

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONTRACTS

Jointly with

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

And

COMMITTEE ON CULTURAL AFFAIRS,
LIBRARIES AND INTERNATIONAL
RELATIONS

----- X

April 29, 2026
Start: 1:26 p.m.
Recess: 5:01 p.m.

HELD AT: 250 Broadway-8th Fl. Hearing Rm. 1

B E F O R E: Lincoln Restler
Chairperson

Shaun Abreu
Chairperson

Nantasha Williams
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
James F. Gennaro

Kamillah Hanks
Althea V. Stevens
Inna Vernikov
Julie Won
Selvena N. Brooks-Powers
Eric Dinowitz
Shahana K. Hanif
Shekar Krishnan
Farah N. Louis
Christopher Marte
Justin E. Sanchez
Pierina Ana Sanchez
Phil Wong
Crystal Hudson
Virginia Maloney
Chi A. Ossé
Sandra Ung

A P P E A R A N C E S (CONTINUED)

Paul Ochoa
Commissioner of Department of Design and
Construction

Jade Bailey
Acting Director of Alternative Delivery at DDC

Jeff Margolies
Associate Commissioner of Communications and
Policies at DDC

Diya Vij
Commissioner of New York Department of Cultural
Affairs

Andrew Burmeister
Assistant Commissioner of Capital at DCLA

John Katsorhis
Deputy Chief Procurement Officer at Mayor's
Office of Contract Services

A P P E A R A N C E S (CONTINUED)

Igor Yaroslavsky
Associate Commissioner of Budget and Capital
Program Management at Department of
Transportation

David Lam
Vice President for Capital Planning and
Construction at New York Public Library

Karen Sheehan
Executive Vice President for Finance and
Administration at Brooklyn Public Library

John Katimaris
Vice President of Capital Projects Management at
Queens Public Library

Gonzalo Casals
Former DCLA Commissioner

Bria Donahue
American Institute of Architects New York

Taylor Palmer
American Council of Engineering Companies

John Surico
Center for an Urban Future

Jack Fogle
River Arts Viaduct Rescue Committee

Ann Megya
Community Board 12, River Arts resident

A P P E A R A N C E S (CONTINUED)

Lynette Lauretig
River Arts resident

David Lowey-Harris
Brooklyn Academy of Music

Steve Lazickas
Carnegie Hall

Lucy Sexton
New Yorkers for Culture and Arts

Jeremy Kaplan
Encore Community Services

Patrick Willingham
The Public Theater

Michael Shnall
Brooklyn Botanic Gardens

Raul Rivera

Chinita Pointer
Noel Pointer Foundation

Adam Ganser
New Yorkers for Parks

Sophia Harrison

Jason Pastore
Environmental Contractors Association

A P P E A R A N C E S (CONTINUED)

Fabian Derewiecki
Laborers Local 78

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 6

3 SERGEANT AT ARMS: Good afternoon and
4 welcome to today's New York City Council hearing on
5 the Committee on Contracts with the Committee on
6 Transportation Infrastructure joint with Committee on
7 Cultural Affairs, Libraries, and International
8 Relations. At this time, please silence all
9 electronic devices, and no one may approach the dais
10 at any time. Chair, we may begin.

11 CHAIRPERSON RESTLER: [gavel] There we go.
12 Good afternoon. We are finally beginning.
13 Commissioner Ochoa has already made a joke that DDC
14 isn't the only place that suffers from delays. The
15 Council does too. We're happy to finally be
16 beginning. My name is Lincoln Restler. I have the
17 privilege of chairing the Contracts Committee. My
18 good friend, Majority Leader Shaun Abreu, is our
19 Co-chair as the Chair of Transportation
20 Infrastructure. And my other good friend, Deputy
21 Speaker Dr. Nantasha Williams, the Chair of Cultural
Affairs, Libraries, and International Relations, is
the third Co-chair of this hearing. Today's oversight
hearing is on the delivery of capital projects in New
York City. We're happy to be joined by DDC, DCLA,

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 7

3 DOT, MOCS, others. Unfortunately, the MTA isn't here
4 today. They are the single worst agency at managing
5 capital projects in New York State. They would have
6 made you all look really good, but unfortunately
7 they're not here to steal the show. Our 10-year
8 Capital Plan totals over \$170 billion and includes
9 many thousands of planned capital projects. The city
10 maintains 30,000 acres of parks, 1,600 schools, 55
11 cultural— 55 public buildings, hundreds of firehouses
12 and police precincts, 6,300 miles of streets, 800
13 bridges and tunnels. Our Capital Plan funds
14 affordable housing, cultural institutions, and so
15 much more. Everything from planting a street tree to
16 installing a new water main to building affordable
17 housing is a capital project in New York City. We
18 focus a lot on our city's expense budget and
19 services, but our city's infrastructure and the
20 capital projects needed to maintain and improve our
21 public assets are essential to the operations of the
city and the safety and well-being of all of us. A
December report by the Comptroller's Office found
that 80 percent of capital projects managed by the
Department of Design and Construction were behind
schedule by an average of 3.5 years. And capital

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 8

3 projects take on average 7.5 years. That's
4 essentially the entire Mamdani administration, should
5 he be reelected, to do a capital project. And New
6 York City is paying more and more and more to build
7 public infrastructure than any other city in the
8 world. Over half the capital projects— over half the
9 capital projects in New York City are over budget
10 which costs \$54 billion more than had been
11 anticipated. It's shockingly hard to know exactly how
12 far behind and how far over budget we actually are on
13 our capital projects. The aforementioned
14 comptroller's audit from the end of last year of DDC
15 project management found that DDC does not track cost
16 increases from project initiation to completion in
17 its project management software. DDC also does not
18 have a centralized place to find detailed budget
19 data— to find detailed budget data maintained by
20 individual project managers, which means there aren't
21 effective mechanisms to mitigate delays and cost
overruns as they emerge. As we are facing deficits on
the expense side and potential cuts to our capital
plan, it's critical that we identify all possible
savings, including from excessive cost overruns of
our capital projects. The city has limited tracking

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 9

3 of the state of repair of our infrastructure assets,
4 resulting in insufficient capital planning and
5 increasing costs as our schools and parks fall into a
6 state of disrepair. Our libraries alone are facing \$1
7 billion in repair needs, compounded by the fact that
8 the average branch is over 60 years old. Today, we
9 hope to gain a better understanding of what action is
10 needed to limit delays and cost overruns. The prior
11 administration's Capital Process Reform Task Force
12 back in 2022 produced 39 recommendations, several of
13 which remain outstanding. But it's not clear that the
14 task force's work has led to any demonstrable
15 improvement in capital project delivery. More
16 recently, DDC agreed to a series of recommendations
17 following Comptroller Lander's audit, and we look
18 forward to updates on where those recommendations
19 stand and how the new administration plans to improve
20 our profoundly frustratingly—our profoundly
21 frustrating and painstakingly slow capital project
delivery system. Through procurement reform,
expansion of design-build, and improved project
management and planning, I am confident that we can
complete projects on time and under budget. Before we
begin, I do want to offer a very special welcome to

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 10

3 our new DDC Commissioner, Commissioner Ochoa. I've
4 had the privilege of working closely with
5 Commissioner Ochoa for many years, and he is a public
6 servant of rare ability. I'm excited by the energy
7 and creativity that you're going to be bringing to
8 DDC. I'd also like to congratulate Commissioner Vij
9 on your appointment. I have heard really terrific
10 things about you from many mutual friends. Thank you
11 also to representatives from MOCS and DOT for joining
12 us today. I'd like to recognize the Contracts
13 Committee staff for their hard work preparing for
14 today's hearing: Senior Counsel Alex Paulenoff [sp?],
15 our Legislative Counsel Jahari Frazier [sp?], Policy
16 Analyst Alex Yablon [sp?], Financial Analyst Owen
17 Kotowski [sp?], and my Chief of Staff, who is
18 absolutely brilliant, Molly Haley [sp?]. With that,
19 I'd like to turn it over to— do you want to go next?
20 You want to go next? Sean? To Majority Leader Council
21 Member Shaun Abreu for his opening remarks.

CHAIRPERSON ABREU: Thank you, Chair. Good
afternoon and welcome to today's joint hearing of the
New York City Council's Committees on Contracts,
Transportation and Infrastructure, and Cultural
Affairs, Libraries, and International Relations. I am

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 11

3 Council Member Shaun Abreu, Majority Leader and Chair
4 of the Committee on Transportation and
5 Infrastructure. I would like to thank Chairs Restler
6 and Williams and the staff of all three committees
7 for their work in preparing for today's hearing.

8 Today the committees will examine capital
9 construction contracting and the persistent cost
10 escalation and delays that affect the delivery of
11 critical public infrastructure projects across New
12 York City. We will also hear Intro 263 sponsored by
13 Council Member Krishnan in relation to developing a
14 strategic blueprint to reduce capital project
15 durations by at least 25 percent, Intro 465,
16 sponsored by Council Member Stevens, in relation to a
17 study and report on the expansion of ferry service
18 along the Harlem River, and Resolution 264, sponsored
19 by Council Member Lee, calling on the state to grant
20 permanent and expanded design-build authority to all
21 New York City agencies. This oversight will focus
specifically on why city capital projects often
exceed their budgets and how existing procurement
methods may be contributing to cost overruns. In
addition, we will examine the time delays many
projects experience. When these things happen, New

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 12

3 Yorkers ultimately pay the price through deferred
4 infrastructure improvements, higher project costs,
5 and longer waits for the facilities and services they
6 depend on. This hearing will also come at an
7 important moment. In 2019, New York State passed the
8 Public Works Investment Act, PWIA, which authorized
9 the Department of Design and Construction, DDC, and
10 other capital agencies in New York City to use what
11 is now known as traditional design-build-delivery on
12 certain projects. In 2024, the PWIA was expanded to
13 authorize DDC to use progressive design-build, which
14 is a more streamlined method as opposed to
15 traditional design-build on resiliency and
16 infrastructure projects, and construction
17 management-build, otherwise known as CM-build, on
18 libraries and cultural institutions on city-owned
19 land. And in addition, from 2022 through 2024, Mayor
20 Adams' Capital Process Reform Taskforce issued 39
21 recommendations intended to modernize and improve the
city's capital process. Today, we will assess how the
city plans to continue to use these newer delivery
tools and what progress has been made on implementing
the reforms from the mayor's taskforce to improve
capital construction going forward. DDC plays a

3 central role in this work as the city's primary
4 capital construction manager, partnering with more
5 than 20 agencies to deliver both public buildings and
6 core infrastructure projects. At the same time, the
7 Department of Transportation manages a vast portfolio
8 of public assets, including thousands of miles of
9 streets and sidewalks, hundreds of bridges and
10 tunnels, traffic signals, signs, streetlights, and
11 ferry facilities. When project delivery systems fail,
12 the consequences impact nearly every part of our
13 city. As we consider Intro 263 and Reso 264, we must
14 look at how to shorten project timelines, but also at
15 how to build a capital project— but also how to build
16 a capital process that is more strategic and
17 responsive to the city's infrastructure needs. I look
18 forward to hearing from representatives of DDC, DOT,
19 MOC, DCLA, industry stakeholders, and advocates about
20 the causes of increasing capital construction costs,
21 the status of current reforms, and the paths— the
path forward for delivering projects more efficiently
and effectively for New Yorkers. Before we begin, I'd
like to thank my staff and the committee staff for
their hard work in preparing for today's hearing.

Jalissa Quigley [sp?], Theodore Miller, Sierra

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 14

3 Townsend [sp?], Kevin Kotowski [sp?], John Basile
4 [sp?], Adrian DrePaul [sp?], and others. I would
5 also like to thank Alex Paulenoff [sp?], Jahari
6 Frazier [sp?], Alex Yablon [sp?], and Owen Kotowski
7 from the Committee on Contracts, and Alejandro
8 Carvajal [sp?], Regina Paul [sp?], and Carolina Gil
9 [sp?] from the Committee on Cultural Affairs,
10 Libraries, and International Relations. I will now
11 pass it over to my co-chair, Deputy Speaker Dr.
12 Natasha Williams.

13 CHAIRPERSON WILLIAMS: Thank you so much,
14 Majority Leader. It is a pleasure to chair the
15 Committee on Cultural Affairs, Libraries, and
16 International Relations, and I'd like to join my
17 colleagues Chair Restler and Chair Abreu in
18 welcoming everyone to this important oversight
19 hearing. New York City's cultural institutions and
20 libraries are the heartbeat of our city. Libraries,
21 museums, theaters, galleries, art studios, and
stages are the places where New Yorkers come to
gather, learn, laugh, create, and build community
and belong. The cultural sector is also a powerful
economic engine that attracts millions of visitors
to our city, employs more than 326,000 New Yorkers,

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 15

3 industry benefit from. Libraries, which are often
4 called the most democratic spaces in our city, serve
5 as a supportive and inviting environment that all New
6 Yorkers benefit from, whether they are youngsters,
7 teenagers, new parents, or older adults, and whether
8 they are longtime New Yorkers or newly arrived
9 migrants. Yet the process to build and maintain our
10 critical libraries and cultural spaces is too often
11 slow, opaque, cumbersome, and inequitable. Projects
12 that should take months can take years. Projects that
13 should take a year or two can last a decade. Projects
14 that have secured funding can sit idle while they
15 wind their way through a lengthy and uncoordinated
16 approval process. Small organizations can be forced
17 to front money that they don't have. Large
18 organizations can be forced to carry interest costs
19 on borrowed funds that divert resources away from
20 their programming and hurt their credit. The result
21 is a system that too often fails badly to serve the
institutions that serve our city so well. We know
that the process is broken, and now we must do what
we can to fix it first. The capital construction
process needs to be reformed. The city must bring
clarity and accountability to a fragmented process by

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 16

3 publishing clear rules for how projects are assigned,
4 align agency approval so they move in parallel
5 instead of in drawn-out sequence, and expand the use
6 of modern delivery methods like CM-build to shorten
7 delivery timelines and lower costs. We must treat
8 reimbursement and procurement delays as policy
9 failures, and we must provide bridge financing,
10 faster payments and deliveries, and significantly
11 expanded upfront support. Second, the city must be
12 transparent and accountable in how it plans and
13 executes cultural and library capital projects.

14 DCLA's cultural capital projects tracker, which has
15 not been updated since 2021, must be updated in real
16 time, and it must track every project from funding to
17 scope to budget to timelines to, yes, even delays.

18 Libraries and cultural institutions deserve to
19 understand how capital projects around the city are
20 proceeding, and the public deserves to know how its
21 funds are being spent. Third, the city must be
thoughtful and proactive in how it is deploying
capital funds citywide. DCLA must establish and
publish a rolling five-year capital plan that ensures
that libraries and cultural institutions are being
built, upgraded, and maintained in a way that is

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 17

3 efficient, equitable, geographically distributed, and
4 responsive to the city's cultural needs. This is not
5 just about construction or contracting or
6 procurement. It is about equity, access, and the
7 future for cultural life in New York. When a library
8 renovation is delayed, a community loses access to a
9 vital resource. When a cultural organization can't
10 afford to navigate a Byzantine [sic] construction or
11 procurement process, entire neighborhoods are left
12 behind. We have the opportunity and the
13 responsibility to build a capital system that works
14 for everyone. The question is not whether we can
15 reform it. The question is whether we will reform it.
16 I would like to thank Priyanka [sp?], Shaquille
17 [sp?], Alejandro [sp?], Regina [sp?], and Carolina
18 for all their support in this hearing. I look forward
19 to hearing the administration's testimony as well as
20 testimony from our libraries and our cultural
21 institutions as well as the public about these
important issues. And with that, I will turn it back
to Chair Restler.

CHAIRPERSON RESTLER: Thank you so much,
Deputy Speaker. A couple things. One, I would like to
just acknowledge my many great colleagues who are

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 18

here with us today who have been here already:

3 Council Member Phil Wong of Queens, Council Member
4 Virginia Maloney of Manhattan, Council Member Jim
5 Gennaro of Queens, Council Member Ina Vernikov of
6 Brooklyn, Council Member Justin Sanchez of the Bronx,
7 Council Member Gale Brewer of Manhattan, Council
8 Member Selvena Brooks-Powers of Queens, Council
9 Member Chi Osse of Brooklyn, Council Member Pierina
10 Sanchez of the Bronx, Council Member Farah Louis of
11 Brooklyn, Council Member Althea Stevens, Council
12 Member Shahana Hanif of the Bronx- I'm sorry, Althea,
13 I know, you know, Council Member Althea Stevens of
14 the Bronx, Council Member Sandra Ung of Queens,
15 Council Member Shahana Hanif of Brooklyn- if I missed
16 you- if I missed anybody else, you have my apologies.
17 I have to make a special request of administration
18 officials to limit your testimony to five minutes
19 each. So- and would Council Member Stevens like to
20 speak on her bill for a moment? Okay, and then we'll
21 go to testimony from the administration. Thank you
very much. Council Member Stevens.

COUNCIL MEMBER STEVENS: Good afternoon. I
would like to first begin by thanking Chair Abreu,
who pushed for this, and Restler and Deputy Speaker

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 19

Williams for convening this joint hearing today. I

3 would like to take a moment to discuss Bill Intro
4 465. This bill pushes for a study and report on the
5 expansion of ferry services along the Harlem River.

6 In the West Bronx, where I represent, there are
7 multiple neighborhoods that are considered

8 transportation deserts. I believe those communities
9 that lack transportation options are ideal places

10 where a ferry stop could and should be located. In
11 the past, New York City's Economic Development

12 Corporation have expressed disinterest in expanding
13 ferries across the Harlem River. Despite this, the

14 West Bronx is still in need of alternative forms of
15 transportation services. Congestion prices has

16 exacerbated traffic in the Bronx, leading to an

17 increase in vehicles and emissions in the area. Those
18 unhealthy conditions are another factor underscoring

19 the need for this study. We already know that when

20 residents are provided reliable alternative forms of
21 mass transportation, they will use it. As the city is

working towards becoming greener, why wouldn't a

proposal that would alternative [sic] these burdens

be considered? It is important to highlight that

there are parts of the city that have multiple ferry

3 stops. I won't say who. In wealthier districts,
4 particularly in Brooklyn and Manhattan, even in the
5 Bronx, the only two stops, Throggs Neck and
6 Soundview, are likewise in areas with a higher medium
7 area income and compared to the West Bronx. I would
8 also like to note that ferry service along the Harlem
9 River would be a great economic driver, as within the
10 West Bronx lies Yankee Stadium, the Bronx Terminal,
11 and a series of parks, making another path for the
12 West Bronx to be a true connector to the city. Though
13 we do not have a— though we do have a Metro-North
14 stop, alternative forms of mass transportation is
15 desperately needed. In closing, Intro 465 ensures
16 community like the West Bronx is not left behind in
17 the conversations of transportation equity and
18 stability. A comprehensive study on the ferry
19 expansion along the Harlem River Drive will provide
20 data necessary to determine whether this investment
21 can improve access, reduce congestion, and support
economic growth in underserved communities. As New
York City continues to prioritize climate goals and
infrastructure improvement, we must also prioritize
equity in how those resources are allocated. The West
Bronx deserves meaningful consideration and

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 21

3 innovative solutions that connect residents to
4 opportunities. I look forward to working with my
5 colleagues and stakeholders to advance this
6 conversation and bring greater transportation access
7 to the communities that need it most. Thank you.

8 CHAIRPERSON RESTLER: Thank you so much,
9 Council Member Stevens, for that great effort. I once
10 regrettably shared at an EDC oversight hearing how
11 many ferry stops are in District 33, and she's never
12 let me hear the end of it. So I applaud her efforts
13 to expand more ferry service in the Bronx, where it's
14 very much needed. With that, I will turn over to
15 Committee Counsel to administer the oath of office.

16 COMMITTEE COUNSEL: We will now hear
17 testimony from the administration. Before we begin, I
18 will administer the affirmation. Panelists, please
19 raise your right hand. Do you affirm to tell the
20 truth, the whole truth, and nothing but the truth
21 before this committee— before these committees,
excuse me, and to respond honestly to councilmember
questions?

COMMISSIONER OCHOA: I do.

COMMITTEE COUNSEL: Alright, you may begin
when ready.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 22

3 COMMISSIONER OCHOA: Good afternoon,
4 Chairs Abreu, Dr. Williams, Restler, members of the
5 committee. I am Paul Ochoa, and I'm thrilled to be
6 here today on day three of my new role as the
7 Commissioner of the New York City Department of
8 Design and Construction. I've had the pleasure of
9 working with many of the members of this Council in
10 my previous roles at DOT and City Hall, and I look
11 forward to working together in this new capacity. I
12 also want to thank Mayor Mamdani for entrusting me
13 with this huge responsibility to deliver capital
14 projects for the City. I am pleased to appear before
15 you today to discuss the agency's ongoing efforts to
16 reform the capital design and construction process. I
17 am also joined by my colleagues at DDC, Jade Bailey,
18 Acting Director of Alternative Delivery, Jeff
19 Margolies, Associate Commissioner of Communications
20 and Policy, as well as DCLA Commissioner Diya Vij,
21 and representatives from DOT and the Mayor's Office
of Contracting Services. The topics being discussed
today are not just relevant, they are among my top
priorities to tackle as new Commissioner. DDC began
its current efforts to reform the capital delivery
process back in 2018 under former Mayor Bill de

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 23

3 Blasio and then Commissioner Lorraine Grillo. In
4 2019, the agency published its initial strategic
5 blueprint detailing roadblocks in the process and
6 describing methods to resolve those issues. We have
7 since published six updates to the blueprint, and in
8 each one, we describe progress made, hurdles that
9 remained, and how we can continue to collaborate with
10 our partners. While we still have a long way to go,
11 we have made great strides since 2018, including
12 on-time delivery of the Bushwick Health Center for
13 DOHMH, transforming Del Valle Square in the Bronx,
14 completing Blue Belt- Blue Belts in Staten Island to
15 manage stormwater, opening the amazing downtown Far
16 Rockaway Library, and welcoming prospective pet
17 owners to the Manhattan Pet Adoption Center. Now let
18 me turn your attention to Intro 263 by Councilmember
19 Krishnan. The bill requires DDC to produce a plan to
20 reduce average project durations by at least 25
21 percent, including by standardizing processes and
working towards better private utility coordination.
As I mentioned before, faster delivery timelines are
not- are one of our most important priorities. And
Mayor Mamdani and Deputy Mayor Kerson have made it
clear they share this goal. I would like to work with

3 the Council to come up with an ambitious plan to do
4 just this. There are, however, a few items I would
5 like to discuss about how the bill is written. For
6 example, I would like to agree on what a good
7 baseline should be for the wide variety of projects
8 DDC manages. A one-size-fits-all approach would be an
9 oversimplification of DDC's portfolio. I'm glad Intro
10 263 also calls out the need for better coordination
11 with utilities, which I agree can be improved to
12 avoid delays. One program that enhances this effort
13 is joint bidding, which is governed by state law and
14 allows the city to include private utility
15 interference work in the same contract as the city's
16 sewer, water main, and street upgrades. The program
17 brings the private utilities to the table during the
18 design phase of a capital project, encouraging
19 collaboration and pre-engineering to help identify
20 their underground lines so we can avoid delays when
21 we opened up streets. The current joint bidding law
expires at the end of this year, and we would
appreciate the Council's support as we seek a
long-term extension for this critical measure. There
is another factor I'd like to bring up, and I did
this quite often at DOT, which are the often

3 necessary scope changes. Capital projects shape our
4 streets, improve our sewers, and create long-lasting
5 community epicenters in libraries and rec centers. It
6 is normal for agencies to want to add scope to
7 projects since they only get one bite at the apple. I
8 do not consider the consequences of these decisions
9 cost overruns or delays in the traditional sense. We
10 do also recognize that internal challenges at DDC
11 remain, and we were always looking to learn from
12 experience, all while tackling the ever-growing
13 portfolio to deliver results for New Yorkers. This,
14 of course, includes providing additional trainings
15 for staff, regular updates to design specifications
16 and contracts, new project risk management,
17 management initiatives, and of course industry
18 engagement. There is always more work to be done. I'd
19 like to take a second to talk about alternative
20 delivery. In DDC's past blueprints, we have always
21 had a combination of suggested reforms to the current
system and larger outside-the-box thinking ideas. One
of the most important- one of those efforts is
alternative delivery projects, which is the use of
different contracting models outside of the
state-mandated lowest-bidder system. Getting

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 26

3 permission in Albany to use these alternative
4 delivery methods has been a game changer, and we
5 appreciate the Council's support in giving us all the
6 tools available to deliver faster. I am pleased to
7 report that we have reached a tremendous milestone in
8 our design-build portfolio. Just earlier this year,
9 we opened the Shirley Chisholm Rec Center in East
10 Flatbush. It was completed in just under three years,
11 which is about half the time needed for a similar
12 public buildings project using design bid build. The
13 \$141 million project was on time and also on budget.
14 It is a stunning example of what we can collectively
15 achieve for our city. We expect all five of our
16 original design-build projects to be completed by the
17 end of 2026, including the Brownsville Multi-Service
18 Center, the Greenhouse and Community Center in
19 Marlboro Houses in Brooklyn, and the Mary Daily [sic]
20 Dalton Rec Center in Staten Island. I will just
21 borrow two minutes from DCLA. Testimony is very
short. We are rolling out the first Construction
Manager Build, CM-Build, project, another alternative
delivery method. We were also clear- we were clear to
use CM-Build by the state in 2024 for library and
cultural projects. CM-Build allows us to bring in a

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 27

3 construction manager to work with the designer,
4 allowing for earlier collaboration to assess existing
5 building conditions and construct availability and
6 one entity to oversee all trades during construction.
7 We feel this is a good portfolio for CM-Build because
8 the libraries and buildings that house cultural
9 groups tend to be older and require extensive
10 renovations, which CM-Build is suited for. CM-Build
11 was essential during the pandemic and the migrant
12 crisis when we used it to build vaccination centers,
13 COVID Centers of Excellence, and shelters in record
14 times. We currently have one project that will be
15 awarded shortly at 70 Mulberry Street with another
16 six additional projects in various stages of scoping
17 and procurement. Capital process reform, as was
18 mentioned- under the last administration, City Hall
19 created a process to look at reforms and
20 recommendations for capital delivery. It included
21 members of the Comptroller's Office, industry
partners, agencies, and contractors. As Executive
Deputy Commissioner at DOT, I was their lead on the
capital reform task force. The final report and
recommendations are worth reading, and many have
already been implemented by us and our sister

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 28

3 agencies. Some of our biggest successes include
4 expanded work allowance,— skip the definition—
5 advanced capital planning, and a lot of legislative
6 successes in Albany. Again, we look forward to
7 continuous dialogue on how to best improve other
8 capital delivery process. And thank you again for
9 this opportunity to testify, and I welcome any
10 questions you may have. And thank you, Commissioner,
11 for let me borrowing some of your time.

12 CHAIRPERSON RESTLER: Thank you,
13 Commissioner Ochoa. Oh, and may— just before you
14 begin, Commissioner, I'd like to thank Council Member
15 Shekar Krishnan of Queens, Council Member Crystal
16 Hudson of Brooklyn, and Council Member Chris Marte on
17 Zoom for joining us. Thank you.

18 COMMISSIONER VIJ: Good afternoon, Deputy
19 Speaker Dr. Williams, Chair Abreu, and Chair Restler,
20 and members of the committees. I'm Diya Vij,
21 Commissioner of the New York City Department of
Cultural Affairs. Later I'll be joined by DCLA's
Assistant Commissioner of Capital, Andrew Burmeister.
Thank you for the opportunity to testify today. Over
the past month, my first as Commissioner, I've
learned an incredible amount about the complex

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 29

3 process of cultural capital construction. I also come
4 to this position as a cultural worker who experienced
5 firsthand being part of a team that opened a major
6 museum capital expansion project managed by DDC.

7 Through ongoing discussions with cultural
8 organizations, the expert team at DCLA, and the
9 Deputy Speaker, it's been made clear that while the
10 city's capital investments in cultural organizations
11 are essential to keeping our sector thriving, there
12 are definite challenges in this process that we are
13 committed to addressing. Both Commissioner Ochoa and
14 I recently began our positions under the mandate from
15 Mayor Mamdani to address the affordability crisis and
16 ultimately to make government work better for New
17 Yorkers. No other city in America invests in its
18 cultural infrastructure at this scale. In New York
19 City, over the last 25 years, more than 500 cultural
20 capital projects valued at \$2.5 billion have been
21 completed. These projects, large and small, have
changed the face of our city and have brought
high-quality cultural infrastructure within reach for
millions of New Yorkers. Some recent examples drive
home the magnitude of their impact on our city: the
new home of the Studio Museum in Harlem, which opened

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 30

3 last fall; the renovated Delacorte Theater in Central
4 Park; the renovated Hunterfly Road Houses at
5 Weeksville Heritage Center in Brooklyn; a new welcome
6 center at Greenwood Cemetery in Brooklyn; the
7 renovation of the Poppenhusen Institute in Queens,
8 the renovation of the Bronx River Art Center,
9 improvements across the Snug Harbor campus on Staten
10 Island, and a major renovation at Pioneer Works in
11 Brooklyn. And these are just a few marquee examples.

12 Through the city's support for capital equipment
13 projects, there are theaters with new lighting,
14 gardens with new vehicles, concert halls with new
15 pianos, and so much more across the city. It's worth
16 noting the ways that DCLA's capital program is unique
17 and distinct from other city agencies. We are not
18 creating our own assets. Cultural capital projects
19 are assets for nonprofit organizations with their own
20 boards, their own facilities plans, and a widely
21 diverse set of needs. The projects we support are
incredibly unique from one another. Cultural
facilities require very specialized systems for very
specific users. They are also often located in older
buildings, which can pose a wide range of challenges
for major capital upgrades. We can work with DDC to

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 31

3 plan and strategize for contingencies, but in the
4 end, we can only learn what lies behind a century-old
5 wall when it's knocked down. We're proud that a
6 majority of our capital projects are
7 infrastructure-related, upgrading HVACs and fire
8 systems, replacing roofs or boilers, and so on. These
9 mission-critical projects are rarely funded
10 privately. DCLA has- also has a unique role in the
11 capital process. We are funder, and we act like an
12 owner's rep for our cultural organizations. Each
13 year, we solicit requests from eligible groups,
14 listen to the needs of the sector, talk with our
15 partners in the Council and Borough President's
16 offices, and determine where to invest these public
17 dollars. From there, DCLA acts as a liaison between
18 the cultural organization and the managing agency,
19 most often our partners at DDC, and attends all
20 construction and design meetings. We are an advocate
21 and a thought partner for cultural organizations from
the beginning to the end of the process. As the
funding agency, we work closely with the managing
agency as they determine the project budgets and
timelines. DDC's front-end planning process is
rigorous. It helps to determine much of the contours

3 of a project. But again, especially in older
4 buildings, there are always unknowns you can't
5 account for. I want to highlight several ways we've
6 been working to improve capital delivery timelines
7 for our constituents. Equipment times: through a
8 batch procurement approach and other improvements,
9 we've been able to reduce the time from allocation to
10 an organization receiving equipment by six months in
11 recent years. Exploring new approaches: we've
12 recently started working with HPD to create cultural
13 spaces as part of larger affordable housing
14 developments. For projects like Indie Space in
15 Chelsea and Belongo Afro-Latin Jazz Alliance in East
16 Harlem, this will mean that they're able to move into
17 fully built facilities a year faster than if these
18 assets were created as a separate project. Capital
19 feasibility planning: This new DCLA program works
20 with smaller and mid-sized institutions before they
21 embark on major capital projects. Helping to ensure
what— that when they do start a project, they're
ready to hit the ground running. I also want to echo
Commissioner Ochoa's excitement for the major reforms
being pushed by DDC, including CM-Build, which we
expect will provide major benefits to cultural

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 33

3 organizations. We're grateful to our partners in
4 state government for making this step possible and
5 look forward to working with them on ways we can
6 build on these reforms to reach even more
7 organizations. It is also worth noting that our
8 capital projects are still subject to the many
9 realities we're facing today. Rising costs, tariffs,
10 and foreign conflicts can all impact a project that's
11 dependent on fuel, shipping, and materials from
12 around the globe. IT equipment, for example, has
13 gotten more difficult and costlier to procure as the
14 competition for chips increases worldwide demand.
15 Still, there's nothing better than cutting the ribbon
16 on a new cultural asset that will welcome New Yorkers
17 for generations to come. We're grateful to our
18 partners at DDC for their work to bring these
19 projects online and their continued partnership on
20 out-of-the-box thinking on ways we can improve the
21 process for everyone. Thank you again for the
opportunity to testify today. I'm happy to answer any
questions.

CHAIRPERSON RESTLER: Thank you both for
your testimony, even if those borrowed minutes kind
of disappeared, I guess, somewhere between the

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 34

trade-off. I'll first turn it over to Chair Williams
3 for her questions.

4 CHAIRPERSON WILLIAMS: Thank you, Chair.

5 The first question I have is on the capital
6 construction process and— or first set of questions.

7 So can you map out the process for cultural capital
8 projects managed by DDC from initial proposal to
9 closeout and payment? What are some of the common
10 sticking points that add time to the process, and are
11 there any meaningful process differences when it
12 comes to library capital projects?

13 COMMISSIONER OCHOA: Thank you, Chair. I'm
14 happy to take it from DDC front and then if DCLA has
15 anything to offer, please jump in. So the way it
16 works, and this is the way we take in any capital
17 project for any sponsor agency, we receive what is
18 called the capital initiation package, which
19 essentially includes the scope, the requirements, the
20 expectations of the projects from the sponsor agency.
21 DDC then takes it into a front-end planning team
which does rigorous review of the capital project
initiation package, and we look at cost, estimated
cost, estimated timelines, scope, feasibility. And
this is really the back and forth that the

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 35

3 Commissioner Vij was mentioning, where we hammer out
4 the details so that once we put it out for a bid for,
5 for design or preliminary design depending on the
6 delivery project, we are well ahead of time in terms
7 of planning. And so once we get the CPI, we put it
8 out to the market, we determine the type of delivery
9 that we use. We always look at using alternative
10 delivery methods for these types of projects. And
11 then from there, we go through the entire design
12 process, construction process, and finally closeout.

13 CHAIRPERSON WILLIAMS: And the other
14 question is, like, are there any common sticking
15 points, and is the process different for libraries?

16 COMMISSIONER OCHOA: Yeah. So, this is- we
17 mentioned- we both mentioned CM-Build. It is a new
18 alternative delivery method. It works really, really
19 well for renovations. We are very excited to
20 implement it in a lot of the library projects. The
21 new- whenever we are building a new library, for
example, we tip- Far Rockaway is a great example. The
challenges are a little different. A brand new
building, we know sort of what is there, what is not
there. And so we haven't run into huge issues
whenever there's new buildings. But for renovations,

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 36

3 it can be complicated. I would also mention a lot of
4 these spaces require at least some portion of the
5 cultural institution to remain open during
6 renovations, which just makes the actual work being
7 done a bit more complicated.

8 CHAIRPERSON WILLIAMS: Thank you. For
9 DCLA, can you give the committee a feel for the
10 volume of capital requests that come to DCLA each
11 year? For example, how many requests are for state of
12 good repair, energy upgrades, modernization, or
13 expansion? And how does the dollar amount of requests
14 compare to the dollar amount of projects funded?

15 COMMISSIONER VIJ: Yeah, yeah, happy to
16 share. So we just received all capital requests for
17 FY27, and there are approximately 139 projects from
18 112 organizations totaling just over \$683 million.
19 Within that, there are 71 requests for construction,
20 21 related to good repair, 12 for energy projects, 38
21 for expansion projects. In FY26, just to give you a
sense of what's funded, we received requests for 123
projects from 108 orgs, just over \$671 million, and
the city funded \$282 million. In FY25, the request
totaled \$213.8 million. Oh, sorry, the request
totaled \$585 million, and the city funded \$213.8

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 37

3 million. So it ranges between, like, 35 to 40 percent
4 of projects funded.

5 CHAIRPERSON WILLIAMS: Yeah, we noticed
6 that, like, while there are many projects being
7 funded, the dollar amount was low compared to, like,
8 the total cost of what was requested. Okay, thank
9 you. So how does DDC coordinate with DCLA and provide
10 timeline updates to the agency? How does DDC account
11 for the unique challenges that cultural organizations
12 present, such as limited ability to close, the need
13 to plan around performance seasons, or the need to
14 make improvements to stay modern and viable? A lot to
15 echo there. So, listen, both of the teams are in
16 constant coordination, and that includes both DCLA
17 staff, as the Commissioner mentioned, but also the,
18 the individual cultural institutions who are the sp-
19 also the sponsors of this project. A lot of this
20 coordination happens through the front-end planning
21 process. But also, listen, we are not a black box.
DDC throughout the design, either preliminary design,
final design, and up to construction, we are talking
constantly to sponsor agencies, especially if we're
seeing anything that wasn't expected in the project.
We do run into unfilled field conditions. As the

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 38

3 Commissioner mentioned, it is much easier to know
4 what the wall will have if it's a brand new building,
5 but these old buildings have the same issue as a lot
6 of our street reconstruction projects, which, you
7 know, New York City is a very old city. We don't
8 always know what is underground until we dig it up.
9 And those are the types of conversations we have with
10 our sponsor agencies, whether it's DCLA or another
11 sponsor agency.

12 COMMISSIONER VIJ: Can I just add also
13 that, DCLA, our specific role in these conversations
14 is as advocate of cultural organizations, and we're
15 acutely aware of how they do business and the need
16 for them to stay open as long as possible without
17 jeopardizing their future programming. So our role in
18 these meetings is really to understand the nuances of
19 how cultural organizations do business and make sure
20 that the process aligns.

21 CHAIRPERSON WILLIAMS: Thank you. What are
the most common coordination failures you see between
agencies, contractors, or scopes, and how does this
impact timelines?

COMMISSIONER OCHOA: You know, my answer
would have been very different a week ago when I was

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 39

3 at DOT, than it is at DDC. No, listen, I think having
4 very clear scopes and requirements is very, very
5 important, and we— having that up front is critical.
6 I also acknowledge that we can improve communication
7 between DDC and our sponsor agencies to make sure
8 that if we run into issues, we get prompt answers. I
9 think that the thing that frustrates, you know,
10 sister agencies or sponsor agencies is not hearing
11 back if there is an issue. And so you have my
12 commitment, and our sister agencies have our
13 commitment that we're going to be very upfront about
14 what is missing, if anything's missing, to make sure
15 that we move projects along. I think the goal is for
16 front-end planning to move those projects out for,
17 for bidding and that's my commitment. And so if
18 there's anything on the back end that I will do, that
19 I can do, and the DDC can do, we will do it that.

20 CHAIRPERSON WILLIAMS: Yeah, I'm also very
21 interested in how DCLA determines the priority of
projects. So if you can share that, and then in turn,
like, DDC also has a long laundry list of various
projects across many agencies. So how do you all
also, like, determine priority of projects?

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 40

3 COMMISSIONER VIJ: We evaluate projects
4 based on how ready they are. If they're fully funded,
5 we can move them to DDC. If the scope is clear, we
6 can move them to DDC. And we are— sometimes that
7 takes years to fund a project, but we're really
8 looking at what— when the— we're working very closely
9 with organizations as they go through that process to
10 define scope and understand what it looks like to
11 enter these processes. So priority for us is really
12 the organization. Do they have the capacity? Are they
13 ready to hit go on this project? And how then will
14 they best manage it moving forward?

15 COMMISSIONER OCHOA: Yeah, and for DDC
16 this prioritization is important. However, we have
17 dozens of very, very experienced engineers and
18 project managers. Anytime we receive a CPI, which is
19 the capital initiation package, again, it goes to the
20 front-end planning and it gets assigned to a project
21 manager. We have— we can— we take on multiple
projects at a time. From multiple sponsor agencies.
And so, I'm not aware of any queue issues or having
to prioritize based on staffing challenges. We take
multiple projects at any given time from multiple
sponsor agencies. What causes a cultural or library

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 41

3 project to require design? For example, a new boiler?
4 Why would that need a full design and architectural
5 renderings?

6 COMMISSIONER OCHOA: You know, the- it is
7 hard to know, um, and especially in old buildings,
8 exactly where the conduit's going to be, where the
9 cabling is going to be. And so all these projects,
10 even if they seem minor, do require some form of
11 design. We mentioned CM-Build. I think that will make
12 a lot of the delivery much faster because you have a
13 construction manager up front who knows how to carry
14 on these types of tasks, especially for renovation.
15 So, I'm happy to report back as soon as we deliver
16 our first CM-Build project, but that's exactly what
17 it's meant. So we have a construction manager up
18 front in the building working with the trades so that
19 we can speed up the process.

20 CHAIRPERSON WILLIAMS: Yeah, and I agree
21 with you. You said some design is needed, but
22 currently they have to do like full designs with
23 architects. And so, like, yeah, like, maybe there
24 needs to be some planning, but like a full design and
25 architect for a boiler-

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 42

3 COMMISSIONER OCHOA: [interposing] Yeah,
4 this is why the alternative delivery method is so
5 important. If it wasn't for the alternative delivery
6 authorization that we got in Albany, we would have
7 to— we are required by the charter to have full
8 designs for any capital project. I would also say as
9 part of the CP process, which is the certificate to
10 proceed process approvals, you do need a good sense
11 of what the project will be. And so I agree with you,
12 council member, and listen, we'd be happy to walk you
13 through CM-Build. We have one project underway, but I
14 think it's a really important conversation. So not
15 just for you as a council member, but also for the
16 cultural institutions to know what is required of
17 them so that we can move projects faster.

18 CHAIRPERSON WILLIAMS: What are the
19 guidelines for self-management versus going through a
20 capital agency for cultural projects? What rubric
21 does DCLA use to decide, and how is it decided
whether DDC or EDC will manage the process?

COMMISSIONER VIJ: Thank you for that
question. I'm gonna— I'm joined now by Assistant
Commissioner of Capital Andrew Burmeister.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 43

3 ASSISTANT COMMISSIONER BURMEISTER: Hi.

4 Self-management is a process we take pretty
5 seriously. It's, I think, one of the highlights in
6 our capital program. However, managing a project- for
7 an organization to manage a project individually,
8 that organization remains responsible for compliance
9 with all of the laws and policies that a DDC-managed
10 project would have to comply with, including
11 prevailing wage, vendor integrity, payroll reporting,
12 various local laws, things like that. So it's a
13 tremendous burden to put on an organization. We do
14 evaluate organizations when we decide whether they'd
15 be appropriate for self-management. We look at
16 whether they execute- have a successful execution of
17 their mission. We look at the engagement of their
18 boards. We look at the effective leadership and like,
19 low turnover of administration and staff.

20 Self-managed projects require a significant private
21 top contribution, typically 50 percent. So we look
for organizations that are able to privately
fundraise. We look for organizations that have the
capacity to fully finance the project, cover cost
overruns, lay out funds in advance, and await

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 44

3 reimbursement. And we look for organizations that
4 have a capital campaign plan with realistic goals.

5 CHAIRPERSON WILLIAMS: And the DDC versus
6 EDC, how do you all determine which projects go to
7 which?

8 ASSISTANT COMMISSIONER BURMEISTER: We
9 actually don't make that determination. Our default
10 is our partner at the Department of Design and
11 Construction. Occasionally we partner with EDC. That
12 is at their discretion.

13 CHAIRPERSON WILLIAMS: So when do you
14 decide to partner with EDC versus DDC? Is it DDC
15 that's sending a project?

16 ASSISTANT COMMISSIONER BURMEISTER: We
17 will propose projects to EDC, and if they choose to
18 take them on, they will take them on.

19 CHAIRPERSON WILLIAMS: Okay. Is it
20 possible to create guidelines for a cultural project
21 to be self-managed?

22 ASSISTANT COMMISSIONER BURMEISTER:
23 Absolutely. We're always available. When we talk to
24 organizations about self-management, we talk to them
25 about what those responsibilities are, and we're

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 45

3 always available to help them get past that threshold
4 of capacity in order to self-manage projects.

5 CHAIRPERSON WILLIAMS: But can you, like,
6 create, like, a document like a- how you just went
7 through, like, the rubric, like, can you create a
8 document like that for cultural institutions to have?

9 ASSISTANT COMMISSIONER BURMEISTER: We'll
10 certainly look into that. I think what we find is
11 that the biggest obstacle is the private fundraising.

12 CHAIRPERSON WILLIAMS: Okay. The front-end
13 planning process doesn't seem to be working. Has the
14 city considered any new approaches to avoid delays in
15 cost escalation?

16 COMMISSIONER OCHOA: Let me defend
17 front-end planning. I actually really, really like
18 it. I know it can be frustrating from a sponsor
19 agency perspective, from our cultural institution,
20 but the more planning we do up front, the faster it
21 is throughout- for us to put it out for a design,
preliminary design, final design, and eventual
construction, depending on the type of delivery. So
it's really, really important. This is the- this is
the process in which we answer a lot of questions. We
also question a lot of the assumptions that the

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 46

3 sponsor agencies are making. Sometimes we get, you
4 know, package- capital initiation packages that we
5 think maybe are undershooting some of the costs or
6 undershooting some of the requirements, or they miss
7 something that could be added. The whole reason why
8 DDC was created- and I know we're talking about
9 cultural, but let me move to- move on to the streets
10 for a second. The whole reason why DDC was created
11 was to combine scopes. And so it is a really, really
12 important process. I hear some of the frustrations,
13 but in my mind, the, the more work we do on the front
14 end, or the more planning work we do on the front
15 end, the easier the project will be once we put it
16 out for design and construction.

17 CHAIRPERSON WILLIAMS: Yeah, off script a
18 bit, not in my prepared questions, which this is like
19 my constant question to many agencies. I think from a
20 government perspective, like, things seem good, but
21 like, no one actually asks the people who are like
engaging with government that way. So, I'm just
wondering, do you do like, focus groups or something
to actually get feedback-

20 COMMISSIONER OCHOA: [interposing] Yeah.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 47

3 CHAIRPERSON WILLIAMS: outside of, like,
4 getting regular feedback when you're dealing with a
5 particular entity because like you say it's going
6 fine, but other people say different. And so I'm just
7 wondering-

8 COMMISSIONER OCHOA: [interposing] Sure.

9 CHAIRPERSON WILLIAMS: like, do you create
10 space for people to actually, like, co-create and
11 like think of solutions that maybe you don't see on
12 the agency side?

13 COMMISSIONER OCHOA: I think that's a very
14 fair point. Listen, and I joked about having a
15 different answer just last week, but as I'll put my
16 former DOT hat on, whenever we had challenges or
17 proposals, we brought them up to DDC. I think also
18 Deputy Mayor Kerson is holding roundtables with all
19 Commissioners, and she's very focused on project
20 delivery. And I welcome feedback from our sponsor
21 agencies on things how we can improve. I'm not saying
it is a perfect process. I am saying it works, and it
is important for us to do that. But I take your point
well, and I'm happy to hear feedback of any potential
improvements.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 48

3 CHAIRPERSON WILLIAMS: Yeah, like, even,
4 like, in my case, like, the cultural institutions and
5 the libraries themselves, so not just, like, with
6 your sister agencies, but also the entities that have
7 to manage these projects. Like the Commissioner said,
8 it's a little different for cultural institutions.
9 It's not another city agency that's co-managing the
10 project.

11 COMMISSIONER OCHOA: Yep.

12 CHAIRPERSON WILLIAMS: These are, like,
13 essentially, you know, public-private partnerships
14 and it's like a huge- the private is a huge component
15 of the public and it doesn't seem like the public
16 thinks of it that way in terms of like engaging and
17 thinking through ways to solve problems. And maybe
18 you are, but that's just my question. Like, are you
19 doing that? Are you actually, like, receiving
20 feedback in a tangible way to inform your practices?

21 COMMISSIONER OCHOA: Yeah, that's fair.
What I will commit to you- it is day 3, but I'll
commit to you, what I mentioned about the sister
agencies, I- you're right, I was talking about other
government entities. I will create space for us to
hear from the cultural institution as well. I think

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 49

3 it's important and they are part- key partners. And
4 so, you know, we already have a process for
5 departments and other agencies. I will create a
6 process if one doesn't exist. So for folks at DDC, if
7 we already have one, I will be attending those
8 meetings to hear directly from cultural institutions.
9 So that includes the libraries, which are key
10 partners as well.

11 CHAIRPERSON WILLIAMS: Thank you. It can
12 take several years to secure funding needed for
13 critical capital improvements. Once an organization
14 gets into scope development and contract, especially
15 for projects that require multiple years of
16 fundraising, the budget often does not keep up with
17 the inflation costs, causing further delays, scope
18 reduction, or additional rounds of fundraising, thus
19 creating a never-ending cycle of requesting and
20 falling short. How can DCLA and DDC work together to
21 solve this issue?

22 COMMISSIONER OCHOA: You want me to take
23 it? I can start it, and then, Commissioner, can add
24 anything else? Listen, when I mentioned about doing
25 more work up front, a lot of these CPIs, or Capital
26 Initiation Packages, come with an estimate of what

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 50

3 the project will be, and we also at DDC come up with
4 an estimate. Sometimes there's a discrepancy between
5 what we think it'll cost and what the sponsor agency
6 will cost, but then the ultimate decider is what the
7 market decides. And so once we put it out for bid,
8 that is the ultimate price. We are- you know, we can
9 try our best to estimate based on past projects, but
10 at the end of the day, we are sort of beholden to
11 what the market puts out. There are escalators in
12 every contract for things like tariffs and cost
13 increases, but the things that are not- you know, the
14 things that do happen are scope changes, as you
15 mentioned, which do come with cost. I mentioned in my
16 testimony, I don't consider those your typical cost
17 overruns that people are sort of frustrated with.
18 Those are just changes that the sponsor agency is
19 requesting. And I think it's important for us to
20 provide space for that. Would it be better if we
21 limited them or have them upfront? Yes, but it does
happen. And I'm not going to fault the sister agency
for wanting to add something else.

19 CHAIRPERSON WILLIAMS: Yeah, I think
20 specifically for the cultural institutions, it's very
21 frustrating because the whole purpose of, like,

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 51

3 leveraging some of these DCLA capital dollars is to
4 use it almost as, like, a fundraising tool to get
5 money from the private sector. And so I was hoping
6 that you would say that you would continue to work to
7 expedite the process, because a part of the problem
8 is, is that when these institutions go to request
9 money, and/or they start the process, because of the
10 many delays that are well documented that is what
11 creates sort of a compiling issue around funding. So,
12 I mean, I thought you would--

13 COMMISSIONER OCHOA: [interposing] I see--

14 CHAIRPERSON WILLIAMS: And to me, like,
15 even thinking of, like, you all mentioning your
16 testimony, this idea of affordability, well, like,
17 when government is slow and archaic and bureaucratic,
18 it actually makes these projects less and less
19 affordable because the costs are so high. So, which
20 to me goes back to self-management. Most of the
21 institutions, if they can manage their own projects,
they do it faster and cheaper. I don't understand
why, like-- I mean, I do understand it's laws, etc.,
you explained it, but I'm hoping that we can continue
to, like, do our best to expedite projects so they do
not--

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 52

3 COMMISSIONER OCHOA: [interposing] Sure.

4 CHAIRPERSON WILLIAMS: rise in cost.

5 COMMISSIONER OCHOA: Listen, I would
6 welcome, and if you want to host a roundtable, I'm
7 happy to join. I think what I was talking about, the
8 cost, and maybe it's a different way of looking at
9 cost, is the expectation from a cultural institution
10 that an upgrade will cost X. Once we get it at DDC,
11 we think it will cost X times, you know, 1.3 and that
12 could be considered- I think if I were a cultural
13 institution, I would see that as a cost overrun or as
14 higher than anticipated, but that is just based on
15 our experience, and we are very experienced at
16 delivering projects, and we're very attuned with what
17 the market rates are. That is the cost. And so, I
18 think that that's the distinction I was trying to
19 make, but I think you're right. I think more
20 communication is important, and if you want to host a
21 roundtable, I'm happy to attend and bring in some of
our folks from both the front-end planning and
project managers to share best practices of what
we've seen works, what doesn't. I would also echo
some of our folks from DCLA mentioned, it is a lot of
work to self-manage. And I want to make sure that

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 53

3 that is the point is made across. There's a lot of
4 requirements, there's a lot of environmental work,
5 DOB approvals, other agency approvals, sometimes DC,
6 sometimes LPC, and so it's something that we are good
7 at, it's something— this is why we are the project
8 delivery agency, but I think, you know, we're happy
9 to have those conversations, but we would just want
10 to make sure that if cultural institutions are
11 undertaking that, they know well and upfront what
12 they're getting into.

13 CHAIRPERSON WILLIAMS: Yeah, I'm happy
14 that you also mentioned LPC because many cultural
15 institutions are landmarks—

16 COMMISSIONER OCHOA: [interposing] Yeah.

17 CHAIRPERSON WILLIAMS: which present other
18 challenges and complexities. Okay, I'm gonna ask one
19 more question for now, because there's so many people
20 I'm sure that have a ton of questions for you. For
21 the 39 cultural institutions that are CIGs and other
arts organizations housed in city-owned property, how
does DCLA or the city in general assess the condition
of the buildings, systems, and capital equipment?

COMMISSIONER VIJ: Yes. We have annual
AIMS reporting, and every three years there are full

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 54

3 inspections of the facilities, and that is delivered
4 to the institutions. I think that can be used- it's
5 not currently, but it can be used as a planning
6 document. And there are many opportunities for us to
7 come together with leadership of SIGs to sit down and
8 go through those and figure out what capital planning
9 might look like for them together.

10 CHAIRPERSON WILLIAMS: Thank you, and I
11 will definitely be taking you up on your offer to
12 host a roundtable.

13 CHAIRPERSON RESTLER: Thank you so much,
14 Chair Williams. We'll pass it to Chair Abreu,
15 followed by Council Member Sanchez.

16 CHAIRPERSON ABREU: Thank you, Chair
17 Restler. Commissioner Ochoa, congratulations on being
18 appointed as Commissioner of DDC. Really exciting. I
19 know you have just started, so I appreciate you
20 joining us today and look forward to working with you
21 to ensure that DDC builds better, faster, and cheaper
in the years ahead. I know that in your previous role
at DOT, you became very familiar with many of the
issues regarding capital project delivery in New York
City and worked closely with DDC on DOT's street
reconstruction projects. Through your work with DDC

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 55

3 on street reconstruction projects, do you identify
4 any issues or challenges with the capital delivery
5 process that you're planning to address in your new
6 role at DDC?

7 COMMISSIONER OCHOA: First of all, thank
8 you, Chair, and I'm very excited to take on this role
9 and I appreciate the kind words. Listen, I think the
10 hardest part about street reconstruction is we don't
11 know what we don't know. I think we want— we try to
12 anticipate, or we tried to work with utilities to
13 guess what is under our roads, but we sometimes
14 encounter things that we never thought were there.
15 And this is— it's not just a utility issue, it could
16 also be a DEP issue. We— and sometimes that is what
17 leads to sort of like changes and delays. But you're
18 right. Listen, more coordination is always important.
19 I would also say DOT and DEP have done a lot of work
20 on their end. So in preparing really strong capital
21 initiation packages so that by the time DDC gets them
in and we go through the front-end planning process,
there's very little back and forth. And I think
we've— we at DOT, we beefed up and we increased the
staffing of the planning process and the planning
staff so that by the time the CPI gets to DDC, there

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 56

3 is sort of minimal back and forth. DEP has the same-
4 and I really, really appreciate that work now at DDC
5 because it's much easier to combine scopes from two
6 CPIs and two packages that are well scoped, that are
7 well estimated, and that have a lot of the
8 requirements already in place for us to put them out
9 for design and delivery.

10 CHAIRPERSON ABREU: What role do you think
11 alternative project delivery methods could or should
12 play for DOT street reconstruction projects?

13 COMMISSIONER OCHOA: You know, and I'm
14 going to let our Associate Commissioner add anything
15 if I miss it. By the way, it's his birthday.

16 CHAIRPERSON ABREU: Oh well, happy
17 birthday. Commissioner Fletcher should have showed up
18 on your behalf, sir. No, no, we thank you for coming.
19 Happy birthday. Let's do a happy birthday chant,
20 everybody. Happy birthday to you. Happy birthday to
21 you. Happy birthday, dear Igor, happy birthday to
22 you. See, now I can't go that hard.

23 CHAIRPERSON RESTLER: Okay, the best
24 present you could get is being invited to this
25 hearing. So I think we haven't done enough
26 design-build projects of horizontal- of horizontal

3 nature. We have a handful of DB projects of DOT
4 scope. I think the challenges are very similar. It is
5 something that I'm going to be working on as new DDC
6 Commissioner. I think we had done a really, really
7 good job at vertical projects. I think we still have
8 a bit more work to be done with DOT and with DEP to
9 do more design-build for horizontal projects. It's
10 something that I've spoken with our Deputy
11 Commissioner Tom Wynne. He's very excited about it.
12 It is still in its infancy compared to vertical
13 projects, but I— that is one of my top priorities.
14 And if it works, we're going to be expanding it for
15 as many street reconstruction projects as we can. I
16 would say though, we are doing design-build, I failed
17 to mention, for ped ramps, which is working well, and
18 raised crosswalks, but not in the typical street
19 reconstruction way that I think you're asking.

20 CHAIRPERSON ABREU: And I think you said
21 in your testimony that the design-build has already
cut the— some projects by nearly half.

COMMISSIONER OCHOA: Yeah.

CHAIRPERSON ABREU: And I know still very
early in our tracking of that, but it's something

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 58

3 that, you know, we're going to be want— we're going
4 to want to monitor in years to come.

5 COMMISSIONER OCHOA: Yeah, that's right,
6 that's right. And we appreciate your support. Every
7 time there is a negotiation in Albany, the Council
8 has always been supportive in home rules or anything
9 else we may need.

10 CHAIRPERSON ABREU: Certainly, ensuring
11 that the city's capital projects are delivered on
12 time and within budget is complicated, particularly
13 when it comes to large-scale projects. While DDC has
14 taken a number of steps in recent years to improve
15 project oversight and construction management
16 practices, time and cost overruns continue to be two
17 of the defining challenges of the city's capital
18 program. In a December 2025 report, the Comptroller's
19 Office reviewed a sample of 18 large-scale city
20 projects and found that the construction costs were
21 over budget by \$370 million. If the results for the
sampled projects were extrapolated across all
large-scale projects, the total cost to the city for
these projects would be an increase of approximately
\$870 million, or a 91 percent— or 9.1 percent. By
your calculation, how frequently do projects exceed

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 59

3 their original amounts, their original budgets, and
4 by how much on average?

5 COMMISSIONER OCHOA: Yeah, first of all,
6 we appreciate Comptroller looking into this, and, you
7 know, Comptroller Lander was a member of the Capital
8 Delivery Task Force. There is a lot of
9 recommendations in the Comptroller's report that we
10 agree with. The timelines we disagree. The way that
11 the timelines were measured, we don't agree. The
12 timelines essentially were measured by the— before
13 they started getting to DDC. Some of the budget
14 overruns are scope changes, and so there's— and I'll
15 be happy to brief you on that. There's a
16 disagreements about how the data of that report was
17 put out, but there's a lot of other recommendations
18 that we agree with and we're already implementing for
19 the comptrollers.

20 CHAIRPERSON ABREU: What are those
21 disagreements? So essentially it's like, when does
the project start is a disagreement. We believe that
the project starts when it gets to DDC. The way that
the Comptroller's Office— my understanding, they were
counting the timing. The timing is when the projects
were funded, which is a very different— a project

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 60
3 could be funded for a number of years outside the
4 five-year window, for example. The sponsor agency
5 could take sometimes years to put out a CPI before
6 DDC gets it. And so the- when the clock starts is a
7 key question.

8 CHAIRPERSON ABREU: Are you referring to
9 rebasing?

10 COMMISSIONER OCHOA: I'm not familiar with
11 rebasing.

12 CHAIRPERSON ABREU: Which I'll get into-
13 I'll get into that later.

14 COMMISSIONER OCHOA: Okay.

15 CHAIRPERSON ABREU: Can you please provide
16 a year-to-year comparison of the average project
17 budget overrun?

18 COMMISSIONER OCHOA: I don't have that- I
19 don't think I can provide that with you- for you
20 today, but I am happy to look into it. I do want to
21 push back on the overrun to make sure that we're
talking about the same thing, because if it's scope
changes, I would not cat- categorize those as cost
overruns. That is a decision that the sponsor agency
who's paying for the project is making to make sure

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 61

3 that the project delivered actually meets their
4 standards.

5 CHAIRPERSON ABREU: Are agencies
6 consistently conducting early enough due diligence to
7 avoid preventable cost escalation?

8 COMMISSIONER OCHOA: No, no, not at all.
9 No, no. Listen, it's a conversation that we have
10 with sponsor agencies. I, you know, I think I
11 mentioned DEP and DOT as sort of street
12 reconstruction agencies. I know for a fact they've
13 done a lot, a lot of work on the front end to avoid
14 these difficult conversations or minimize the
15 unknowns. On the front end. So I know on the street
16 reconstruction side they're doing that. I know DCLA
17 does that as well for cultural projects. I completely
18 agree that I think we need to do a better job to
19 touch the cultural institutions directly. But I think
20 a lot of the agencies we work with are doing a lot of
21 that front-end planning themselves to make sure that
we limit delays once they get to us.

CHAIRPERSON ABREU: What are some reforms
that would most effectively reduce cost increases
without compromising project quality or safety?

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 62

3 COMMISSIONER OCHOA: Yeah, you know, a lot
4 of the reforms put out in the Capital Reform Task
5 Force were very helpful. DDC piloted an expanded work
6 allowance to essentially minimize the approvals for
7 change orders. That- so it's essentially registering
8 a baked-in contingency into projects so that whenever
9 we do run into issues or whenever there's an
10 unforeseen field condition, we don't have to go back
11 to the Comptroller's Office to register a change
12 order and we can pay up front to the vendor. That has
13 been really, really helpful. It's something, again,
14 that DDC piloted. DOT is now implementing, and I
15 believe other agencies as well. There's- there was a
16 lot of procurement items in the Capital Reform
17 Taskforce that were really helpful, things like
18 electronic bidding. The city did not have that
19 before. The public notice, the timelines for the
20 public notice were also cut down. There's a lot of
21 things that we- on the admin- that can be done on the
admin side to reduce the actual timelines for project
delivery.

19 CHAIRPERSON ABREU: I was going to ask
20 questions later on the Capital Process Reform
21 Taskforce, but since we're on it, I can skip to that

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 63

3 really briefly. Of the 39 Capital Process Reform
4 Taskforce recommendations, how many have been fully
5 implemented, how many are in progress, and how many
6 remain outstanding?

7 COMMISSIONER OCHOA: My understanding is
8 that fully implemented, about 24 with the rest— with
9 the other 15 in progress.

10 CHAIRPERSON ABREU: So 24 have been
11 implemented?

12 COMMISSIONER OCHOA: Yes, that is my
13 understanding.

14 CHAIRPERSON ABREU: And you have the
15 breakdown of— you know, I mean, there's a lot of
16 them, but if you can send us that.

17 COMMISSIONER OCHOA: Yes, I do have— yes.
18 We should have the breakdown, and I believe there's a
19 progress report. Jeff can add, but there's a progress
20 report every year on the individual recommendations
21 and how the progress is being made. Oh, I have it.

CHAIRPERSON ABREU: Okay.

COMMISSIONER OCHOA: I can share it with
you either now or at the end of the hearing.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 64

3 CHAIRPERSON ABREU: Great. And Which ones
4 have been the hardest to implement and which ones
5 have produced the most measurable results so far?

6 COMMISSIONER OCHOA: Yeah, I think the
7 hardest to implement usually are ones that the city
8 themselves don't control, either require state
9 legislation, or other forms of authority. But there's
10 also some data, some recommendations that required
11 new data systems that take a little while to build
12 out. But I believe they're all underway. I have it in
13 front of me. I'm happy to list them, but I can also
14 just provide them.

15 CHAIRPERSON ABREU: I'll just-- if you
16 could just give that to us so that we can take back.

17 COMMISSIONER OCHOA: Sure. Oh, just one--
18 I do want to call out one really, really important
19 one, and I really liked this recommendation when I
20 was at DOT, and I will eventually reap the benefits
21 at DDC. It is the expansion of the CPSD process. It's
the Capital Project Scope Development Fund that OMB
manages. Essentially, it is money that OMB sets aside
for really well-done capital scope projects, and this
is-- we essentially-- the way it works is we present
projects to OMB of things, ideas that we may have

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 65

3 that require more detailed scoping than what we
4 traditionally would do in-house, and then those yield
5 really good capital projects moving forward. At DOT,
6 we did one for Flatlands Yard, one of our key yards,
7 for the roadway divisions and the fleet division. And
8 that will now-- that is now going to be moving forward
9 for a full capital project.

10 CHAIRPERSON ABREU: Thank you,
11 Commissioner. Let me just move on to the other set of
12 questions.

13 COMMISSIONER OCHOA: Sure.

14 CHAIRPERSON ABREU: I know you can go on
15 for an extensive time on that.

16 COMMISSIONER OCHOA: Yes.

17 CHAIRPERSON ABREU: How-- on average, how
18 long are projects delayed beyond their initial
19 projected completion dates?

20 COMMISSIONER OCHOA: Well, this is the
21 one-- this is the-- it depends on-- this is where we
disagree with the Comptroller and how we categorize
delays. I don't have an average with me. And again,
there's sometimes factors outside of DDC's control
that do cause delays. Sometimes there's legal issues
or environmental issues. But I don't have an exact

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 66

3 timeline. Also, it depends on the type of project, if
4 it's public buildings or infrastructure.

5 CHAIRPERSON ABREU: So the report also
6 found that DDC— in a quote— DDC does not have a
7 system capable of tracking real-time project costs
8 from initiation to completion or for forecasting
9 future costs across its project portfolio. DDC cannot
10 readily determine the actual percentage of projects
11 experiencing cost overruns and is unable to
12 effectively monitor or report variances from original
13 cost to completion cost on individual projects or an
14 aggregate level. This deficiency resulted in a
15 suspension of reporting project costs against
16 original budget in the MMR from 2021 to 2024, end
17 quote. How do you respond to this audit finding that
18 DDC is unable to determine the actual percentage of
19 projects experiencing cost overruns?

20 COMMISSIONER OCHOA: I'm going to partly
21 disagree. So let me explain. The— it doesn't— we
don't have a single system that does that. We have—
Benchmark does sort of the project delivery, and we
have systems for budget and cost. We track both. So I
want to be very, very clear that we do track both.
They're just not on the same system. And so what— the

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 67

3 commitment to DDC and to the Council and Comptroller
4 is that I'm going to be looking at all systems and IT
5 systems that the agency uses to make sure that we are
6 giving our project managers all the tools they need
7 for them to properly manage both the timelines and
8 the cost. But I want to be very clear, we have
9 systems for both. It is just not one single
10 integrated system.

11 CHAIRPERSON ABREU: So is it fair to say
12 that you are monitoring the actual cost of projects?

13 COMMISSIONER OCHOA: Yes, of course.

14 CHAIRPERSON ABREU: And so is it-- is that
15 just not being reported? Is that the conclusion?

16 COMMISSIONER OCHOA: That was one of the
17 disagreements. My understanding was in going back and
18 forth with the Comptroller's Office. And it's-- I
19 believe it's in our official response that was
20 published as part of the report.

21 CHAIRPERSON ABREU: Do you commit to add
these to future MMR reports?

COMMISSIONER OCHOA: The-- if we can-- if we
can agree on what a benchmark looks like, then yes,
I'm happy to have that conversation.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 68

3 CHAIRPERSON ABREU: Well, what would be
4 the- what are some benchmarks? Because this is just
5 basic- we know- I think members of the public-

6 COMMISSIONER OCHOA: [interposing] Yeah,
7 right.

8 CHAIRPERSON ABREU: want to know what
9 these costs for projects are.

10 COMMISSIONER OCHOA: But the problem is
11 like, it's building a new library versus building a,
12 you know, a street project and a- or a water main
13 project versus a full reconstruction project. They're
14 just very different. And so we would- I would want to
15 have, you know, benchmarks for every type of project,
16 which can be a little complicated, but I'm sure we
17 can come up with something.

18 CHAIRPERSON ABREU: Okay, so you're
19 committed to come up with some kind of benchmarks?

20 COMMISSIONER OCHOA: I think it is a fair
21 conversation to have.

22 CHAIRPERSON ABREU: Alright, you walk that
23 back a little bit. Alright, you're an attorney, Mr.
24 Ochoa. No, I'm kidding. Alright, I'm going to pivot
25 to rebasing, and then I'm going to let my- I have a
26 bunch of questions, but I want to let my colleagues

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 69

3 ask more questions. On December 26, 2025, the
4 Comptroller's Office released a report examining
5 DDC's cost and timeline tracking, among other
6 processes. It found that DDC often changes the
7 starting and endpoint dates when calculating delays.
8 The report states, "DDC does not track all delays
9 from the beginning. It rebases the starting point for
10 counting days to completion as projects progress,
11 continually replacing the completion date before
12 reporting outcomes. The reporting— the reported
13 figures are therefore distorted and total changes in
time are obscured." Why does DDC rebase the starting
point for counting days to completion as the project
progresses?

14 COMMISSIONER OCHOA: You know, Council
15 Member, it is my third day, so I haven't specifically
16 asked that question, but I imagine it has to do with
17 scope changes. If there's a significant scope change
18 from the sponsor agency— and I believe this is to be
19 true, but our folks at DDC can correct me if I'm
20 wrong. If there's a significant scope change that
21 does require us to go back to front-end planning, it
would set up the clock because the project, it is
essentially restarting. And so if that's the

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 70

3 situation, I would agree with- in pushing back to
4 that statement, but I need to do a bit more research
5 on that and talk to my team.

6 CHAIRPERSON ABREU: I mean, yeah. I mean,
7 if you're a member of the public and you say the
8 project will be done- XYZ project will be done by-

9 COMMISSIONER OCHOA: [interposing] Yeah,
10 they don't care about scope changes, right.

11 CHAIRPERSON ABREU: You know, they don't
12 care. They don't- the scope change for them is the
13 project is not being done by the deadline that was
14 agreed to.

15 COMMISSIONER OCHOA: Yeah.

16 CHAIRPERSON ABREU: That's the confusion.
17 So if DDC routinely changes the completion date
18 before reporting outcomes, how does this affect
19 reporting? And has DDC taken any steps to change this
20 practice in order to get a more accurate
21 understanding of the capital project delays? I have
some constituents from my district who are actually
in- probably in the overflow room right now. Hello,
Anne. Hello, Jack. Nice to see you. You know,
they're- you know, we've been told many a time. I
mean, the rebases- the rebasing has happened there.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 71

3 All of- these things are just real for folks, you
4 know, deadlines and timelines. And it just does- that
5 doesn't make sense that we are- we're not counting
6 that as part of a delay.

7 COMMISSIONER OCHOA: Listen, I think it's
8 a fair conversation to have. I don't think the public
9 will care about scope changes or any other reasons
10 for rebasing timelines. I think the timeline that we
11 put up front should be as close to the timeline that
12 we abide ourselves by. There are, as I mentioned, for
13 street reconstruction projects, there's always
14 something that we, you know, dig up where that we
15 didn't expect. So it does produce longer timelines.
16 But I think it's a fair conversation, it's a fair
17 point, and I'm happy to talk to my team about it.

18 CHAIRPERSON ABREU: Chair, I'm going to
19 have one more question. Actually, Chair Sanchez, you
20 can go now. Sorry, Council Member Sanchez.

21 COUNCIL MEMBER SANCHEZ: I'll take- Chair,
no, I'm kidding.

CHAIRPERSON RESTLER: You're co-chair of
this one. You can. We'll welcome you.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 72

3 COUNCIL MEMBER SANCHEZ: No, no. Thank
4 you, Majority Leader, and thank you, Chairs. I- you
5 know, why does child care end at 3:30? Yeah.

6 CHAIRPERSON RESTLER: Mayor's working on
7 it.

8 COUNCIL MEMBER SANCHEZ: Yeah. I thought I
9 wasn't going to get a chance, but I- thank you for-
10 congratulations on your appointment.

11 COMMISSIONER OCHOA: Thank you, Council
12 Member.

13 COUNCIL MEMBER SANCHEZ: Very excited to
14 work with you and solve some, you know, long-standing
15 issues. I'm doing the thing where I highlight the
16 local issues, so you know, thank you in advance.

17 COMMISSIONER OCHOA: Okay.

18 COUNCIL MEMBER SANCHEZ: But it's two
19 different issues, but connecting it to the bigger
20 picture. So one, I have a nonprofit that DDC is
21 helping with the roof reconstruction. It's been a
long-standing discussion at Kingsbridge Heights
Community Center, and right now their concern is
having to cease operations during the roof
reconstruction and meeting DOE requirements. So, the
broad question is how does DDC take into account

3 these kind of impacts to the budget of a local
4 organization or a cultural organization during the
5 scoping planning process? First, and then second, I
6 have, Davidson Community Center, who was promised a
7 second floor during the 2018 Jerome Avenue rezoning.
8 So eight years ago. And just a couple of weeks ago we
9 got an email from folks at DDC saying that there was
10 a need for a wall strength test for the second floor
11 that was revealed a couple of weeks ago.

12 COMMISSIONER OCHOA: Sure.

13 COUNCIL MEMBER SANCHEZ: That is the
14 promise. That was the promise eight years ago, a
15 second floor. How is this coming up now? So, you
16 know, one is the, you know, taking into account
17 programmatic impacts into the budgeting process for a
18 project? And two is, you know, how is it possible
19 that concerns like this can come up for what is a
20 central question for a project?

21 COMMISSIONER OCHOA: Yeah. I will take the
Davidson Avenue Community Center, and then, Jeff,
feel free to tackle the first one.

COUNCIL MEMBER SANCHEZ: Hi, Jeff.

COMMISSIONER OCHOA: This is- listen, it
is frustrating for any organization, let alone a

3 small one, to have a project, you know, be eight
4 years and not move forward. My understanding is that
5 it's in preliminary design. We cannot build the
6 second floor unless we know that the building can
7 stand a second floor. But that conversation should
8 have happened a while ago. So I— let me look into it,
9 Council Member. I share— I understand your
10 frustration, community's frustration. I think we
11 need— the only thing I would ask of you is if we need
12 to nudge the sponsor and the community organization
13 to— and if you need to bring us a table, I will be
14 there to make sure that we are engaging, because
15 sometimes there's a game of broken telephone that
16 can, you know, lead to months and months delays.

17 COUNCIL MEMBER SANCHEZ: Thank you. You're
18 signing up for a lot of meetings today.

19 ASSOCIATE COMMISSIONER MARGOLIES: Keeping
20 us busy. Thank you, Council Members. So, the short
21 answer is both these buildings are very old. I know
we've talked about that. There are some unknowns
here. Because of the way Davidson was funded,
obviously, we want to expand that scope, but this
was— we talk about front-end planning. Once you start
adding scope, it does impact everything. So it

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 75

3 started as an elevator project, as you know, and now
4 we're working to see if that second floor can be
5 added, if the building, the wall can hold that
6 weight. So we will have results for you very soon. I
7 do think we want to sit down with you and
8 Commissioner Ochoa to talk with the organization to
9 make sure we're aligned and moving forward together.

10 COUNCIL MEMBER SANCHEZ: Great. And then
11 on the-

12 ASSOCIATE COMMISSIONER MARGOLIES:
13 [interposing] Sure. So we did have the pleasure of
14 meeting with the Executive Director of Kingsbridge
15 along with our Deputy Mayor's Office. Her team was
16 very involved as well. So, obviously anytime we have
17 to relocate an organization, we recognize there's an
18 impact. There are cost implications and time
19 implications for phasing a project. So, I think right
20 now we're trying to look at what the condition of-
21 there's two roofs if I understand correctly, and
right now we're starting the process of probing those
roofs. We're also working around their schedule, so
we're not impacting during those probes. Once we have
those probes, we'll know exactly what we need to do
to rehab both of those roofs, and then we can come

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 76

3 back and talk about that, the moving around, if
4 that's a feasible solution.

5 COUNCIL MEMBER SANCHEZ: And would the
6 city be able to assist them with any cost additions?

7 ASSOCIATE COMMISSIONER MARGOLIES: So that
8 was a conversation. It's a Parks facility, as you
9 know, so those conversations are ongoing, but we can
10 circle back on that one as well.

11 COUNCIL MEMBER SANCHEZ: Great, thank you.
12 Thank you, chairs, for the time.

13 CHAIRPERSON RESTLER: Thank you so much,
14 Council Member Sanchez, for those great questions.
15 You're good? Okay. Great. I just firstly want to
16 thank you both for being here and for the
17 thoughtfulness and the energy you bring to this work.
18 And I'm really hopeful in this administration's
19 commitment to delivering excellent government
20 services that we're going to see real improvement. We
21 Chair Williams and Abreu and I really wanted to hold
this hearing because this is an area where we are
simply not delivering excellent government services.
And so you all have a lot of work to do to do better.
And I'm impressed by both of the breadth of knowledge
and thoughtfulness that you have brought to the

3 testimony and the questions today. But I think that
4 what you, you know, would have heard from more
5 council members is a sense of frustration. And I
6 think for many of the cultural institutions,
7 libraries, other city agencies, if they were allowed
8 to testify and tell you their real opinions, would be
9 a lot of frustration as well. Maybe you could put on
10 your old DOT hat for a minute. The- I'm just kidding.
11 So, you know, I'll just, like- I'll give examples of
12 things that just piss me off. Like In 2019, the de
13 Blasio administration funded a pedestrian expansion
14 and safety project on Flatbush Avenue that was
15 supposed to make it safer at seven intersections. I
16 think the best-case scenario at this point is it's
17 going to be completed in 2029. Probably it'll slip
18 into term two of the next- of the Mayor. So that's
19 four mayoral terms for us to complete a street safety
20 project. You know, we've had- we have a courthouse in
21 downtown Brooklyn at 360 Adams. You may have read in
the newspaper today, we're- I'm trying desperately to
evict the judges from their parking lot. But there's
been scaffolding up at that courthouse for 20
freaking years, right? Like, there are kids who have
graduated high school who are younger than the

3 scaffolding that's up at this courthouse. We finally
4 got DDC to start work on that recently. But it's been
5 enormously frustrating and it undermines quality of
6 life, safety, etc. I could give you a list of 10 of
7 these projects off the top of my head that I have,
8 you know, screamed at, you know, tried to cajole,
9 massage any way we can to move these projects
10 forward. And it just feels like they're stuck. When I
11 work with DOT, I try to do everything I can to avoid
12 a capital project because I know that it's my
13 successor's successor that's going to have the chance
14 to celebrate its completion. It's just like, what's
15 the damn point? I'd rather do everything I can be
16 expense. When I work with the Department of Cultural
17 Affairs for the smaller cultural institutions in my
18 district, I just don't give them money anymore for
19 capital projects because they're going to want to
20 spend the next two years on the phone with me telling
21 me why their project can't move forward. And it's
just not worth my time or their time for nothing to
move. And I'd rather put the money into something
that can actually get done. So that's just the
frustration that I bring to this. And I think my
colleagues bring to this, and so I'd love to just get

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 79

3 some questions- I'll get some questions out, but I
4 just wanted to vent for a second. This is not what my
5 Chief of Staff told me to say today, though. She
6 tries to get me to be the nice- to be a little nicer.
7 So, Chair Abreu got at this a little bit, but I just
8 wanted to dig in further on Comptroller DiNapoli's,
9 recent report from last year highlighting the 5,000+
10 capital projects that 64 percent are delayed at least
11 three months, 48 percent are delayed over three
12 years. Do we have data on where we are today? Like,
13 are you- could you- I realize it's day three, so I
14 apologize if it's an impossible question, but like,
15 could DDC answer the question maybe as a follow-up to
16 us in writing of what percentage of capital projects
17 that DDC is currently working on are more than three
18 years delayed?

19 COMMISSIONER OCHOA: Yeah. I believe so,
20 but it's the- what constitutes a delay question that
21 I think it's- and I keep on mentioning because I
think it's really important.

CHAIRPERSON RESTLER: Yeah.

COMMISSIONER OCHOA: I think we would
treat it as whenever we get the project and whenever
we through front-end planning process we estimate a

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 80

3 timeline and then from there I would feel comfortable
4 with- from there and without any major change in
5 scopes I would feel comfortable having that data. I
6 don't know if that's easily available in the way I
7 think you wanted. I would give a shout out to the
8 Mayor's Office of Operations. They have a capital
9 dashboard that has essentially every single capital
10 project in the city easily available for the public
11 and the Council. I believe that data there is
12 accurate.

13 CHAIRPERSON RESTLER: Just to interrupt
14 you on that for a second.

15 COMMISSIONER OCHOA: Sure.

16 CHAIRPERSON ABREU: My understanding of
17 the capital projects dashboard is that it covers
18 about 60 percent of the city's these capital
19 commitments. So we do- we value it, but it is not
20 comprehensive, and it should be. And so we know
21 there's a new Mayor- I don't know if she's actually
begun, but we have a new appointment for the Mayor's
Office of Operations. Credit to the team. It came
from a Local Law, just to note.

COMMISSIONER OCHOA: Yes.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 81

3 CHAIRPERSON RESTLER: You worked on it
4 when you were at CLA.

5 COMMISSIONER OCHOA: I did.

6 CHAIRPERSON RESTLER: So thank you for
7 helping to get that through, and thank you to our
8 predecessors in the Council for passing it. But I
9 just want to note, we have work to do to actually
10 make it comprehensive.

11 COMMISSIONER OCHOA: Fair, yeah.

12 CHAIRPERSON RESTLER: I interrupted you
13 though. If you were still going I can-

14 COMMISSIONER OCHOA: [interposing] No, I
15 was just going to say, listen, I'm going to be
16 looking at all IT systems at DDC to make sure that we
17 have internal tracking, and if there's a way to put
18 that externally for folks to have a bit more
19 transparency, I'm happy to. I think I'm- again,
20 there's so many legacy systems that have been, you
21 know, that we've been using for a very long time that
I'm very excited to look at how we can improve for
the purposes of project delivery. But if it also
helps for transparency, I'm open to that.

CHAIRPERSON RESTLER: You know, it's- our
goal on transparency is to bring accountability,

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 82

3 right? And so if we all collectively have the data
4 and can look at it and can evaluate how we're doing,
5 then we can push and say, hey, there's a problem
6 here.

7 COMMISSIONER OCHOA: Yeah.

8 CHAIRPERSON RESTLER: And if that data
9 isn't clear, maybe it's clear to you all, but not to
10 the rest of us, or maybe it's tracked in different
11 places, like you were saying, the timeliness of a
12 project versus the over budget of- the budget of the
13 project are not necessarily being tracked in the same
14 place, it does get complicated to be as tight as we
15 need to be to manage things to successful outcomes.
16 So that's the orientation here. We see phenomenal
17 disparities in agency- in how sponsor agency projects
18 are doing in terms of timeliness with DDC. Like,
19 library projects are the most delayed. DOT projects
20 are extremely delayed. Some agencies do better. I
21 appreciate that, as you noted earlier, there's a wide
variety of projects that you all work on. It's quite
remarkable. But have you begun to think about why are
some projects- why are some agencies doing better and
some agencies quite simply not?

3 COMMISSIONER OCHOA: Yeah, I don't think
4 it's a- it's an agency issue. It's more of a project
5 issue. The higher the unknowns, the likelier the
6 delays will have. And so, if a project is from a
7 cultural institution of a building that was
8 landmarked and built in 1895, you're probably going
9 in through the scoping process with a lot of
10 unknowns. And so- and same with street construction
11 projects that, again, especially in Manhattan,
12 there's a lot of work under our streets that we just
13 don't know about. There's also subway interference,
14 or- I'm sorry, I shouldn't call it interference. It's
15 just subway infrastructure where we need GOs or
16 temporary passes from the MTA for us to touch the- to
17 even touch that infrastructure. So, there is a lot of
18 coordination that needs to happen, but it's the
19 unknowns that usually result in longer timelines.
20 This is why, I mean, like, it's sometimes it's easier
21 to build a brand new project, than it is to restore
or renovate an existing one.

CHAIRPERSON RESTLER: And I think you- I
mean, some of the alternative delivery methods that
you spoke to are easier to deploy on new projects.

COMMISSIONER OCHOA: Yeah, yeah.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 84

3 CHAIRPERSON RESTLER: Right? And as well.
4 Back in 2021, some time ago, Center for Urban Future
5 put out a report, and in it, DDC indicated that they
6 were intending to shave an additional 30 months off
7 their 96-month project timelines. My understanding is
8 things have gotten down to about 90 months, so we've
9 shaved some time off, but a long way off from that
10 goal.

11 COMMISSIONER OCHOA: Sure.

12 CHAIRPERSON RESTLER: 96 months is eight
13 years, 7.5 years. 66 months, still over five, not,
14 you know, expeditious process. But could you help us
15 understand— and I— in noting that, in the intervening
16 years we had this Capital Project Reform Taskforce.
17 You said some of those reforms are helpful.

18 COMMISSIONER OCHOA: Yeah.

19 CHAIRPERSON RESTLER: We're still not
20 seeing that make a demonstrable difference though. So
21 what has been helpful? Can you quantify what reforms
are helpful and what reforms maybe were proposed that
haven't yet been fully realized that would be helpful
for us to prioritize?

22 COMMISSIONER OCHOA: Yeah, so actually
2026 is going to be a very big year for DDC and

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 85

3 alternative delivery. A lot of the projects that we
4 started under design-build, under the first
5 design-build authorization are coming online now.

6 CHAIRPERSON RESTLER: Great.

7 COMMISSIONER OCHOA: And those projects
8 are being done in just a handful of years. I
9 mentioned Shirley Chisholm Rec Center, which to me is
10 incredible because I worked to fund it under the last
11 year of Mayor de Blasio. And the fact that it got
12 completed just earlier this year is incredible.
13 That's the gold standard that we're striving for. But
14 it is an alternative delivery project. And so
15 design-build and expanding our design-build- I'm
16 looking forward to all the briefings that I have from
17 Jade and the team. But I think expanding the amount
18 of alternative delivery usage throughout the agency,
19 I think will really shave down those costs
20 significantly.

21 CHAIRPERSON RESTLER: So I did want to dig
in on exactly that. So the city's authorized to use
design-build specifically at about eight agencies, if
I have this right?

COMMISSIONER OCHOA: That sounds right.
I'm actually not aware of other agencies who want

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 86

3 design-build authority who don't have it. I think
4 there was a resolution.

5 CHAIRPERSON RESTLER: Fair, but the state
6 has authorized us to do it with- through DDC, DOT,
7 Parks, DEP, SCA, NYCHA, H+H, and DCAS. In your
8 agency's report from last year on design-build, DDC
9 noted that the agency had awarded 12 contracts valued
10 at over \$800 million. \$140 million of it was for
11 Shirley Chisholm, but, you know, you get a sense of
12 scale. And the- it listed as of August 25, a total of
13 24 design-build contracts. What I- I think in-
14 basically what I'm really trying to get at here is,
15 should we be seeing more design-build contracts?
16 Like, a couple dozen contracts across eight agencies
17 over what's now been- it's 2026, so seven years since
18 design-build authorization was originally granted.
19 Like, shouldn't this be more- much more widely
20 adopted?

21 COMMISSIONER OCHOA: Yeah, I understand
where you're coming from. You know, design-build is
sort of a new process for a lot of us. I think it
also includes a lot of training for staff to make
sure they understand all the rules of design-build,
both on the admin side. So like the way that we

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 87

3 procure and put out a contract and the specs that a
4 contract will have for design-build purposes, but
5 also for the delivery. So I hear you and I understand
6 where you're coming from, that there should be more
7 design-build process, but it is a learning curve for
8 our staff and for our sister agencies to learn about
9 the expertise required for design-build. DDC has a
10 close partnership with DBIA. The Design-Build
11 Institute of America, that does a lot of these
12 trainings. We've offered these trainings for our
13 sister agencies. I encourage and I will be working to
14 make sure that our sister agencies are taking us up
15 on those trainings to ensure that there's— that their
16 staff know how— what it entails to use an alternative
17 delivery method like design-build. And with that, we
18 expect more design-build projects to come online,
19 too.

20 CHAIRPERSON RESTLER: Okay. Could you— I
21 don't— again, it's day three. We're grateful to have
you here and be engaging. But if you could provide us
with a comprehensive list of what projects DDC has
engaged with design-build, it would be helpful.

20 COMMISSIONER OCHOA: Sure. Yeah. We can—
21 we can— yeah.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 88

CHAIRPERSON RESTLER: Thank you very much.
3 We will annoy you with follow-up questions in
4 writing. I guess— I think you— you answered this for
5 design-build, but just want to ask it a little more
6 broadly. Are those the same barriers for why we're
7 not seeing more progressive design-build and CM-build
8 on more projects at agencies? Is it that same—

9 COMMISSIONER OCHOA: [interposing] I think
10 so, though, although, progressive design-build and
11 CM-Build, we got authorities after design-build, so I
12 expect that same sort of learning curve to happen,
13 but for CM-Build, we're definitely moving forward
14 with the projects. My understanding is that for
15 progressive design-build, there were some
16 discrepancies in what we had asked for the authority,
17 versus what we got. But I will be doing a deeper dive
18 on all alternative delivery methods.

19 CHAIRPERSON RESTLER: And do you feel
20 confident at this point as we look ahead toward 2029
21 and reauthorization that we'll be able to make a
strong case that this is really working and we're
utilizing it at scale?

COMMISSIONER OCHOA: Yeah. Yeah,
absolutely. And I think we have great examples. And

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 89

3 hopefully by 2029 we're going to have a brand new
4 jail as well in Brooklyn to show for.

5 CHAIRPERSON RESTLER: Okay. We're making
6 good progress there. So, I wanted to ask a little bit
7 about change orders and scopes. So, can you clarify
8 the process for granting scope changes? Does any
9 entity, kind of OMB, MOCS, contracting agencies, or
10 like the sponsor agencies, flag vendors who submit
11 high numbers of change orders? Are vendors' histories
12 of change orders considered when awarding contracts?
13 Like, who's providing that global analysis?

14 COMMISSIONER OCHOA: Yeah. It's a very
15 good question. I don't have the answer with me. I- it
16 is something that I know it's an issue. So I will see
17 what data we have. I think it's a fair point to sort
18 of flag if there's vendors who just, you know,
19 utilize the change order process for, you know,
20 nefarious reasons other than, you know, real change
21 orders. But I'm happy to look into that. I think it's
a fair point. I would say, though, we're- we are- we
have done a lot of things to limit the change orders.
And nobody likes them. And I know it was one of- one,
one of the biggest points of contention or emphasis,
I would say, in the Capital Reform Taskforce.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 90

3 CHAIRPERSON RESTLER: Is somebody from
4 MOCS here? John Katsorhis, would you mind joining us
5 for this? Thanks. Did we-- do we need to do anything?
6 We'll need a witness slip, but we'll do that after.
7 Nice to see you. Thank you for being here today.
8 MOCS's oversight on change orders-- are you looking
9 at-- just the same question I asked the Commissioner.
10 Like, are you looking at vendors that are submitting
11 high numbers of change orders? Is that something
12 that's being consider-- is that easily available
13 information for us to analyze through Passport?

14 DEPUTY CHIEF KATSORHIS: So, first of all,
15 good afternoon, everyone. Thank you for the
16 opportunity to be here to talk to you. The-- MOCS
17 serves an oversight function of the procurement
18 process, not necessarily digging into the level of
19 detail about construction change orders and arriving
20 at whether or not it's justified, we rely on the
21 contracting agency to make that determination and
22 review it. We know that there's a very thorough
23 process to review that and determine whether or not
24 there's relevance to that change order.

25 CHAIRPERSON RESTLER: I guess what I'm
26 asking is a little different, is a data question and

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 91

3 a Passport question, and maybe you may- your role is
4 Deputy Chief Procurement Officer, is that right?

5 DEPUTY CHIEF KATSORHIS: Yes.

6 CHAIRPERSON RESTLER: So forgive me if
7 there's a better person at MOCS to ask this question
8 to. But shouldn't Passport allow us to kind of easily
9 pull the data of where there are high numbers of
10 change orders by vendor, looking at whether there are
11 vendors that are abusing the process and kind of
12 applying for the lowest bid and then insisting on
13 change orders again and again and again and again
14 that increase prices, and we had to go with the
15 lowest bid, but then this shady vendor keeps adding
16 change orders in that don't actually make it all that
17 affordable, and we could have picked a much more
18 impressive and reliable vendor for slightly more
19 money that didn't apply for the lowest bid. Shouldn't
20 Passport easily be able to identify that for us and
21 provide that analysis for DDC and other sponsor
agencies to be looking at so that we understand this
information a little bit better?

DEPUTY CHIEF KATSORHIS: Thank you for the
clarification.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 92

3 CHAIRPERSON RESTLER: Sorry if I didn't-
4 if I wasn't- if I wasn't explaining my point clearly
5 or who I was trying to attack.

6 DEPUTY CHIEF KATSORHIS: I appreciate the
7 clarification. Passport does collect and capture
8 certain information. We do include change order
9 information in our annual indicators report that we
10 have on our website. But I don't think it's to the
11 level that you're describing. And so I would be happy
12 to circle back with you on what improvements we can
13 do to increase the transparency.

14 CHAIRPERSON RESTLER: Yeah, I will just
15 say I was hanging out with the DCAS Commissioner and
16 Council Member Brewer recently, and they are getting
17 new data from Passport on procurement spending that
18 they've never gotten before that's providing, like,
19 really helpful insights into the oversight that they
20 should be providing on procurement decisions we're
21 making citywide. And I think that there's a lot of
information generally that we have in Passport that
nobody's really been digging into and that DDC and
others should be analyzing, and we need MOCS' help on
it. I think if we could make improvements to
Passport, capitally eligible, it would be a lot

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 93

3 easier for us to see some of those improvements
4 happen. So I hope that is something that we can all
5 advocate for together with our friends at OMB and the
6 Comptroller's Office. But that is a different- I'm
7 now going on a tangent. Thank you for that. I
8 appreciate it. Oh, could you please state your name
9 for the record and you'll tell me if I need to do
10 anything else? Okay. Great. The- our committee
11 counsel would like to swear you in.

12 DEPUTY CHIEF KATSORHIS: Sure. Do I start
13 with announcing myself?

14 COMMITTEE COUNSEL: We'll have you raise
15 your right hand and then you can say who you are so
16 that it's on the record and we know that you're
17 telling the truth. Do you affirm to tell the truth,
18 the whole truth, and nothing but the truth before
19 these committees and to respond honestly to council
20 member questions?

21 DEPUTY CHIEF KATSORHIS: I do.

COMMITTEE COUNSEL: Alright, thank you.
Can you please state your name for the record?

DEPUTY CHIEF KATSORHIS: John Katsorhis.
I'm the Deputy City Chief Procurement Officer at the
Mayor's Office of Contract Services.

3 CHAIRPERSON RESTLER: Thank you again very
4 much. We appreciate you being here. I am going to— I
5 just would like to shift to project management a
6 little bit at DDC. This was one of the issues that
7 Comptroller Lander highlighted in his report as well.
8 I'm trying to complement the things that Chair Abreu
9 raised. He emphasized, and we've heard this
10 informally from sponsor agencies as well, is that the
11 unevenness in the skill set of DDC project managers
12 has a big impact on project outcomes. And I was just
13 wondering, as a new Commissioner, are you thinking
14 about professional development opportunities for
15 project managers, opportunities to measure
16 accountability for project on— for the projects that
17 they have in their portfolios around whose projects
18 have consistent cost overruns, whose projects are
19 delivered on time, whose are not? Is there— is there
20 more that we should be looking at there, that kind of
21 human role that you think could improve outcomes?

18 COMMISSIONER OCHOA: Yes, Chair, so I've
19 had the pleasure of meeting a lot of DDC folks. I
20 think I will say this is— they're incredibly
21 dedicated individuals. They're all excited about the
projects they're working on. I think what you raise

3 is an issue of providing them with the right tools to
4 succeed. That includes both the right staffing
5 levels, but also the right systems and tools. There's
6 also- if there are lessons to be learned from very
7 successful projects, what I'm- what I'm committing to
8 you is that we're going to be sharing those lessons
9 across divisions and across units to make sure that
10 those- that what worked in one side of the public
11 buildings, for example, can be shared across the
12 different units and across that division. Same with
13 the infrastructure team. So I think it's all about
14 providing them the right resources to succeed. Both
15 again in terms of technology, but also training and
16 role models, if you will, across the agency.

17 CHAIRPERSON RESTLER: Thank you. I
18 appreciate that. For, the Associate Commissioner
19 whose name I- let me- I don't have it. I'm sorry.
20 Who's the- for the birthday boy. I wanted to ask
21 about legislation that we recently passed for a DOT
capital project tracker. Could you speak to the
status of implementation?

ASSOCIATE COMMISSIONER MARGOLIES: Sure.
Thank you for the question, Chair. So we have started
looking at systems and models, how to build it. We're

3 going to work with our partners at DDC because
4 they're integral to delivering on our projects, or a
5 portion of our projects. We think that we'll
6 absolutely be able to complete it by the timeline
7 stated in the legislation, and we're actively going
8 to work on it.

9 CHAIRPERSON RESTLER: Since I'm not
10 looking at— remind me of that deadline.

11 ASSOCIATE COMMISSIONER MARGOLIES: Let me
12 get that.

13 CHAIRPERSON RESTLER: Okay, thank you. And
14 I'm sorry, Associate Commissioner Jaroslavsky [sp?].
15 I apologize. I hope I pronounced that okay.

16 ASSOCIATE COMMISSIONER JAROSLAVSKY:
17 Perfectly. it is in 2028.

18 CHAIRPERSON RESTLER: 2028. I wouldn't
19 have been as nice if it was my bill. Okay, we look
20 forward to having that. I wanted to ask a little bit
21 about AIMS. I will try to not go on for too much
longer because I know we have a lot of great people
who want to testify. So, I'm very interested in how
we are tracking the state of repair or disrepair of
our capital infrastructure. Could you share if you're
up to speed yet? I feel like all these questions are

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 97

3 slightly unfair, but does DDC do a state- kind of an
4 analysis of the state of repair of city assets and a
5 plan for routine maintenance?

6 COMMISSIONER OCHOA: You know, I was just
7 talking to the Commissioner Katowsky [sp?] about this
8 issue. I believe we have a meeting with NYCHA to see
9 how they talk about the state of good repair for
10 their assets. We- I believe we rely on our sister
11 agencies or sponsor agencies who are the owners of
12 the assets once we deliver the projects to do the
13 AIMS report. As Executive Deputy Commissioner at DOT,
14 I was the signatory for DOT. And so- but I don't know
15 that DDC has the list of assets, because once we
16 deliver, we sort of give it to either Parks or DOT or
17 DCLA to manage. So I can get back to you on that. I
18 do not believe, however, that DDC would manage the
19 same-

20 CHAIRPERSON RESTLER: [interposing] We had
21 talked to Commissioner Foley about some stuff, some
pretty innovative stuff that he was working on toward
the end of his term, his tenure, that I think you'll
really enjoy as well as you dig in.

20 COMMISSIONER OCHOA: Okay.

3 CHAIRPERSON RESTLER: You know, basically
4 my overarching critique is that I should be able to,
5 as a Council Member, ascertain what's the condition
6 of a piece of infrastructure in my district. Like,
7 it's a playground, a bridge, whatever it may be, have
8 pretty good detailed information that a city agency
9 makes available to me for what's that state of
10 disrepair. And then I want to understand what's
11 getting funded in the capital plan for the things
12 that are not in good repair. And we should have
13 accountability on that. And if OMB is choosing not to
14 fund those projects in the capital plan, they should
15 have to to defend themselves. So we have some
16 legislation toward that end. We hope to have a
17 hearing on it in the near future, but I think DDC has
18 a critical role to play, because I think you all have
19 the engineering and architectural assistance and
20 analytical ability to evaluate what is the state of
21 good repair or not as much as any agency we have. And
it's a cumbersome and big task, but I think it's
really important. And-

19 COMMISSIONER OCHOA: Sure. We're happy to
20 be involved.
21

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 99

3 CHAIRPERSON RESTLER: Would love to
4 discuss that with you further. The thing- well, we
5 can- it's the advanced capital planning management
6 system was the tracking of assets and planning
7 projects together that I was really impressed by, and
8 I think it's a cool thing that was- is- so, whatever.
9 I will close by being a parochial council member,
10 because that's my job. As you noted, Commissioner,
11 the Brooklyn Borough-based jail is in our district.
12 And it looks like you all have, you know, done a
13 pretty good job of staying on budget on that one.

14 COMMISSIONER OCHOA: Yeah.

15 CHAIRPERSON RESTLER: It's a big budget,
16 but staying within it.

17 COMMISSIONER OCHOA: Yeah.

18 CHAIRPERSON RESTLER: I understand that
19 the Brooklyn contract includes a guaranteed maximum
20 price.

21 COMMISSIONER OCHOA: That's how
design-build projects usually-

CHAIRPERSON RESTLER: [interposing] Every
design-build.

COMMISSIONER OCHOA: That's right.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 100

3 CHAIRPERSON RESTLER: Okay. And So each of
4 the borough-based jails have that, and that is an
5 effective tool for us to stay within budget,
6 essentially.

7 COMMISSIONER OCHOA: Yeah.

8 CHAIRPERSON RESTLER: Can this be used in
9 other contracts that are not design-build? Is that
10 like a mechanism that we should be looking to expand
11 if it keeps us within budget?

12 COMMISSIONER OCHOA: You know, we do early
13 delivery incentives in a lot of projects.

14 CHAIRPERSON RESTLER: How are those going?

15 COMMISSIONER OCHOA: Well-

16 CHAIRPERSON RESTLER: Mostly parks.

17 COMMISSIONER OCHOA: Mostly parks. Let me
18 get back to you.

19 CHAIRPERSON RESTLER: Okay.

20 COMMISSIONER OCHOA: DOTs too. I think
21 it's- it should be standard for- if not, I will make
sure that it is a standard part of the contracts for
our DDC projects.

CHAIRPERSON RESTLER: Great.

COMMISSIONER OCHOA: But let me get back
to you on whether or not the maximum price is

3 something that we can implement for non-design-build
4 projects. I don't know the answer. I'll check with
5 our legal.

6 CHAIRPERSON RESTLER: I appreciate it.
7 The- this is a plea that I'm making to many of your
8 colleagues across the administration, but I'm going
9 to make it to you today. I've made it to the Deputy
10 Mayor and others as well. And I'm- multiple other
11 commissioners. But my understanding is that there is
12 some contingency in this contract that we've not yet
13 had to use-

14 COMMISSIONER OCHOA: [interposing] That's
15 right.

16 CHAIRPERSON RESTLER: because you've been
17 doing such a great job of keeping us on budget. What
18 I'm most concerned about in this facility is the lack
19 of access to outdoor space. I do not believe that the
20 outdoor space is currently designed within the
21 housing units is outdoor space at all. And it may
meet SEOC requirements, but I don't think it will
serve the detainees there well. And that people who-
often too many people in Rikers, and hopefully we're
going to speed up our case processing and get people
in and out of our pre-trial detention systems more

3 quickly- but with so many people in there for one
4 year, two year, three years, not having real access
5 to outdoor space is just profoundly harmful to
6 someone's mental health. So there is a roof space.
7 It's, in my opinion, underdesigned. There's, like,
8 some gardening that's intended that people can do up
9 there. I think it should be a real recreational
10 space. I think we have to look at this right quick
11 because we just topped out. We don't have a lot of
12 time to make changes, but I would really appreciate
13 and welcome your partnership to analyze if there are
14 any opportunities, of course, with DOC as well, on
15 what's feasible operationally. But just on the
16 construction side before it's too late. Want to make
17 sure that we really make sure- that we ensure that
18 this facility is as humane as it can be.

19 COMMISSIONER OCHOA: Sure.

20 CHAIRPERSON RESTLER: And I think this is
21 just an important missing piece.

COMMISSIONER OCHOA: That- you have my
commitment to look into that. Deputy Commissioner Del
Valle has done a really, really good job at managing
this project, and he's in close coordination with

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 103

3 DOC. Uh, I ju- I was just texting with Dana Kaplan
4 this morning. So rest assured we're on it.

5 CHAIRPERSON RESTLER: You know the people
6 that I'm texting too. Well, I really want to- unless
7 you guys have anything else? You have a few more.
8 Okay, we got more. Sorry, I'm shutting up, but other
9 people are going to keep talking. We'll go to the
10 Deputy Speaker.

11 CHAIRPERSON WILLIAMS: Yeah, following
12 from one of the things that Chair Restler said about
13 alternative- ATD, alternative delivery. And I guess
14 there's different forms of alternative delivery. So,
15 what types of cultural projects are best suited for
16 design-build, CM-Build, or traditional
17 design-bid-build, and where is the current system
18 mismatched?

19 COMMISSIONER OCHOA: Yeah, renovations,
20 we're going to try to push them towards CM-Build, so
21 construction management, manager build. For brand new
cultural institutions, we- you know, we have to look
at it in front-end planning, but Design-Build is
great for that. It depends, but it depends on the
project and the requirements and the scope that we
get from our cultural partners to see what best

3 alternative delivery method is for each case we bring
4 in.

5 CHAIRPERSON WILLIAMS: Okay. We've heard
6 many examples of projects where city reimbursement
7 can take years. Can you explain the process for
8 approving reimbursements and why that sometimes can
9 take years after project completion. And I actually
10 have one example of that which is the David Geffen
11 Hall, which opened October 8th, 2022. Lincoln Center
12 is still waiting for DDC to complete payment on the
13 project. Also Carnegie Hall is accruing \$2 million in
14 interest each year for capital projects. So, yeah,
15 what is the plan supporting these institutions and
16 making sure institutions are paid on time and do not
17 face increased interest rates or impacts on their
18 credit ratings?

19 COMMISSIONER OCHOA: Yeah, Councilmember.
20 So, in prepping for this hearing, this issue came up.
21 I think the bigger issue is the coordination between
us and the cultural institution. A lot of this work
happens before a contract's even registered. And so
the city cannot— doesn't even have the ability to pay
until the contract is registered. So you mentioned
the Geffen Hall at Lincoln Center. The contract you

3 mentioned, the work was done in 2022. The contract
4 wasn't registered until September 2024. From there we
5 had meetings up until end of 2024. We were still
6 going back and forth with Lincoln Center about some
7 documents that were missing for us to be able to make
8 the payment. I understand that on paper it sounds
9 really frustrating, but if an institution is doing
10 work ahead of contract registration, the city doesn't
11 even have the ability to pay. And so we understand
12 that sometimes that needs to happen and the timelines
13 are tight, but I would really encourage them to work
14 with us to make sure that at least they know the
15 expectations up front. And in this case, it's not
16 like they've been waiting for a payment for a number
17 of years, as I think on paper it would show, it's
18 that we didn't actually register the contract until
19 very-

20 CHAIRPERSON WILLIAMS: [interposing] But
21 why? Can you help me understand why contracts-

22 COMMISSIONER OCHOA: [interposing] Yeah,
23 so the way- the way that it would work is essentially
24 we get- the capital grant process may not be in place
25 ahead of them, of the institution wanting to do work,
26 but they have the commitment, the funding commitment

3 in place. And so they're making the decisions to make
4 the repairs or renovations with the funding
5 commitment, but not with the capital grant fully
6 registered with the Comptroller. And so there's a bit
7 of a disconnect. I think this is a very good topic
8 for us to discuss.

9 CHAIRPERSON WILLIAMS: Yeah, because like,
10 but why? Why does it take so long to register the
11 contract?

12 COMMISSIONER OCHOA: So, I don't know the
13 full details. I don't know if it's we're not getting
14 all the right information. I- this is a very good
15 topic if we are going to host a roundtable to discuss
16 because I want to be upfront with the cultural
17 institutions about the expectations of doing that
18 work at risk without a fully registered contract. I
19 understand that the- that means that their projects
20 are not going to start as fast as they would like,
21 but it does avoid delays on the back end. And so-

22 CHAIRPERSON WILLIAMS: [interposing] Yeah,
23 it's like, damn if you do, damn if you don't,
24 because, like, if they don't start it, then, like,
25 that can lead to, like, a whole bunch of- an array of
26 issues.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 107

3 COMMISSIONER OCHOA: Sure.

4 CHAIRPERSON WILLIAMS: Maybe the project
5 cost goes up, maybe they have disruptions in their
6 programs or their performances. But then now when
7 they do it, you're like, oh well, you did it, and now
8 you got to wait until we catch up with the
9 bureaucracy.

10 COMMISSIONER OCHOA: I think you're-

11 CHAIRPERSON WILLIAMS: [interposing] Like,
12 I don't-

13 COMMISSIONER OCHOA: [interposing] You're
14 bringing up a very good point.

15 CHAIRPERSON WILLIAMS: That's crazy.

16 COMMISSIONER OCHOA: And also, you know, a
17 lot of these cultural institutions are, you know,
18 taking out bridge loans to make sure that they're-

19 CHAIRPERSON WILLIAMS: [interposing] Yeah,
20 now they're paying interest on loans.

21 COMMISSIONER OCHOA: That's right. Yes.
It's not an easy solution. I think being upfront
about the risk-benefit of doing that is important,
and you have my commitment to really make sure at
least to- for the cultural institutions to know

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 108

3 exactly what they're getting into if they are going
4 to be doing work, what we consider work at risk.

5 CHAIRPERSON WILLIAMS: Yeah, I think
6 transparency is important, but I also think- thinking
7 of not just like a Band-Aid, because I think
8 transparency is just like band-aiding the problem-

9 COMMISSIONER OCHOA: [interposing] Yeah.

10 CHAIRPERSON WILLIAMS: but like really
11 trying to find a cure for the disease as to like why
12 it takes so long to register a contract, especially
13 when that cultural institution is- sounds like
14 self-managing. That's like- that is when we really
15 should be helping the cultural institution by, like,
16 at the very least, registering the contract so you
17 can get paid.

18 COMMISSIONER OCHOA: I would say, Council
19 Member, it is not just the cultural institution at
20 times that's missing documents. It could be the
21 contractor not provide- there's like the request for-
like, the city has to approve subcontractors.
Sometimes there's like PLAs or other labor things
that need to be involved. And so it is a very
burdensome process. It is required by spending city
dollars. I want my city dollars to be spent on

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 109

3 prevailing wage and sort of your typical- what it
4 comes with spending a city dollar. But I agree with
5 you, and I understand that frustration. And
6 Commissioner?

7 COMMISSIONER VIJ: No, I just want to
8 echo, of course we understand the frustration that
9 cultural organizations are experiencing with this.
10 And both Commissioner and myself are quite new here
11 and have our first meeting actually scheduled next
12 week so we can begin coordinating better and be able
13 to communicate these unique specific challenges,
14 because DCLA works so differently than other sister
15 agencies. So, yes, we understand and we are in
16 conversation about-

17 CHAIRPERSON WILLIAMS: Thank you.
18 Institutions are foregoing city processes for
19 procuring equipment. It takes too long, and items
20 will often be out of warranty by the time they
21 arrive. Often SIGs will wait until they can afford
the entire equipment replacement privately. What are
the primary holdups for equipment projects, and what
is being done to streamline equipment projects?

22 COMMISSIONER VIJ: So, I will say that
23 over the past several years, we've been able to

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 110

3 reduce our equipment procurement timeline by six
4 months. I- we haven't heard- we've only heard one
5 case of equipment being delivered out of warranty. So
6 that is not something that we've heard before, but-

7 CHAIRPERSON WILLIAMS: I'm sure the
8 cultural institutions will share, as I'm looking at
9 faces and they're smiling and laughing. So I'm sure
10 there are more cases, but so yeah, hopefully somebody
11 can stay back-

12 COMMISSIONER VIJ: [interposing] I'm happy
13 to listen to all of them.

14 CHAIRPERSON WILLIAMS: yeah, from DCLA to
15 hear the testimony. Okay, no worries. So we can
16 circle back to that. DCLA has not updated the capital
17 project tracker as we discussed, or as I mentioned in
18 my opening, since 2021. The tracker is required by
19 local law. Why hasn't it been updated, and can you
20 commit to updating the tracker?

21 COMMISSIONER VIJ: Yeah, data transparency
is incredibly important to us. This just came to my
attention last week, and as of today, the data is
updated.

CHAIRPERSON WILLIAMS: That's why we have
hearings, oversight, transparency. We love it. Thank

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 111

3 you. Okay. Advocates and cultural organizations are
4 calling for a cultural capital plan, a systemic
5 citywide framework for assessing the condition of
6 city-owned cultural assets and budgeting sensibly for
7 state of good repair, modernization, and energy
8 efficiency projects, along with expansion projects.
9 Is there anything that would prevent DCLA from
10 establishing and maintaining such a plan? If not, are
11 you committed to a five-year capital plan? And I know
12 you mentioned, when I asked the question about do you
13 assess buildings, that you do feel this could be
14 potentially used to create a plan. So, yes. Is there
15 anything that would preclude you from doing it? And
16 if not, you know, are you able to commit to doing a
17 capital plan?

18 COMMISSIONER VIJ: I'm definitely looking
19 forward to talking to the CIGs about this. I haven't
20 received any details about what the proposal is, but
21 have started the conversation with them already.
Looking forward to learning more.

CHAIRPERSON WILLIAMS: Okay. And just a
few questions, not cultural or library- libraries
related, but MWBEs, unless the Chair- do you plan to
ask questions on MWBEs? Okay. I'm very passionate

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 112

3 about MWBEs, and so- and I know Chair Restler is as
4 well, and there's a set of MWBE questions. The Public
5 Works Investment Act requires project labor
6 agreements for alternative delivery contracts, and
7 DDC has reported that minority and women-owned
8 business enterprise utilization on design-build and
9 CM-Build projects has been higher than on low-bid
10 contracts, with participation goals of 30 percent for
11 both the design and construction phases. How does
12 MWBE participation rates compare across
13 design-builds, progressive design-builds, CM-Build
14 and traditional low-bid contracts?

15 COMMISSIONER OCHOA: Yeah, Council Member,
16 we share your support and passion for MBEs. It was
17 something that I championed with former Commissioner
18 Rodriguez at DOT, and it's something that our
19 Executive Deputy Commissioner Maggie Austin at DDC
20 really, really cares about and has done a fantastic
21 job at increasing participation. We have found that
22 MWBE participation is much easier in design-build
23 projects, just because the goals are desegregated,
24 which means essentially there's, like, an ability to
25 bring in more subcontractors of smaller size. Let me
26 just give you an example. The Shirley Chisholm Rec

3 Center had an MWBE participation of over 30 percent—
4 33– 36 percent, which has been the highest MWBE
5 participation rate that we've ever had. And that's
6 the- that's the goal, essentially making it easier
7 for smaller firms, which MWBE firms tend to be
8 smaller, for them to have access to contracting
9 opportunities. It is something that we're very proud.
10 I think our BBJ program is doing exactly that. We
11 hope to get about 30 percent MWBE participation
12 across all the contracts in our BBJ program. Oh, I
13 would- and compared to design bid build, the reason
14 why the percentages aren't as high as design bid
15 build is because the contracts are not segregated.
16 And so you have one preliminary design, one final
17 design, and one construction. We do have goals, but
18 it's much harder to exercise the tools of using subs
19 or nudging contractors to use MWBE subs.

20 CHAIRPERSON WILLIAMS: How does a PLA
21 affect project delivery, workforce stability, and
opportunities for city residents?

COMMISSIONER OCHOA: Yeah, it doesn't
affect them. We believe it enhances them. It is
essentially a PLA is sort of setting the rules of the
game ahead of the project. Everything from wage—

3 wages to deliveries and conflict resolution and sort
4 of everything that you need ahead of the project to
5 start. We have them in design-build projects as part
6 of the- Yes, as part of the state law, they're
7 required in horizontal and vertical design-build
8 projects. It's been working great. I- we also have a
9 community hiring component, which was also approved
10 by state law. I am happy to dive a little deeper on
11 that. If we have some metrics, I would love to share
12 them. The opportu- the goal here is to hire local
13 residents into these jobs and ideally bring them into
14 trades for them to have a path towards a good- a
15 well-paid union job.

16 CHAIRPERSON WILLIAMS: Yeah, like actually
17 getting into the trades because sometimes they do the
18 apprenticeship-

19 COMMISSIONER OCHOA: [interposing]
20 Apprenticeship, yeah.

21 CHAIRPERSON WILLIAMS: pipeline, which
isn't actually like getting them into the trade. So
we try to encourage, like, them actually getting into
the trade so it isn't just like the one project in
their community, but that they can take their, like,
now union card and go to another project. We just

3 want to make sure that faster project delivery
4 doesn't compromise or come at the expense of
5 inclusion or accountability. So—

6 COMMISSIONER OCHOA: I think that's right,
7 and it hasn't yet, and I have no reason to believe it
8 will.

9 CHAIRPERSON WILLIAMS: Okay, thank you so
10 much, Chairs.

11 CHAIRPERSON ABREU: Thank you, Chair
12 Restler. The report also— this referring to the
13 Comptroller's report, I'm going— I'm back to the
14 report— found that when calculating the extent of
15 project delays, DDC does not count certain delays as
16 delays. The report states that DDC, and I quote,
17 “unilaterally excludes all delays it considers
18 outside of its control. As a result, the MMR does not
19 provide a complete picture of the delays that occur.
20 In the MMR, DDC excludes time added to the project
21 duration due to changes in programmatic scope and
delays it considers beyond its control.” Why does DDC
exclude these delays from its delay calculations?

COMMISSIONER OCHOA: Yeah, I mean, the—
but by mere fact of the statement, it's a DDC delay,
I wouldn't consider those DDC delays. But I

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 116

3 understand your point, and it goes back to sort of
4 like understanding a baseline of what is a delay. I
5 think we can have a philosophical discussion of what
6 is delay, but for the public it doesn't really
7 matter. So I— a point well taken.

8 CHAIRPERSON ABREU: I appreciate you
9 saying that because at the end of the day, I feel
10 like we're all just trying to convince ourselves
11 we're doing a good job.

12 COMMISSIONER OCHOA: Yes.

13 CHAIRPERSON ABREU: But the members of the
14 public—

15 COMMISSIONER OCHOA: [interposing] That's
16 right.

17 CHAIRPERSON ABREU: are, you know, it's
18 delayed, so—

19 COMMISSIONER OCHOA: [interposing] I would
20 say though, they will enjoy the scoping changes that
21 come from that. But I— point well taken, I don't
think the public cares, and I'm happy to look into it
to see if there's—

CHAIRPERSON ABREU: [interposing] Yeah, I
think— and I'm happy to move away from the delay
discussion, except there may be another one. The

3 Comptroller's report also states, and I quote, "DDC
4 contracts frequently require mid-project adjustments
5 due to this added scope, unforeseen underground
6 conditions, or delayed utility responses. However,
7 the audit's review of project records and sampled
8 project files suggests that in many cases delays
9 categorized as external, for example, field
10 conditions or scope changes, and therefore deemed
11 unavoidable by DDC, may stem from avoidable causes
12 such as design omissions, or insufficient project
13 readiness." Given that DDC is involved in
14 establishing and changing the scope of any project,
15 why does DDC classify design omissions or
16 insufficient project readiness as outside of the
17 agency's control?

18 COMMISSIONER OCHOA: Chair, I would like
19 to see those examples, because I— if it's a design
20 omission, it would— it should have been caught at the
21 front end planning. That's the whole purpose of that
unit. But if it's a change in scope, that's not a
design omission. That is a design— like, it's
increasing the scope. And so I would love to talk to
my team about the specific examples that the
Comptroller pointed out. I would say, though, I keep

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 118

3 saying it, we don't know what is under our streets,
4 especially in Manhattan. We-- the utilities don't have
5 a good grasp. They have an idea, and we try to ask to
6 try to get-- we try as much as we can to anticipate
7 what will be underground, but it's very hard. And so
8 we don't know exactly what's down there until we, you
9 know, rip up the streets. And so it does--

10 CHAIRPERSON ABREU: [interposing] You mean
11 to tell me you can't see through cement?

12 COMMISSIONER OCHOA: Unforeseen field
13 conditions unfortunately are unavoidable at times.

14 CHAIRPERSON ABREU: Got it. I just want us
15 to redefine, right, what a delay is. I think that's
16 something that we have to have a meeting of the minds
17 on.

18 COMMISSIONER OCHOA: Sure.

19 CHAIRPERSON ABREU: So that when my
20 constituents are coming up to me or the folks of the
21 city are coming up to me and saying, how is this not
a delay? And I'm like, it is a delay. It's just not a
delay for agency term-- agencies that want to make
themselves feel a little better.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 119

3 COMMISSIONER OCHOA: [inaudible] about
4 scoping changes and front-end planning, if you would
5 like.

6 CHAIRPERSON ABREU: Alright, I have
7 questions for DOT, and I'm going to get to the one
8 that my constituents really, really care about, and I
9 know that I have plenty of them here. I see Anne, I
10 see Jack Fogel. Is there other folks? And Lynette.
11 These are folks who have had to live— these are folks
12 who live in my building, by the way. And these are
13 folks who keep me accountable, and I told them to
14 show up today, so I'm very proud of them for coming
15 up and holding me accountable. It's getting to the
16 point where even the— even my doorman is asking me
17 about the status of projects from the city.

18 Seriously. And I'm like, man, everybody's coming
19 after me. So now is the time to ask these questions,
20 and I'm glad that you're going to be here to testify
21 later. In 2019, Judd Law began work on the Riverside
Drive Viaduct project to repair corroding steel and
decking along the elevated portion of the drive as
part of a contract worth over \$100 million. Work has
eventually stopped. Folks from Judd Law have walked
off the project for over a year, leaving behind an

3 unfinished construction site that disrupts the lives
4 of people in this neighborhood. It is a blight. I
5 look outside my window, the residents of my building
6 look outside this window, folks from 153rd to 161st,
7 they look outside of their windows and they have to
8 live with this nightmare. What happened with this
9 project?

10 ASSOCIATE COMMISSIONER YAROSLAVSKY: First
11 off, Majority Leader, thank you for your advocacy on
12 this project and all the other projects in your
13 district. I want to say first and foremost, we're in
14 active litigation with Judd Law on this project. We
15 wanted to move forward with a default of the
16 contractor, but we're given a temporary restraining
17 order by the judge. We want to move forward, we want
18 to complete the project, we want to see the residents
19 of your district and the folks in your building happy
20 and not clamoring for projects to finish. As
21 Commissioner Ochoa said, you know, the delays are one
of the things that, you know, bother all of us most.
We hope to have a resolution soon. We'll continue
conversations with the contractor and litigation and
hope to get to a resolution soon.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 121

3 CHAIRPERSON ABREU: Thank you for that
4 update on the temporary restraining order. That is
5 news to me, and I think that indicates- you know, I
6 have to say that under the Mamdani administration,
7 there's been a lot of active efforts to find a
8 resolution here, in a way that, you know, the past
9 administration didn't have a sense of urgency. And so
10 I just want to say thank you for providing us with
11 this update, potentially moving for default if you
12 can. And the TRO shows that at least something is
13 happening and I have something to report back. Is it
14 permissible for a contractor to walk off a project
15 while there is a dispute about costs?

16 ASSOCIATE COMMISSIONER YAROSLAVSKY: We do
17 our absolute best to make sure that we can come to an
18 amenable solution with contractors. Of course, things
19 happen that are outside any of our controls. Many of
20 our contractors are firms we've worked with before,
21 so we want to make sure that we can continue working
with them. And if things happen, like they walk off
the job, you know, we have things in the contract
that we will have to exercise. And, you know, we look
at things on a case-by-case basis.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 122

3 CHAIRPERSON ABREU: I mean- I mean I
4 would suspect that it would not be permissible for a
5 contractor to just walk off a project. But I
6 understand that the city is holding them accountable
7 by moving forward with enforcing the terms of the
8 contract through the default proceeding.

9 ASSOCIATE COMMISSIONER YAROSLAVSKY: Yes.

10 CHAIRPERSON ABREU: And so I hope that
11 that pressure stays on. Does the city have a timeline
12 for work resuming on this project, or is that all
13 that contingent on the resolution of this default,
14 etcetera?

15 ASSOCIATE COMMISSIONER YAROSLAVSKY:
16 Unfortunately, it's all tied to the resolution. We'd
17 like to move forward with a different contractor and
18 get the project done, but unfortunately this TRO kind
19 of puts us at an impasse. I do want to say that we're
20 not sitting on our hands and just waiting for the TRO
21 to finish. We're trying to move forward and looking
22 for any and all possible solutions to move forward.

23 CHAIRPERSON ABREU: And you- and under the
24 contract, you would be able to find another vendor
25 through a surety bond? Is that how that would work?

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 123

3 ASSOCIATE COMMISSIONER YAROSLAVSKY: Let
4 me get back to you.

5 CHAIRPERSON ABREU: Yep. No problem. Will
6 the work on this project- let's assume that there is
7 a default and that the city succeeds with that, would
8 that affect Judd Law's standing when they bid for
9 future city projects?

10 ASSOCIATE COMMISSIONER YAROSLAVSKY: Yes,
11 it would.

12 CHAIRPERSON ABREU: Is there- it would.
13 Okay, that's good to know. And is there existing laws
14 that says that if there is a prior default, that's a
15 factor that the agency is required to consider as
16 part of granting future projects?

17 ASSOCIATE COMMISSIONER YAROSLAVSKY: So
18 from a big picture standpoint, any and all contracts
19 get grades after the project is complete. We factor
20 those grades in when we're reviewing contractors for
21 future work.

CHAIRPERSON ABREU: Good. Alright, well,
that's music to my ears, because I feel like for a
very long time, Judd Law has been operating as if
they're too big to fail and that they have this
leverage over the city and the state, having billions

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 124

3 of dollars in public service contracts. It has been
4 of huge concern. I know they also have another
5 contract on 79th Street, for instance, as well. They
6 have a lot of state contracts with the MTA. If Judd
7 Law is paying attention, I hope you are paying
8 attention, we're coming after you. You have an
9 obligation to do right by the city and do right by
10 the contract terms. And if you don't, yes, you may
11 get defaulted, and that's going to impact future
12 projects. It's going to impact your ability to do
13 business with the city, because the residents of my
14 district, the residents of this city deserve better.
15 You imagine you're building a bridge, and all of a
16 sudden you decide to walk off the— walk off the job?
17 But you know what? They're mistreating the residents
18 of uptown Manhattan by walking off. You guys can
19 reserve your rights in court, through litigation and
20 still complete the project. And then after that,
21 litigate the cases on the merits, and you reserve
your rights to do that. You should not make sure— you
should not, at the expense of my constituents, wait
for them for that project to be done. It's been seven
years. Well, we have a stranded road. It's not right.
And so I just want to say thank you so much to the

3 Chairs. I have no other questions on this matter. I
4 want to thank the Commissioner for testifying in good
5 faith.

6 CHAIRPERSON RESTLER: Thank you. I— just
7 before letting this panel go, I just— I did want to
8 underscore to Commissioner Ochoa, I think that there
9 was some good work over the last year in expanding
10 underground mapping efforts. And, you know, I think
11 it's so important that the utility companies work
12 collaboratively with us, that National Grid and Con
13 Ed are held accountable to share transparently their
14 information, and that we're all mapping it, DEP's
15 infrastructure, their infor— the utility
16 infrastructure, so that when work is happening, we
17 can consolidate projects as much as possible. There
18 is nothing that annoys our constituents more, the
19 people of New York City more, that when the same
20 street gets dug up three times in a one-year span
21 because Con Ed, Nat Grid, DEP, DOT, nobody's talking
to one another or cares what anyone else is doing.
And the utility companies in particular, I think,
have zero you know what's to give. So how we bring
them to the table and hold them accountable is really
important. With that, I want to thank you all for

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 126

testifying today. We really appreciate your
3 thoughtful testimony.

4 COMMISSIONER OCHOA: Thank you.

5 CHAIRPERSON RESTLER: Hope you all have a
6 wonderful afternoon and congratulations to the new
commissioners once again, and happy birthday.
7 Alright, we're going to first bring up the libraries.
8 So we'll bring up and forgive me if I can't read
9 anyone's handwriting, David Lam from NYPL, Karen
10 Sheehan from BPL, and John Katimaris from Queens
Public Library, QPL. Okay, you all feel free to
11 testify in whatever order you would so like, and the
12 clock will start whenever the first one begins. Yeah,
13 and could one of the sergeants— would you mind
14 closing the doors just so we can get some of the
noise from outside? Thank you.

15 VICE PRESIDENT LAM: Good afternoon, my
16 name is David Lam, and I am the Vice President for
17 Capital Planning and Construction at the New York
18 Public Library. I would like to thank Speaker Julie
19 Menin, Chairs Dr. Natasha Williams, Lincoln Restler,
and Sean Abreu, the committee members, and the entire
20 City Council for holding this hearing. NYPL's 92
21 locations across the Bronx, Manhattan, and Staten

3 Island are integral community hubs offering free
4 access to books, computers, internet access, and
5 programming for all ages. Capital improvements ensure
6 that our essential services are delivered in a safe,
7 welcoming, and accessible spaces for all our patrons
8 and staff. NYPL's active capital portfolio as of
9 April 2026 consists of 30 projects with a total value
10 of over \$331 million. By fiscal year 2028, we
11 estimate that NYPL will have invested a total of \$1.2
12 billion towards capital improvements since fiscal
13 year 2015, including \$747.1 million in city capital
14 funding. This includes many of the street projects
15 across our nation— across our locations, such as
16 roofs, windows, building systems, as well as 31
17 comprehensive renovations and new locations, which
18 accounts for more than one-third of our branches. And
19 we have many highlights we can go into, but to keep
20 within the time, I can talk to them afterwards then.
21 We have made great progress on capital improvements
across the system, but it's important to note that
most of the library's recent success results from
creative approaches that seek to avoid the cost
escalations and lengthy timelines associated with the
traditional city capital process. Finding

3 efficiencies ensures that we are reliable stewards of
4 public funding and that our patrons and staff do not
5 have to wait to see critical needs addressed in their
6 libraries. One of these creative approaches is
7 working with Economic Development Corporation, as we
8 did for our five Carnegie renovation projects. These
9 projects were completed in less than six years, even
10 with 11-month 2020 COVID restrictions. All five
11 branches were over 100 years old, multi-floors,
12 involved a mix of landmark buildings, access
13 agreements, complex regulatory process, and percent
14 for arts projects. On the other hand, our renovation
15 of Hamilton Fish Park in Lower Manhattan is a much
16 simpler one-story project managed by DDC, started
17 around the same time as the Carnegie's and
18 experienced also the COVID pause and is still as yet
19 to be completed. At the time the funding was secured
20 in 2015, the library anticipated it would take four
21 years, \$8.5 million to complete. But after numerous
contract amendments and extended DDC internal
reviews, design was not completed until 2022. During
that time, the branch's HVAC system failed, and NYPL
was forced to temporarily close the branch, spend
NYPL operating dollars to outfit it with temporary

3 heating and cooling, and reopen with limited service
4 prior to closing again for construction in 2024. An
5 original- a project- though- sorry. A project
6 originally estimated to be completed in four years
7 and cost \$8.5 million will ultimately take 10 years
8 and cost \$18.5 million. We know that when we work
9 with DDC, cost escalations are inevitable. We have
10 incurred \$54 million in shortfalls on DDC-managed
11 projects between FY18 and '25. This directly impacts
12 our approach to requesting new funding. Since we know
13 shortfalls are inevitable, we must preemptively ask
14 for contingency funding until project reaches
15 construction. The Council has provided unallocated
16 capital funding, which allows us to plug shortfalls
17 and initiate emergency projects as they arise.

18 CHAIRPERSON RESTLER: We'll just ask you
19 to wrap up, please, if you can get a chance.

20 VICE PRESIDENT LAM: Okay.

21 CHAIRPERSON RESTLER: Thanks so much.

VICE PRESIDENT LAM: We'll go through
then- slide through some of them. Some of the- what
we're all talking about is some of the opportunities
and alternatives that we have approached to some of
these because we cannot rely on the DDC and the

3 capital process. Some of the items that we've done is
4 we've done library culture grants, pass-throughs
5 where we self-manage projects. But as you mentioned,
6 there are issues with this. We do have large outlays
7 of cash that we have to wait for reimbursements on.
8 And that is a- it helps- it impacts our capacity to
9 manage other projects and continue other work.

10 CHAIRPERSON RESTLER: Thank you so much.
11 That's great. We really appreciate it. We have your
12 full written testimony and it's submitted into the
13 record. Thank you.

14 EXECUTIVE VICE PRESIDENT SHEEHAN: Good
15 afternoon, Deputy Speaker, Dr. Williams, Majority
16 Leader Abreu, Chair Restler and members of the
17 committee. My name is Karen Sheehan, and I am the
18 Executive Vice President for Finance and
19 Administration at the Brooklyn Public Library.
20 Library's capital planning, facilities management,
21 and finance teams are among the departments that I
oversee. Thank you for the opportunity to testify
today. The libraries are modern time town squares,
among the most democratic spaces in the city. We
provide safe, welcoming environments for everyone who
enters our doors. In Brooklyn last year, our

3 buildings hosted more than 6 million visits. But the
4 strength of our institution, in a very literal sense,
5 is tied to the strength of our roofs, the reliability
6 of our boilers, and the safety and accessibility of
7 our spaces. I want to thank this council and the
8 mayor for your partnership. Because of your
9 longstanding investment in our branches, Brooklyn
10 Public Library is undergoing its most significant era
11 of rebuilding in decades. Over a third of our
12 branches in our system are currently under renovation
13 or have recently been reconstructed. From the brand
14 new Greenpoint and Sunset Park and Brooklyn Heights
15 libraries to upcoming construction at New Lots and
16 Canarsie, we're building world-class inspirational
17 facilities for our patrons. However, the story of our
18 capital success is shadowed by the growing deferred
19 maintenance crisis. In Brooklyn, the average age of
20 our branches is 74 years, with 20 of our 62 locations
21 over a century old. It's no wonder that last year,
BPL lost over 1,000 hours of public service to
infrastructure failures. When these infrastructure
failings cannot wait on for a planned capital
project, we're forced to raid our operating funds to
respond to these emergencies. It's the most expensive

and least efficient way to run our facilities.

3 Building maintenance emergencies divert about a
4 million dollars out of our operating budget every
5 year. Every expense dollar that we spend on an
6 emergency repair is one that we cannot spend on
7 programming or boost our collection. BPL is a steward
8 of over 1 million square feet of city-owned buildings
9 while we carry a burden of more than \$400 million in
10 unfunded capital needs. Our capital crisis is in
11 large part due to inadequate funding. Without a
12 source of recurring unallocated capital funds, we are
13 forced to respond to emergencies rather than plan for
14 preventative maintenance. Over the years, the
15 Council's lump sum capital allocation has been a
16 lifeline, allowing us to address these urgent
17 repairs. We're facing \$12.8 million in DDC project
18 shortfalls, and capital city- and Council's capital
19 funding has been instrumental in helping keep us-
20 these projects moving forward. We're very grateful
21 for your support, and once again, we are requesting
another \$10 million from our Brooklyn delegation.
We're also submitting a 10-year capital plan to the
administration of \$276 million, which will enable us
to do comprehensive overhauls like we have done in

3 the past. Comprehensive branch renovations address
4 multiple improvements in a single project, saving
5 time, money, and reducing library service. We've
6 leaned into creative solutions that BPL has taken on,
7 on our own. We've laid it out in our written
8 testimony. But essentially, BPL-managed projects with
9 city capital grants that we have done over the last
10 couple of years include co-locations with housing and
11 cultural institutions. Currently BPL has 39 capital
12 projects with the Department of Design and
13 Construction, 28 active projects and 11 that are
14 being initiated. We appreciate the efforts of the DDC
15 team that had— that they've made to improve project
16 management and delivery. Together, we have learned to
17 become more deliberate in the scoping projects for
18 greater success. They are active partners. However,
19 we would like to note some structural issues that the
20 city could continue to improve upon. Front-end
21 planning unit, which we heard a lot about earlier,
began as a solution to define project scope and
develop more accurate cost estimates before project
initiation.

20 CHAIRPERSON RESTLER: We'll just ask that
21 you wrap up when you get a chance.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 134

EXECUTIVE VICE PRESIDENT SHEEHAN:

3 Instead, it's become a lengthy, cumbersome process.
4 So the other- so we- the procurement process for
5 design services, legal review, and preconstruction
6 services is extensive and is drawn out by a long bid
7 packaging process. If some of these reviews could
8 happen concurrently and timelines condensed, we would
9 save time and money on our projects. If you'd like, I
can stop there.

10 CHAIRPERSON RESTLER: That's great. We
11 have your testimony submitted into the record, and we
12 do, I know, have some questions, but we'll go to
Queens and then we'll ask some questions.

13 VICE PRESIDENT KATISMARIS: Good
14 afternoon. Good afternoon, Deputy Speaker, Majority
15 Leader, and Chair, and other members of the New York
16 City Council. Just want to give you a fair warning,
17 speed is not my strong point, but I will try to
18 breeze through the written testimony and pull out
19 some of the highlights. We have across the borough of
20 Queens approximately 66 locations totaling just under
21 1 million square feet. The average vintage is just
above 50 years old. Currently, we have 37 active
capital projects with DDC totaling \$450 million in

3 construction cost only, and I want to make sure
4 everyone understands that, right? So construction
5 cost is about 70 percent of the total funding
6 obligation. So it's \$450 million in construction
7 cost. We also have four self-managed capital projects
8 totaling about \$21 million, again, only in terms of
9 construction cost. Our commitment rate has been
10 steadily improving. When I say our commitment rate,
11 I'm talking about Queens Library specifically. And
12 commitment rate is easily-- most easily defined as the
13 efficiency with which the planned capital budget is
14 converted into registered contracts in a given fiscal
15 year. So we've topped out at an 84 percent success
16 rate at \$70.7 million. So it's an-- it's an
17 efficiently run capital program in terms of this
18 commitment rate, which is the report card that OMB
19 tends to look at. As far as time, I just want to also
20 state that our records show that on average, from
21 design start to design end, on a DDC-managed
conventional design-bid-build project, it's nine
years. 46 percent of that time is in design, 12
percent in procurement, and 42 percent in
construction. We're working with DDC to improve some
of these timelines. We've created an internal

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 136

3 infrastructure that addresses scope, shortfalls, and
4 standardized design. And we expect that to yield
5 positive results in the foreseeable future. We do on
6 occasion, in cases of urgent repairs, we have to tie
7 into our expense— dip into our expense funds to take
8 care of these urgent matters, primarily HVAC
9 infrastructure. And we have on occasion involved—
10 we've been involved with the New York City
11 pass-through project, most recently our Bay Terrace
12 renovation, about a \$4.7 million renovation. But that
13 has consequences in terms of cash flow and front—
14 having to front the money. So it does have some
15 punitive impact as far as, well, accounting and
16 economic housekeeping. That's— now see, then that's
17 pretty good. Maybe I should consult with DDC on
18 finishing on time. Thank you very much for your time
19 and attention.

20 CHAIRPERSON RESTLER: Queens gets the
21 credit for being on time. We'll start with the
Majority Leader. I have a question too, but you go
first. The Deputy Speaker. I just got myself
confused.

20 CHAIRPERSON WILLIAMS: It's just Nantasha
21 at the end of the day. What was the hardest part of

3 dealing with the city? Which step in the process
4 funding approvals, procurement, or reimbursement was
5 most challenging and why?

6 VICE PRESIDENT LAM: I can take part of
7 that question. I think what we find a lot of it is
8 the, as you kind of mentioned, is the time delays.
9 And also just a little bit of the rigidity of the
10 process overall where things all have to go into
11 sequence. Things don't work very quickly at times and
12 it causes long delays. What we do find, as we
13 mentioned, is part of the pass-through is also the
14 reimbursement process, and even just getting
15 contracts registered and getting going to get the,
16 the process moving along, which ultimately does delay
17 impacts on other projects across the board and allows
18 us to plan for multiple other work that we have to
19 do.

20 EXECUTIVE VICE PRESIDENT SHEEHAN: I can
21 add on to that. I agree entirely with those
challenges. As I mentioned, funding is a big part of
it. Libraries do not receive recurring funding in the
10-year plan. We haven't in many years. Not having
that out-year funding has the tendency to make us
approach projects that we share with DDC on an ad hoc

3 basis, or as, like, one building system vers- at a
4 time versus, comprehensive- a comprehensive package.
5 So, not being able to package building systems in a
6 building into a comprehensive project to give to DDC
7 without out-year funding will delay projects, will
8 cause multiple closures over many years. For
9 instance, we have a library that is closing twice in
10 my tenure. As at, at BPL, I've been with BPL for
11 seven years, and this library's going to close twice
12 for two separate DDC projects because we were at
13 Leonard. And that was because we started one project
14 with, with a certain amount of money. We were not
15 able to change the scope when we were able to receive
16 additional money. So that inability to use out-year
17 funding to plan systematically is a big challenge for
18 libraries.

19 VICE PRESIDENT KATIMARIS: I think the
20 cost of time is a great complicating factor. People
21 are sensitive to the passing of time. Design does not
stop. I mean, traditionally, there's pre-design and
schematic and design development and construction
documents, but design continues into construction. If
you have to put a pencil to paper to solve a problem,
design is still active. So we've got a timeline, as I

3 mentioned, which is nine years. That carries with it
4 a dollar amount to it, and some of that dollars,
5 those amounts, exceed people's appetite, right, to,
6 really look at that as desirable. And that's a
7 challenge. That's a challenge. Moving that timeline
8 down and maintaining the integrity of the project, I
9 think, is going to be our single largest challenge.
10 And that's what we need to focus on.

11 CHAIRPERSON RESTLER: Great. Just two
12 questions from me. Firstly, you know, there's been
13 recent analysis that when libraries are permitted to
14 self-manage projects via pass-through funding, you're
15 able to complete projects for as little as 20 percent
16 of the time— in as little as 20 percent of the time
17 as DDC-managed projects and as little as 1/3 of the
18 cost. Have you done a kind of comprehensive review
19 with DDC on your self-managed projects? Should every
20 library capital project be a self-managed project?

21 EXECUTIVE VICE PRESIDENT SHEEHAN: I can
jump in. No, we have not had that kind of
conversation with DDC. But yes, we have found that we
can deliver our— our pass-through projects at a
fraction of the cost. BPL is currently managing seven
pass-through projects. It is cumbersome, and the City

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 140

3 requires us to have temp- at least 10 percent of the
4 cost on hand. We also borrow money, incurring
5 interest that is not reimbursed by the City. We are
6 actually having an ongoing dialogue with OMB on a
7 pilot program that will allow us to self-manage
8 smaller critical infrastructure projects without that
9 financial risk. However, the conversations have been
10 going on for some years, and we haven't made much
11 progress. But there is some appetite to explore how-
12 letting the libraries have that ability. However, we
13 have an excellent team of professionals who manage
14 our capital program. We follow the same rules, and so
15 we know it's possible to deliver the projects more
16 efficiently and at cost. However, we're a library. We
17 are not a construction agency. We are not equipped to
18 take on the entire burden, and nor do we want to. So
19 we're- we are supportive- we- BPL is supportive of
20 working with the city on all fronts to improve the
21 delivery of capital projects. That would include
improving the pass-through program. But as far as BPL
goes, we do not feel like we are in the position to
take on the entire portfolio.

20 CHAIRPERSON RESTLER: Yeah, I mean, look,
21 I think I've had this conversation with President

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 141

3 Johnson, and I- you know, my advice to the library
4 systems is to think about what are consequential wins
5 in a budget where we don't have a lot of money. And
6 some of those things are what funding can we
7 baseline, how do we incorporate libraries into the
8 10-year capital plan? How can we allow for more
9 projects to be done through pass-through funding that
10 just allow you to execute on essential projects in,
11 in much more efficient timelines and much more
12 inexpensively? We're working on, at the contrast
13 committee, on some reforms to the returnable grant
14 fund programs. We'd like to expand them and make sure
15 that there's more resources available to entities
16 like libraries. So we should- would love to continue
17 those conversations. I just, One other question. I-
18 majority- and the Deputy Speaker has a question too,
19 and then we'll wrap the panel- is the Majority Leader
20 mentioned this report by Comptroller Lander many
21 times today from December 26th, 2025, one of the last
things he did before he shut the lights off at One
Center. But he did a review of city agencies that
have more than \$750 million in capital spend, and,
you know, who- and what their timelines are on
projects with DDC. And far and away, the worst

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 142

3 performing agencies are our libraries. It takes Parks
4 a third of the time to complete projects. It takes
5 Cultural Affairs a third of the time to complete
6 projects as it does for DDC at our library systems.
7 On average, it's 1,636 days to- of average delay,
8 average delay of 1,600 days. I can't even fathom
9 that. So I mean, for all of the cultural institutions
10 in the room who are feeling frustrated, you should
11 really feel a lot of empathy for your friends in the
12 library systems. I don't know, I appreciate somebody
13 laughing, thank you. The- it was intended for slight-
14 for that. But why are libraries the most screwed by
15 DDC?

16 VICE PRESIDENT KATIMARISVI: I mean, I
17 don't- we're not the most screwed. I think we're
18 special.

19 CHAIRPERSON RESTLER: I do too, for the
20 record.

21 VICE PRESIDENT KATIMARISVI: I'm not
quite sure I would even sign on to that comparison,
to be honest with you. Parks, libraries, I mean,
these are, different entities, different entities
altogether.

CHAIRPERSON RESTLER: Yes.

3 VICE PRESIDENT KATIMARIS: And, and we
4 have projects that can range from a simple- I don't
5 want to- simple is the wrong word, but a roof
6 replacement to a replacement building. That's a large
7 gamut of, you know-

8 CHAIRPERSON RESTLER: [interposing] To be
9 clear though, what I'm highlighting is the delay. So
10 relative to DEP, that does complex projects, relative
11 to the Department of Transportation that does complex
12 projects, relative to cultural institutions that do
13 complex projects, the scale of delay that happens at
14 libraries is significantly worse than any other
15 agency, and in fact three times worse on average than
16 cultural institutions or parks. That's a major
17 difference. So I'm just trying to get at why do we
18 think it's so much worse at libraries? What's- what
19 should we be focused on to try and address that
20 reality?

21 VICE PRESIDENT KATIMARIS: Well, I think
22 delay, we need to trace back to the underlying
23 baseline metric. So, I have multiple times authentic
24 conversations with my colleagues at DDC, taking
25 exception to the baseline schedule. We've got a

3 pretty good— as a library, we've got a pretty good
4 database on DDC realized capital projects. I know
5 what the timelines are. Yes, no two projects are the
6 same, but there isn't a lot of deviation. There is,
7 you know, there's an acceptable delta in there. And I
8 know design period, I know procurement period, I know
9 construction period across different building types,
10 the different market sectors. Okay. And I guess my
11 biggest— one of my biggest challenges is, is taking
12 exception to what I see is the baseline schedule. And
13 I ask the honest question is, how can this schedule
14 be published, knowing the historic numbers just don't
15 support this schedule? Okay. Well, over— essentially,
16 it's the overpromising syndrome. And these are not my
17 metrics. These are the metrics I evaluate coming out
18 of DDC.

19 CHAIRPERSON RESTLER: Yeah.

20 VICE PRESIDENT KATIMARIS: So, and that
21 could be a major driver of what's being perceived as,
as delays. We have to start with a sober and
authentic baseline schedule that is a tad optimistic,
but achievable. If it's overly optimistic, it'll be
construed and published as a delay. And, you know, I
don't think that's the—

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 145

CHAIRPERSON RESTLER: [interposing] You
3 know, I don't want us to be any less ambitious. You
4 know, I will just note in the Controller Lander's
5 findings, and you all should review this and tell us
6 if, if their informa- if their team's information was
7 inaccurate or lacking in any way. But he really- the
8 data shows that it's the average design delays that
9 seem to be driving the problems most of all. On
10 average, 936 days delay for design for libraries.
11 That's just- I mean, it's unlike what any other
12 agency experience in a dramatically different
13 fashion. So I don't know where the disconnect is
14 there between how the library's design and
15 construction teams and your- your- are working with
16 DDC to- and, and the- to get this resolved. But it
17 just seems like there's a real challenge on that
18 point in particular that we need to dig in on
19 together to fix. Because to Ms. Sheehan's point,
20 we're not- you know, there, there could be more
21 self-managed projects. There are lots of creative
solutions that you're all advancing, which is great,
but you're going to continue to be partnering with
DDC, and it seems like the issue of resolving design

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 146

3 is a chronic one that is having a very consequential
4 impact on delays. I will pass it to the-

5 VICE PRESIDENT LAM: Can I just add to
6 that? I think there is a- there is a length of the
7 design. There is a process. It always does come much
8 longer. There is a process through which it all goes
9 through. But what we also find a lot of time is also
10 in the procurement process, and that is very lengthy,
11 and even the A&E review process that kind of
12 basically puts a stop to the project before we can
13 move ahead to the next kind of goal, essentially,
14 which is the pyramid. So when you have those that run
15 not simultaneously but rather concurrently, you're
16 waiting for one after another, and that just creates
17 a backlog and creates a much longer delay across the
18 board then.

19 EXECUTIVE VICE PRESIDENT SHEENHAN: I
20 agree.

21 CHAIRPERSON RESTLER: Great. [inaudible]

CHAIRPERSON WILLIAMS: Yeah, yep. Which is
trying to ascertain the real time impact. And so how
does a timeline or a missed timeline affect your
operations? Do delays impact programming, staffing,
or reopening plans? If you could just share anything

3 for us to understand the real-world impact and
4 consequences of the many issues that you described. I
5 remember I was talking to the library presidents
6 about how often the libraries have to close per year
7 on average, and which was quite alarming, how many
8 libraries are closed due to a capital issue, an
9 emergency issue, and/or just a full capital project.
10 So if you can just share, like, the consequences of
11 this.

12 EXECUTIVE VICE PRESIDENT SHEEHAN: Sure, I
13 can get started. As I mentioned, last year BPL lost
14 1,000 hours due to building infrastructure repairs,
15 Right? So we had to close because our boilers weren't
16 working, our HVAC systems weren't working, or we had
17 a major leak in the facade or roofs. That was 45 days
18 of library service that we lost last year. And that
19 was pretty typical. And so that's just what we lose
20 on a regular basis when we're trying to keep the
21 libraries open. When we have to close because of a
DDC construction project, unlike, I guess, some of
the culturals, we actually turn over the entire
building and we close the libraries for the entire
construction. That's a minimum of two years,
basically. And so you have a library- you have a

3 community that is without a library for two whole
4 years. And that has a corroding effect on that
5 community's ongoing relationship with the public
6 library. People are very connected to their local
7 libraries. Even if there's a library that is the same
8 distance away but in another neighborhood, they might
9 not feel comfortable going to that library or they
10 just- it's not part of their routine. And so you lose
11 that connectivity with the community. We try to
12 address that by offering interim service and we do
13 that through partnerships in the community. We do
14 that with bookmobiles. And sometimes we even will
15 create temporary permanent space either with a
16 partner or in other loca- in other times we've
17 actually paid rent in order to continue to deliver
18 service in a neighborhood because it was so in need.
19 Because it was so isolated from the other library-
20 the other libraries in the area. So that's a hit to
21 our operating budget. We don't have the funds to
create interim service. And so it's a cost- the
longer that a DDC project takes, the BPL and the
other library systems are incurring an ongoing cut, a
hit to the operating budget when we're delivering
interim service in that way.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 149

3 VICE PRESIDENT LAM: :To add, similar- I
4 agree with many things you've said. But, you know,
5 for New York Public Library, that loss is
6 representing 1,467 hours of lost service to the
7 library. We have to close a branch for either
8 building repairs or maintenance. And at the same
9 time, these delays also, we have to recognize, is as
10 they get longer and they extend out, our buildings do
11 not get younger, our infrastructure does not get
12 healthier. They only get worse as we keep going
13 along. So when we do look at this, there is a dollar
14 value that gets associated with it, that the longer
15 this takes, the worse the building gets, and then we
16 have to start spending more money again. That then
17 relates to more shortfalls that's coming back to the
18 library, and then forces us to do fewer projects that
19 we want to do to improve their entire system across
20 the board.

21 CHAIRPERSON RESTLER: Well, I want to
thank this- oh I'm sorry.

VICE PRESIDENT KATIMARIS: I just want to
take a- let's take a peek behind the curtain. Those
are all valid points. Let's take a peek behind the
curtain and look at the internal stress that is

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 150

3 created when projects are initiated faster than
4 they're completed. You know, you can get five
5 projects that cross the finish line, but I'm making
6 up these numbers as a- as an illustration. You've got
7 five that pass the finish line in a given year,
8 perhaps. You've got perhaps five still in the oven
9 being built to be joined by another five that's going
10 to go into design. That is a perfect example of a
11 backlog. And again, what we're getting back now to
12 the- let's call it the opportunity cost associated
13 with protracted delivery. So that if we can't clear
14 the roster at least to some degree keeping pace with
15 the new work that's coming in, well, you know, I-
16 fortunately we've got limits in expense dollars to
17 bring in to increase the size of the capital
18 department. So we're using resources that we have in
19 essence to put as many thumbs in as many leaks in the
20 dike as possible. That's an internal stress situation
21 I'm sure my colleagues also experience- not seen by
the community, but it does take its toll. It's a
perpetual backlog that's building. It's not getting
smaller, it's getting larger.

20 CHAIRPERSON RESTLER: No, and I think you
21 each eloquently spoke to the reality that if we fail

3 to maintain your aging infrastructure, your aging
4 buildings, that the costs are going to only grow and
5 get worse. And so the city needs to do a much better
6 job of working with you all to track the conditions
7 and invest in an ongoing way rather than waiting for
8 disasters like at Leonard Street— like at the Leonard
9 Branch in Williamsburg. I want to thank you each for
10 your testimony today. It was very insightful. We
11 appreciate you taking the time. Thank you. I now have
12 to read this. I am going to open this hearing for
13 public testimony. I remind members of the public this
14 is a formal government proceeding and that decorum
15 should be observed at all times. As such, members of
16 the public should remain silent at all times. Witness
17 table is reserved for people who wish to testify. No
18 video recording or photography is allowed from the
19 witness table. Further, members of the public may
20 not, may not present audiovisual video recordings as
21 testimony, but may submit transcripts of such
recordings to the Sergeant-of-Arms for inclusion in
the hearing record. If you wish to speak at today's
hearing, please fill out an appearance card with the
Sergeant-of-Arms and wait to be recognized. When
recognized, you will have two minutes to speak on

3 today's hearing topic. If you have a written
4 statement or additional written testimony you wish to
5 submit for the record, please provide a copy of that
6 testimony to the Sergeant-of-Arms. You may also email
7 written testimony to testimony@council.nyc.gov within
8 72 hours of this hearing. Audio and video recordings
9 will not be accepted. I am now going to call up the
10 next panel: former DCLA Commissioner Gonzalo Casals,
11 Bria Donohue of the American Institute of Architects
12 from New York, AIANY, Taylor Palmer from the American
13 Council of Engineering Companies, and John Surico
14 from the Center for an Urban Future. Thank you all
15 for being with us. Feel free to testify in whichever
16 order you all are so moved.

17 GONZALO CASALS: Deputy Speaker, Chair and
18 Majority Leader, thank you for the opportunity to
19 testify and more importantly for having done the
20 homework. I can skip half of my testimony and go
21 directly to the recommendation. I just want to say
that cost overruns, delays, and operational
instability are not the discrete problems of these-
of the capital process. They are symptoms of, you
know, the- they're system outputs, actually. The
underlying problem is governance and delivery system

3 defined by layer approvals, fragmented authority, and
4 I want to make emphasis on that, weak accountability,
5 no data systems, and rigid procurement law, which
6 together institutionalize delay. And then delays
7 drive the cost of instability. As a side note, I'm
8 surprised that OMB and to a certain extent that the
9 Law Department are not here or even mentioned in the
10 context of the capital process. The folks here at CAF
11 did a report in 2017, I believe, and OMB's
12 involvement in the process of capital could delay
13 projects up to a year throughout the whole process-
14 life of the project. Thank you for doing that report.
15 I wanted to focus on nonprofits, and I'm not talking
16 only about culture organizations. I'm talking of all
17 nonprofits and libraries. And I don't have to tell
18 you, you know, that, you know, nonprofits are much
19 more affected by these delays and these problems than
20 the rest of the city capital projects. When I was
21 commissioner during the de Blasio administration in
the summer of 2021, the former First Deputy Mayor
Lorraine Grillo, who then she was the head of the
School of Construction Authority. And the Department
of Design and Construction joined, you know, Deputy
Mayor Vicki Bean [sic] to- and all of us agency heads

3 in that portfolio to help us think, you know,
4 throughout the- how to fix the city capital process.
5 Her presentation lasted, you know, less than a
6 minute. She said, if you want to know the secret,
7 it's in the name. She was referring to the word
8 authority. Today we want to propose the creation of a
9 nonprofit construction authority that the Mayor and
10 the Speaker should jointly pursue state legislation
11 to establish the New York City nonprofit authority
12 and a public benefit corporation model on the School
13 Construction Authority to consolidate the lever of
14 city-funded nonprofit capital projects, reduce
15 timelines, and lower costs. I have much more to say.
16 The only thing that I want to add to this is that
17 many of these smaller agencies like DDC- I'm sorry,
18 DCLA, DYCD are usually told that they're not the
19 clients in this process, including the nonprofits
20 that they work with. And usually, in the hierarchy
21 of, you know, decisions of the city, they fell
through the cracks. I'm not surprised that the
libraries, you know, have so many delays. They're not
even an agency sometimes. There's a chart on my
testimony with the volume that this would be. While
the funding would be smaller than the DDC and SCA,

3 the amount of projects would be comparable to DDC. So
4 there's a volume for this. We have a policy
5 recommendation that we can share with you with more
6 details. Thank you.

7 CHAIRPERSON RESTLER: This was great
8 testimony. Thank you for being here. We really
9 appreciate it.

10 BRIA DONAHUE: Hi. Thank you, Chair
11 Restler, Chair Abreu, and Chair Williams for holding
12 this hearing today. My name is Bria Donahue. I am the
13 Director of Government Affairs for the American
14 Institute of Architects New York Chapter. We are the
15 leading design nonprofit representing 5,000
16 architects and design professionals committed to
17 positively impacting the physical and social
18 qualities of our city. Building a vibrant, resilient,
19 affordable city requires sustained investment in
20 public buildings, and infrastructure that make
21 housing mobility and essential services possible. As
needs grow and capital budgets tighten, every project
must do more—strengthen the public realm, advance
the clean energy transition, and increase resilience
to climate threats. AA New York recommends the
following to improve how the city delivers capital

projects. First, launch a coordinated citywide capital planning process. Second, modernize and streamline oversight processes. Third, convene a city-industry task force. Fourth, expand authorization of alternative project delivery tools. And fifth, invest in public realm as infrastructure. In addition to these specific recommendations, adding staff is essential for agencies to deliver capital projects in a timely manner. A competent owner who can make decisive decisions in a timely manner can make a monumental impact, and having in-house- robust in-house capacity to do so, both at DDC and at sponsor agencies, allows the city to deliver projects weeks faster. One additional challenge we've identified that we've heard from many of our agency friends and partners is navigating what items are determined as capitally eligible can be a real roadblock that they face. So we need increased transparency and flexibility in how these decisions are being made so that the city is able to effectively deliver priority capital upgrades in a clear and timely manner. With long-term strategic interagency capital planning empowering agencies with the right tools, investing in capacity, and centering

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 157

3 quality, the city can ensure that every dollar spent
4 delivers maximum value and capital projects are
5 delivered in an efficient manner. Thank you for the
6 opportunity to testify, and we look forward to
7 working closely with the Council to execute
8 meaningful reforms. And there's much more details on
9 our recommendations in our written comments.

10 CHAIRPERSON RESTLER: Thank you so much,
11 Ms. Donahue. Great.

12 TAYLOR PALMER: I also have my copy of my
13 testimony here, so I'm someone's- hi everybody, my
14 name is Taylor-

15 CHAIRPERSON RESTLER: [interposing]
16 Sergeant, would you mind grabbing some of those
17 testimonies just for us to be able to review the hard
18 copies from Ms. Palmer? Thank you.

19 TAYLOR PALMER: Okay. Alright. Hi
20 everybody, my name is Taylor Palmer. I'm the New York
21 City Director of Government Relations for the
American Council of Engineering Companies of New
York. So we represent the engineering community here.
So we represent about 250 engineering firms with
about 300- excuse me, 33,000 employees who do any
work from working with NYCHA, DOT, DDC, SCA, et

3 cetera. So pretty much our folks do work across the
4 spectrum in the city. We strongly support this intent
5 and spirit of both Intro 263 and Reso 264. New York
6 City is really in significant need of capital process
7 reform. One of the things that we really encourage--
8 we also sat on the Task Force with AI is bringing
9 that back. I know there was some criticism about
10 maybe a not work-- not enough work being done. But at
11 the end of the day, we really need not only the
12 Council support, but really administration support to
13 make sure the things that we want to do can actually
14 get done. There was a lot of momentum there, and, you
15 know, we don't need to go over what happened with the
16 last admin, but some of that momentum was lost. But I
17 think many of us at the table would be willing to
18 come back and really help to push those things
19 forward. Some of the things that we recommended:
20 streamlining RFP timelines, when things are actually--
21 letting our folks know when things are actually going
to be introduced to the public so they can bid.
Subcontractor approvals-- sometimes if somebody's
doing work on a job already, the city requires them
then to get-- go through additional screening, even
though they're already doing work for the city. And

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 159

3 then also contract negotiation- sometimes that can
4 take upwards of six months to a year. That shouldn't
5 happen. Any negotiation should be happening within 60
6 days and then contracts in 30 days. Thank you.

7 JOHN SURICO: Good afternoon, and thank
8 you for the opportunity to testify today. My name is
9 John Surico, and I'm the senior fellow for Climate
10 and Opportunity at Center for an Urban Future, an
11 independent research organization focused on building
12 a stronger and more equitable New York City. I'd like
13 to begin by commending Chairs Abreu, Restler, and
14 Williams, Council Member Krishnan, and members of the
15 committee for focusing on an issue that rarely makes
16 headlines but has huge consequences for New Yorkers.
17 At a time of fiscal uncertainty, New York City needs
18 to stretch capital dollars farther than ever before
19 to continue delivering the vital facilities and
20 spaces that residents rely on. This is an issue that
21 CUF has focused on for many years. In the 2021 report
stretching New York City's capital dollars, we called
for every agency in office with a capital portfolio
or oversight role to launch a capital project
delivery blueprint, building on important work
already underway at DDC. We're glad to see Intro 263

3 advance that same idea, and we appreciate the
4 Council's leadership. The need is urgent. The city's
5 parks, libraries, cultural institutions, and other
6 vital civic infrastructure face billions of dollars
7 in unmet state of good repair needs. And with higher
8 interest rates constraining the city's ability to
9 borrow, officials will need to get every drop out of
10 our limited capital dollars. There's reason for
11 optimism. DDC has made important progress through its
12 strategic blueprint for capital project delivery
13 improvements. The agency has cut the medium building
14 project duration by 11 months since 2019 and median
15 infrastructure project duration by 18 months while
16 making use of faster delivery tools like
17 design-build. The new Shirley Chisholm Rec Center in
18 Flatbush and East Flatbush shows what's possible. Led
19 by DDC, this new recreation facility was one of the
20 first city projects to use design-build. The
21 contracting method is credited with reducing the
timeline by three years and shaving 10 percent off
the final bill, more than \$10 million in taxpayer
savings. The next step is to make this approach truly
system-wide. Building on DDC's progress will require
streamlining every stage of the capital process, from

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 161

3 how elected officials fund projects to community
4 engagement, design, procurement, construction,
5 closeout. That means extending this blueprint to
6 every agency that manages capital projects, including
7 NYC Parks, DOT, as well as offices whose approvals
8 and reviews can add months to timelines, especially
9 OMB, including the certificate to proceed process and
10 the Office of the New York City Comptroller. If New
11 York is serious about building faster, reform has to
12 reach every part of the system. Thank you for the
13 opportunity to testify today.

14 CHAIRPERSON RESTLER: Thank you. I really
15 want to thank you, Mr. Surico, for the great reports
16 that you've done on this topic that have been
17 incredibly insightful. And I just wanted to say that
18 my Chief of Staff and I were discussing this earlier
19 this-- you know, in preparation for this hearing-- that
20 city agencies, you know, the nature of capital
21 funding for nonprofits is an incredibly complicated
dynamic. OMB is-- you know, essentially bonding money,
they deserve to know a healthy amount of information
if it's going to be our taxpayer dollars that are
bonded, that it's being well spent and it-- the
information is accurate. The nonprofit-- the city

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 162

3 agencies that are, you know, responsible for these
4 projects are not incentivized to care about them. And
5 so it's incredibly challenging to get attention and
6 focus if it's not purchasing equipment or maybe an
7 HVAC system, and if it's— if there's more complexity
8 involved in that, the projects just get stuck
9 forever. And so I really think this is a great idea.
10 We'd been thinking about something along those lines.
11 Maybe doing it as an authority would be smart, but I
12 just wanted to, you know, echo that it's a smart
13 suggest— a really, I think impressive suggestion, and
14 we want to explore it further.

15 GONZALO CASALS: One more point I didn't
16 make is it's not only the capital projects. Many of
17 these agencies, smaller agencies don't have asset
18 management units, right? So, this is not about
19 investing money in the capital project, but also how
20 do you maintain them and sustain them, right?

21 CHAIRPERSON RESTLER: Yeah, it's true. I
mean, I—

GONZALO CASALS: [interposing] It needs to
be a centralized way that does that.

CHAIRPERSON RESTLER: I think for
community centers in particular, we do not have a

3 good mechanism as a city for supporting and
4 maintaining nonprofit-owned community centers.
5 They're such an important resource, and it's very
6 challenging for us to invest the resources that are
7 needed to maintain them. It's challenging for the
8 nonprofits to maintain them on their own. I think
9 it's— you're right all around. So I really want to
10 thank this panel. It's very insightful. Look forward
11 to working with you all as we try to help improve and
12 address these issues. We are now going to hear from a
13 few of the Majority Leader's constituents. And
14 forgive me for any mispronunciations in advance. Jack
15 Fogle, from the River Arts Viaduct Rescue Committee,
16 Ann Megyas, CB12, resident of River Arts, Lynette
17 Lauretig, also River Arts resident. Thank you each
18 for being here with us today. You each have two
19 minutes to testify in whichever order you are so
20 moved.

21 JACK FOGLE: Good afternoon. Thank you for
the invitation. Really been following the hearings
with great interest. I want to address the safety
issues that are created by the delays. We're not just
here to talk about delays or grouse about an
inconvenience. These are life-threatening delays, as

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 164

3 you will hear testimony from one of our vascular
4 neurosurgeons, and the problem is DOT claims that
5 they've made accommodations for EMS and FDNY. They--
6 as recently as this morning, they put out another
7 notice citing the accommodations. These
8 accommodations are fiction. They don't work. They
9 look good on paper, but they totally do not work, and
10 I am documenting testimony to that effect. That's
11 what I'm going to read my statement. Because River
12 Arts, it's a block-long property with three addresses
13 at 158th Street, 159th Street, and 160th Street. And
14 the viaduct and the building is on an elevated hill,
15 so 158-18 is three levels lower than 15934. It's
16 relevant to access. The designated EMS lane that EMS
17 has put on the map is south of the entrance of
18 158-18. Therefore, for residents at 15900 and 15934,
19 street access is still blocked. There's an emergency--
20 a designated emergency access lane at 158th Street,
21 but that doesn't help if you live at 15900, where I
do, or 15934, where Ann does. There is one fire
hydrant on the sidewalk at 158-18 that is accessible
to FDNY. The other two fire hydrants at 15900 and
39th and 4th, the sidewalk is blocked from the street
by the concrete barriers. When I spoke to the

3 commander of our local fire station, I told him about
4 DOT's claims that in an emergency FDNY can get over
5 the concrete barriers. He said, "Whoever told you
6 that is an idiot." I can also document four 911 calls
7 that were made for stroke, heart attack, and medical
8 emergencies that were made by residents of our
9 building, and the ambulances could not find the
10 "designated emergency lane" at 15818. They either
11 left or circled until I physically ran out into the
12 street and flagged them down and had to explain to
13 them why they can't find where they're supposed to
14 go.

15 CHAIRPERSON RESTLER: Yeah, sir, I really—
16 I'm— I don't mean to interrupt, but if you wouldn't
17 mind wrapping up your testimony, we'd appreciate it.

18 JACK FOGLE: Please? That's it?

19 CHAIRPERSON RESTLER: No, if you could
20 wrap up your testimony, I would appreciate it.

21 JACK FOGLE: Oh, I am. Okay, that's it.
Okay. Anyway, is it— so the ambulance cannot see
this— these lanes hidden by the construction
interests. The designated access lanes are pure
fiction. And that's it.

CHAIRPERSON RESTLER: Great. Thank you.

3 JACK FOGLE: It just, you know- it's never
4 been stress-tested by DOT, but DOT continues to
5 insist, and you'll hear the rest of the testimony to
6 that. It's- somebody's going to die. And I'm, you
7 know, unless somebody's chasing ambulances in the
8 street, literally, physically.

9 CHAIRPERSON RESTLER: We appreciate your
10 testimony. Thank you. Ma'am? Just turn on the mic.

11 LYNETTE LAURETIG: Good afternoon,
12 everyone. My name is Lynette Lauretig, and I am the
13 co-founder of the River Arts Viaduct Project Rescue
14 Committee. I co-founded this committee due to an
15 experience that I had outside the River Arts
16 building, which I will be brief and explain. I was in
17 the lobby of my building when a group of EMS workers
18 came in looking very frustrated, confounded, and
19 upset. They had been trying to get into our building
20 for at least 15 minutes, could not find or access the
21 entrance because of a call that somebody had made for
a partner of someone who was having a heart attack.
Once they got into the building, they found their way
quickly to the apartment. But again, I'm talking
about the same situation that Jack technically
explained, but I'm giving you my experience

3 personally about this. I had just retired from
4 working for the city for 25 years and was looking
5 forward to spending time with my grandchildren until
6 I realized that the work had stopped at our building
7 and there was no contractor, nothing was happening,
8 no progress, and so I decided to start this
9 committee. I'd like to talk about the numbers of
10 residents we're talking about here amongst the three
11 buildings. In River Arts, we have 500 residents, 60
12 percent are over the age of 60. So you can imagine
13 how many times EMS gets called. River Terrace right
14 next to us has 2,500 residents and the James has 500.
15 We're looking at this project affecting 3,500
16 residents alone. The impact to these residents are
17 serious and extensive, from delays in EMS, as we have
18 said, to residents who actually have limited mobility
19 and have to climb three flights of stairs to exit the
20 building. Honestly, I believe that we have been lucky
21 so far, very lucky. It's been seven years, but we're
running out of luck, and people need to recognize
that, or this is going to blow up. Trust me. Thank
you very much.

20 CHAIRPERSON RESTLER: Thank you for your
21 testimony.

3 ANN MEGYAS: Thank you for the opportunity
4 to testify here today. Thank you to all the Council
5 Members and especially to Majority Leader Abreu, for
6 generating this opportunity. As you heard from Jack
7 and Lynette, one of the complications here of this
8 stalled project is a life and safety issue. Plain and
9 simple, it's a life and safety issue. What I'm afraid
10 of is that the DOT or Judd Law will try and fix the
11 life and safety issue and ignore the larger- the
12 larger project, the issue completing the job. We
13 have- you know, my lens is through the Community
14 Board 12 from my position there as a member. For the
15 last year- I've only been on the community board for
16 a year- but for the last year, I have been listening
17 to the representative of the DOT show up at the
18 traffic and transportation meetings. And to every
19 answer is- speaking of things, Chair Restler, that
20 piss you off- this pisses me off. Here are his
21 answers to our pointed questions. Well, that's an
ongoing conversation. I'll have that answer for you
next month. I'll let you know. I'll share this with
my colleagues. And especially, thank you for letting
me know. And that was in response to a very simple
question about the existence of- the status of the

3 job as it was. There's no reason in the world that he
4 wouldn't have known that. Oh my God. I have a
5 statement from Dr. Eliza Miller, who is a vascular
6 neurologist, a stroke doctor, who- it'll be submitted
7 to the record. But there's- just very quickly. We put
8 together from the Community Board an eight-page
9 document saying just open up this section in front of
10 River Arts It'll obviate the need to jerry-rig the
11 emergency access. It's completed in front of River
12 Arts. There's 490 feet that are completed. All they
13 have to do is stripe it and open it up. It's in the
14 hands of the DOT. It's been there through Councilman
15 Abreu's office since the middle of March. And we have
16 not heard a peep from them since then. It's a simple
17 answer to a complicated question, and I look forward
18 to hearing from them. Thank you so much. And that
19 document will be submitted to you as well.

20 CHAIRPERSON RESTLER: I really- I just
21 want to thank you all for taking- each of you for
taking the time to speak with us today, share your
expertise, highlight this issue. I think with your
advocacy and the Majority Leader's advocacy, we
clearly got it on the radar today of the senior
people at DDC and DOT, and with a new administration

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 170

3 that's much more ethical and competent and
4 responsive, I think we're hopeful that we'll see real
5 results and improvement because this is clearly an
6 issue that needs immediate attention. So thank you
7 all. We really appreciate it.

8 JACK FOGLE: The statement by our vascular
9 surgeon is really important. It needs to be-- I don't
10 know if you have time for it, but--

11 CHAIRPERSON RESTLER: We appreciate it
12 very much. We'll take a look. So thank you.

13 CHAIRPERSON ABREU: Thank you guys for
14 coming. I'll see you around.

15 CHAIRPERSON RESTLER: We will move to some
16 cultural institutions. David Lowey from Brooklyn
17 Academy of Music. Hopefully you'll get completed in
18 time for the gala tonight. Steven Lazickas from
19 Carnegie Hall, Michael Schnall from the Brooklyn
20 Botanic Garden, all CIGs, and we'll also bring up
21 Lucy Sexton from New Yorkers for Culture and Arts.
You know what, why don't we add a fifth chair, if
that's okay? And we'll include Jeremy Kaplan from
Encore Community Services as well. Feel free to
testify in whatever order y'all are so moved.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 171

3 LUCY SEXTON: Sorry, do you mind? I think
4 my computer's going to die if I don't testify first.
5 I am Lucy Sexton, New Yorkers for Culture and Arts. I
6 want to thank the Chair, the Majority Leader, the
7 Deputy Speaker for this critically important hearing
8 and for including the culture sector in this
9 discussion. Cultural centers are central to our
10 communities and our city. We serve as economic
11 engines, community anchors, and infrastructure for
12 our civic life. The cultural community actually
13 included capital funding reform as part of our
14 sector-wide budget ask. Now, why is a capital reform
15 a budget ask? Because, as you've heard, the current
16 system takes enormous resources from cultural
17 organizations, with project delays requiring us to
18 take out loan after loan and wind up costing so much
19 more than originally budgeted. So yes, this is a
20 budget ask, and one that, if implemented, would also
21 save the city money. The ask is threefold. One,
create transparency, update the Open Data portal for
capital projects at cultural institutions which has
not been updated since 2021. B, plan responsibly.
Develop a capital infrastructure plan for culture.
Better planning would allow all organizations to

3 build and maintain infrastructure more efficiently.

4 Identify key process improvements that would allow
5 cultural organizations to leverage city capital
6 funding in timely and efficient ways. I want to add
7 by saying this is also an equity issue. Smaller
8 organizations in low-wealth communities are less able
9 to access large private funding, therefore more
10 dependent on city support, and have less capacity to
11 take on the debt, the bureaucracy involved in the
12 city's capital process. Every community has the
13 imagination required to make art and create culture,
14 but to quote Sade Lythcott of National Black Theatre,
15 who spoke on a panel last week, imagination without
16 infrastructure disappears. So to the slogan on my
17 t-shirt, "Culture for All," I want to add my new
18 slogan, "Infrastructure for All." Thank you.

19 MICHAEL SHNALL: Good afternoon. My name
20 is Mike Shnall. I'm the Director of Government and
21 Community Affairs at Brooklyn Botanic Garden. I'm
just going to cut to the chase. BBG experiences— our
experience with the city capital process is all too
familiar to many of our cultural fellow cultural
institutions. BBG accounts for escalation in addition
to what the city recommends is an eight percent

3 compounded percentage each year, along with other
4 expenses that come with the capital process that can
5 make a project considerably more expensive than what
6 we originally budgeted. A few examples of the
7 systemic issues we've experienced: capital
8 reimbursement processes can create cash flow
9 challenges for nonprofits. Profits that must front
10 costs while awaiting city reimbursement. Difficulty
11 with auditors who don't understand construction
12 contract terms can hold up reimbursements
13 indefinitely. Two, coordination between city agents
14 can be inconsistent, creating duplicative review
15 processes and unclear accountability. For example, a
16 DDC project manager sometimes asks for modifications
17 to standardized forms, which can put the process on
18 hold. And lastly, small and midsize organizations,
19 like Lucy said, often lack the administrative
20 capacity to navigate the highly technical and lengthy
21 capital process, limiting equitable access to city
capital funds. BBG often has to work with outside
cost consultants to help with the heavy lift of grant
administration, which the organization would
otherwise be unable to handle internally. In summary,
the CIGs are just asking- as the stewards of some of

3 New York's most treasured public assets, these
4 capital processes often make it extraordinarily
5 difficult to maintain these facilities. And all we're
6 really asking for is not less oversight, but in fact
7 clearer timelines, better coordination between the
8 institutions and the city, allowing public projects
9 to move at a pace our communities and our
10 constituencies deserve. Thank you.

11 STEVEN LAZICKAS: Thank you very much.
12 Good afternoon, Deputy Speaker, Majority Leader, and
13 Chair. My name is Steven Lazickas, and I have the
14 pleasure of serving as the manager of government
15 relations at Carnegie Hall. Thank you for the
16 opportunity to testify today. Carnegie Hall shares
17 our colleagues' gratitude for the city's continued
18 investment in capital improvements for cultural
19 organizations. These invaluable funds support
20 projects that protect historic assets, improve
21 accessibility and affordability, and ensure our
institutions can continue serving New Yorkers for
years to come. These projects help safeguard our
buildings, our audiences and the tens of thousands of
cultural workers in New York City. Carnegie Hall
shares our colleagues' vision for a more unified,

3 efficient, and timely capital contracting process,
4 and join in their ask for the City to improve and
5 reform the capital process in the following ways:
6 increasing transparency by updating the Open Data
7 portal, planning responsibly by developing a capital
8 infrastructure plan for culture, and identifying key
9 process improvements to make it more efficient and
10 less burdensome for our institutions. The current
11 process is slow, unpredictable, and burdensome. Due
12 to contract registration and reimbursement spanning
13 several years, Carnegie Hall has been forced to front
14 costs for expensive projects, and as the Deputy
15 Speaker mentioned, we carry nearly \$200 million— or
16 \$200 million— geez, \$2 million per year in interest
17 alone while we wait through the CCG process on our
18 current facade restoration project. For example, also
19 our DDC elevator modernization project took nearly
20 six years from appropriation to contract
21 registration, and we could not receive final payment
until August 2025, more than seven years after the
funds were appropriated. Along the way, documentation
requirements have escalated and shifted without clear
and consistent guidance, such as subcontractor
approval packages that grew from 25 pages to more

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 176

3 than 300 over several drafts, CCG quarterly reporting
4 requirements that don't match project realities when
5 contracts take years to register, leaving
6 organizations uncertain about what to submit, to
7 whom, and how it will be reviewed. Carnegie Hall and
8 the cultural community look forward to working with
9 DCLA and the City Council to address these issues.
10 These challenges our community faces are not
11 insurmountable, and through cooperation and proper
12 planning, we can solve these problems. Thank you.

13 CHAIRPERSON RESTLER: Thank you very much.
14 I just wanted to invite Patrick Willingham from the
15 Public Theater to join this panel as well. We
16 squeezed in an extra chair. And feel free to
17 continue.

18 DAVID LOWEY-HARRIS: I want to say hello
19 to Chair Restler, Chair Abreu, Deputy Speaker Dr.
20 Williams, and to the members of the community. My
21 name is David Lowey-Harris. I am the Director of
Capital Projects at BAM, and relatively new to the
position, all things considered. I want to thank you
all personally for how clearly you have paid
attention to what is going on, how you have informed
yourselves about this, and how your questions reflect

3 a real insight into what the issues are. For more
4 than 160 years, BAM has served as a cultural anchor
5 in Brooklyn, presenting theater and dance and music
6 and film, while operating a campus of historic
7 theaters and cinemas. Like many other nonprofit
8 cultural institutions in New York City, we're
9 responsible not only for our artistic programming but
10 for the stewardship of these city-owned facilities
11 that must be continuously maintained, modernized, and
12 made accessible to the public. Performing arts
13 institutions in particular operate very complex
14 year-round facilities that require these sustained
15 investments, and unlike commercial presenters, the
16 nonprofit performing arts institutions balance earned
17 revenue with a public service mandate. Beyond
18 presenting a season of performances, we serve as
19 rehearsal hubs, education sites, gathering spaces,
20 and economic drivers for the surrounding small
21 businesses. And without reliable public investment,
that broad portfolio of services becomes increasingly
difficult to sustain. For cultural institution group
members like BAM, the city's capital process plays a
regular and essential role in maintaining these
spaces, and we are grateful and appreciative for the

3 support of our city partners. At the same time, we
4 have heard all day about just how difficult it
5 becomes to attain, mobilize, and use the funds to the
6 best benefit of our facilities. The project timelines
7 are incredibly long and just by virtue of their
8 length causing the cost escalation, the contracting
9 delays, and it makes it difficult to even plan these
10 specific projects responsibly and deliver timely
11 upgrades to our facilities. As an immediate example
12 of what we face, you have talked about the ability to
13 use the pass-through process more effectively. There
14 needs to be a consistency in the pass-through process
15 that would allow us to have regular and meaningful
16 planning around how these projects lay out.

17 CHAIRPERSON RESTLER: Very helpful. Thank
18 you very much.

19 JEREMY KAPLAN: Good afternoon, Chairs. My
20 name is Jeremy Kaplan. I'm the CEO of Encore
21 Community Services, one of the city's largest
contracted nonprofit providers for services for older
adults. Among many programs at Encore, our
home-delivered meals and congregate meal programs
serve about 800,000 meals to older adults annually.
I'm here to advocate for Intro 280, put forward by

3 Council Member Linda Lee, a bill that if passed would
4 have a direct effect on the infrastructural health of
5 many nonprofit organizations. It's a \$30 million
6 investment to stabilize home-delivered meal program,
7 a system that is currently being kept afloat by a
8 combination of nonprofit debt and private equity. We
9 must address a fundamental inequity in how our city
10 values nonprofits feeding its elders. For weekday
11 meals, the city reimburses providers at \$14.78.

12 However, on the weekends, City Meals on Wheels, whose
13 current capacity only allows for a \$10 reimbursement.
14 That difference alone causes a funding deficit for
15 Encore of \$550,000 annually. This creates a
16 fundraising trap for us because while we deeply value
17 the role that City Meals plays in our city, their
18 high-profile brand dominates the philanthropic space
19 for senior nutrition. If passed, Intro 280 would do
20 the following: It would help us repair our
21 infrastructural needs. Currently, there is extremely
minimal budget for kitchen or truck repairs funded
through NYC Aging. At Encore, we waited over three
years for a new hotshot van that was awarded to us by
the City Council and contracted through DDC. It took
three years to get the contract registered and to

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 180

3 get- and to get the van on the street delivering
4 meals. The city expects nonprofits to deliver
5 millions of meals a year without providing the funds
6 to fix the ovens or cook them. Intro 280 would afford
7 our organizations the resources to make much-needed
8 infrastructure and repairs without ever even having
9 to go through the protracted DDC process. We urge you
10 to consider Intro 280. It would be a huge, huge
11 support to older New Yorkers throughout the city.

12 CHAIRPERSON RESTLER: Thank you so much.
13 Mr. Willingham?

14 PATRICK WILLINGHAM: Good afternoon,
15 Chairs and Deputy Speaker. Clearly, I was so excited
16 to attend this hearing that I completely forgot to
17 sign in, so thank you for letting me speak. Thanks
18 for the opportunity to testify today. I am Patrick
19 Willingham, Executive Director of the New York
20 Shakespeare Festival, doing business as the Public
21 Theater. At the outset, I want to acknowledge
something fundamental and worth celebrating. New York
City has created a program through its nonprofit
organizations, particularly members of the Cultural
Institutions Group, are entrusted to steward
city-owned property and receive capital funding to

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 181

3 maintain public buildings, preserve civic access, and
4 connect New Yorkers to their history and the
5 extraordinary breadth of cultural offerings across
6 the five boroughs. As Executive Director of the
7 Public Theater, I was honored to lead the \$85 million
8 renovation of the Delacorte Theater, supported by
9 more than \$42 million in city funds and an amount— an
10 equal amount in private philanthropy. It was a
11 self-managed pass-through project with reimbursement
12 through DDC. This partnership is one of New York
13 City's great strengths, but despite many dedicated
14 public servants working hard to help organizations
15 navigate the process, the bureaucracy and
16 inefficiency of the current capital system are
17 hampering the ability of both government and
18 nonprofit partners to deliver projects effectively.
19 Oh, good. I can keep going.

20 CHAIRPERSON RESTLER: Please.

21 PATRICK WILLINGHAM: I thought our time
had stopped. because of delays—

CHAIRPERSON RESTLER: [interposing]
Council Member Brewer and I were just having a good
time. I apologize.

3 PATRICK WILLINGHAM: Alright, good to
4 hear. Because of delays and built-in inefficiencies,
5 the public paid more than \$2.5 million in interest on
6 loans used to front the city-funded portion of the
7 Delacorte project. We have successfully requisitioned
8 much of our funding, but more than \$5 million remains
9 outstanding almost a year after construction
10 completion. Those private dollars spent on interest
11 could have supported additional capital needs or free
12 public programming. It's based on this experience
13 that I'm asking the City Council to partner with
14 capital funding recipients to convene the relevant
15 parties, including DCLA, DDC, MOCS, and OMB, to
16 identify unnecessary bureaucracy such as months-long
17 RFAS reviews, one-at-a-time submission rules,
18 duplicative handoffs, outdated templates, and
19 repeated non-substantive edits. Thanks for your time
20 and consideration.

21 CHAIRPERSON WILLIAMS: Yeah, no questions,
but, we will continue to have more conversation. And
I was excited that the Commissioner himself suggested
a roundtable, so I do look forward to convening that
roundtable with DDC and the respective agencies that
you also listed. So thank you so much as always for

3 your insight and expertise in helping us think
4 through these problems to find solutions. And I will
5 be at the BAM Gala, so please tell my friends there
6 that I'm going to be late, because I know it has
7 practically started in 15 minutes, but I'm here.

8 CHAIRPERSON RESTLER: And just want to
9 thank this panel. We really appreciate your insights
10 and I'm excited to visit the Delacorte. I haven't
11 been since the renovation. So hopefully we'll be
12 there soon. But thank you all for your great work and
13 your commitment and contributions to our cultural
14 community. It makes an enormous difference. So thank
15 you for being here today. We have one final person
16 testifying. That is Raul Rivera, who requires no
17 introduction. Something like that. And I would like
18 to acknowledge that Council Member Brewer is back
19 with us. We missed her, but we're happy to have her
20 to close out this hearing. Raul, you have two
21 minutes. Enjoy.

18 RAUL RIVERA: Good afternoon, members of
19 the committee. I am here today in response to the
20 concerns raised in the letter from Council Member
21 Sean Abreu regarding the rideshare platform Empower
and its continued operation outside the rules

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 184

3 established by the New York City Taxi and Limousine
4 Commission. Council Member Wong, we are asking for
5 your leadership on two urgent matters. First, we urge
6 you to engage directly with Apple Inc. and Google LLC
7 to review Empower's availability on their app store.
8 If a company is operating outside New York City's
9 regulatory framework, it should not be allowed to
10 continue distributing its service unchecked. Removing
11 access through these platforms would protect TLC
12 drivers who are following the law and yet losing
13 thousands of trips and income. Second, we ask you to
14 introduce legislation to protect culturally
15 significant street signage across our city. As
16 reported by CBS News in the headlines, removal of
17 Avenue of Puerto Rico street sign in Brooklyn sparked
18 outrage. The 2023 situation in Bushwick made clear
19 how deeply these signs matter. The community rallied
20 around the preservation of Graham Avenue, known to
21 many as the Avenue of Puerto Rico, because these
signage represent heritage, identity, and decades of
history for Puerto Rican New Yorkers. We ask you to
ensure that what happened then cannot happen again,
that cultural designations are respected, preserved,
and protected throughout- through clear law. I am

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 185

3 requesting a meeting with your office to discuss
4 further details. Finally, today Mayor Zohran Mamdani
5 laid a wreath at the 9/11 Memorial and his friends
6 with Hasan Piker who said America deserved 9/11.
7 Thank you so much.

8 CHAIRPERSON RESTLER: Thank you very much.
9 We're now going to transition to people on Zoom. This
10 panel includes- for virtual- so once your name is
11 called, members of staff will unmute you and the
12 Sergeant-of-Arms will set the timer and give you the
13 go-ahead. Please wait for the sergeant to announce
14 you may begin before delivering your testimony. First
15 up, my dear friend Chinita Pointer.

16 SERGEANT AT ARMS: You may begin.

17 CHINITA POINTER: Let me- okay.

18 SERGEANT AT ARMS: We can hear you.

19 CHINITA POINTER: Good afternoon.

20 CHAIRPERSON RESTLER: Hi, China.

21 CHINITA POINTER: Yes.

CHAIRPERSON RESTLER: Go ahead.

22 CHINITA POINTER: I am. Good afternoon,
23 Chair Restler, Chair Abreu, and Chair Williams, and
24 members of the committees. My name is Chinita
25 Pointer, and I am the CEO and President of the Noel

Pointer Foundation. For over 30 years, we've provided affordable, high-quality string music education to more than 39,000 young people across New York City, primarily serving students from historically underserved communities. Since 2019, our organization has received approximately \$13 million in city capital funding to transform the long-vacant DeGraw Firehouse in Cobble Hill into a state-of-the-art music education center. This project is in partnership with the Department of Cultural Affairs and the Department of Design and Construction. Seven years into our project, we have yet to break ground. During that time, construction costs have risen significantly from roughly \$11 million to more than \$18 million. Unfortunately, we have entered a seemingly never-ending cycle of delays where each delay comes— causes costs to increase, which then requires us to request more funding from the city. Every year of delay means fewer students served and fewer opportunities for the families and young people who rely on us. We thank the Council for bringing attention to the issue of cost escalation and capital project delays. We strongly support Intro 263 and Reso 264. Intro 263 takes an important step toward

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 187

3 fixing delays by requiring a clear strategy to
4 reduce-

5 SERGEANT AT ARMS: [interposing] Thank
6 you. Your time expired.

7 CHINITA POINTER: capital project
8 [inaudible]. Oh, I'm sorry. Okay, well, I want to
9 thank you for your time and consideration.

10 CHAIRPERSON RESTLER: And we're going to
11 do our best to get that firehouse fully funded and so
12 that we can- that project fully funded so that we can
13 break ground as soon as possible because it's too
14 important, and you have my full commitment. So thank
15 you for being with us.

16 CHINITA POINTER: Thank you.

17 CHAIRPERSON RESTLER: Next up, we'll go
18 with Adam Ganser from New Yorkers for Parks.

19 SERGEANT AT ARMS: You may begin.

20 ADAM GANSER: Hey there. Thanks again. I
21 really, really appreciate this hearing, both
informative and motivating. My name is Adam Ganser.
I'm the Executive Director of New Yorkers for Parks.
I think you all know who we are. I'm testifying today
in support of the bills and the resos, but also for
the capital reforms that are required, not just

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 188

3 across the city but at the Parks Department, I want
4 to bring up a few different things. For the Parks
5 Department, which is notoriously not great at
6 delivering capital projects, the most pressing issue
7 right now is a lack of staffing. Since 2023, the
8 capital division at the Parks Department has lost 60
9 staffing lines, making it all but impossible for the
10 agency to advance the hundreds of millions of dollars
11 of significant agency infrastructure projects. Second
12 thing I want to mention, this was brought up for the
13 DDC capital project tracker. The Parks Department-
14 the Parks Department also has a capital projects
15 tracker that was meant to provide public information
16 on the status of every capital project and to find
17 out where the delays were. Unfortunately, it's doing
18 neither. It doesn't provide information in a timely
19 manner, and it does nothing to really highlight where
20 the delays are happening, where delays are happening
21 because of other agencies, or whether delays are
happening because of scoping changes. I'll mention
project delivery methods. DDC and EDC have used
design-build, and they've used it successfully. The
Parks Department is not doing that. I do not know
why, but that should change. And then the last thing

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 189

I'll mention is the Capital Projects Task Force.

3 We've heard a lot about it. There was a lot of great
4 work done at the beginning, but then it went dormant.
5 My suggestion is to get all of the public and private
6 sector entities that participated in that, take a
7 look at the recommendations that were made and how
8 they are working or not working, and advance new
recommendations.

9 SERGEANT AT ARMS: Thank you. Your time
10 expired.

11 ADAM GANSER: [inaudible] CDC and
12 authority. Thank you.

13 CHAIRPERSON RESTLER: Thank you so much,
14 Mr. Ganser, for your thoughtful advocacy for parks.
15 We really appreciate it. Next up, Miss Sophia
16 Harrison.

17 SERGEANT AT ARMS: You may begin.

18 SOPHIA HARRISON: Hello, Chairs, Deputy
19 Speaker, and Council members. Thank you for the
20 opportunity to speak on the Department of Cultural
21 Affairs capital funding process. My name is Sophia
Harrison. I am the Executive Director of Arts House
Schools of Music, Dance, and Fine Arts in Coney
Island, Brooklyn, serving the 47th Council District.

3 In 2005, Arts House Schools relocated and entered
4 into a 10-year lease that with two five-year options,
5 creating potential for a 20-year tenancy. We
6 structured this lease intentionally, understanding
7 that we would be seeking public capital funds and
8 that the useful life of most capital projects is
9 approximately 20 years. With support from our council
10 member and borough president, we began the DCLA
11 capital process for projects estimated between
12 \$500,000 to \$750,000. What we did not realize was
13 that construction would take up to five years to
14 begin and that the project's useful life would not
15 start until construction was complete. We were told
16 that because we must remain operational during
17 construction, the timeline could be even longer,
18 effectively requiring a 30 to 35-year lease
19 commitment. For a nonprofit tenant in a privately
20 owned space, this is simply unrealistic. My landlord
21 ultimately chose not to move forward due to DCLA's
lease restrictions, including requirements for how
the space could be used after our lease ends. As a
result, despite elected funding support, our
organization could not access city capital dollars.
Under the current DCLA capital process, timelines and

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 191

3 restrictions make participation impractical, if not
4 impossible, for nonprofit cultural organizations that
5 lease privately owned space. In effect, the system
6 primarily benefits organizations located on
7 city-owned property or those that own their own
8 buildings. This creates a significant barrier for
9 community-based cultural institutions like ours which
10 serve neighborhoods with limited access to the arts,
11 but lack the resources to open property. Compounding
12 this challenge, DCLA no longer supports building
13 acquisition, removing a pathway that once helped
14 organizations establish long-term stability.

15
16 SERGEANT AT ARMS: Thank you. Your time
17 expired.

18
19 SOPHIA HARRISON: I urge the council to
20 modernize this process so that leased nonprofit
21 spaces can realistically participate in the city
capital funding. Thank you.

CHAIRPERSON RESTLER: Thank you so much,
Ms. Harrison. We really appreciate your testimony.
It's a very important point that you raise. And next
up, Jason Pastore from—

SERGEANT AT ARMS: [interposing] You may
begin—

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 192

3 CHAIRPERSON RESTLER: Environmental
4 Contractors Association.

5 JASON PASTORE: Good afternoon, everybody,
6 Chairs Restler, Abreu, and Williams, and members of
7 the committee. Thank you for the opportunity to
8 testify today. My name is Jason Pastore, and I'm
9 testifying on behalf of the Environmental Contractors
10 Association, also known as the ECA. We're the
11 Association for Unionized Contractors who perform
12 environmental hazard remediation, including asbestos,
13 mold, and lead. The core priority of the ECA is a
14 safe, efficient, and timely removal of asbestos at
15 construction sites. Asbestos abatement is a
16 prerequisite for most construction activity, making
17 this work critical to the timely start of projects.
18 As you can imagine, it is unsafe for construction to
19 move forward while asbestos remains in place.
20 Therefore, it must be removed prior to other work.
21 New York City maintains strict regulations for the
removal of asbestos-containing materials through the
Asbestos Control Program, overseen by the Department
of Environmental Protection. However, due to severe
staffing shortages at the DEP, approval timelines
have increased dramatically. What was once a few-week

3 process can now take many months. These delays
4 significantly impact the capital projects at schools,
5 NYCHA housing, hospitals, and other critical
6 infrastructure, because no construction can occur
7 until DEP issues asbestos removal permits. These
8 delays are incredibly financially costly for the
9 agencies we work with. Prolonged approval times also
10 increase potential exposure risks for workers and the
11 public, raising serious public health concerns. Not
12 only do these delays make construction more expensive
13 for the city, but they also put city workers and
14 residents at risk of exposure to asbestos.

15 Furthermore, the length of review process rarely- is
16 rarely due to safety concerns with plans. In fact,
17 most delays are due to technicalities and not
18 deviations from regulations. We are rarely asking to
19 perform work that has not already been specifically
20 regulated by the DEP. To address this issue, the ECA
21 has been working with Council Member De La Rosa and
the City Council Legislative Division to develop
legislation that would allow for the use of
professional certification, also known as ProCert or
self-certification for asbestos approvals.

Professional certification is already used in areas

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 194

3 across the city. It would allow contractors to remove
4 asbestos without having to wait many months for DEP
5 approvals. Importantly, this approach maintains
6 strong safety safeguards. All asbestos abatement work
7 would include audits of forms, maintain third-party
8 air monitoring, and ensure DEP retains—

9 SERGEANT AT ARMS: Thank you, your time
10 expired.

11 JASON PASTORE: Thank you.

12 CHAIRPERSON RESTLER: Thank you so much
13 for that great testimony. Incredibly helpful. Next
14 up, our final person from the day is Fabian
15 Derewiecki. I think I butchered that, and I
16 apologize, Fabian, from Local 785. I'm blaming
17 Johari's [sp?] handwriting here.

18 SERGEANT AT ARMS: You may begin.

19 FABIAN DEREWIECKI: No worries, it's
20 Fabian Derewiecki and it's Local 78, and thank you
21 for the opportunity to speak today about the
construction and contracting delays. My name is
Fabian Derewiecki. I'm here on behalf of Local 78,
Asbestos, Lead, and Hazardous Waste Laborers Union.
Our members are on the ground performing hazardous
material remediation work, handling asbestos, lead,

3 and mold removal across construction sites throughout
4 New York City. For us, one issue consistently stands
5 out. Asbestos abatement is often the first step in
6 any construction project, and what the— that step is
7 delayed— when that step is delayed, everything else
8 is pushed back with it. The city has a strong
9 regulatory framework in place through the Department
10 of Environmental Protection Asbestos Control Program,
11 but in practice, the process has slowed
12 significantly. Due to the staffing shortages at DEP,
13 approvals that once took a matter of weeks now are
14 now stretching into months. These delays stall
15 projects at public schools, public housing
16 developments, hospitals, and other essential
17 facilities because no construction activity can begin
18 without the required permits. The result is higher
19 costs and prolonged timelines across the board. From
20 our perspective, these delays also carry real safety
21 implications. The longer asbestos remains in place,
the longer workers are— and nearby residents face
potential exposure. That is a serious public health
concern, particularly in communities like NYCHA
developments where residents are already vulnerable.
It is important to note that these holdups are rarely

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 196

3 about unsafe and inadequate plans. In most cases,
4 contractors are submitting work plans that already
5 comply with DEP-established rules. The delays tend to
6 come from administrative bottlenecks and technical
7 reviews issues, not from safety problems. To help
8 address this, Local 78 has been working with Council
9 Member De La Rosa and Council Legislative Division on
10 the proposal to allow for professional certification,
11 also called ProCert, in the asbestos permitting
12 process. This approach would enable qualified
13 professionals to certify their own plans and move
14 forward without waiting months for formal approvals.
15 We believe that this practical solution would help
16 keep projects on track, reduce unnecessary costs, and
17 better protect—

18 SERGEANT AT ARMS: Thank you, your time
19 expired.

20 FABIAN DEREWIECKI: Thank you.

21 CHAIRPERSON RESTLER: We greatly
appreciate the testimony from Local 78. It is really
helpful as we move forward with trying to improve the
capital project delivery system and in our
conversations with DDC. I'd like to turn it over to
Council Member Brewer for a comment.

1 COMMITTEES ON CONTRACTS, TRANSPORTATION & INFRASTRUCTURE AND
2 CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL RELATIONS 197

3 COUNCIL MEMBER BREWER: Thank you very
4 much. I just- in terms of the woman who has a rental
5 in a building. It's an ongoing problem because the
6 city will take your walls first, and so they do not
7 want somebody else to spend the money. What we've
8 been able to do in some cases, if the building has a
9 space that is just for you, you can become a co-op.
10 We've been able to do it in certain churches and
11 synagogues on the ground floor where that institution
12 is their own nonprofit. You have to do a second
13 nonprofit, and then you can spend the city capital
14 money. Just something to think about for the future.
15 Thank you.

16 CHAIRPERSON RESTLER: And I'll just add
17 for a moment, you know, it was a- one of the many,
18 many, many poor decisions from the previous
19 administration was to prohibit cultural institutions
20 from purchasing- from acquiring property that they
21 could own. We want every nonprofit in New York City
to have access to own property, and be able to stably
and affordably remain in our communities. One of the
ways that we've gotten around that in District 33 is
that nonprofit organizations have purchased the
property via a loan, and then we've given money to

3 reimburse the purchase, essentially covering the loan
4 or the mortgage, which OMB has permitted, just not-
5 it's not directly going to the acquisition itself. So
6 if- and if and until when DCLA changes their policy,
7 which I hope will happen in the very near future,
8 that is an end around that we had identified for Ms.
9 Harrison in case that is helpful. With that, we're
10 gonna adjourn this hearing. I want to thank my
11 co-chairs, Majority Leader Abreu, Deputy Speaker
12 Williams, Council Member Brewer. Always great to have
13 you. And thank you to the staff who did a great job
14 in preparing. Hope you all have a wonderful day. And
15 thank you to the Sergeant-of-Arms for a complicated
16 hearing. You guys did a great job. Thank you.

17 [gavel]
18
19
20
21

5 C E R T I F I C A T E
6
7

8 World Wide Dictation certifies that the foregoing
9 transcript is a true and accurate record of the
10 proceedings. We further certify that there is no
11 relation to any of the parties to this action by blood
12 or marriage, and that there is interest in the outcome
13 of this matter.
14
15



19 Date August 25, 2026
20
21