

# THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

## MINUTES

Wednesday, February 3, 2010

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**MINUTES of the Meeting of The Port Authority of New York and New Jersey held Wednesday, February 3, 2010 at 225 Park Avenue South, City, County and State of New York**

**PRESENT:**

**NEW JERSEY**

Hon. Anthony R. Coscia, Chairman  
 Hon. Virginia S. Bauer  
 Hon. Raymond M. Pocino  
 Hon. Anthony J. Sartor  
 Hon. David S. Steiner

**NEW YORK**

Hon. Henry R. Silverman, Vice-Chairman  
 Hon. Stanley E. Grayson  
 Hon. H. Sidney Holmes III

Christopher O. Ward, Executive Director  
 Darrell B. Buchbinder, General Counsel  
 Karen E. Eastman, Secretary

A. Paul Blanco, Chief Financial Officer  
 Steven J. Coleman, Assistant Director, Media Relations, Public Affairs  
 John C. Denise, Audio Visual Supervisor, Public Affairs  
 Michael A. Fedorko, Director, Public Safety/Superintendent of Police  
 Richard Gladstone, Director, World Trade Center Redevelopment  
 Linda C. Handel, Deputy Secretary  
 Alan H. Hicks, Senior Public Information Officer, Public Affairs  
 Mark D. Hoffer, Senior Counsel, Law  
 Louis J. LaCapra, Chief Administrative Officer  
 Cristina M. Lado, Director, Government and Community Affairs  
 Conor Lanz, Special Assistant to the Executive Director  
 Francis J. Lombardi, Chief Engineer  
 Ronald Marsico, Assistant Director, Media Relations, Public Affairs  
 Candace McAdams, Director, Media Relations, Public Affairs  
 James E. McCoy, Manager, Board Management Support, Office of the Secretary  
 Sanjay S. Mody, Advisor to the Chairman  
 Anne Marie C. Mulligan, Treasurer  
 Diane Paonessa, Associate Board Management Support Specialist, Office of the Secretary  
 Steven P. Plate, Director, World Trade Center Construction  
 Stephen H. Sigmund, Chief, Public and Government Affairs  
 Timothy G. Stickelman, Assistant General Counsel  
 Alan L. Reiss, Deputy Director, World Trade Center Construction  
 David B. Tweedy, Chief, Capital Programs  
 Lillian D. Valenti, Director, Procurement  
 Sheree Van Duyne, Manager, Policies and Protocol, Office of the Secretary  
 Andrew S. Warshaw, Chief of Staff to the Executive Director

Guest:

Johanna Jones, Authorities Unit, Office of the Governor of New Jersey

The public meeting was called to order by Chairman Coscia at 12:10 p.m. and ended at 12:20 p.m.

### **Action on Minutes**

The Secretary submitted for approval Minutes of the meeting of December 10, 2009. She reported that copies of these Minutes were delivered in electronic form to the Governors of New York and New Jersey on December 11, 2009. She reported further that the time for action by the Governors of New York and New Jersey expired at midnight on December 28, 2009.

Whereupon, the Board of Commissioners unanimously approved the Minutes of the December 10, 2009 meeting.

### **Report of World Trade Center Redevelopment Subcommittee**

The World Trade Center (WTC) Redevelopment Subcommittee reported, for information, on matters discussed in public and executive session at its meeting on February 3, 2010, which included discussion of certain planning matters, construction trade contracts and agreements in connection with the continued development of the WTC site, and discussion of matters related to the purchase, sale, or lease of real property, or securities where public disclosure would affect the value thereof or the public interest, and matters involving ongoing negotiations or reviews of contracts or proposals, and the report was received.

**DOWNTOWN RESTORATION PROGRAM – WORLD TRADE CENTER SITE  
PLANNING AND REDEVELOPMENT – INCREASE IN PLANNING  
AUTHORIZATION**

It was recommended that the Board authorize an increase of \$4 million in the planning authorization for World Trade Center (WTC) site planning and redevelopment, resulting in a total authorization of \$64.7 million, to continue design and redevelopment coordination efforts at the WTC site through March 2011.

In September 2003, the Lower Manhattan Development Corporation (LMDC) and the Port Authority announced the refined WTC Site Master Plan, based on the “Memory Foundations” concept developed by Studio Daniel Libeskind. In January 2004, the LMDC announced selection of the WTC Memorial design, “Reflecting Absence.” In June 2005, a revised final design concept for One World Trade Center was finalized. In October 2008, the Port Authority issued the report, *The World Trade Center: A Roadmap Forward* (WTC Report), to the Governor of the State of New York, which set forth revised schedules and budgets for the completion of various infrastructure at the WTC site.

Implementation of the WTC Site Master Plan and WTC site redevelopment components in accordance with the schedules outlined in the October 2008 WTC Report will require further architectural and engineering work, including, but not limited to: the ongoing project development efforts, which include design reviews and development coordination activities with other entities performing work on the WTC site; planning for future WTC operations; site utility planning; cost and funding analysis; site development coordination with the eastern and southern site work, including review of impacts of design alternatives for East Bath tub development; site operations and security requirements; and WTC site master planning coordination for the WTC site redevelopment components.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

**RESOLVED**, that an increase of \$4 million in the planning authorization for World Trade Center (WTC) site planning and redevelopment, resulting in a total authorization of \$64.7 million, to continue design and redevelopment coordination efforts at the WTC site through March 2011, be and it hereby is authorized; and it is further

**RESOLVED**, that the form of all contracts and agreements necessary in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

**DOWNTOWN RESTORATION PROGRAM – WORLD TRADE CENTER VEHICULAR SECURITY CENTER – INCREASE IN PLANNING AUTHORIZATION AND AUTHORIZATION TO PROVIDE ADDITIONAL EXPERT PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES**

It was recommended that the Board authorize: (1) an increase, in an estimated amount of \$13.5 million, in planning work for additional final design and structural steel design, to advance the design of the World Trade Center (WTC) Vehicular Security Center (VSC); and (2) the Executive Director to increase, by \$11.3 million, the compensation under the existing agreement with Liberty Security Partners (LSP) (a joint venture of STV, Inc., AECOM and URS Corporation) for expert professional architectural and engineering services in connection with the project to construct the WTC VSC, resulting in a revised total authorization amount of \$47.6 million for the agreement, inclusive of an additional \$1.2 million under a companion item being advanced at this meeting.

Under prior authorizations through May 2009, the Board authorized \$125.6 million for work in connection with the WTC VSC, including planning, early-action work associated with Stage III design, relocation of a sewer at the South Bathtub, construction of the perimeter foundation walls at the South Bathtub, construction support services for the sewer and perimeter wall contracts, and additional preliminary engineering necessary to incorporate value engineering recommendations and to perform analysis and design for long-lead procurement of steel to advance the design; and the Board has authorized compensation, in the amount of \$26 million, to LSP for preliminary engineering work in connection with these efforts and planning for the Eastside Tour Bus Parking Facility and the West Bathtub Vehicular Access Project and Performing Arts Center at the WTC site.

Work under the proposed authorization would include redesign of construction staging to mitigate any delays caused by the deconstruction of the 130 Liberty Street building, to advance the design of a new basement structure south of the existing WTC site (the South Bathtub), including a below-grade level to support approximately 30 tour bus parking spaces, an entrance on Liberty Street and internal access ramps, which will include a vehicle screening area as part of the VSC for tour buses, service vehicles and cars. Additionally, the proposed increase would provide for structural steel design for the VSC, which would allow for the commencement of steel erection.

This project will support the development of the WTC site infrastructure to accommodate and provide for the safe and efficient delivery of goods and services to the WTC site. The construction of these facilities is critical to the successful long-term operation of the WTC site.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

**RESOLVED**, that an increase, in an estimated amount of \$13.5 million, in planning work for additional final design and structural steel design to advance the design of the World Trade Center Vehicular Security Center (WTC VSC), be and it hereby is authorized; and it is further

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to increase, by \$11.3 million, the compensation under the existing agreement with Liberty Security Partners for expert professional services in connection with the project to construct the WTC VSC; and it is further

**RESOLVED**, that the form of all contracts and agreements in connection with the foregoing work shall be subject to the approval of General Counsel or his authorized representative.

**DOWNTOWN RESTORATION PROGRAM – WORLD TRADE CENTER EASTSIDE TOUR BUS PARKING FACILITY – INCREASE IN PLANNING AUTHORIZATION AND AUTHORIZATION TO PROVIDE ADDITIONAL EXPERT PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES**

It was recommended that the Board authorize: (1) an increase, in an estimated amount of \$1.5 million, in planning work for additional engineering services associated with the World Trade Center (WTC) Eastside Tour Bus Parking Facility (Bus Facility); and (2) the Executive Director to increase, by \$1.2 million, the compensation under the existing agreement with Liberty Security Partners (LSP) (a joint venture of STV, Inc., AECOM, and URS Corporation) for additional expert professional architectural and engineering services related to the work, resulting in a revised total amount of \$47.6 million for the agreement with LSP for architectural and engineering services, inclusive of an additional \$11.3 million under a companion item being advanced at this meeting.

Under prior authorizations through November 2008, the Board authorized \$6.5 million for work in connection with the Bus Facility. Previously authorized work includes preliminary and final engineering efforts for the Bus Facility. The authorized amount also includes technical support services for an alternate East Bathtub construction option.

The proposed increase would provide for additional engineering services in connection with the final design for the fit-out of a sub-grade roadway network and new tour bus parking areas (to accommodate approximately 50 buses) that will be constructed under certain infrastructure at the WTC site, including the WTC Transportation Hub and the New York City Transit No. 1 subway line. The roadway network will connect various sub-grade infrastructure components, and will be accessed through the entry in the WTC Vehicular Security Center.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

**RESOLVED**, that an increase, in an estimated amount of \$1.5 million, in planning work for additional engineering services for the World Trade Center (WTC) Eastside Tour Bus Parking Facility, be and it hereby is authorized; and it is further

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to increase, by \$1.2 million, the compensation under the existing agreement with Liberty Security Partners for additional expert professional architectural and engineering services related to the foregoing planning work; and it is further

**RESOLVED**, that the form of any agreements required in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

**DOWNTOWN RESTORATION PROGRAM – WORLD TRADE CENTER TRANSPORTATION HUB – CONTRACT WTC-234.544 – AUTHORIZATION OF SUPPLEMENTAL AGREEMENT #1 FOR PREPARATION OF TEMPORARY PATH STATION FOR BELOW-GRADE STRUCTURAL STEEL ERECTION**

In connection with the World Trade Center (WTC) Transportation Hub (WTC Hub) Project, it was recommended that the Board authorize the Executive Director to enter into a supplemental agreement (Supplemental Agreement) to an existing contract with DCM Erectors, Inc. (DCM), Contract WTC-234.544, to perform construction work and related design services in preparation for the erection of structural steel that was previously intended to be performed under the Construction Management/General Contractor (CM/GC) contract with Phoenix Constructors, a joint venture of Fluor, Slattery Skanska, Granite Construction Northeast, Inc., and Bovis Lend Lease (Phoenix).

The Supplemental Agreement would consist of certain elements of work for which financial terms already have been negotiated, at an amount of \$17,993,115, inclusive of an eight-percent allowance for extra work, and additional elements of work still subject to final negotiations with DCM, consistent with the terms outlined to the Board. Negotiations have been completed with respect to the following work elements: demolition of the existing Port Authority Trans-Hudson system (PATH) station roof and construction of a new temporary shield to facilitate installation of permanent roof steel while maintaining PATH operations, construction of a temporary framing system for the East Box Girder and West Tied Arch until the Super Columns are complete, underpinning steel and utility work to support existing columns and facilitate the construction of new columns for the permanent steel, construction of foundations for two tower cranes, and construction of a reinforced concrete pad in Parcel B to support a large crawler crane. Negotiations have not yet been completed regarding the design services associated with the above-referenced items, and modifications to steel fabrication and erection to accommodate revised means and methods as a result of the transition away from Phoenix, and to facilitate changes to the sequence of the work to support the opening of the WTC Memorial Museum Plaza by September 11, 2011.

In March 2009, the Board authorized an increase in compensation under Phoenix's existing CM/GC contract to purchase, fabricate and erect structural steel for the WTC Hub to street grade, with Phoenix to be responsible for all subcontracting work associated with this effort. In April 2009, the Board concurred with staff's recommendation to modify the CM/GC contract with Phoenix, to allow for the completion of its current work and to provide the Port Authority with the ability to award future work competitively. In accordance with this recommendation, the Board authorized the Executive Director to directly award Contract WTC-234.544, Below-grade Structural Steel Construction, to DCM in May 2009.

The Supplemental Agreement would provide for DCM to perform the work that Phoenix would have completed to prepare the existing temporary PATH station for the erection of steel for the permanent station, including, but not limited to, a temporary roof that will act as a shield for the PATH operation below, a temporary framing system to support the large steel beams that will form the roof of the permanent station, and underpinning steel for columns and footings that currently interfere with permanent steel columns.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a supplemental agreement to an existing contract with DCM Erectors, Inc. (DCM), Contract WTC-234.544, to perform construction work in connection with the World Trade Center Transportation Hub Project, in preparation for the erection of structural steel that was previously intended to be performed under the Construction Management/General Contractor contract with Phoenix Constructors, at an amount of \$17,993,115 with respect to certain elements of work, inclusive of an eight-percent allowance for extra work, as well as certain additional elements of work at an additional cost to be negotiated with DCM, consistent with the terms outlined to the Board; and it is further

**RESOLVED**, that the form of all contracts, agreements and documents in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

**DOWNTOWN RESTORATION PROGRAM – WORLD TRADE CENTER TRANSPORTATION HUB – CONTRACT WTC-224.545 – GREENWICH STREET CORRIDOR IMPROVEMENTS – AUTHORIZATION OF SUPPLEMENTAL AGREEMENT #1 FOR PREPARATION OF EAST BATHTUB**

In connection with the World Trade Center (WTC) Transportation Hub (WTC Hub) Project, it was recommended that the Board authorize the Executive Director to enter into a supplemental agreement (Supplemental Agreement) to an existing contract with Tutor Perini Corporation (Tutor Perini), Contract WTC-224.545, to complete work that was formerly assigned to and budgeted under the Construction Management/General Contractor (CM/GC) contract with Phoenix Constructors, a joint venture of Fluor, Slattery Skanska, Granite Construction Northeast, Inc., and Bovis Lend Lease (Phoenix), to complete work identified as critical to meet the milestone of September 11, 2011 for completion of the WTC Memorial Museum Plaza (Memorial Plaza).

The Supplemental Agreement would consist of certain elements of work for which financial terms already have been negotiated, at an amount of \$26,064,000, inclusive of an eight-percent allowance for extra work, and additional elements of work still subject to final negotiations with Tutor Perini, consistent with the terms outlined to the Board. Negotiations have been completed with respect to the following work elements: 4C work, including removal of soil in the East Bathtub area, demolition of the remainder of the reinforced concrete Hudson & Manhattan Railroad (H&M) structure and foundation, installation of tiebacks, rock anchors, tie-downs and bracing at the H&M structure, and supervisory labor support services. Negotiations have not yet been completed regarding the following items: procurement of steel bracing for existing mini-piles for the top-down construction methodology, and box electrical and safety maintenance for the New York City Transit No. 1 subway line (Subway Line).

In April 2009, the Board concurred with staff's recommendation to modify the CM/GC agreement with Phoenix, to allow for the completion of its current work and to provide the Port Authority with the ability to award future work competitively. On August 13, 2009, the Board authorized the Executive Director to award Contract WTC-224.545 to Tutor Perini to construct the permanent underpinning of the Subway Line, one of the projects associated with the development of the Greenwich Street Corridor identified as critical to meet the current schedule and sequence of activities in connection with the redevelopment of the WTC site.

One of the provisions included in Contract WTC-224.545 required the Port Authority to turn over Parcel B, known as the Oculus Parcel, in the East Bathtub (Parcel B) work area by September 15, 2009, which turnover was predicated on certain work being completed by Phoenix, including removal of soil in the East Bathtub area, demolition of the remainder of the reinforced concrete (H&M) structure and foundation, and installation of tiebacks, rock anchors, tie-downs and bracing at the H&M structure. An assessment conducted by the WTC Hub Project's Construction Manager, a Joint Venture of Tishman Construction Corporation and Turner Construction Company, revealed that Phoenix would not be ready to turn over the site to Tutor Perini on or about September 15, 2009. The Port Authority directed Phoenix to demobilize from the site and assigned the remaining work to Tutor Perini, to allow it to maintain its schedule commitments in support of the opening of the Memorial Plaza on September 11, 2011. The additional items were assigned from Phoenix to Tutor Perini, because

Tutor Perini could provide the materials, and possesses the operational and contractual capabilities needed to perform the designated scope of work within the schedule requirements. As a result, the value of the agreement with Phoenix was reduced by a commensurate amount to reflect the reduction in scope of work.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a supplemental agreement to an existing contract with Tutor Perini Corporation (Tutor Perini), Contract WTC-224.545, for the completion of work in connection with the World Trade Center Transportation Hub Project that was formerly assigned and budgeted to Phoenix Constructors, at an amount of \$26,064,000 with respect to certain elements of work, inclusive of an eight-percent allowance for extra work, as well as certain additional elements of work at an additional cost, to be negotiated with Tutor Perini, consistent with the terms outlined to the Board; and it is further

**RESOLVED**, that the form of all contracts, agreements and documents in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

**ONE WORLD TRADE CENTER – AUTHORIZATION TO AWARD CONSTRUCTION TRADE CONTRACT FOR SPRAY-ON FIREPROOFING**

It was recommended that the Board authorize 1 World Trade Center LLC (1 WTC LLC), through its construction manager, Tishman Construction Corporation (Tishman), to enter into a construction trade contract with Island International Industries, Inc. for spray-on fireproofing work associated with the construction of One World Trade Center, at an estimated total cost of \$30,915,000, including an eight-percent allowance for extra work.

The scope of work for this contract includes furnishing and applying spray-on fireproofing for all non-concrete-encased structural steel members throughout One World Trade Center, as well as fireproofing of fuel oil supports. A five-year warranty for defects in material and workmanship is included in the proposed contract.

The form of trade contract being utilized by Tishman as construction manager was developed by Port Authority staff and maintains, to the greatest degree possible, Port Authority policy and procedures for the work, including provisions allowing for termination for convenience, and requirements for minority and women-owned business enterprise utilization, confidentiality, security, and integrity monitoring, and a competitive bidding process.

The terms of the construction trade contract proposed for award were negotiated and would be awarded to the lowest bidder, in accordance with the procurement procedures established in the Third Freedom Tower Amendment to the September 2003 General Contractor Agreement between Tishman and 1 WTC LLC.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

**RESOLVED**, that 1 World Trade Center LLC be and it hereby is authorized, through its construction manager, Tishman Construction Corporation, to enter into a construction trade contract with Island International Industries, Inc. for spray-on fireproofing work associated with the construction of One World Trade Center, at an estimated total cost of \$30,915,000, including an eight-percent allowance for extra work; and it is further

**RESOLVED**, that the form of the foregoing contract shall be subject to the approval of General Counsel or his authorized representative.

**ONE WORLD TRADE CENTER – AUTHORIZATION TO AWARD CONSTRUCTION TRADE CONTRACT FOR STEAM UTILITY SERVICE**

It was recommended that the Board authorize 1 World Trade Center LLC (1 WTC LLC), through its construction manager, Tishman Construction Corporation (Tishman), to enter into a construction trade contract with Fresh Meadow Mechanical Corporation for steam utility service work associated with the construction of One World Trade Center, at an estimated total cost of \$2,484,000, including an eight-percent allowance for extra work.

The scope of work for this contract includes all heating, structural, ventilation, building automated temperature control, electrical, plumbing and fire protection work associated with the construction of the steam utility service. The scope of work also includes, but is not limited to, furnishing and installing risers, point-of-entry valve room, various piping, ductwork, electrical systems, structural supports and fire-stopping mechanisms. A warranty for defects in material and workmanship is included in the proposed contract for the period beginning with owner acceptance through December 31, 2013.

The form of trade contract being utilized by Tishman as construction manager was developed by Port Authority staff and maintains, to the greatest degree possible, Port Authority policy and procedures for the work, including provisions allowing for termination for convenience, and requirements for minority and women-owned business enterprise utilization, confidentiality, security, and integrity monitoring, and a competitive bidding process.

The terms of the construction trade contract proposed for award were negotiated and would be awarded to the lowest bidder, in accordance with the procurement procedures established in the Third Freedom Tower Amendment to the September 2003 General Contractor Agreement between Tishman and 1 WTC LLC.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

**RESOLVED**, that 1 World Trade Center LLC be and it hereby is authorized, through its construction manager, Tishman Construction Corporation, to enter into a construction trade contract with Fresh Meadow Mechanical Corporation for steam utility service work associated with the construction of One World Trade Center, at an estimated total cost of \$2,484,000, including an eight-percent allowance for extra work; and it is further

**RESOLVED**, that the form of the foregoing contract shall be subject to the approval of General Counsel or his authorized representative.

**ONE WORLD TRADE CENTER – AUTHORIZATION TO AWARD CONSTRUCTION TRADE CONTRACT FOR CABLE-NET WALLS AND CANOPIES**

It was recommended that the Board authorize 1 World Trade Center LLC (1 WTC LLC), through its construction manager, Tishman Construction Corporation (Tishman), to enter into a construction trade contract with American Architectural, Inc. for the cable-net walls and canopies work associated with the construction of One World Trade Center, at an estimated total cost of \$16,632,000, including an eight-percent allowance for extra work.

The scope of work for this contract includes engineering, furnishing and installation of the cable-net walls, canopies, and storefronts (including all glass, cable, stainless steel, fittings, structural supports and sealants). The cable-net walls and canopies will serve as the four entrances to One World Trade Center. A five-year warranty for labor and materials is included for architectural entrances, a ten-year warranty for labor and materials is included for glass enclosures, exterior wall, laminated glass, and balanced doors, and a twenty-year warranty for labor and materials is included for sealant.

The form of trade contract being utilized by Tishman as construction manager was developed by Port Authority staff and maintains, to the greatest degree possible, Port Authority policy and procedures for the work, including provisions allowing for termination for convenience, and requirements for minority and women-owned business enterprise utilization, confidentiality, security, and integrity monitoring, and a competitive bidding process.

The terms of the construction trade contract proposed for award were negotiated and would be awarded to the lowest bidder, in accordance with the procurement procedures established in the Third Freedom Tower Amendment to the September 2003 General Contractor Agreement between Tishman and 1 WTC LLC.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

**RESOLVED**, that 1 World Trade Center LLC be and it hereby is authorized, through its construction manager, Tishman Construction Corporation, to enter into a construction trade contract with American Architectural, Inc. for the cable-net walls and canopies work associated with the construction of One World Trade Center, at an estimated total cost of \$16,632,000, including an eight-percent allowance for extra work; and it is further

**RESOLVED**, that the form of the foregoing contract shall be subject to the approval of General Counsel or his authorized representative.

**WORLD TRADE CENTER (WTC) MEMORIAL, MEMORIAL MUSEUM AND WTC INFRASTRUCTURE PROJECTS – AUTHORIZATION TO ACCEPT ASSIGNMENT OF A TRADE CONTRACT FOR THE BRONZE NAME PARAPETS**

It was recommended that the Board authorize the Executive Director to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. (NS11MM) to DCM Erectors, Inc. for the furnishing and installation of bronze name parapets for the World Trade Center (WTC) Memorial Project, at an estimated amount of \$10,326,420, including an eight-percent contingency; and (2) accept a partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance of construction management (CM) services associated with the bronze name parapets trade contract, at an estimated cost of \$950,796. These costs are the sole responsibility of the NS11MM, because the work supports the WTC Memorial Project exclusively.

Pursuant to a July 2006 Project Agreement with the Lower Manhattan Development Corporation, the NS11MM, the City of New York and the State of New York, the Port Authority is to assume responsibility for construction of the WTC Memorial and the Memorial Museum Projects.

In December 2006, the Board authorized the Executive Director to finalize agreements with the NS11MM providing for the Port Authority to accept an assignment of the Bovis CM contract and manage all construction work for the WTC Memorial and Memorial Museum Projects. In anticipation of the full assignment of the Bovis CM contract, the NS11MM has proceeded with procurement of the bronze name parapets trade contract, as an essential component of the critical path schedule for the WTC Memorial, Memorial Museum and WTC Infrastructure Projects.

The NS11MM will award the bronze name parapets trade contract to DCM Erectors, Inc., the lowest qualified bidder, selected from among multiple competitive bids based on a list of select bidders established in the Bovis CM contract. The scope of work for the trade contract includes fabricating and engraving the bronze panels with the names of those who lost their lives on September 11, 2001 and February 26, 1993, which will be performed by subcontractor Service Metal Fabricators/KC Fabrications, and will be installed around the perimeter of the Memorial's reflecting pools.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioners Bauer and Sartor recused:

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. to DCM Erectors, Inc. for the furnishing and installation of bronze name parapets for the World Trade Center (WTC) Memorial, Memorial Museum and WTC Infrastructure Projects, in an estimated amount of \$10,326,420, including an eight-percent contingency; and (2) accept a partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance

of construction management services associated with the bronze name parapets trade contract, at an estimated cost of \$950,796; and it is further

**RESOLVED**, that the form of all contracts and agreements necessary to effectuate the foregoing shall be subject to the approval of General Counsel or his authorized representative.

**ONE WORLD TRADE CENTER – AMENDMENT TO AGREEMENT WITH CUSHMAN & WAKEFIELD, INC. FOR PROFESSIONAL REAL ESTATE AND FINANCIAL ADVISORY SERVICES**

It was recommended that the Board authorize the Executive Director to amend the existing agreement with Cushman & Wakefield, Inc. (C&W) to provide financial advisory services to assist staff in the membership interest solicitation process for 1 World Trade Center, LLC (1 WTC LLC) on terms and conditions consistent with those outlined to the Board. C&W would retain Jones Lang LaSalle (JLL) as a sub-advisor.

The Port Authority owns and is the sole member and developer of 1 WTC LLC. On behalf of 1WTC LLC, C&W would assist in requesting and reviewing proposals for the acquisition of a membership interest in 1 WTC LLC. The additional member would play an integral part in the construction, development, leasing and management of One World Trade Center and, as such, would be required to have significant experience in the development of large-scale, Class A office projects in New York City.

Bringing an experienced equity partner into the corporate structure of 1 WTC LLC would have no impact on 1 WTC LLC's development agreement entered into with a Silverstein entity in 2006, under which that entity is available to provide on-call design, development and construction services related to the building, as a "fee developer," for a term that expires on completion of the core and shell of the building for a fixed fee.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

**RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to amend an existing agreement with Cushman & Wakefield, Inc. (C&W) to provide for financial advisory services to assist in the membership interest solicitation process for 1 World Trade Center, LLC; and it is further

**RESOLVED**, that the form of any agreements required in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

Whereupon, the meeting was adjourned.

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Secretary