



## Legislation Text

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**File #:** Res 0038-2018, **Version:** \*

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### Res. No. 38

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.7286/S.5766, legislation that would create a New York City Parks Construction Authority

By Council Members Brannan, Levine, Cabrera, Holden, Ayala, Maisel, Vallone, Gjonaj, Yeger and Borelli

Whereas, The Department of Parks and Recreation (DPR) has been criticized for delays and cost overruns in parks capital projects; and

Whereas, Notwithstanding DPR's commitment to streamline and shorten the capital process, DPR still allots themselves 30 to 45 months for on-time projects, a negligible decrease from the allotted time in 2013, 33 to 45 months; and

Whereas, Although DPR is committed to streamlining and shortening the capital process, its regulatory requirements have created a structure of checks over balances that ties the hands of DPR with bureaucratic red tape requiring multiple agency review and approvals, to the point where under State and City Laws or Citywide Policy, there are at least 6 different agencies and at minimum 53 steps in the process; and

Whereas, The project initiation process takes approximately 1-2 months and includes the following steps: (1) Confirm project is fully funded; (2) Assign to in-house staff or consultant; (3) Hold scoping meetings; (3)(a) Pre-scope meeting with internal stakeholders; and (3)(b) Scope meeting with community; and

Whereas, The design process takes approximately 10-15 months and includes the following steps: (4) Design development; (4)(a) Conceptual design; (4)(b) Schematic design; (4)(c) Pre-applications submitted to oversight regulatory agencies; (5) Internal and external schematic approvals; (5)(a) Internal reviews; (5)(a)(i) Borough; (5)(a)(ii) Capital staff; (5)(a)(iii) Commissioner; (5)(b) External reviews; (5)(b)(i) Community Board;

(5)(b)(ii) Public Design Commission; (5)(b)(iii) Landmarks Preservation Commission; (6) Construction document preparation; (6)(a) Apply for permits; (6)(b) PDC/LPC final review; and

Whereas, The procurement process takes approximately 7-10 months and includes the following steps: (7) Pre-solicitation review; (7)(a) DPR legal review; (7)(a)(i) Mayor's Office of Contract Services review; (7)(b) NYC Law Department legal review; (7)(c) Schedule for bid; (7)(c)(i) Grantor concurrence; (8) Solicitation; (8)(a) Pre-bid meeting; (8)(b) Question and answer period; (8)(b)(i) Addenda issued; (8)(c) Open bids; (9) Pre-award; (9)(a) Responsiveness/Responsibility review and determination: (9)(b) Vendor appeal (if applicable); (9)(b)(i) Amend certification to proceed with Office of Management and Budget; (9)(b)(ii) General counsel review; (9)(c) Recommendation for award; (9)(d) Award letter issues; (9)(d)(i) Grantor concurrence; (9)(d)(ii) MOCS approval; (10) Award and registration; (10)(a) Vendor executes contract; (10)(b) Agency submits package to Comptroller; (10)(b)(i) Pre-construction planning; (10)(c) Comptroller registration; and

Whereas, The construction process takes approximately 12-18 months and includes the following steps: (11) Order to work; (12) Construction supervision; (12)(a) Subcontractor approvals; (12)(b) Submittals; (12)(c) Change orders and overruns; (12)(d) Payments; (13) Substantial completion use inspection; and

Whereas, the DPR capital process does not technically begin until the first scoping meeting for the project, at which time DPR starts the clock for timeline, which might account for the 1-2 months of alleged streamlining under the current administration; and

Whereas, DPR capital projects, historically, have experienced large delays and substantial cost overruns; and

Whereas, 43 DPR capital projects have been delayed for 5 or more years and counting, 7 of which have been stalled since 2009; and

Whereas, Delays in DPR capital projects have generally been attributed to the overuse of private management consultants, poor project planning and inaccurate early cost estimates; and

Whereas, An authority that exclusively manages the design and construction of DPR capital projects may be able to increase the number capital projects which are completed on time and within budget; and

Whereas, An authority would not require PDC or LPC approval, although that does not prohibit the authority from simultaneous consultation when project appropriate; and

Whereas, An authority would not require multiple approvals from OMB or the Comptroller; and

Whereas, An authority would have a simplified procurement process for construction and contracted services; and

Whereas, State Senator Jeffrey Klein and State Assemblyman Jeffrey Dinowitz have introduced legislation which would create a New York City Parks Construction Authority; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.7286/S.5766, legislation that would create a New York City Parks Construction Authority

MAJ  
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