Committee Chair Brian D. Obergfell called the meeting to order at 6:53 p.m.

The following people were present:

**Committee Members:**
- Hon. Brian D. Obergfell, Chair
- Hon. Sandra Wilkin, Vice Chair
- Hon. Wellington Z. Chen
- Hon. Charles A. Shorter
- Hon. Lorraine A. Cortés-Vázquez
- Prof. Jay Weiser, faculty member
- Mr. Donavan Borington, student member

**University Staff:**
- Ms. Judith Bergtraum
- Mr. Gustavo Ordóñez
- Ms. Gwen Perlman

**Trustee Staff:**
- Interim General Counsel and Vice Chancellor for Legal Affairs Jane Sovern
- Deputy to the Secretary Hourig Messerlian
- Ms. Doris Wang

The agenda items were considered and acted upon in the following order:

**I. ACTION ITEMS:**

**A. APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 6, 2017.** Moved by Committee Chair Brian Obergfell and seconded by Trustee Wellington Chen, the minutes were approved as submitted.

**B. POLICY CALENDAR**

2. **Baruch College, Kingsborough Community College, LaGuardia Community College, and Macaulay Honors College – Upgrade of Fire Alarm Systems in Various Buildings.** Vice Chancellor Judy Bergtraum stated that this is a purchase order to upgrade fire alarm systems in a total of five buildings at Baruch College, LaGuardia Community College, Kingsborough Community College, and Macaulay College (West 67th Street building). The proposed work will be performed under a New York State Office of General Services Contract. The scope is to upgrade the fire alarm systems to get central monitoring for the buildings. The contractor will obtain approvals and permits, and will provide the installation and the equipment. This is a contract for Siemens, one of four or five different vendors on state contract that can provide the service.

In response to a question from Prof. Jay Weiser about MWBE vendor participation in this and related contracts:

Vice Chancellor Bergtraum stated that this and the related fire alarm vendors are on a state business contract. As such, they meet the MWBE requirements.

Moved by Committee Chair Obergfell and seconded by Trustee Wellington Chen, and following discussion, this item was unanimously approved for submission to the Board.
3. Baruch College – Amendment to Purchase Order for Fire Alarm Upgrades at 17 Lexington Avenue Building. Vice Chancellor Bergtraum stated that this is an amendment to the previously approved purchase order adopted by the Board on January 27, 2014 to increase such purchase order from $2,000,000 to $4,000,000, for services to design, purchase and install a new fire alarm system at Baruch College’s 17 Lexington Avenue building (17 Lex).

In response to a question from Prof. Weiser about when work on this project would start:

Vice Chancellor Bergtraum stated that the project would start as soon as the Board approves this increase to the purchase order, with an anticipated completion date of July 2020.

In response to a question from Committee Chair Obergfell on whether CUNY is currently code-compliant at 17 Lex, and are there any public safety issues:

Vice Chancellor Bergtraum stated that the buildings meet the state standard. After 9/11, there was an agreement between CUNY, the City and the fire department that CUNY would meet FDNY standards. CUNY agreed that the fire alarms would be brought up to code within five years.

In response to a question from Trustee Sandra Wilkin about competitive bidding for this and other projects:

Vice Chancellor Bergtraum stated that these projects are on state contract. CUNY has 32 actual firms on contract, and that it bids different companies every four or five years.

In response to another question from Trustee Wilkin on whether these are similar to a requirements contract:

Vice Chancellor Bergtraum stated that they are similar to the requirements contract. The state does this for practically every service and FPCM uses the state contracts whenever it can.

Moved by Committee Chair Obergfell and seconded by Prof. Jay Weiser, and following discussion, this item was unanimously approved for submission to the Board.

4. Medgar Evers College – Phase I of the Security System Upgrade. Vice Chancellor Bergtraum stated that this is an amendment to increase--from $1.7 million to $3 million--the previously approved purchase order adopted by the Board on June 27th, 2016, for design, purchase, and installation services to upgrade the existing security system at Medgar Evers College. The reason for the proposed increase is that the full scope of the security requirements was originally not taken into consideration.

Moved by Committee Chair Obergfell and seconded by Trustee Chen, and following discussion, this item was unanimously approved for submission to the Board.

5. City College – Retro Commissioning for ASRC and CDI Buildings. Vice Chancellor Bergtraum stated that this resolution authorizes CUCF to execute a purchase order for an amount not to exceed $3 million to complete retro-commissioning, post-retro-commissioning, monitoring and staff training services for the ASRC and CDI buildings at City College.
Department of Design and Construction Executive Director Robert Lemieux explained that when the Office of Facilities Planning, Construction and Management (FPCM) built the building, it was designed as a high-end generic laboratory building. As researchers come in with specialized equipment, some of it requires the rooms to have very specific temperature controls, making it very difficult to design a generic system that will satisfy the requirements of future specialized equipment. The generic design that was developed needs to be fine-tuned to the current needs of the buildings. That is why FPCM is retro-commissioning the building to the actual needs of the researchers.

In response to a question from Prof. Weiser on a) whether the equipment would change with grants or with time and require additional retrofitting; and b) whether grant money would be paying for any of it:

Vice Chancellor Bergtraum stated that FPCM still had some of the funds initially allocated for the project to take care of the needs of the faculty. However, over time equipment modifications would be funded through the specific research grants.

In response to a question from Mr. Donavan Borington as to how much retrofitting could the building tolerate as new programs are being developed:

Vice Chancellor Bergtraum stated that the modifications that are being made here should have no effect on the building.

Director Lemieux explained that there may be some tweaking necessary at certain laboratories but it will not be extensive. He added that the programs in the ASRC building are nanoscience, photonics, structural biology, neuroscience and environmental science. All the research that is currently being done is very much at a molecular basis.

In response to a question from Trustee Charles Shorter on should CUNY have anything built into the operating budget as reserves—for upgrades if certain things were to happen with the systems—with the understanding that new equipment and new upgrades have to be part of a grant:

Vice Chancellor Bergtraum agreed that going forward there may be a need for operational and capital funds for new equipment or upgrades, or they would be supported by the grants.

In response to a follow up question from Prof. Weiser on a) whether there is a process for monitoring the grant applications in order to ensure that adequate funding is built in to support new equipment or upgrades, b) whether there is a process in place to monitor and maintain the sophisticated equipment, and c) is HVAC considered research equipment:

Director Lemieux stated that every time a grant application goes through the college, it is reviewed and that these grant applications specifically ask the question about funding for research equipment. In terms of the HVAC system for the complexes, it is substantial; however tweaking it to new specifications can be expensive.

Vice Chancellor Bergtraum added that some staff training is included to maintain the research equipment.

Prof. Hugo Fernandez suggested that CUNY consider having conversations with the Research Foundation, maybe with the grants officers throughout the University, and
possibly with the National Science Foundation, about how to solve the problems and costs that come up with the need for new technology on campuses as science becomes more sophisticated.

In response to a question from Trustee Wilkin on whether there is a budget allocation for the kind of maintenance needed in the science buildings:

Vice Chancellor Bergtraum stated that the colleges use operational funds for maintenance.

Moved by Committee Chair Obergfell and seconded by Trustee Chen, and following discussion, this item was unanimously approved for submission to the Board.

6. York College – Multimedia Center, Academic Building. Vice Chancellor Bergtraum stated that this resolution authorizes the renovation of York College’s existing Faculty Dining Space, which is frequently used for presentations to the community, but it was built in the early 1960s, and at around 3,000 square feet, it is not very large. The college would like to upgrade this space into a code compliant Multimedia Center for an amount not to exceed $1,189,000.

Trustee Shorter stated that he did not clearly understand the scope of the project as it is explained in Exhibit A.

Vice Chancellor Bergtraum introduced the following amendment:

EXHIBIT A | PROJECT SUMMARY | SECTION 6. Schedule, has the following sentence added: “(Note: 100% design documents have been completed for the project.)’

Moved by Committee Chair Obergfell and seconded by Prof. Weiser, and following discussion, this item was unanimously approved for submission to the Board, as amended.

7. Baruch College – Execution of Memorandum of Agreement for a Permanent Pedestrian Plaza on East 25th Street between Lexington and Third Avenues, New York, New York. Vice Chancellor Bergtraum stated that this resolution will authorize the General Counsel and Vice Chancellor of Legal affairs to execute a Memorandum of Agreement with the New York City Department of Transportation and the New York City Department of Design and Construction (DDC), for the reimbursement of funds up to an amount not to exceed $7.5 million to create a permanent pedestrian plaza on East 25th Street between Lexington Avenue and Third Avenue.

Vice Chancellor Bergtraum added that CUNY has to have an agreement on this before the City will start construction but the design was done with the City and they are CUNY’s partners. It is really a private/public partnership because CUNY has got funding from the City, from the state, and from private donors.

In response to a question from Trustee Lorraine Cortés-Vázquez on the actual cost of this project for CUNY:

Vice Chancellor Bergtraum stated that CUNY will not spend more than $7.5 million. The City will not bid it out until CUNY guarantees that it will pay up to $7.5 million. Current cost projections are at $5.6 million.
In response to a question from Trustee Wellington Chen on whether the street is de-mapped:

Vice Chancellor Bergtraum noted that the street is not de-mapped because CUNY had to allow for a fire lane based on the design. This is one of many streets done during the Bloomberg Administration. Under the plaza program there is an agreement that the City will not take the street back but you have to keep the street open for fire trucks and emergency vehicles, and if there is a problem beneath the street the City will handle it.

In response to a question from Trustee Wilkin on who is responsible if in the midst of construction an unforeseen condition occurs requiring a change in design:

Vice Chancellor Bergtraum stated that CUNY would be responsible, and would use the funding on hand between the $5.6 million and the $7.5 million. However, once the donors see that construction is going on, Baruch College believes that there will not be an issue in raising additional funds.

Director Lemieux noted that there is about a 10% contingency amount built in the estimate of the project cost.

In response to a question from Mr. Borington on how it impacts CUNY if the bids come in over $7.5 million:

Vice Chancellor Bergtraum stated that Baruch College would have to come up with more funding from the private donors.

Trustee Cortés-Vázquez stated that if this is a reimbursement to the City and the City has an estimate for $5.6 million, and then while doing the design it should come into question that the design costs are beyond this estimate, than CUNY should have the option to revisit the issue. She suggested that CUNY put in a caveat to protect itself, instead of guaranteeing the full $7.5 million.

Mr. Gustavo Ordóñez noted that if for example CUNY was only authorized to spend $6 million and the bids come at $6.2 million, that would require the project to wait for a new resolution in September and then have to bid out again causing a delay. He understands the need to be fiscally conservative, but it should be remembered that the first $4 million of this project comes from private money. President Mitchel Wallerstein is concerned that any delay at this time may cause the college to lose the donors already in place.

Prof. Weiser wanted to confirm his understanding that once the Memorandum of Agreement is authorized, the City then issues the bid documents, and this would not have to come back to the committee; but if the bid comes back way above what CUNY expects then the expenditure will not be approved.

Vice Chancellor Bergtraum agreed that CUNY is not going to spend any money that it thinks is inappropriate.

Mr. Ordóñez explained that one way to look at this is that instead of the Dormitory Authority of the State of New York (DASNY) working on CUNY land and doing a CUNY project, DDC is working on City land and doing CUNY’s project. But CUNY has the same level of control, and that is why, because CUNY does not have a formal relationship with the City like it...
does with DASNY, there is this Memorandum of Agreement that sets forth how CUNY consents to what the design is, how it is going to implement it, and how it is going to accept the bids and the prices. CUNY will have the same level of control through this private agreement with the City that it does when doing deals with DASNY.

Moved by Committee Chair Obergfell and seconded by Prof. Weiser, and following discussion, this item was approved for submission to the Board. Trustee Lorraine Cortés-Vázquez abstained.

8. The City University of New York – Lease to Cold Spring Harbor Laboratory for DNA Learning Center at New York City College of Technology. Vice Chancellor Bergtraum stated that this resolution will authorize the General Counsel and Vice Chancellor of Legal Affairs to enter into a 30-year lease along with associated agreements with Cold Spring Harbor Laboratory for the creation of a DNA Learning Center at New York City College of Technology. She added that Cold Spring Harbor is a preeminent research institution internationally and this is an unbelievable opportunity for the University.

Moved by Committee Chair Obergfell and seconded by Trustee Cortés-Vázquez, and following discussion, this item was unanimously approved for submission to the Board.

9. The City University of New York – Execution of Lease Amendment for 70 Murray Street, 3rd Floor, New York, New York on Behalf of Borough of Manhattan Community College. Vice Chancellor Bergtraum stated that this resolution will authorize a new lease amendment for approximately 51,953 square feet of space at 70 Murray Street on behalf of the Borough of Manhattan Community College. She added that the College needs double the amount of space that they have now and that their need for additional space is astronomical. This additional square footage will be used for classroom space, and it is part of the Master Lease. The College would now have a total of about 234,000 square feet in this building.

In response to a question from Trustee Shorter on who was the landlord of 70 Murray Street:

Vice Chancellor Bergtraum stated that it is Jack Resnick & Sons, Inc.

Trustee Shorter stated that it goes to the heart of the question that he has previously raised for the Trustees to be informed about the economic impact that this University has on the City. There are many landlords who are doing very well because CUNY entities are leasing their space.

In response to a question from Prof. Weiser about information on comparable leasing rates:

Vice Chancellor Bergtraum stated that FPCM now has the data on comparable leasing rates on every transaction whenever possible.

Trustee Wilkin thanked Vice Chancellor Bergtraum for talking about the opportunities for minority and women owned businesses (MWBE) to be able to have these kinds of construction projects, and to be able to extend that to landlords would look towards the City or State certifying process.
Mr. Ordonez stated that FPCM obtained commitments from the landlords of all three leases that were considered at the Committee’s April meeting to include CUNY’s MWBE standards into the selection process. FPCM also gets to approve the contractors.

Vice Chancellor Bergtraum added that this would become standard practice going forward.

In response to a question from Prof. Weiser on whether following this practice will be raising the costs that taxpayers would be paying for the leases:

Mr. Ordonez agreed that it would increase the cost of the leases; he explained that FPCM is actually more concerned on the timing because we do not start paying rent until the space is delivered to us. The landlords have an incentive and of course they do not want any more restrictions on how to do their work because it delays when they start receiving rent.

Vice Chancellor Bergtraum added that this practice is being followed as it is both a City and State program.

Moved by Committee Chair Obergfell and seconded by Trustee Chen, and following discussion, this item was unanimously approved for submission to the Board.

Committee Chair Obergfell moved to go into Executive Session at 8:03 p.m. The motion was seconded by Prof. Weiser.

CONVENCING OF EXECUTIVE SESSION:
Committee Chair Obergfell called for an Executive Session pursuant to Section 105, Article 7, of the Public Officers Law, for the purpose of discussing real estate items currently under negotiation – new and updates. The Committee met in Executive Session from 8:04 p.m. to 8:19 p.m.

The Committee reconvened in Public Session at 8:28 p.m. The following agenda item was considered and acted on:

1. The City University of New York – Approval of FY 2017-18 Capital Budget.

See attached presentation on the FY 2017-18 Capital Budget by Vice Chancellor Bergtraum *

* Vice Chancellor Bergtraum incorporated Information Items 1.A. through 1.E., listed below, into her FY 2017-18 Capital Budget presentation:

II. INFORMATIION ITEMS:

1. Capital Budget Reports:
   A. Senior College – Critical Maintenance - Preliminary
   B. Community College – Critical maintenance
   C. Community Colleges Active Projects
   D. Senior Colleges Active Projects
   E. Capital Program Disbursement Projections FY17-18

Trustee Cortés-Vázquez stated that she wanted to acknowledge Vice Chancellor Bergtraum and her staff for the level of transparency evidenced in the FY 2017-18 Capital Budget report and documentation.
Vice Chancellor Bergtraum stated that FPCM was in the process of updating a database that will include this and other reports and descriptions of every one of FPCM’s projects, so that this information can be made available to Committee members.

Vice Chancellor Bergtraum further stated that every single CUNY college president knows about the active capital projects pertaining to their campus. She added that she follows the same level of transparency by interaction through the Council of Presidents’ Committee on Facilities.

Moved by Committee Chair Obergfell and seconded by Trustee Shorter, and following discussion, this item was unanimously approved for submission to the Board.

Committee Chair Obergfell moved to adjourn the meeting. The motion was seconded by Trustee Cortés-Vázquez and the meeting was adjourned at 8:57 p.m.