER FOLEY: They transfer that
19 project to us.

20 COUNCIL MEMBER NARCISSE: So, therefore,
21 it would be you that I can ask for the Parks one, the
22 one inside the park, because you're doing the one for
23 Shirley Chisholm right now.

24 COMMISSIONER FOLEY: We're doing the one
25 for Shirley Chisholm, correct.

2 COUNCIL MEMBER NARCISSE: That's inside a
3 park.

4 COMMISSIONER FOLEY: Yes. I'm sorry.
5 Inside the park, yes, but I thought you meant like
6 other playground equipment, things like that. The
7 smaller scope, they do themselves.

8 COUNCIL MEMBER NARCISSE: No, I'm talking
9 about the center, the rec center.

10 COMMISSIONER FOLEY: Yes. We do the rec
11 centers for Parks Department, or at least recently
12 have started that.

13 COUNCIL MEMBER NARCISSE: So, therefore,
14 the one in Marine Park, Carmine Carro, probably is
15 going to be, so I need your help. Basically, I need
16 help to make sure those centers are being used.
17 (INAUDIBLE) being aggressive towards you? I'm just
18 like, I want some answers, because everybody just
19 passing the buck on me, and I don't like that. I get
20 frustrated. You know the nursing part of me.

21 COMMISSIONER FOLEY: Sure.

22 COUNCIL MEMBER NARCISSE: I just want to
23 get things done.

24 COMMISSIONER FOLEY: Sounds great. We look
25 forward to, if we're going to be in charge of that

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2 job, give us the money, and we'll move on it.

3 Absolutely.

4 COUNCIL MEMBER NARCISSE: I appreciate
5 you.

6 CHAIRPERSON BROOKS-POWERS: Thank you. I
7 think Council Member Rivera has remarks.

8 COUNCIL MEMBER RIVERA: Yeah. I just
9 wanted to thank the Chair for your leadership,
10 because I've really been interested in what design-
11 built implications are and how we've benefited as a
12 City, and so to have it laid out like this has been
13 tremendously helpful. And I just want to thank this
14 panel, because it's been a pleasure working with you
15 all. Specifically, I know that there aren't a ton of
16 design-build examples here in my District, but
17 specifically working with Commissioner Foley on East
18 River Park and Murphy Brothers and the southern part
19 of the park and the bathrooms there, they're quite
20 nice. They're really interesting, and they're solar-
21 powered, and it's been a journey, and it's been fun.
22 So, I just want to thank you for your professionalism
23 and responsiveness and for your time today. Thank
24 you, Madam Chair.

25

2 CHAIRPERSON BROOKS-POWERS: Thank you. I'm
3 going to pivot to M/WBE Participation. Commissioner
4 Paul, you know how I feel about this topic, so I'm
5 going to just go ahead and delve in. So, as Chair of
6 this Committee, I've advocated for a more equitable
7 transportation and infrastructure system in the city.
8 So, I would next like to discuss M/WBE Participation
9 as it pertains to the design-built process. The PWIA
10 of 2019, which granted City agencies the ability to
11 award design-built contracts, also requires the City
12 provide additional opportunities for minority and
13 women-owned businesses. How is DDC providing
14 additional opportunities for M/WBEs?

15 ASSOCIATE COMMISSIONER MCEVILLY: So,
16 there are a few strategies that DDC is currently
17 undertaking to increase M/WBE participation on
18 design-built contracts. One is that we can count any
19 tier of subcontractors. On design-bid-build projects,
20 you can only count the first tier of contractors that
21 you have a contract with. On design-build, you can
22 count any level. So, you have a contractor, but if
23 they have a subcontractor that is an M/WBE, you can
24 kind of optimize their participation there. And also,
25 suppliers count towards a certain percentage of

2 participation. On design-built contracts, we are also
3 able to count both State and City-certified M/WBEs.
4 And finally, I would say that, well, there are a few
5 other things. One is that we also split the goals so
6 that it is 30 percent on both the design phase and 30
7 percent on construction. It's not on the overall
8 contract. So, we're ensuring participation on
9 professional services as well as construction
10 services. And then I would say, because of the
11 design-build process is kind of evolving in terms of
12 the timeline, like the timeline is very fluid, the
13 design-builder is able to engage with additional
14 M/WBE firms as the project proceeds, so closer to the
15 time of work. So, there are many layers of
16 opportunity that we're seeing.

17 CHAIRPERSON BROOKS-POWERS: And also, an
18 area that I see M/WBEs often impacted by, especially
19 when they are in the role of a subcontract, because
20 they're not in direct contract with the City, they
21 are then beholden to the prime, paying them on time
22 and, if anything comes up that has the prime in a bad
23 light in the Comptroller's office or the Admin
24 decides, well, we're not going to pay the prime, the
25 sub, which may be doing everything right and

2 everything it's supposed to do, won't get paid. How
3 does DDC, whether through design-build or any other
4 method that you use, how does the agency work to
5 inoculate and protect M/WBEs from falling victim to
6 that? Because I know that my offices worked with the
7 Admin on a particular situation where there was a
8 contract and M/WBE did not, unfortunately, get paid
9 timely, which resulted in dealing with the Employment
10 Board, and there was a lot of damage done to that
11 business as a result, both in terms of reputational
12 damage. It trickled down to the workers that worked
13 for them. People lost their homes over it. So they
14 are the least protected, and oftentimes we find in
15 these contract opportunities the minority businesses
16 are often the subs and not often the prime so they
17 are at risk in that regard so how has the agency been
18 able to protect M/WBEs in that way?

19 COMMISSIONER FOLEY: So, we take our
20 relationships extremely seriously, those that have
21 partnered with us, regardless if it's a design-bid-
22 build or a design-build project. In design-build, we
23 know who those team members are because it's part of
24 the proposal. On design-bid-build, it's a low bid,
25 and then we find out months after about who

2 specifically is on their team. That being said, each
3 and every project we monitor payments. Right now, our
4 average is 31 days to pay vendors upon approved
5 invoice, which is very good. We're streamlining that
6 as well. We have a new payment process that actually
7 went live this morning, so we're really excited about
8 that. And our outreach, I know that we have
9 incredible outreach. I'm joined today by our
10 Executive Deputy Commissioner, Maggie Austin, who
11 holds and chairs regular meetings with me as far as
12 our advisory board hearing, our advisory boards,
13 M/WBE advisory boards meeting quarterly, and any
14 vendor that has not been paid on time, they contact
15 Maggie directly because of her reputation and her
16 certainly meeting with all the vendors, not only at
17 these advisory meetings, but also with industry
18 engagement and things like that, so this is something
19 that we're very cognizant of. We continue to monitor
20 to make sure that everybody is getting paid, and
21 obviously when the primes are paid, that they're
22 obviously paying their subs immediately. There are
23 cases where we're contacted directly by those subs.
24 It's something that we take seriously, and we act on
25 it right away.

2 CHAIRPERSON BROOKS-POWERS: And DDC
3 currently has 22 projects in its design-build
4 portfolio. How many of those projects have contracted
5 with M/WBEs, and how many design-build contracts have
6 been awarded in total by DDC?

7 COMMISSIONER FOLEY: I would just say it's
8 a large number. We'll certainly get that for you.
9 Overall, as I mentioned for our M/WBE and our
10 borough-based jails early works, it's 51 percent,
11 which is a staggering number. It's the highest in the
12 country and one of the largest programs in the
13 country for any city government. With regards to our,
14 you know, we continue to strive for 30 percent
15 design, 30 percent construction. M/WBE on our design
16 and our construction, obviously, contracts. We have a
17 bunch of information we would love to share with the
18 Chair and with the Members, and we'll get that out to
19 you this week, specifically as far as each job where
20 we are. But, you know, great gains. This is an
21 ongoing dialogue that we're having, not just me, but
22 there's a whole team behind me that engages with the
23 vendors. This is something that we have on our,
24 literally when we're meeting on a biweekly basis,
25 we're always talking about their goals, how they're

2 doing, how they're maintaining it, and that's just
3 part of what we do.

4 EXECUTIVE DEPUTY COMMISSIONER OCHOA: And,
5 Chair, if I may, on that M/WBE payment question,
6 you're right, we often, you know, we do from time to
7 time here, M/WBE is not getting paid on a timely
8 manner. We do work with the primes. If there is an
9 issue with the payment where we think we are
10 withholding payment or a percentage of the payment or
11 a percentage of the invoice for valid reasons, we
12 usually release the percentage that we agree with to
13 make sure the payment goes through and that the subs
14 can get paid, and then we can negotiate with the
15 prime the remainder amounts for the invoices, so we
16 work directly with the primes and the subs to make
17 sure that they get paid appropriately.

18 CHAIRPERSON BROOKS-POWERS: Thank you for
19 that.

20 ASSOCIATE COMMISSIONER MCEVILLY: I'm
21 sorry, if I could just chime in to add to
22 Commissioner Foley's response is that we're really
23 proud to say the last two design-build contracts were
24 awarded to M/WBE prime vendors. The first was Roy
25

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2 Wilkins Rec Center, which is 120 million in St.

3 Albans, Queens.

4 CHAIRPERSON BROOKS-POWERS: And was it a M
5 or a W?

6 ASSOCIATE COMMISSIONER MCEVILLY: So that
7 went to Triton Elite JV, an elite construction
8 company, is an MBE.

9 CHAIRPERSON BROOKS-POWERS: Where are they
10 based?

11 ASSOCIATE COMMISSIONER MCEVILLY: They are
12 based in Jersey City.

13 UNIDENTIFIED: They're based in Garden
14 City, but formerly in Queens (INAUDIBLE)

15 COMMISSIONER FOLEY: But they might come
16 back to Queens now.

17 CHAIRPERSON BROOKS-POWERS: I hope so.

18 ASSOCIATE COMMISSIONER MCEVILLY: And the
19 second is the Public Restroom Building Bundle, which
20 is a 23-million-dollar project that was awarded to
21 Armand Corporation, which is a M/WBE.

22 CHAIRPERSON BROOKS-POWERS: Where are they
23 based?

24 UNIDENTIFIED: (INAUDIBLE)

25

2 CHAIRPERSON BROOKS-POWERS: Thank you. How
3 has DDC improved upon its M/WBE participation rate,
4 and what type of outreach or training has been
5 implemented to have higher participation rates? And I
6 also want to thread in a side question I got from
7 Council Member Narcisse, which is how is DDC setting
8 up the MBEs that are at times subs to have an
9 opportunity to become a prime?

10 COMMISSIONER FOLEY: I think there's a
11 couple things I'll tie these in. And so Yve and
12 Maggie hold regularly scheduled industry days over in
13 our main office, the old Chiclets Factory in Queens,
14 literally in the lobby as far as meet and greets,
15 with the large vendors, M/WBEs that are coming in so
16 that they could meet with the primes and they know
17 who ultimately to team with. And also, as Yve had
18 indicated, the last two contracts, these are primes
19 that have not did a significant amount of work with
20 DDC before. They were in private M/WBEs, so we're
21 really happy that they're coming into the fold
22 because it's design-build, it's a new contract, new
23 way of doing things, and that collaboration and
24 they're coming in. The other really exciting thing
25 that we've incorporated is that they're what we call

2 meet the primes. So it's within 60 days? Within 30
3 days of contract registration, notice to proceed. Yve
4 has it in the contracts now that there's a
5 requirement for the prime team members to have
6 outreach into the communities in which we're building
7 to have new team members come on board, both from a
8 labor perspective and then also subcontracting work
9 as well. So that's something that we've, it's worked
10 really well at Shirley Chisholm Rec, and then we
11 pivoted and used that as a model for each and every
12 one of our design-build projects going forward.

13 CHAIRPERSON BROOKS-POWERS: Thank you for
14 that. And what type of M/WBE participation rates are
15 implemented in DDC's current projects? How does DDC
16 encourage M/WBEs to bid for specific projects?
17 Because I know that's a task in itself. When I worked
18 on a JFK redevelopment program and we were trying to
19 get local minority businesses to apply, oftentimes we
20 had to pick up the phone and call them. One, because
21 the feedback was they get a lot of requests sent to
22 them, and they want to kind of pick what they would
23 likely get or have a higher probability of being
24 selected for. And then also just not wanting to deal
25 with the City or government in general because of a

2 lot of the, I guess, the red tape they feel that
3 exists, and so I'm curious in terms of what has been
4 best practices by DDC in encouraging M/WBEs to bid
5 for specific projects and what other type of
6 research. I know you said that your team has been
7 doing great things, but how are we getting it better?
8 Because when I look at 30 percent and I hear an
9 agency has achieved 30 percent or got 31 percent, not
10 for nothing, yes, you have met the goal, but to me
11 that's the floor and not the ceiling, and we should
12 always be striving to go beyond that. And then what
13 are the specific breakdowns for your major projects
14 in terms of ethnicity, race, and gender?

15 COMMISSIONER FOLEY: So as far as the
16 collaboration, right, in design-build there's
17 obviously innovation, there's collaboration, trust,
18 what have you. And one of the things that Maggie and
19 her team have been working very, very closely with
20 SBS for working and highlighting vendors for a
21 certain scope of work and meeting with the design-
22 build teams to highlight who could provide that
23 railing, who could provide those painting services
24 that are a local M/WBE, and then the disparity within
25 the disparity, we are tracking that as well, and

2 we've highlighted in our contracts as far as a
3 breakdown of the M/WBE as far as what that disparity
4 within the disparity is, and we could certainly share
5 that information with the Chair. Yes. All good.

6 CHAIRPERSON BROOKS-POWERS: I'm going to
7 pause for a moment to allow Council Member Narcisse.

8 COUNCIL MEMBER NARCISSE: What performance
9 metrics are being used to track progress for DDC?
10 What improvements has DDC made between 2019 and 2024
11 in terms of performance, and what metrics support
12 this? What metrics show a regression or worsening
13 performance, and what does DDC plan to do to correct
14 those strengths, if any?

15 ASSOCIATE COMMISSIONER MCEVILLY: So, I'll
16 say that DDC's design-build program is evolving.
17 We're very much interested in lessons learned and
18 improving with every contract, so there are things
19 that we have changed in our contracts. One of the
20 things that I know you care about is related to
21 quality, quality of the product, and so we've
22 increased the language regarding quality management
23 plans, quality assurance, and oversight. We have
24 increased the scope of our owner's representative to
25 include those services to support DDC staff. In terms

2 of metrics, since the first projects are just now
3 being completed this year, we're starting to see
4 those now, but we do know from the face of it that
5 the projects are being completed on a faster timeline
6 with cost savings.

7 CHAIRPERSON BROOKS-POWERS: Thank you. I'm
8 going to pivot to the DDC strategic blueprint,
9 wanting to get a sense as to the status of the
10 Underground Blueprint for Citywide. I'm going to
11 start with Council Member Brewer's questions that she
12 sent over, wanting to understand what the status is
13 of the Underground Blueprint for Citywide. So that's
14 cable, water pipes, etc. Is it all up to date? Is DEP
15 keeping the database current? And how does it impact
16 the work of DDC?

17 COMMISSIONER FOLEY: I'm sorry, Chair. The
18 question was how we coordinate our underground work
19 with DEP?

20 CHAIRPERSON BROOKS-POWERS: It is what is
21 the status of the underground blueprint for citywide?
22 And in terms of the cable, water pipes, etc., is it
23 up to date? And is DEP keeping the database current?
24 And how does it impact DDC's work? 3D underground?

2 COMMISSIONER FOLEY: Yes. Go ahead, Yve. I
3 would say that that would be 3D underground. Paul,
4 you want to? Okay.

5 EXECUTIVE DEPUTY COMMISSIONER OCHOA:
6 Yeah, I can take it. I believe Council Member Brewer
7 is talking about the Mayor's Office of Operations'
8 mapping of underground infrastructure. We are working
9 with them on that. I don't think it's quite ready to
10 be published, but I do know that DEP and DOT are
11 working with them, and I believe the utilities as
12 well, but I don't think it's quite ready for it to be
13 published. I do not believe this is a DDC mapping
14 project.

15 CHAIRPERSON BROOKS-POWERS: Okay. But
16 going back to the Strategic Blueprint, in January
17 2019, DDC released a strategic blueprint for
18 construction and excellence called the Strategic
19 Blueprint, which provides comprehensive plan to
20 improve capital project delivery in New York City. In
21 2022 and 2024, DDC released updates to this blueprint
22 to summarize how DDC is improving and working towards
23 its overall goal to plan, design and build a better
24 New York City. Could you briefly explain the main
25 points of the most recent 2024 update? So, for

2 example, how has the new advanced capital planning
3 program data portal helped project delivery? How has
4 DDC eased the design process and streamlined needed
5 approvals? How is past performance being used to
6 improve project delivery? How has DDC streamlined
7 construction and built better communication between
8 design and construction teams? And how has DDC
9 supported and empowered their team to improve? And
10 I'll repeat anything you need me to.

11 COMMISSIONER FOLEY: All good. I have my
12 notes. Thank you, Chair. The blueprint has been, as
13 in any organization, right, that has been our mantra.
14 This is something that we track literally on a daily
15 basis as far as the goals and how we're achieving
16 those. So, I'm really excited about the things that
17 we laid out in 2024 to build better, faster and
18 cheaper, and we are achieving our goals in that
19 regard with. As far as on those specific questions,
20 ACP advanced capital planning, we recently received
21 funds from OMB in the last turnaround, 1.5 million
22 dollars for a platform. That's going to help us plan
23 better as a City. So, we're delighted with that or
24 advocacy and traction. And then in the last that we
25 are also awarded some positions in order to fill for

2 our advanced capital planning. This will change how
3 the City designs and builds. As far as our design
4 process, we're putting out a new round of on-call
5 contracts and we're streamlining our design approach.
6 We're also laying out those expectations in a new and
7 recently released design guideline. So we're really,
8 really excited about that. As for evaluations,
9 industry evaluations, each of our contractors and
10 designers is evaluated on an annual basis. This then
11 forms the basis of whether or not we renew contracts
12 with these associated vendors, and this can be shared
13 and will be shared with our colleagues in other City
14 agencies. As far as streamlining construction, DDC
15 ran a pilot a little over three and a half years ago
16 called EWA, expanded work allowance, and then as we
17 had saw out at Southeast Queens in our project there,
18 that one project saved one year, just with the EWA.
19 The EWA is transforming our infrastructure and public
20 buildings projects. It's basically registered
21 contingency. DDC was running the pilot on this. And
22 through our colleagues at the Mayor's Office and the
23 Comptroller's Office, the EWA is now a standard tool
24 to build better, faster, and cheaper with our
25 colleagues at DOT, Parks, and DEP.

2 CHAIRPERSON BROOKS-POWERS: Thank you.

3 Pivoting to project labor agreements for design bill
4 projects. The PWIA of 2019 also requires the City to
5 utilize project labor agreement, also known as PLAs,
6 which design bill subcontractors must comply with.

7 Currently, there are two PLAs applicable to DDC's
8 design bill projects, Citywide Design Bill PLA for
9 vertical work used by DDC and other City agencies,
10 and Design Bill PLA, which applies only to three
11 specific DDC horizontal infrastructure projects.

12 Could you explain the two current PLAs that are being
13 used in DDC's design build projects and what does
14 vertical and horizontal work entail?

15 ASSOCIATE COMMISSIONER MCEVILLY: Sure.

16 So, I wanted to add that we do have a citywide
17 horizontal PLA that was signed earlier this year. I
18 believe we're at the end of last year. Horizontal
19 work entails often streetscape work, infrastructure,
20 sewer work. Vertical work entails buildings or
21 vertical structures. The vertical PLA we have will be
22 renewed in the coming months.

23 CHAIRPERSON BROOKS-POWERS: What type of
24 work rules are implemented under these PLAs, and do
25

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2 the PLAs reduce the administrative burden and costs
3 on construction agencies? If so, how?

4 ASSOCIATE COMMISSIONER MCEVILLY: I don't
5 have the detail on that. We could get back to you.

6 CHAIRPERSON BROOKS-POWERS: Okay. So
7 you'll include it with the other stuff that you're
8 following up on. Okay.

9 And then does DDC believe that design
10 build should be expanded to all agencies?

11 COMMISSIONER FOLEY: Absolutely.

12 CHAIRPERSON BROOKS-POWERS: I kind of
13 figured that was going to be your response.

14 Well, those are all my questions. Thank
15 you to both agencies for being present. I'm really
16 excited to continue having conversations around this
17 model.

18 Oh, wait, I did forget. So, in terms of
19 Brookville Park, where are we now with the bathroom
20 project?

21 ASSOCIATE COMMISSIONER MCEVILLY: Sure.
22 So, Brookville Park is being included as part of the
23 public restroom building bundle of six public
24 restroom buildings in total. We just awarded the
25 contract just after Labor Day to a design builder,

2 and they have 18 months to complete both design and
3 construction of all six restrooms, so by the end of
4 2026 is when that restroom will be complete.

5 CHAIRPERSON BROOKS-POWERS: And that's a
6 part of like my question also in terms of like the
7 efficiency of it all, because that project I think
8 has been fully funded for about two to three fiscal
9 years now, and I thought that it would have been much
10 further along in the process. And with every day,
11 like whether it's design build or not, the price of
12 construction goes up, and so it's been over the
13 course of several fiscal years. So, I just want to
14 know why has it taken so long to even get to where we
15 are right now?

16 EXECUTIVE DEPUTY COMMISSIONER OCHOA:
17 Chair, I can take this because I think I can speak
18 from the agency side. Typically, when we take on
19 projects or when we decide we want to take on
20 projects, we go through a process called capital
21 project initiation, which is done in-house at DOT.
22 That process can take anywhere from six months to
23 maybe a year and a half, so it's actually not always
24 DDC's fault the projects take a bit longer. From your
25 perspective and from the public's perspective, when

2 we announce a project, and when we fund a project to
3 the time it gets to DDC, it can be multiple years. So
4 that is to say, I don't want to speak for Parks and I
5 don't want to put DDC in a weird spot, but it does
6 take some time internally in agencies to put a
7 project together for them to send it to DDC where
8 they begin their design build process.

9 CHAIRPERSON BROOKS-POWERS: So, let me ask
10 this for just clarity, for my own clarity. When a
11 Council Member fully funds a project, it is not
12 guaranteed to just go at that point. It's on the
13 agency internally to kind of prioritize which one
14 goes next.

15 EXECUTIVE DEPUTY COMMISSIONER OCHOA:
16 Well, when you fund a project and it's fully funded,
17 typically the agency design puts a package together
18 where we do a little bit of design. We just don't
19 send the money and then an idea to DDC. We talk to
20 internally to our sister agencies. We sometimes talk
21 to the utilities. We do some preliminary design work.
22 We think about what we want in that project, whether
23 we want a raised bike lane or a bus lane or, you
24 know, extended sidewalks or whatever it may be, and
25 that process takes some time. And then we send the

2 package or the CPI to DDC where they, sometimes they
3 go through their front-end planning unit to then
4 determine what is the best way to deliver that
5 project for the agency so it doesn't happen
6 automatically.

7 CHAIRPERSON BROOKS-POWERS: But when like,
8 it waits this long and then now it becomes a Delta in
9 terms of what was initially forecasted the cost to
10 be, and now there's a shift so I see this with SCA.
11 There'll be times that they'll come back and it's a
12 fully funded project, and they're like, oh, we're
13 like half a million or a million dollars short. You
14 know, is it now the Administration's responsibility
15 to fill that gap? Because what happens is it comes
16 back to the Council Member that has fully funded and
17 has prioritized it because if we're fully funding a
18 project, we're prioritizing it as needed, and we
19 anticipate that it will be like put in the pipeline.
20 Because a lot of times Members are putting money,
21 like for me with the recreation center, at Brookville
22 Park, I'm putting money aside for that, so I know
23 that that's not going anywhere right now, but for a
24 playground for school and it's fully funded, my
25 expectation is that that is moving. But what happens

2 is like you're saying, and I've seen this is it's not
3 prioritized by the agency, unfortunately, and then
4 when it's get started or it's almost a completion,
5 we're now on the hook for the gap.

6 EXECUTIVE DEPUTY COMMISSIONER OCHOA:

7 Yeah. This does happen. I'm not saying it doesn't
8 happen. When we provide an estimate to the Council or
9 to the Administration, it is that, it is an estimate.
10 It is our, you know, we can take a guess of how much
11 a street reconstruction project may take in Manhattan
12 given historical sort of prices, but it is ultimately
13 an estimate. Sometimes, you know, we've seen projects
14 that come in under budget and some projects that come
15 over budget because of some unforeseen conditions.
16 But when we give you a number, it is our best
17 estimate at that time. We tend to include cost
18 escalators just because this always happens. But I
19 think when you, I think the cases that you're talking
20 about tend to be more about like unforeseen
21 conditions in the project that we just didn't account
22 for and not so much as like normal inflation.

23 CHAIRPERSON BROOKS-POWERS: Well, is that
24 the case in the Brookville Park? Is this things that
25 came up that were unforeseen?

2 ASSOCIATE COMMISSIONER MCEVILLY: So, with
3 Brookville Park, jut to be on the same page about the
4 timeline. When we received the project initiation
5 from the Parks Department, that was an early 2023.
6 That went through the front-end planning process. And
7 in that process, the team that Commissioner fully
8 mentioned of architects and engineers, they evaluated
9 the project delivery method and the schedule. And
10 based off of that, they determine any escalation
11 necessary. So there was not a concern of funding at
12 that point, but DDC doesn't have the green light to
13 start a project until we have what's called managing
14 agency switch, and that's when the Parks Department
15 officially kind of gives us the funding that happened
16 in the summer of 2023.

17 CHAIRPERSON BROOKS-POWERS: Why did it
18 take so long because I believe it was funded in... it
19 was for Fiscal '23. We voted on the budget before
20 June 30th of '22, so why did it take all the way to
21 like January for that initiation and then in the
22 summer to get to that next stage?

23 ASSOCIATE COMMISSIONER MCEVILLY: Well,
24 right. I mean DDC can't speak to what happened prior
25

2 to us receiving the project initiation from our
3 sponsor agency.

4 EXECUTIVE DEPUTY COMMISSIONER OCHOA: It
5 doesn't sound... I mean, it does take about six to nine
6 months for us to put a package together.

7 CHAIRPERSON BROOKS-POWERS: I know DOT is
8 separate because you're looking holistically about
9 other projects, but when there are things that are
10 more like silo, like a bathroom in a park or a
11 playground at a school or a library within a school,
12 like those types of things are more isolated and more
13 straightforward. And so if it's fully funded and
14 these are sister agencies, it's not like you're
15 talking to external folks, like DDC is doing the work
16 for this City agency. One would think that there's a
17 way to better streamline that process. And that's
18 something that, you know, if DDC hasn't looked at
19 should look at, because again, when we think about
20 our terms here, most of us are here for eight years
21 and a lot of my Colleagues and I have spoken about
22 this, like, and even with our predecessors, we're
23 cutting ribbons for their stuff or projects that
24 really don't take that long and, if it's fully
25 funded, it should just get off the ground, and

2 communities are looking forward to these new
3 infrastructure investments that we are doing. And
4 oftentimes we do the announcement and then it's like
5 three, four years, they come back to us, like, you
6 know, is this real because they don't see anything
7 happening?

8 COMMISSIONER FOLEY: I would just say that
9 DDC as an authority, which you've been advocating for
10 three-plus years, would blow up the system. It would
11 streamline the process. We would be able to build
12 better, faster, cheaper, and we continue to advocate.
13 We'll continue to walk the halls in Albany and here
14 at Council. That will be a game changer. Just like
15 design-build is a game changer, DDC as an authority
16 would change how the City builds and speed up the
17 processes.

18 CHAIRPERSON BROOKS-POWERS: Thank you for
19 that. So you're saying that also, just going back to
20 your timeline with Brookville's bathroom. So we're in
21 2025 now. By 2026, early 2027, it should be
22 constructed and complete.

23 ASSOCIATE COMMISSIONER MCEVILLY: That's
24 correct.

2 CHAIRPERSON BROOKS-POWERS: Okay. And I
3 don't know if you'll have this answer now, but it
4 could be in the followup. I wanted to know how many
5 projects are fully funded in the pipeline, how many
6 out of those have been initiated, and how many will
7 be completed this year?

8 COMMISSIONER FOLEY: We'll give you that
9 information, but we do not start a project. We cannot
10 start a project unless it is fully funded. So,
11 everything in our pipeline is fully funded, and we'll
12 share that information.

13 CHAIRPERSON BROOKS-POWERS: Thank you.

14 COMMISSIONER FOLEY: Thank you.

15 CHAIRPERSON BROOKS-POWERS: Those are all
16 the questions I have. Thank you again.

17 COMMISSIONER FOLEY: Thank you.

18 CHAIRPERSON BROOKS-POWERS: I now open the
19 hearing for public testimony. I remind members of the
20 public that this is a government proceeding and that
21 decorum shall be observed at all times. As such,
22 members of the public shall remain silent at all
23 times.

24 The witness table is reserved for people
25 who wish to testify. No video recording or

2 photography is allowed from the witness table.

3 Further, members of the public may not present audio
4 or video recordings as testimony, but may submit
5 transcripts of such recordings to the Sergeant-at-
6 Arms for inclusion in the hearing record.

7 If you wish to speak at today's hearing,
8 please fill out an appearance card with the Sergeant-
9 at-Arms and wait to be recognized. When recognized,
10 you will have two minutes to speak on today's hearing
11 topics, Oversight, Evaluating DDC's Implementation of
12 Design-Bill Processes, Reso. 0886-2025, Resolution
13 Calling on the New York State Legislature to
14 Introduce and Pass and the New York State Governor to
15 Sign Legislation to Grant Permanent and Expanded
16 Design Bill Authority to All New York City Agencies.

17 If you have a written statement or
18 additional written testimony you wish to submit for
19 the record, please provide a copy of that testimony
20 to the Sergeant-at-Arms. You may also email written
21 testimony to testimony@council.nyc.gov within 72
22 hours of this hearing. Audio and video recordings
23 will not be accepted.

24 I'll now call the first panel, which will
25 be Richard Thomas and Christopher Leon Johnson.

2 You can begin when you're ready. Just
3 turn on the microphone.

4 RICHARD THOMAS: Members of the Committee,
5 Chair Brooks-Powers, my name is Richard Thomas, and I
6 serve as Director of State and Local Government
7 Affairs for the Design-Build Institute of America.
8 DBIA is the nation's leading authority on design-
9 build. We define and teach best practices rooted in
10 research and real-world application, an approach we
11 call Design-Build Done Right. Our rapidly growing
12 network of nearly 20,000 members and certified
13 professionals spans industry and the public sector.
14 These leaders know firsthand the challenges of
15 delivering critical infrastructure efficiently and
16 effectively. Design-Build is the fastest-growing
17 alternative delivery method in the country,
18 representing 44 percent of all construction spending.
19 FMI, a leading consulting analyst focused on the
20 built environment, forecasts that by 2028, that will
21 be 50 percent of the market. Owners across the
22 country are choosing Design-Build for its proven
23 advantages, which have been validated by extensive
24 research. Design-Build leads to faster delivery,
25 fewer change orders, lower overall cost growth,

2 higher quality outcomes, and greater innovation.

3 Passage of the PWIA in New York City's rollout of

4 alternative deliveries like Design-Build has really

5 been a game-changer, both for the City's

6 infrastructure and the local design and construction

7 industry. DDC's Design-Build program continues to

8 expand, delivering tangible, real-world results, high

9 performance projects that meet or exceed expectations

10 on time, on budget, and with reduced risk. Few cities

11 can match what DDC has achieved in such a short

12 period of time with the (TIMER CHIME) resources

13 you've provided. Under Commissioner Tom Foley's

14 leadership, New York now manages one of the largest

15 and most effective municipal Design-Build programs in

16 the country. Actually, I would say, bar none, it is

17 the most efficient program in the country now. It's

18 become a model for others across the country,

19 prioritizing best practices, investing in training,

20 developing innovative procedures, and proactively

21 engaging small and underutilized firms through

22 nationally recognized outreach. I urge the Council to

23 continue to support DDC's Design-Build program and

24 expand the tools available to integrate construction

25 expertise earlier in the process, enhancing cost

2 control, reducing project delivery times, and
3 mitigating risk. Design-Build will remain a
4 critically important part of the City's procurement
5 toolbox for years to come. Permanent, expanded
6 Design-Build authority is essential to maintaining
7 this momentum and ensuring Design-Build can continue
8 delivering on its projects for the communities it
9 depends on. Thank you for your time, and I'm staying
10 for questions.

11 CHAIRPERSON BROOKS-POWERS: Thank you. And
12 I just had a few questions to follow up. So, what
13 other major cities are using Design-Build right now?

14 RICHARD THOMAS: Well, I think New York
15 City's peers, obviously, Los Angeles, Los Angeles
16 County, and all of your major cities. Certainly,
17 Seattle does a lot of Design-Build. But to give you
18 an idea, since 2019, the portfolio you're dealing
19 with, this is larger than what some states do. This
20 has been a bold plan that they've gone along with,
21 and they're following through on it. And I think,
22 most importantly, what I think has happened here in
23 New York City is really building the whole team. I
24 mean, you're seeing training that's being done, best
25 practices. I'll be honest, some cities, they kind of

2 pay lip service to that. New York City is really
3 taking that to heart. They take it serious, and I
4 think we're seeing the results of that.

5 CHAIRPERSON BROOKS-POWERS: And you
6 mentioned in terms of some additional tools. What
7 additional tools do you think that DDC should
8 consider to further this effort?

9 RICHARD THOMAS: Well, I think having full
10 progressive Design-Build, I think especially... every
11 project that is done in the city, by definition, is
12 complicated. I mean, a lot of cities don't have to
13 deal with the number of stakeholders that you have to
14 deal with so, you know, obviously, big projects are
15 going to be more complicated, but even the small
16 projects here in the city, because of all the
17 stakeholders, the communities you deal with, add
18 complications to that, and I really think progressive
19 is probably the best suited for that, and also for
20 mitigating the risks.

21 CHAIRPERSON BROOKS-POWERS: Thank you for
22 that. Chris?

23 CHRISTOPHER LEON JOHNSON: Yeah. Hello,
24 Chair Powers. My name is Christopher Leon Johnson.
25 I'm here to call on the DDC to jump into the

2 deliveristas hub's situation. There is supposed to be
3 a deliverista hub outside City Hall.

4 CHAIRPERSON BROOKS-POWERS: I'm sorry. I
5 didn't hear you.

6 CHRISTOPHER LEON JOHNSON: Yeah. I said
7 hello. My name is Christopher Leon Johnson. And I'm
8 calling on the DDC to jump into the deliverista hub
9 project that's outside City Hall, because I have a
10 big feeling that the DDC is really powerful. In the
11 City of New York, they know a lot of architects and
12 developers, and they should be able to help out and
13 bring this home before this mayor leaves this city..
14 this Mayor leaves this office. I know I can't be
15 political. It's been approved by LPC, it's been
16 approved by the City Council, it's been approved by
17 the Land Use Commission. Why is it not getting built
18 outside City Hall? Like I said, I'm calling on the
19 DDC to jump in this thing, like, the last minute,
20 they should jump in, because this could help drive it
21 home.

22 And one more thing about M/WBEs is that,
23 my thing is that I think you, the Chair, should push
24 for more percentage of how many the contracts,
25 instead of being 25 percent, mandated by law, it

2 should be at least half of the contract, it should be
3 at least 50 percent. 25 percent is not enough, and
4 the problem is that they don't get a lot of money,
5 and they always get controlled by the big company.
6 And the problem is that they should have their own
7 independence, because I used to work on MTA Eastside
8 Access, I used to work for Allied Universal, and the
9 company that was working with us, Johnson Security,
10 they always got controlled by Allied Universal, so
11 they should have their own independence when they get
12 these contracts. They shouldn't just get a contract,
13 I understand the money's there, but they shouldn't
14 get a contract and get controlled by a contractor
15 that's not their color. So that's all I gotta say,
16 and thank you.

17 CHAIRPERSON BROOKS-POWERS: THANK YOU.

18 CHRISTOPHER LEON JOHNSON: Thank you.

19 CHAIRPERSON BROOKS-POWERS: Thank you. If
20 we inadvertently missed anyone, and you wish to
21 testify, please fill out an appearance card with the
22 Sergeant-at-Arms. If you are online, please use the
23 raise hand function.

24

25

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2 Hearing none, we will now close out this
3 hearing. Thank you for all those who testified today.

4 [GAVEL]

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C E R T I F I C A T E

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



Date July 20, 2025