



MINUTES OF A CONTINUATION OF THE MARCH 18, 2020 MEETING
OF THE EXECUTIVE COMMITTEE
OF
NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION
March 31, 2020

A continuation of the March 18, 2020 regular meeting of the Executive Committee (the “Committee”) of the Board of Directors of New York City Economic Development Corporation (“NYCEDC”) was held telephonically on Tuesday, March 31, 2020.

The following members of the Committee were present by conference telephone:

Jodi Callender (as alternate for Vicki Been)
William Candelaria
Wilton Cedeno
William Floyd
James McSpirtt
James Patchett
Michael Schlein
Timothy Wilkins
Betty Woo

Members of NYCEDC staff, a member of the public and Matthew Washington, a Director of NYCEDC, also were present telephonically.

The meeting was called to order at 9:02 a.m. Meredith Jones, General Counsel, Executive Vice President and Secretary of NYCEDC, served as secretary of the duly constituted meeting, at which a quorum was present.

1. NYCEDC COVID-19 Update

At this time, Mr. Patchett provided an update regarding NYCEDC’s personnel, operations and recent activities with respect to COVID-19. He also noted that medical supplies was a major area of focus for NYCEDC over the last 10 days.

2. Contracts and Other Matters

The following contracts, authorizations, expenditures and matters were then presented to the Committee for approval. (Attached hereto as Attachment 1 is a definition sheet that contains the definitions of certain frequently used terms that may be contained in the Exhibit attached hereto.)

(a) COVID-19 Medical Equipment, Supplies and Devices

Mr. Patchett and Lindsay Clinton, an Executive Vice President of NYCEDC, then presented a proposal for the ratification or approval of purchase orders (“POs”) and other agreements to obtain and distribute necessary medical equipment, supplies and devices, including but not limited to face shields, breathing assistance machines (“BAMs”), isolation gowns, and supplies for manufacturing the above, (ii) any needed ancillary agreements, and (iii) any agreements necessary to obtain funds (“Funding Source Agreements”), all to encourage the development and purchasing of various emergency medical equipment, supplies and devices to support the City’s COVID-19 response effort as an authorized entity delegated to perform such services for the City, on substantially the terms set forth in Exhibit A hereto.

Mr. Patchett explained that NYCEDC had set up a sourcing webpage approximately one week ago and that NYCEDC’s team had been vetting offers. He added that this was a supplemental effort to what City agencies were doing in order to expand procurement through additional channels. Mr. Patchett then stated that the 3 main areas that NYCEDC had been focusing on to date, at the direction of the Department of Health, included plastic face shields, isolation gowns, and BAMs.

At this time, Ms. Clinton discussed the 3 main focus areas in greater detail, noting that the Department of Health had guided NYCEDC to initially focus primarily on the face shields and gowns in order to help protect the medical professionals responding to COVID-19. Ms. Clinton discussed that NYCEDC had been assessing offers to begin local production of face shields and was vetting leads based on various criteria, and described those criteria. Next, Ms. Clinton discussed how NYCEDC was working with manufacturers to produce isolation gowns, and that it was tapping into the capabilities of the City’s fashion industry to produce gowns and fabrics. She further explained that to support the manufacturing NYCEDC had also identified sources for material, which was a critical link for the production of gowns. Lastly, Ms. Clinton explained how NYCEDC had also been exploring the production of BAMs. Mr. Patchett explained that the City had allocated \$50 million to pay for these items, and that certain of the items might be paid for from funds provided by private hospitals that received some of these items.

At this time, Mr. Patchett noted a slight amendment to the item that had been distributed to the Executive Committee, which was that the proposed agreements and POs might be entered into directly by NYCEDC or by an affiliated entity of NYCEDC using funds contributed by NYCEDC. Exhibit A hereto includes the current terms as so amended.

In answer to a question from Mr. Wilkins, Mr. Patchett stated that the manufacturers were taking various precautions to help ensure safety while bringing on many employees. In answer to a question from Mr. Cedeno, Mr. Patchett stated that NYCEDC was not working on the production of surgical masks at this time. In answer to a question from Mr. Washington, Mr. Patchett stated that the number of units being produced was based entirely on each producer’s capacity at this time.

In answer to a question from Ms. Callender, Mr. Patchett explained that material supply had been more of an issue for the gowns, but that there had not been issues with the foam and plastic sheeting needed for the face shields. He further stated that for additional items, NYCEDC was trying to expand its approach in areas where NYCEDC had value to add. Mr. Patchett noted that NYCEDC was helping to vet potential manufacturing sources. In answer to a question from Mr. Schlein, a discussion ensued regarding the channels through which to pass along potential sourcing offers to NYCEDC.

A motion was then made to ratify and approve the matters set forth for ratification and approval in the Proposed Resolution section of Exhibit A hereto. Such motion was seconded and unanimously approved.

3. Approval

With respect to the matters set forth in Section 2(a) above, it was understood that authorization and approval of such matters included authorization for the President and other empowered officers to execute the necessary legal instruments, and for the President and other empowered officers to take such further actions as are or were necessary, desirable or required, to implement such matters on substantially the terms described above.

4. COVID-19 Discussion

At this time, in answer to a question from Mr. Cedeno, James Katz, an Executive Vice President of NYCEDC, explained where the applications for the COVID-19 related grant and loan programs could be accessed online. Then, in answer to a question from Mr. Wilkins, Mr. Katz discussed the federal government's impending stimulus package, how it allocated a significant amount to small business assistance and waived many historical barriers to accessing such assistance, and how there were still some unknowns about how and when those funds would flow. Lastly, in answer to another question from Mr. Wilkins, Mr. Katz discussed the status of the grant and loan programs presented at the previous continuation of the meeting of the Committee, as well as the administration of and application process for those programs.

5. Adjournment/Continuation

There being no further business to come before the meeting at this time, a motion was made to continue the Executive Committee meeting telephonically at 9:00 a.m. on Tuesday, April 7, 2020, which motion was seconded and unanimously approved.

Assistant Secretary

Dated: _____
New York, New York

DRAFT

ATTACHMENT 1

DEFINITIONS

Apple	Apple Industrial Development Corp.
Armand	Armand Corporation d/b/a Armand of New York
BAT	Brooklyn Army Terminal
Bovis	Bovis Lend Lease LMB, Inc.
CDBG	Federal Community Development Block Grant
CDBG-DR Funds	Federal Community Development Block Grant-Disaster Recovery Program funds
CEQR	City Environmental Quality Review process
City DEP	New York City Department of Environmental Protection
City DOT	New York City Department of Transportation
City Parks	New York City Department of Parks and Recreation
City Planning	New York City Department of City Planning or City Planning Commission
CM	A construction manager
CM Contract	A construction management contract
DCAS	New York City Department of Citywide Administrative Services
EIS	Environmental Impact Statement
ESDC	New York State Urban Development Corporation d/b/a Empire State Development Corporation
FEMA	Federal Emergency Management Agency
FM	A facilities manager
FM/CM Contract	A facilities management/construction management contract
Funding Source Agreement	Any agreement necessary to obtain funds for the Project, including IDA Agreements
Gilbane.....	Gilbane Building Company
HDC	New York City Housing Development Corporation
HPD	New York City Department of Housing Preservation and Development
Hunter Roberts	Hunter Roberts Construction Group, L.L.C.
IDA	New York City Industrial Development Agency
IDA Agreement	Agreement with IDA pursuant to which IDA retains NYCEDC to accomplish all or part of the Project and reimburses NYCEDC for the costs of the work
LiRo	LiRo Program and Construction Management, PE P.C.
LMDC	Lower Manhattan Development Corporation
McKissack	The McKissack Group, Inc. d/b/a McKissack & McKissack

MOU	A memorandum of understanding
NYCEDC	New York City Economic Development Corporation, survivor of a November 1, 2012 merger of a local development corporation (the “LDC”) named New York Economic Development Corporation with and into New York City Economic Growth Corporation. References to NYCEDC prior to such merger are references to the LDC.
NYCHA	New York City Housing Authority
NYCLDC	New York City Land Development Corporation
Noble Strategy	Noble Strategy NY Inc.
OMB	New York City Office of Management and Budget
Port Authority	The Port Authority of New York and New Jersey
RFP	Request for Proposals
Sanitation	New York City Department of Sanitation
SBS	New York City Department of Small Business Services
SEMO	New York State Emergency Management Office
SEQR	State Environmental Quality Review process
Skanska	Skanska USA Building Inc.
State DEC	New York State Department of Environmental Conservation
State DOS	New York State Department of State
State DOT	New York State Department of Transportation
State Parks	New York State Office of Parks, Recreation and Historic Preservation
Tishman	Tishman Construction Corporation of New York
Turner	Turner Construction Company
ULURP	Uniform Land Use Review Procedure

EXHIBIT A



COVID-19 MEDICAL EQUIPMENT, SUPPLIES AND DEVICES
Executive Committee Meeting
March 31, 2020

- Project Description:** To support New York City’s COVID-19 response effort, NYCEDC is encouraging the development of and purchasing various emergency medical equipment, supplies and devices at the direction of the City’s Deputy Mayor for Housing and Economic Development as an authorized entity delegated to perform such services for the City
- Boroughs:** All boroughs
- Type of Contracts:** Purchase Orders (“POs”), Other Agreements to Purchase and Dispose, Ancillary Agreements, and Funding Source Agreements
- Amount to be Approved:** Up to \$50,000,000
- Type of Funds:** NYCEDC programmatic budget funds, anticipated to be reimbursed by the City from City Tax Levy funds and/or FEMA funds, and by the proceeds of resales to private hospitals
- Procurement Method:** Sole source (Emergency Procurements)
- Agreements to be Approved:**
- Ratification or approval of POs or other agreements with entities listed in Exhibit A and any other contractors approved by the President of NYCEDC or his designee to purchase necessary medical equipment, supplies and devices, including but not limited to face shields, breathing assistance machines (“BAMs”), isolation gowns, and supplies for manufacturing the above, or others deemed essential by the City’s Health and Hospitals Corporation or the NYC Department of Mental Hygiene
 - Ratification or approval of POs or other agreements allowing for NYCEDC (or an affiliated entity) to dispose of such medical equipment, supplies and devices
 - Any needed ancillary agreements, including but not limited to any related funding agreements
 - Any needed Funding Source Agreements

Scope of Work:

- Certain POs are expected to provide for the production and delivery of (1) at least 780,000 full coverage face shields for a cost of up to approximately \$5,269,000; (2) at least 3,000 BAMs for a cost of up to approximately \$10,000,000; (3) at least 327,000 isolation gowns for a cost of up to approximately \$5,946,000; (4) supplies to support the manufacture of isolation gowns costing approximately \$3,780,000.
- It is anticipated that the portion of the \$50,000,000 approved but not expended substantially as described above will be used to fund additional POs or other agreements (including ancillary agreements) for the production and delivery of additional necessary medical equipment, supplies and devices, including additional face shields, BAMs isolation gowns, and supplies for manufacturing the above, or others deemed essential by the City's Health and Hospitals Corporation or the NYC Department of Mental Hygiene. Most of the POs detailed in Exhibit A provide NYCEDC with the right to purchase additional goods beyond the initial unit quantities indicated.
- Some of the equipment, supplies or devices may be sold through POs to private hospitals in the City at a price equal to the cost paid by NYCEDC or an affiliated entity, which will allow NYCEDC to recoup some of the amounts spent. Other equipment, supplies and devices will be provided directly to the City's Health and Hospitals Corporation without charge, with the cost anticipated to be reimbursed by the City.
- The POs and other agreements (including ancillary agreements) may be entered into by an entity affiliated with NYCEDC, using funds contributed by NYCEDC

Proposed Resolution: To ratify and approve the POs, any other agreements (including ancillary agreements) and any needed Funding Source Agreements entered and to be entered into by NYCEDC (and/or an affiliated entity) related to NYCEDC's (and/or an affiliated entity's) acquisition and disposition of medical equipment, supplies and devices substantially as described herein, and authorize the President and any other empowered officer to enter into such POs, agreements (including ancillary agreements) and Funding Source Agreements, substantially as described herein.

Project Code: 9415

Relevant Staff: Lindsay Greene, Chief Strategy Officer
Lindsay Clinton, Executive Vice President, Initiatives
Carlo Yuvienco, Vice President, Initiatives
Kristin Bell, Assistant Vice President, Initiatives
Sonia Park, Assistant Vice President, Initiatives
Mae Stover, Senior Project Manager, Initiatives
Connor Corcoran, Project Manger, Initiatives
Anne Sherman, Senior Counsel, Legal
Leon Willis, Senior Counsel, Legal

Exhibit A

Medical Supplies	Counterparty	Number of Units	Total Cost
Faceshield	New Lab, LLC	120,000	\$1,320,000.00
Faceshield	Bednark Studios Inc	400,000	\$1,320,000.00
Faceshield	Staten Island Makerspace, Inc.	5,000	\$55,000.00
Faceshield	Adafruit Industries LLC	2,000	\$4,000.00
Faceshield	Madison Polymeric Engineering, Inc.	100,000	\$190,000.00
Faceshield	Thomas McMillan dba New Objects Designs	20,000	\$220,000.00
Faceshield	New York University	132,200	\$2,160,000.00
Isolation Gowns	Course of Trade Inc.	129,300	\$1,912,500.00
Isolation Gowns	Crye Precision LLC	65,940	\$1,090,300.00
Isolation Gowns	BCI 2, LLC dba JBS Dresses, LLC	99,000	\$1,905,750.00
Isolation Gowns	Open Jar Studios LLC	30,800	\$985,600.00
Isolation Gowns	H.C. Contracting, Inc. dba Ferrara Manufacturing	2,600	\$52,000.00
BAMs	Spiro Devices, LLC	3,000	\$10,000,000.00