

**#0224-02: AUTHORIZATION OF AWARD OF CONTRACT GDC24-004-HTP,
PERFORMANCE OF EXPERT PROFESSIONAL DESIGN-BUILD SERVICES FOR
THE HUDSON RIVER GROUND STABILIZATION PROJECT**

To help ensure the functionality of intercity and commuter rail infrastructure between the State of New Jersey ("**New Jersey**") and the State of New York ("**New York**") and throughout the Northeast Corridor (the "**NEC**"), New Jersey and New York created the Gateway Development Commission ("**GDC**") through the enactment of parallel legislation by each state codified as the Gateway Development Commission Act (2019 N.Y. Laws, Ch. 108 and N.J.S.A. 32:36-1, et seq.) (collectively, the "**GDC Act**").

The GDC Act empowers the Commission to "enter into, execute and deliver contracts and agreements and other documents and instruments as may be necessary or appropriate to carry out any power of the Commission under this act and to otherwise accomplish any lawful purpose which the commissioners determine will Facilitate the Project, including, without limitation, with the federal government, the state of New Jersey, any local government thereof, the state of New York, with any local government thereof, with any agency, instrumentality, department, commission or authority of any one or more of the foregoing, any bi-state agency, Amtrak, any individual or private firm, entity or corporation, or with any one or more of them." 2019 N.Y. Laws, Ch. 108, Section 2(7)(e); N.J.S.A. 32:36-8(e).

Section 3.06 of the GDC Bylaws provides that "[t]he Board may delegate in whole or in part any power, authority, discretion or obligation to any Officer, in each case to the extent to which the Board deems appropriate."

Accordingly, on February 3, 2023, New Jersey, New York, the National Railroad Passenger Corporation ("**Amtrak**"), and GDC (collectively, the "**PDA Parties**") entered into an Agreement (the "**Project Development Agreement**" or "**PDA**") in order to establish their respective roles and responsibilities with respect to the funding, financing, right-of-way acquisition, procurement, delivery, and operation of the Hudson Tunnel Project ("**HTP**").

As further described in the PDA, the HTP has been organized into certain work packages, which may be updated or changed from time-to-time. The Hudson River Ground Stabilization project (the "**HRGS Project**") is a critical early work package of the HTP, to be performed primarily pursuant to a design-build contract for ground stabilization of the river bed in the Hudson River, that includes the construction of a test section cofferdam, production containment system, and certain improvements within the cofferdam for future connection to the Manhattan tunnel. The HRGS Project will be located under the Hudson River entirely on the New York side.

The HRGS Project is divided into two phases. Phase One of the Project will be performed from March 2024 to September 2024 and includes surveying, design and construction of the test cofferdam. Phase Two will be performed from October 2024 to April 2027 and includes the design and construction of remaining work related to the HRGS Project.

Staff propose to advance Phase One at this time through the issuance of a limited notice to proceed to the selected design-build contractor and the performance of related professional services, and return to the Board, as may be required, to authorize Phase Two. Since funding will be needed prior to the availability of federal grant funding, Phase One of the HRGS Project will be funded from monies to be received by GDC under the Amtrak Capital Funding Agreement, which was previously approved by the GDC Board of Commissioners on December 11, 2023 via Resolution #1223-03, in addition to other funding the GDC Board of Commissioners has previously authorized, including through the GDC Fiscal Year 2024 Annual Operating and Capital Budget.

In May of 2023, a Request for Qualifications was issued by GDC soliciting Statements of Qualifications (SOQ) from entities interested in designing and constructing the HRGS Project. SOQs were submitted by Weeks Marine, Inc., Walsh-Traylor Bros. and Cashman-Trevi Icos Joint Venture. On October 12, 2023, GDC issued a federally compliant Request for Proposals to the short-listed firms to provide design and construction services. Proposals were received from two (2) responsive and responsible firms: Weeks-Marine, Inc. and Cashman Trevi Icos Joint Venture. The proposals were reviewed by an Evaluation Panel consisting of technical experts and representatives of GDC, the State of New York, NJ TRANSIT, the Port Authority of New York and New Jersey, and Amtrak. The Evaluation Panel selected Weeks-Marine, Inc. through a competitive evaluation of technical and price proposals (together, with the Contract Documents issued as part of the RFP process, referred to as “**Contract GDC24-004-HTP**”).

Pursuant to the foregoing report, the following resolution was adopted, with Commissioners Barbas, Bauer, Coscia, Glen, Grewal-Virk and Rosen voting in favor:

RESOLVED, that the GDC Chief Executive Officer is authorized to enter into Contract GDC24-004-HTP with Weeks Marine, Inc., at the Contract Price of \$284,000,000 and further authorizing an additional amount equal to five percent (5%) of the Contract Price for contingencies.

RESOLVED, that the GDC Chief Executive Officer is authorized to issue a limited notice to proceed for Phase One of Contract GDC24-004-HTP, for an amount not to exceed \$100,000,000, subject to the availability of funds, and take any and all other actions consistent with this resolution, and to make, execute, and deliver in the name and on behalf of GDC, Contract GDC24-004-HTP, and to take all other steps necessary to comply with the terms and conditions of Contract GDC24-004-HTP.

RESOLVED, that the GDC Chief Executive Officer is authorized, within the total authorized amount for Phase One of Contract GDC24-004-HTP, in accordance with the terms of this Resolution, to take all procurement actions necessary to effectuate the Phase One work that is the subject of Contract GDC24-004-HTP, and take any other actions that may be required to effectuate and enforce the terms of Contract GDC24-004-HTP.