



# Construction NEWS



Vol. 37 No. 12

DECEMBER 2021

\$1.50



## Still Making Spirits Bright

The family of an employee of Entergy Corp. donated this year's Rockefeller Center Christmas tree, a 79-foot Norway spruce from their property in Elkton, MD. Entergy is the former owner of the Indian Point Energy Center in Buchanan, NY, that helped to light up the region with electricity for decades. The tree's donors, Entergy Fleet Outage Services Director Devon Price and his family, were present at the tree-lighting ceremony here in New York City on Dec. 1. Photo Credit: Rockefeller Center

## Forecast 2022

# \$1.2T Jobs Act to Fuel More Market Growth

By GEORGE DRAPEAU III

WASHINGTON—So here's the bouillon cube about the \$1.2-trillion Infrastructure and Investment Jobs Act (IIJA). It took more than 200 weeks for the Congress to seal the deal on the long-promised action by the Feds on surface transportation reauthorization. The nation's multi-year FAST Act, which was expiring Oct. 1, promoted the House to take up the challenge by crafting and passing the bold five-year INVEST Act in July. Had the Senate followed suit, that would have moved the needle in major ways a lot sooner, with a lot less drama. And more jobs on the street this year.

Once the Senate balked at the House challenge to produce the same kind of transformative bill, the

posturing began with a fury. The nation was fed a daily diet of words like "compromise" measure that aimed for higher ground up on the Hill, and "bipartisanship." That term would eventually walk back to the House as the core of the infrastructure deal we now know as the IIJA.

Money from the finalized \$1.2-trillion infrastructure deal is already flowing out to states and metro areas, according to transportation departments that wasted no time to jump on IIJA opportunities. "We expect to see the real race for funding in 2022," said John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc., a leading transportation advocacy group.

*"An increase in overall construction activity will drive growth in private highway, street, parking lot, and bridge construction work related to residential and commercial projects,"*

—Dr. Alison Premo Black,  
ARTBA Chief Economist

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## Project Costs Range from \$650M to Nearly \$1.3 Billion

# NYSDOT Study Recommends Moving Forward With Third Lane Expansion on Route 17

By JOHN JORDAN

POUGHKEEPSIE, NY—The highly anticipated final report from the New York State Department of Transportation's Route 17 Planning and Environmental Linkage (PEL) Study group is recommending the state move forward with a General Use Third Lane in each direction on Route 17 in Orange and Sullivan counties that could—if built as one major project—cost anywhere from \$650 million to \$1.27 billion to complete.

The PEL Study Group is also recommending that interchange upgrades be undertaken

at exits in Orange and Sullivan counties and that improvements be made in the region to improve connectivity to existing transit. The scope of the construction of the General Use Third Lane beginning Exit 131 in Harriman (Orange County) to Exit 103 (Rapp Road) in Monticello in Sullivan County would determine the cost of the project. Option 1, which involves using the basic existing footprint of the roadway and shoulders to accommodate a third lane in each direction would cost \$385 million to \$470 million for the Orange County



The recently released PEL study by the New York State Department of Transportation recommends the construction of a third lane on Route 17. The cost of the project could very well exceed \$1 billion.

stretch of roadway and another \$265 million to \$325 million in Sullivan County.

Under Option 2, which would involve widening the existing roadway to accommodate the third lane expansions in both directions so that most of Route 17 would conform to federal Interstate standards, the costs would escalate. For the Orange County stretch, the cost would run between \$615 million to \$750 million, while the Sullivan County component's cost ranges from \$425 million to \$520 million.

The PEL Study Group in its

report released on Nov. 22 did not recommend one option over the other and also while listing interchanges in Orange and Sullivan counties that could be upgraded, it did not issue any specific recommendations, although it did point out those with the greatest need.

In referencing the need for a General Use Third Lane, the study group stated, "Reconstruction under the General Use Third Lane Alternative would provide the opportunity to address deficiencies in the existing roadway to correct non-standard features and

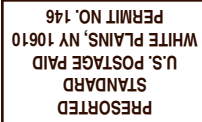
storm-related flooding. High crash locations containing curves and overpasses would benefit from widening shoulders, increasing pavement friction, and increased banking (removal of non-conforming super elevation) under this concept. Increasing the capacity of Route 17 would provide a 24% reduction in congestion related crashes overall, per the Crash Modification Factors Clearinghouse."

The study indicated the cost of the interchange upgrades in Orange County could run from

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# State Awards Nearly \$20 Million to Help Local Governments Fund Water Infrastructure Projects Across Mid-Hudson Region

ALBANY—Gov. Kathy Hochul announced more than \$115 million statewide for both critical clean and drinking water infrastructure projects across the state that protect or improve water quality. The grants, interest-free loans and low-interest loans approved by the Environmental Facilities Corp. Board of Directors on Dec. 9 will help 34 municipalities and public authorities undertake drinking water and wastewater projects. Of the funding announced, nearly \$20 million is allocated to drinking water projects and financing in the Mid-Hudson region.

“Every New Yorker deserves access to clean water,” Gov. Hochul said. “This funding will upgrade clean and drinking water infrastructure across the state, address emerging contaminants, and reduce pollution. We will continue to work with local governments and partners to protect New Yorkers’ water quality for years to come.”

The Board’s approvals include IMG and WIIA grants and financings through the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF). The projects approved for funding include:

#### Drinking Water Projects:

**City of Poughkeepsie in Dutchess County** – \$8,518,600 long-term, interest-free financing and \$1,500,000 in remaining WIIA funds to construct two 2.5-million-gallon water storage tanks to replace a five-million-gallon reservoir and replace aged water mains at various locations throughout the water distribution system.

**Town of Monroe in Orange County** – \$897,750 WIIA grant for improvements to the Monroe Hills Estates Water District No. 12.

**Village of Ossining in Westchester County** – \$3,000,000 WIIA grant to design and construct a new water treatment plant to replace the existing Indian Brook Water Treatment Plant.

#### Clean Water Projects:

**Town of Wappinger in Dutchess County** – \$2,484,620 IMG to construct the Wildwood Sewer Connection to the Tri-Municipal Wastewater Treatment Facility.

**Village of Bronxville in Westchester County** – WIIA grants of \$283,625 and \$223,500 for the planning, design and construction of sanitary sewer system upgrades.

**Town of Clarkstown in Rockland County** – \$733,974 WIIA grant for pump station upgrades.

**Town of Greenville in Greene County** – \$520,000 short-term, interest-free financing and \$610,821 in WIIA funds for sewer district extension and plant improvements.

**Town of Orangetown in Rockland County** – \$96,000

WIIA grant for system upgrades at the town’s wastewater treatment plant and associated pump stations.

Over \$33 million is allocated to drinking water projects that address emerging contaminants, mainly in the downstate region.

Construction Industry Council Executive Director John Cooney, Jr., applauded Gov. Kathy Hochul for her timely action to help New York’s cities, towns and villages obtain these new grants to advance dozens of clean water infrastructure projects across municipal budgetary goal lines so that their construction can begin. “Without these grants, many of these needed projects could not or would not move forward—or they would be sidelined indefinitely,” Mr. Cooney said. “Municipalities face the very real need to upgrade and replace

massive networks of pumps, plants and pipes that wear out by longtime usage along with increased demands. Gov. Hochul understands these challenges and has made it a priority to help fund critical drinking water upgrades and other clean water initiatives in the Hudson Valley. These important state grants help create good-paying construction jobs, which always benefit the broader economy.”

EFC President and CEO Maureen A. Coleman said, “This announcement marks another substantial investment in water quality infrastructure across New York State. It sets the tone for the work EFC will do to maximize the state water grants to be awarded in the coming months,

thanks to the availability of \$600 million in Water Infrastructure Improvement, Intermunicipal, and Water Quality Infrastruc-

ture Improvement grants announced by Gov. Hochul during Climate Week. In addition to addressing an historic amount of state water grant funding applications that EFC received before the Nov. 22 deadline, EFC is actively preparing for the major infusion of federal funds from the bipartisan Infrastructure Investment and Jobs Act. EFC looks forward to partnering with the New York State Department of Environmental Conservation, the New York State Department of Health, and local governments to get shovels in the ground for projects that make our infrastructure more resilient to climate change and improve water quality for all New Yorkers.”

**“Without these grants, many of these needed projects could not or would not move forward—or they would be sidelined indefinitely.”**

—John Cooney, Jr., CIC Executive Director

DEC Commissioner and EFC Chairman Basil Seggos said, “Gov. Hochul understands the fiscal challenges New York’s cities, towns and villages face when advancing efforts to strengthen and modernize clean water infrastructure.”

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# Public Works Infrastructure Act Earmarks \$428M For NYS Clean Water, SRF Projects

WASHINGTON—On Dec. 2, U.S. Environmental Protection Agency Administrator Michael S. Regan announced funding that states, Tribes, and territories will receive in 2022 through the Bipartisan Infrastructure Law. In a letter sent to governors, the Administrator encouraged states to maximize the impact of water funding from the law—an unprecedented nationwide total of \$50 billion investment—to address disproportionate environmental burdens in historically underserved communities across the country.

The EPA will allocate \$7.4 billion to states, Tribes, and territories for 2022, with nearly half of this funding available as grants or principal forgiveness loans that remove barriers to investing in essential water infrastructure in underserved communities across rural America and in urban centers.

This funding, provided through EPA's State Revolving



**NYS Dept. of Environmental Conservation Commissioner Basil Seggos**

Fund (SRF) programs, will create jobs while upgrading America's aging water infrastructure and addressing key challenges like lead in drinking water and per- and poly-fluoroalkyl substances (PFAS) contamination. The 2022 allocation is the first of five years of nearly \$44 billion

in dedicated EPA SRF funding that states will receive through the Bipartisan Infrastructure Law.

New York State will receive \$428,072,000 in initial EPA funding. Neighboring states will also benefit greatly from the bipartisan infrastructure law with New Jersey receiving \$168,949,000; Connecticut will get \$76,907,000 and Pennsylvania can expect \$240,381,000.

“With President Biden’s leadership and congressional action, the Bipartisan Infrastructure Law has created a historic opportunity to correct longstanding environmental and economic injustices across America,” said EPA Administrator Michael S. Regan. “As leaders, we must seize this moment. Billions of dollars are about to start flowing to states and it is critical that EPA partners with states, Tribes, and territories to ensure the benefits of these investments are delivered in the most equitable way.”

New York State Department of Environmental Conservation Commissioner Basil Seggos said of the EPA’s funding for the state, “It is fitting that the very first investments from the new Bipartisan Infrastructure Law include \$428 million to ensure





**EPA Administrator Michael S. Regan**

all of New York’s communities have access to clean water. I applaud President Biden, New York’s Congressional Delegation, and U.S. Environmental Protection Agency Administrator Regan for this generational investment in our future. New York is primed and ready to get resources to the communities that need it most and address known and emerging threats to public health and the environment.”


DEC officials stated that the EPA funding builds on New York’s already sizable investments in drinking water and wastewater infrastructure, and includes \$115 million to protect children and communities from the dangers of lead in drinking water; more than \$41 million to protect water quality from emerging contaminants like Per- and Polyfluoroalkyl Substances (PFAS); another \$273 million for infrastructure improvements to help ensure clean drinking water for all New Yorkers, particularly those living in low-income neighborhoods and communities of color; and provides other multi-year investments that protect and improve resiliency in Lake Champlain, the Long Island Sound, the Great Lakes, and other critical waterbodies.

The DEC noted that it will work closely with Gov. Kathy Hochul and other agency partners to identify a list of projects.

For more than 30 years, the SRFs have been the foundation of water infrastructure investments, providing low-cost financing for local projects across America. However, many vulnerable communities facing water challenges have not received their fair share of federal water infrastructure funding. Under the Bipartisan Infrastructure Law, states have a unique opportunity to correct this disparity, EPA officials stated.



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New York Gov. Kathy Hochul is flanked by Town of Haverstraw Mayor Michael Kohut, left, and Village of Ossining Mayor Rika Levin celebrating the \$10-million DRI grants to both communities.

## Ossining, Haverstraw Nab \$10M Revitalization Awards

By JOHN JORDAN

OSSINING, NY—Downtown revitalization efforts in the Village of Ossining and across the Hudson in the Town of Haverstraw each got a \$10-million infusion of cash.

New York Gov. Kathy Hochul announced at an event held at the Joseph G. Caputo Community Center here on Nov. 22 that Haverstraw and Ossining will receive \$10 million each in funding as the Mid-Hudson region winners of the fifth round of the Downtown Revitalization Initiative (DRI).

As part of DRI Round 5, each of the state’s 10 regional economic development regions are being awarded \$20 million, to make for a total state commitment of \$200 million in funding and investments to help communities boost their post COVID-19 economies by transforming downtowns into vibrant neighborhoods. Haverstraw and Ossining now join the cities of Middletown, Kingston, New Rochelle and Peekskill, which were the Mid-Hudson Region’s winners in the first four DRI rounds, respectively.

“Our downtowns are the hubs for communities to connect and thrive, and as a former local official I know personally how transformative

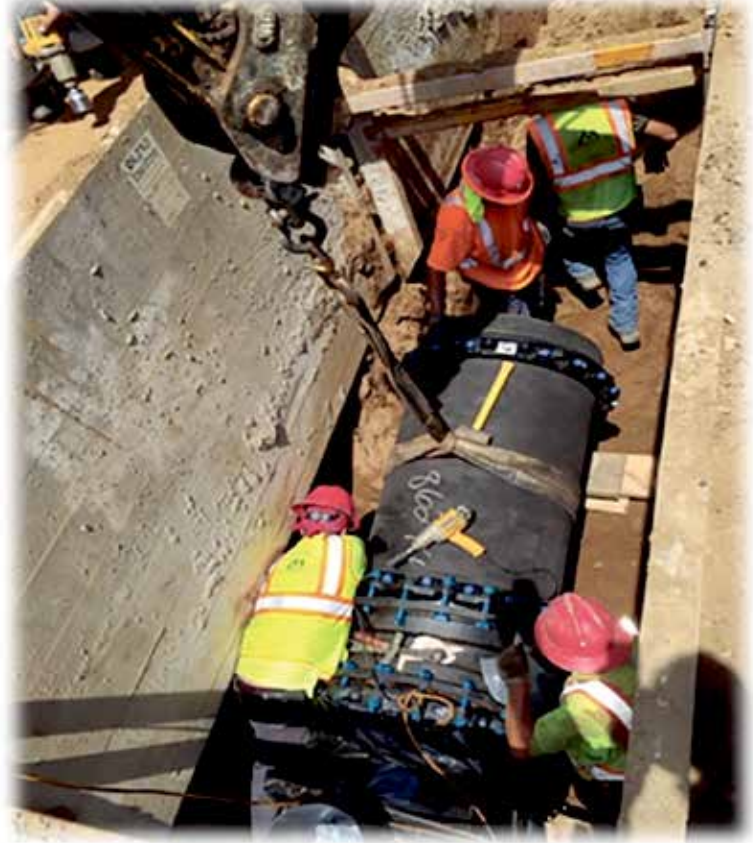
this funding can be to boost quality of life,” Gov. Hochul said. “Through our Downtown Revitalization Initiative, we will continue to give communities, like Ossining and Haverstraw, across the state the extra boost they need to recover from the pandemic and create more viable, livable, walkable downtowns.”

In this fifth round of the DRI, Gov. Hochul doubled funding from \$100 million to \$200 million and allowed each Regional Economic Development Council to decide whether to nominate two \$10 million awardees or one \$20 million awardee for transformative and catalytic downtown redevelopment projects. The DRI is led by the Department of State and through its partnership with the New York State Energy Research and Development Authority (NYSERDA), technical support to the awardees will be provided to assist them with including carbon neutral principles in support of the state’s goal to reduce greenhouse gas emissions by 85% by 2050.

Haverstraw Mayor Michael Kohut said, “Thank you, Governor Hochul, for this great honor. I’m extremely proud of the collective time,

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# Laborers' International Union of North America, Local 60



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## Attorney's Column

# Appellate Court Strictly Enforces Waiver Of Consequential Damages in Favor of Contractor

By THOMAS H. WELBY, P.E., ESQ. and GREGORY J. SPAUN, ESQ.

References to consequential damages are often found in construction contracts, without appropriate appreciation as to what, exactly, those damages are. These references are most often found in mutual waivers of such damages; but the question is begged as to what, exactly, is being waived. In the recent case of *Lam Platt Street Hotel LLC v Golden Pearl Construction LLC*, an appellate court reminds us that waivers of consequential damages are strictly enforced. Accordingly, contractors would be well advised to appreciate the full import of such clauses.

### Background

In 2011, Lam Platt Street Hotel LLC entered into an agreement to construct a hotel near the South Street Seaport, and Golden Pearl Construction was retained as the general contractor. The form of contract was an AIA A101/201 combination, which contained a time of the essence clause requiring completion before Super Bowl XLVII, which was held in February of 2014 in nearby East



Rutherford, NJ (as much as the "New York" football teams eschew the name). The contract also contained provisions governing termination for cause, which required certification by the project's architect that the general contractor was in default (and which would also permit Lam Platt to suspend its obligation to make further payments to Golden Pearl until the completion of the project), and for convenience (which required that Lam Platt pay Golden Pearl for all work completed through the termination date). Finally, the contract contained a mutual waiver of consequential damages, which expressly included "rental expenses, loss of use, income, profit, revenue, financing, business and reputation."

During construction, dis-

putes arose between Lam Platt and Golden Pearl over extra work and payments, and Golden Pearl's alleged failure to properly staff the project. In December of 2014, Lam Platt and Golden Pearl ostensibly resolved their differences, and the project's time and price

were increased. Unfortunately, this agreement was not the last word on these subjects, and the relationship broke down. In June of 2015, Lam Platt terminated Golden Pearl's contract, without specifying whether the termination was for cause or for convenience, but also without any certification by the architect. Because there was no architect's certification, Golden Pearl rejected any claim that the termination was for cause. (Ultimately, the architect refused to certify that the termination was for cause, citing its own contract and claiming that it had no such responsibility to do so.) Golden Pearl subsequently filed a mechanic's lien against the property, claiming that it was owed nearly \$3.2 million.

In February of 2017, Lam Platt sued Golden Pearl for

*A waiver of consequential damages is essentially an agreement as to how the risk of a breach is to be allocated. To best understand that risk, one must understand what "consequential damages" really are: damages that flow indirectly from the breach (as a consequence of that breach), rather than those that are caused directly by the breach.*

breach of contract, seeking, amongst other damages, delay costs and the profits it would have realized if the project had been completed in time for the Super Bowl. Golden Pearl moved to dismiss this claim, arguing that the damages that Lam Platt sought were specifically barred by the waiver of consequential damages contained in the contract.

### Decision

The motion court granted Golden Pearl's motion, and the appellate court affirmed. In doing so, both courts cited to well settled case law that an agreement between the parties to allocate the risk of loss via a waiver of consequential damages must be enforced as written.

### Comment

As the courts here noted, a waiver of consequential damages is, essentially, an agreement as to how the risk of a breach is to be allocated. To best understand that risk, one must understand what "consequential damages" really are: damages which flow indirectly from the breach (as a consequence of that breach), rather than those which are caused directly by the breach. Unfortunately, this language is not often clear to attorneys, and is frequently the subject of endless argument and court ruling.

The best way to illustrate the difference is by example: direct damages often include the cost to repair defective work, the cost to complete incomplete work, the payment owed under the contract, the loss of value of a project as a result of improper work, and the profit the contractor would have received if it had been permitted to complete the job and not improperly terminated.

Consequential damages, on the other hand, often include lost profits from the intended use of the project, lost rents, or lost profits on jobs not taken because the contractor was tied up on the disputed project (to be contrasted from lost profits on the revenues not realized because of an improper termination, which are considered direct damages), extended over-

head and delay costs, increased financing costs, and even lost bonding capacity. Because these items can vary widely—and are often difficult to prove—parties frequently include a liquidated damages provision, as an estimate of damages, along with the waiver of consequential damages.

To better understand what would be included and excluded from recovery on any particular project under the applicable contract, contractors would be well advised to consult with experienced construction counsel so that they can fully understand how they are allocating the risks of a breach of the contract they are about to enter.

Parenthetically, it must also be noted that a significant issue in *Lam Platt* was whether the termination was one for cause or convenience. Crucially, under the contract at issue, no termination could be made for cause without the actions of a third-party to the contract—here, the architect—certifying that the general contractor was in default. The architect declined to issue any such certification because his own contract did not require him to do so. This dichotomy shows the importance of harmonizing all upstream, downstream and parallel contracts for the consistency of obligations, and making sure that if one contract provides that a third-party is to act as a condition precedent to any action by the contracting party, that such third-party is actually under his or her own obligation to do so.

*About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., and is the Founder of and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the Tri-State/Greater Metropolitan Region. Gregory J. Spaun, General Counsel to the Queens and Bronx Building Association, and an attorney and a partner with the firm, co-authors this series with Mr. Welby.*

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## \$1.2T Jobs Act to Fuel More Market Growth Continued from page 1

According to Jeff Davis of the Eno Center for Transportation, a think tank, “the money will come via regular funding formulas the U.S. Transportation Department uses to allocate money to states. The infrastructure legislation includes a roughly 30% increase in highway formula funding, which means states should see a windfall in short order”—as early as this month, Mr. Davis forecasted.

Mass transit money is likely to come later in the federal fiscal year, which ends Sept. 30, 2022, because it is dependent on congressional appropriations.

That leaves approximately \$120 billion of the \$550 billion in new spending to come in the form of competitive grants. This includes funding for big-ticket items like rail and bridges.

“Getting those grant programs up and running will likely take several months,” Mr. Davis added, which means that awards are not likely to come until late next summer or fall.

States and regions are already getting in line for federal aid, and New York and Connecticut were among the first to show cause.

“Aging bridges across America create some of the interstate highway network’s worst choke points, causing congestion and hindering commerce,” according to GPS-fed truck traffic data and interviews with transportation experts and public officials compiled by *Bloomberg News*. The infrastructure package will provide at least \$40 billion for bridge work in coming years.

“Eight of the 35 most choked U.S. highway locations before the pandemic in 2019 involved bridges,” according to a *Bloomberg News* review of American Transportation Research Institute data. “Of those,

the worst offender is the George Washington Bridge over the Hudson River between New York and New Jersey.” Also making the Top Ten list of the most congested bridges in the U.S. for trucks are Bulkeley Bridge in Hartford, CT, and the Verrazzano-Narrows Bridge connecting Staten Island and Brooklyn, NY.

“There are scores of actions that USDOT can take to deliver positive outcomes for equity, climate, safety, state of repair, and enhancing community connections,” the department commented.

Taking a step back from IIJA and looking to the future, the American Road & Transportation Builders Association (ARTBA) reported this month that the real value of transportation construction market activity is expected to grow 5% in 2022 as the economy continues to improve and work begins on projects supported by IIJA. “This real market growth accounts for expected increases in projects costs, construction materials, wages, and inflation,” the report stated.

ARTBA expects the total value of transportation-related construction work, as measured by the U.S. Census Bureau Value of Construction Put in Place, to

grow from \$148.4 billion in 2021 to \$155.6 billion in 2022. This includes real increases in:

- public highway, pavement, and street construction (+5%),
- bridge and tunnel work (+9%),
- port and waterway construction (+6%), and
- airport terminal and runway work (+3%).

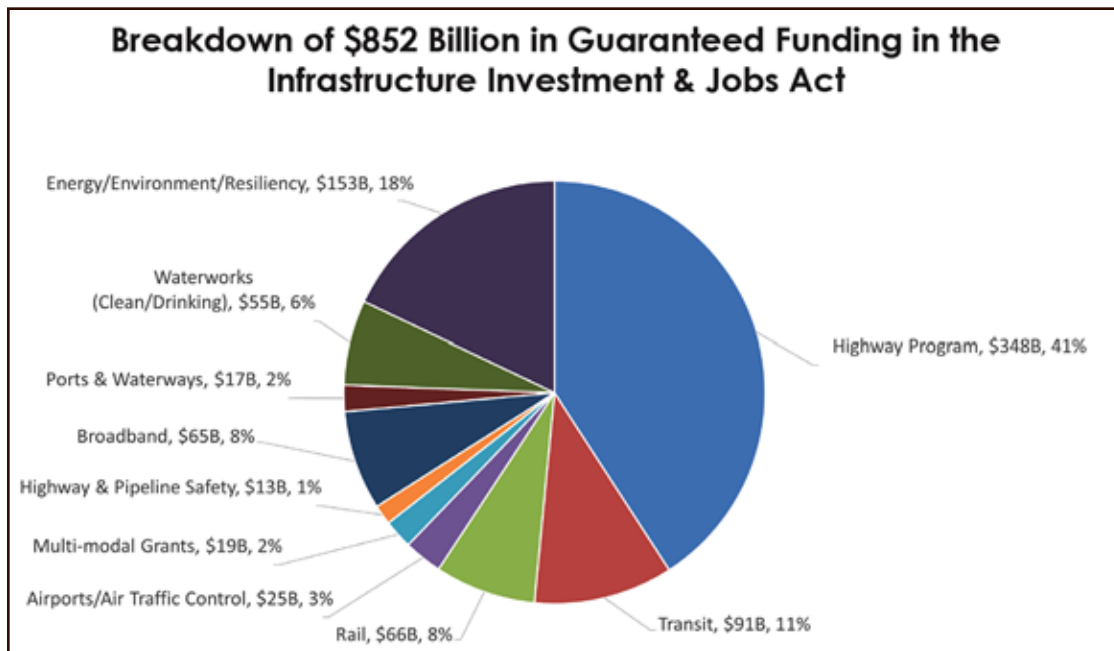
However, the outlook for mass-transit-centric regions like New York City is mixed for public transportation and rail construction. Growth is expected in Amtrak and Class 1 railroad construction activity (+17%). But ARTBA showed a slowdown in subway and light

rail work (-10%) reflecting a significant decline in public transit contract awards in 2021.

“An increase in overall construction activity will drive growth in private highway, street, parking lot, and bridge construction work related to residential and commercial projects,” wrote Dr. Alison Premo Black, ARTBA senior vice president and chief economist. State and local government spending on planning and design work, maintenance activity, and right of way purchases is also expected to increase in 2022 and beyond.”

It was also noted that project work is much more likely to be steady over the next few years, Dr. Premo Black added. “The market outlook over the next five years remains strong, as new projects supported by the IIJA get underway and construction activity continues over a multi-year period. Based on a September 2021 analysis by IHS Markit, 43% of the new highway funding under the IIJA, and 20% of the transit investment increase, will be spent as outlays after 2026.”

*The CIC is a New York State chapter member of ARTBA, which contributed to this report.*



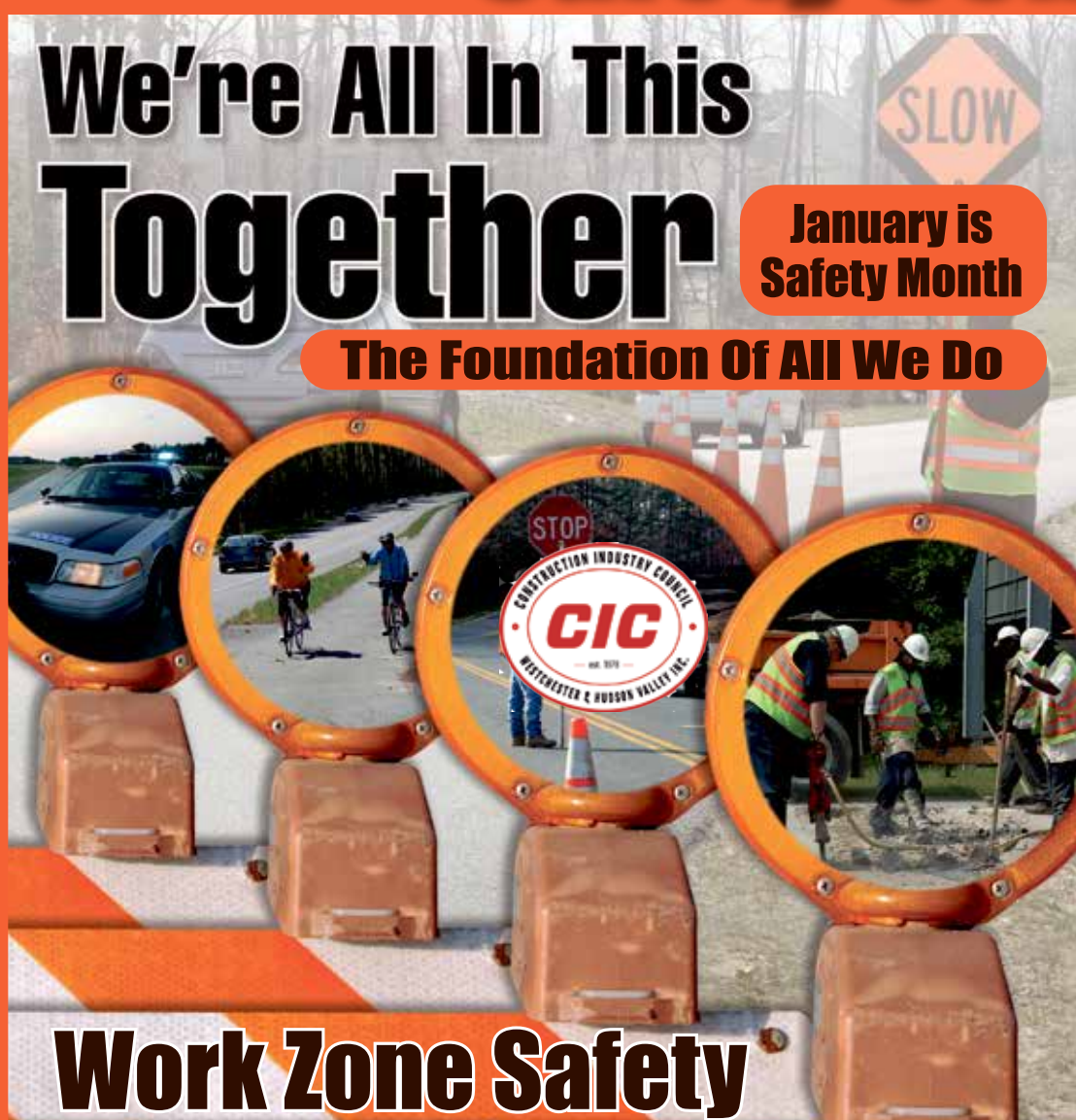
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# Notable Commercial, Civic Projects in Mid-Hudson, New York City Regions Secure CFA Funding Awards

By JOHN JORDAN

ALBANY—New York Gov. Kathy Hochul announced on Nov. 22 that more than \$81 million has been awarded to support 97 priority projects across New York State through the Regional Economic Development Council initiative.

The award recipients include a host of major projects in the Hudson Valley and New York City regions, involving bioscience, downtown revitalization initiatives, the arts and even the development of a Dinosaur Park.

This year, \$150 million in grant funds from Empire State Development was made available on a continuous and competitive basis to support the immediate needs of applicants. Additionally, projects within each region are eligible for a share of \$75 million in Excelsior Jobs Program Tax Credits to help attract and grow business in their regions.

“The pandemic toll touched every corner of the state and every sector of New York’s economy, and as a result we must ensure that our recovery does the same,” Gov. Hochul said. “As we move forward from the pandemic we are using the rolling grant process to build New York State back better by supporting shovel-ready projects with the potential to

accelerate new investments and catalyze economic growth in every community.”

Empire State Development Acting Commissioner and President and CEO-designate Hope Knight said, “The COVID pandemic has had a devastating impact on our state, and this is especially true for the businesses and organizations that are the foundation of our economy. The Regional Economic Development Councils, made up of people who know their own communities best, have recommended innovative projects that will help their regions rebuild, and reemerge stronger and smarter for the future.”

This initial round of priority projects was recommended by each Regional Council because of their project readiness and alignment with each region’s strategic plan.

Some of the more significant projects receiving CFA funding in the Mid-Hudson and New York City regions include:

**The North 80 Development Project-Phase One** (Mid-Hudson Region)—The project being developed by Fareri Associates LP is located on 60 acres of land owned by Westchester County on the Grasslands campus in Valhalla and another adjoining 20 acres. Plans call for the property to become a mixed-



A rendering of the North 80 bioscience development project in Valhalla.

use village with nearly 490,000 square feet of medical offices, biomedical facilities, housing, hospitality venues, shopping and retail.

Fareri Associates is in the final approval stages for the North 80 project, a 1.2-million-square-foot science and technology center to be created on an 80-acre site adjacent to the Westchester Medical Center, New York Medical College and the nearby headquarters complex of Regeneron Pharmaceuticals.

“We are very pleased and honored to have received this important grant for our North 80 development. Phase one of this \$227-million project is expected to create nearly 490,000 sf of innovatively designed buildings whose tenants will bring an estimated 1,177 new

jobs to Westchester County and the Mid-Hudson Valley,” said John Fareri, CEO of Fareri Associates. The project secured \$3 million in ESD Grants.

**Grand Street Downtown Revitalization Project** (Mid-Hudson Region)—The project being developed by Foster Supply Hospitality Inc. will transform three long-vacant county-owned buildings on Grand Street in Downtown Newburgh into a hospitality complex featuring an 80-room hotel, rooftop tavern, a premier spa, restaurants and event space. Once operational in 2023, the \$24-million project will provide up to 61 full-time jobs. The project will receive \$1.25 million in ESD grants.

**Hudson Valley Shakespeare Festival** (Mid-Hudson Region)—The Hudson Valley Shakespeare Festival will create a new year-round cultural campus in Garrison. The site will offer world-class theater productions with accessible Hudson River view pathways and meadows, on-site dining and concessions, and an ecologically sustainable operation. The project will receive \$2 million in ESD grants.

**Dinosaur Country** (Mid-Hudson Region)—The Orange County Dinosaur Park, located in the Town of Wallkill, will be a recreational experience that spans more than 136 acres and will feature more than 60 realistic life-sized animatronic dinosaurs. The Dinosaur Park experience will include six dinosaur-themed playgrounds, a splash park and six education pods. There will be a fossil dig site, robotic dinosaur rides, an amphitheater, a T-Rexpress train that circles the park, multiple dining options and a dinosaur carousel. The company will invest \$12 million into this project and will create more than 100 new jobs. The project will receive \$1.2 million in ESD grants.

**Aspire Brewery Development Project** (Mid-Hudson Region)—Aspire Brewing will transform a mostly vacant 90,000-square-foot commercial building in the Town of Wallkill into a micro-brewery and hospitality attraction, featuring a casual dining restaurant, beer garden, an outdoor patio and a unique indoor entertainment space. The project will receive

\$500,000 in ESD grants.

**Storm King Art Center Capital Project** (Mid-Hudson Region)—Storm King Art Center in New Windsor offers local, national, and international audiences a chance to discover sculpture amid 500 acres of Hudson Valley landscape. In response to growth, Storm King launched “Art that Moves You Outside,” a capital project to enhance the experience of residents and visitors, and protect its art, nature and people. The Art Center will begin phase one that includes two building elements: The Welcome Sequence and the Conservation, Fabrication, and Maintenance Building. The Welcome Sequence will streamline the arrival into Storm King, and the Art Center’s Conservation, Fabrication, and Maintenance Building will protect the safety of staff and the artwork. The project will receive \$2 million in ESD grants.

**Camp Fimfo Catskills** (Mid-Hudson Region)—Sun NG Kittatinny RV, LLC will transform the former Kittatinny Campground and Canoes in Barryville in Sullivan County, into Camp Fimfo (“Fun Is More Fun Outside”) Catskills. Substantial upgrades will include the installation of infrastructure to support the creation of improved RV/cabin sites and new amenities that enhance the natural, historic, cultural and recreational assets of the region. The project will receive \$1.5 million in ESD grants.

**Advancing the Revitalization of West Nyack** (Mid-Hudson Region)—The Town of Clarkstown will invest in several infrastructure projects for the Revitalization of Historic West Nyack Hamlet. Projects include upgraded streetscape, improve parking, EV charging stations, and a new bus stop along with new sidewalks, curbs, energy-efficient lighting, and expanded green space with an accessible playground and benches that will accommodate and encourage economic activity. The project will receive \$1.25 million in ESD grants.

**Viking Industries** (Mid-Hudson Region)—Viking Industries of New Paltz is looking to expand its long-established factory in New Paltz to meet growing needs for corrugated packaging among its diverse customer base. The Viking Industries Expansion Project will significantly increase capacity and efficiency by constructing and equipping a new 45,000-square-foot addition on the plant at 89 South Ohioville Road in New Paltz. The project is receiving \$780,000 in ESD grants and \$550,000 in ESD EJP funding.

**Upriver Studios** (Mid-Hudson Region)—Upriver Studios will create a carbon neutral campus and a more competitive series of sound stages for film and television production

Please turn to page 15

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# Regional Bid Alert

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**NYSDOT - Region 8**  
**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264686  
PIN# 812749  
FA Proj.# Z0E1-8127-493

Project Description: Dutchess Co., Paving, Taconic State Parkway, from Tyrrel Road to Willow Lane, Towns of Pleasant Valley and Clinton, NY.

Bid Deposit: 5% of Bid (~ \$375,000.00)

Goals: DBE: 6.00%

**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264688,  
PIN# 881412

Project Description: Putnam, Rockland, Westchester Cos., highway job order contract, various locations.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 6.00%

**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264706  
PIN# 881505  
FA Proj.# Z24E-8815-053

Project Description: Dutchess, Orange, Rockland, Ulster, Westchester Cos., landscape improvements, various locations.

Bid Deposit: 5% of Bid (~ \$20,000.00)

Goals: DBE: 0.00%

**NYSDOT - Region 9**  
**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264635  
PIN# 9TBP22  
FA Proj.# Z0E1-9TBP-223

Project Description: Broome, Delaware, Sullivan Cos., bridge painting, various locations.

Bid Deposit: 5% of Bid (~ \$375,000.00)

Goals: DBE: 6.00%

**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264640  
PIN# 911134  
FA Proj.# Z0E1-9111-343

Project Description: Otsego Co., bridge deck replacement, US Route 20 Over US Route 166, Town of Cherry Valley, NY.

Bid Deposit: 5% of Bid (~ \$125,000.00)

Goals: DBE: 10.00%

**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264642  
PIN# 9TBP2A

Project Description: Chenango, Delaware, Sullivan Cos., bridge painting, various locations.

Bid Deposit: 5% of Bid (~ \$200,000.00)

Goals: DBE: 6.00%

**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264693  
PIN# 980679

Project Description: Delaware Co., shoulder widening and safety improvements, NY Route 28, Meridale, Town of Meredith, NY.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: DBE: 10.00%

**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264711  
PIN# 906780  
FA Proj.# Z0E1-9067-803

Project Description: Sullivan Co., scour repair, Route 17 over DeBruce and Willowemoc, Town of Rockland, NY.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: DBE: 5.00%

**NYSDOT - Region 10**  
**Bid Letting Date: Jan. 6, 2022**

New York State Department of Transportation  
Contract Management  
50 Wolf Road, 1st Floor, Suite 1CM  
Albany, NY 12232

Contract# D264697  
PIN# 035612  
FA Proj.# Z23E-0356-123

Project Description: Suffolk Co., pavement rehabilitation and ADA sidewalks, Route 109, Town of Babylon, NY.

Bid Deposit: 5% of Bid (~ \$750,000.00)

Goals: DBE: 10.00%

**Westchester County DPW**  
**Bid Due Date: Dec. 22, 2021**

Contract: 17-521 (\$100.)

Title: New Equipment Storage Building, Richard A. Flynn, Sr. Fire Training Center, Valhalla Campus, Valhalla, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required for the construction of a new storage building including site work, foundations, steel structure wall and roof panels, utilities, electrical and mechanical equipment, solar panels and related work. Note: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$7.0 million to \$7.5 million.

Mandatory Pre-Bid Inspection: 10:00 AM November 30, 2021; meeting outside of 35 Walker Road, Valhalla, NY. MANDATORY attendance was required. Bids will be rejected from Contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: Adam Kaplinski, 914-995-3991.

**New York State Dormitory Authority**  
**Bid Letting Date: Dec. 21, 2021**

Title: New York State Office of Mental Health, Nathan Kline Institute for Psychiatric Research, Tunnel Washer Replacement

Contracts: CR17 Electrical & Security, CR18 Plumbing, CR19 Mechanical, CR19 General Construction

Project# 3622209999

Sealed bids for the above work located at Nathan Kline Institute for Psychiatric Research at the Rockland Psychiatric Center, 140 Old Orangeburg Road, Orangeburg, New York 10962 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – NICOLE

WHITE." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids.

All bid openings will be made available for viewing live via Zoom at [www.zoom.us](http://www.zoom.us). To enter the meeting, select "Join a Meeting" then enter Meeting Id 353 471 6521, Password 351895. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on December 21, 2021 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Katarzyna Drogowski, Project Manager, DASNY, Rockland Psychiatric Center, 140 Old Orangeburg Road, Building 19 - 2nd Floor, Orangeburg, New York 10962 845-398-1055 [kdrogows@dasny.org](mailto:kdrogows@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto:ccontracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Wednesday, December 8, 2021 at 10:00 AM at the Nathan Kline Institute for Psychiatric Research at the Rockland Psychiatric Center, 140 Old Orangeburg Road - Auditorium, Orangeburg, New York 10962. Contact Anthony Brown at 845-398-1055. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS\_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

To view the Contract Documents online, click the following link: [www.camelotplanroom.com](http://www.camelotplanroom.com) or type it into your web browser. Then click on the Public Jobs link on the left side of the page. If you would like to purchase the Contract Documents and become a registered planholder click the link "Register for an account" and follow the steps to create a free account (if you have not previously set one up). Once you have a Login and Password, log in to the planroom. To order a DIGITAL DOWNLOAD of the Contract Documents and be placed on the bidder's list, add the Contract Document(s) to your cart and proceed to the checkout. All major credit cards are accepted online. A purchase of a digital download is required to become a registered planholder. Printed sets of the Contract Documents are also available to planholders for an additional cost and may be ordered through the online planroom or by mailing a check. The purchase of the digital downloads and printed sets are non-refundable and non-returnable. Please contact Camelot's Bid Department at (518) 435-9696 or email them at [camelotbids@teamcamelot.com](mailto:camelotbids@teamcamelot.com) for more information.

**Bid Letting Date: Jan. 11, 2022**

Title: City University of New York, Hunter College, North Building Cooling Tower Condensate Piping Renovation and Asbestos Abatement

Contract: CR 21 General Construction

Project# 3397409999

Sealed bids for the above work located at Hunter College,

695 Park Avenue, New York, New York 10021 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids.

All bid openings will be made available for viewing live via Zoom at [www.zoom.us](http://www.zoom.us). To enter the meeting, select "Join a Meeting" then enter Meeting Id 353 471 6521, Password 351895. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on January 11, 2022 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Yunjung Lee, Project Manager, 695 Park Avenue, North Building C001, New York, New York 10065, 212-439-7958, [ylee@dasny.org](mailto:ylee@dasny.org) (the Owner's Representative) and DASNY at [ccontracts@dasny.org](mailto:ccontracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Thursday, December 2, 2021 at 10:00 AM at 920 Lexington Avenue Lobby, Hunter College West Building, New York, New York 10065. Contact Yunjung Lee at 212-439-7958. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

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To view the Contract Documents online, click the following link: [www.camelotplanroom.com](http://www.camelotplanroom.com) or type it into your web browser. Then click on the Public Jobs link on the left side of the page. If you would like to purchase the Contract Documents and become a registered planholder click the link "Register for an account" and follow the steps to create a free account (if you have not previously set one up). Once you have a Login and Password, log in to the planroom. To order a DIGITAL DOWNLOAD of the Contract Documents and be placed on the bidder's list, add the Contract Document(s) to your cart and proceed to the checkout. All major credit cards are accepted online. A purchase of a digital download is required to become a registered planholder. Printed sets of the Contract Documents are also available to planholders for an additional cost and may be ordered through the online planroom or by mailing a check. The purchase of the digital downloads and printed sets are non-refundable and non-returnable. Please contact Camelot's Bid Department at (518) 435-9696 or email them at [camelotbids@teamcamelot.com](mailto:camelotbids@teamcamelot.com) for more information.

*Agency contact information may change without notice. Please check with the appropriate contracting agency for the most up-to-date contact information.*

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## Notable Commercial, Civic Projects in Mid-Hudson, New York City Regions Secure CFA Funding Awards

Continued from page 10

projects in a 101,000-square-foot state-of-the-art facility in Saugerties. The project will allow Upriver to attract and retain major network productions. The project will receive \$500,000 in ESD grants.

**EICC Bronx Building Renovation Project** (New York City Region)—The Emerald Isle Immigration Center will renovate its Bronx Immigration Center in Woodlawn. The project will assist EIIC in its efforts to provide free employment, educational, and immigrant legal services to overcome systemic barriers and to help immigrant seniors stay engaged in the local economy. By doubling and modernizing program space within the existing footprint, EIIC expects to increase the number of clients served by at least 20% in the first year after project completion. The project will receive \$500,000 in ESD grants.

**Education and Welcome Center** (New York City Region)—Green-Wood Historic Fund is constructing an Education and Welcome Center directly across the street from The Green-Wood Cemetery's main gate in Brooklyn. It will welcome both neighbors and tourists, offer additional public programming and educational opportunities, and engage visitors in the art, history and nature of this National Historic Landmark cemetery. The project will receive \$1.5 million in ESD grants.

**Center for Planetary Health** (New York City Region)—Newlab will develop and operate the Center for Planetary Health (C4PH) a facility that will anchor the redevelopment of 125 West End Ave. in Manhattan's Upper West Side and attract the region's top life science startups. C4PH will serve as springboard for new startups working in non-therapeutic life sciences. The project will receive \$2 million in ESD grants.

**Rgenix Expansion** (New York City Region)—Rgenix, Inc. is a clinical-stage biopharmaceutical company developing drug candidates that target key pathways in cancer progression. Currently, Rgenix is located in the New York Blood Center in Manhattan and is seeking to significantly expand its operations. Rgenix will relocate and build out a new space that will accommodate its new staff members as well as a new vivarium. The project will receive \$200,000 in ESD grants and \$800,000 in ESD EJP funding.



A map of the proposed Dinosaur Park in the Town of Wallkill.

**Governors Island Climate Resiliency Accelerator** (New York City Region)—Historic Building 301 on Governors Island will be transformed into the \$13.35-million Buttermilk Labs, an accelerator hub for climate change-focused businesses, entrepreneurs, and non-

profits. The project will provide a platform for supporting and scaling green- and blue-tech businesses, such as offshore wind, and is a critical step in establishing a future Center for Climate Solutions on the island. The project is expected to create 150 jobs employed by

accelerator tenant companies. The project will receive \$2.5 million in ESD grants.

**Bronx Hall of Music Capital Project Enhancements** (New York City Region)—Women's Housing and Economic Development Corporation will make critical enhancements

to the Bronx Music Hall, a 250-seat theater and multi-use community facility to ensure that it is best positioned to attract and accommodate more and higher profile artists and events. Enhancements are to include: a dynamic overhead canopy/marquee spanning two sides of the music hall, as well as acoustical treatments, risers, drapery, increased seating and rigging which will more than double the economic impact of the Bronx Music Hall and ensure that the facility will serve as a cultural magnet for generations to come. The project will receive \$300,000 in ESD grants.

State officials noted that applications for ESD Grant funds remain open, and applications are being reviewed on an ongoing basis until funds are exhausted. Applicants with strong, shovel-ready projects that align with the state and region's economic development priorities can apply through the Consolidated Funding Application.

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**NYSDOT Study Recommends Moving Forward with Third Lane Expansion on Route 17**

**Continued from page 1**  
\$135 million to \$175 million and in Sullivan County from \$43 million to \$144 million.

Improvements to Connectivity to Existing Transit projects are projected to cost between \$1 million to \$1.5 million in Sullivan County and \$9 million to \$10 million in Orange County.

The study group also recommended moving forward with a No Build scenario, but that was done chiefly because it is a requirement of the National Environmental Policy Review Act (NEPA) process for any proposed Route 17 project. The group also considered the construction of a High Occupancy Vehicle Lane and the addition of Light Rail and Bus Rapid Transit but did not recommend going forward on any of those options.

While study group officials have stated at previous virtual public workshops that the full project would likely not move forward all at once due to funding constraints and other factors, the report listed the

total project cost involving the construction of the General Use Third Lane, interchange improvements and improve-

“As previously noted, NYS-DOT will determine the logical termini and specific project limits of the General Use Third

of congestion in the year 2055.”

Advocates for the Route 17 expansion were heartened to learn that the project could receive funding from the \$1.2-trillion infrastructure bill recently signed into law by President Biden when U.S. Rep. Sean Patrick Maloney (D-CD18) listed the Route 17 project at a press conference in Newburgh on Nov. 8 as one that could qualify for federal funding. He referenced the Infrastructure Act’s \$13.5 billion that will go directly to New York State’s highways and bridges, and said that revamping Route 17 through Orange County is “a much-needed project that has been stalled for too long.”

“Route 17 can receive funding through the Infrastructure Investment and Jobs Act,” a spokesman for Rep. Maloney said. “However, the law does not directly earmark funds to specific projects. It will be up to New York State to determine how to dedicate their funds from this legislation to projects like Route 17. However, as he has

throughout the legislative process drafting the Infrastructure Investment and Jobs Act, Rep. Maloney will continue to fight for funding for critical projects and priorities here in the Hudson Valley.”

The New York State Department of Transportation released a statement in connection with the release of the final PEL study, which stated: “The objectives of the Planning and Environmental Linkage (PEL) study were to advance preliminary activities related to improving the level of service, meeting current design standards, facilitating public transportation alternatives and addressing the resiliency of the Route 17 corridor in Orange and Sullivan counties. Recommendations for renewing and modernizing the travel corridor, including construction of a third-travel lane, would need to be addressed in a federally required Environmental Impact Statement (EIS). The EIS would address the engineering, social, economic and environmental impacts associated with potential corridor alternatives. If the preferred alternative was to construct a third travel lane, the EIS would also include any necessary mitigation actions/strategies.”

The 17-Forward 86 Coalition has lobbied for the state to conduct the PEL study and now with the report completed will be shifting its focus to securing federal and state funding for the expansion project.

Maureen Halahan, President and CEO of the Orange County Partnership in Goshen and co-chair of the 17-Forward-86 Coalition, said, “We thank Governor Hochul, New York State Department of Transportation Commissioner Dominguez and the DOT team for finalizing the Planning and Environment Linkages (PEL) report for the Route 17 corridor; and Senator Schumer and Congressman Maloney for their continued support. We founded the 17-Forward-86 Coalition with the goal of expanding capacity on Route 17 and our effort to add a third lane across the corridor is nearing success. The PEL will help accelerate the delivery of specific projects to add a third lane along the corridor to ensure continued economic growth and an improved quality of life in our region.”

Marc Baez, President and CEO of the Sullivan County Partnership and 17-Forward-86 Coalition co-chair, added, “We are so pleased New York State is moving forward with efforts to improve mobility and enhance safety on our roads. As we work toward an economic recovery, the quality of our infrastructure will play a key role in the future of our region and our state. Expanding the Route 17 corridor is crucial to that. We look forward to working with the DOT and the administration on moving through the next phases of the environmental process and securing construction funds in the upcoming DOT capital plan.”

***Recommendations for renewing and modernizing the travel corridor, including construction of a third-travel lane, would need to be addressed in a federally required Environmental Impact Statement***

ments to connectivity to existing transit projects would run from \$529 million to \$935 million in Orange County and \$309 million to \$665.5 million in Sullivan County.

While the Route 17 expansion may qualify for some federal funding, it is likely that the overall project would be done in phases and based on the report it appears work would begin on a stretch of the roadway in Orange County.

Lane Alternative in the future, following careful consideration of existing and projected traffic congestion, public and agency input, and available funding,” the report states. “Based on this Route 17 PEL Study, the area of greatest need appears to be between Exits 120 (NY Route 211 – Wallkill) and 131 (Woodbury), a distance of approximately 22 miles, and the segment of the corridor that is projected to experience the highest levels

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## Financial Management

# \$1.2-Trillion IIJA Public Works Investments Poses New Challenges on Construction Firms

By PHILLIP ROSS, CPA, CGMA, PARTNER

President Biden recently signed the \$1.2-trillion infrastructure bill into law, providing for \$550 billion of new infrastructure investments for bridges, roads, broadband and water and energy systems.

After decades without investment, our roads, bridges, and water systems need rebuilding. This investment in our country's backbone will help strengthen our nation's infrastructure as well as create an estimated 2.4 million additional jobs by the end of 2025.

The proposal includes:

- \$110 billion for roads, bridges and major infrastructure projects which is significantly less than what Biden first proposed in the American Job Plan proposal
- \$66 billion in passenger and freight rail
- \$65 billion in improving the nation's broadband infrastructure
- \$65 billion for rebuilding the electric grid and expanding renewable energy
- \$55 billion to upgrade water infrastructure
- \$50 billion to make systems more resilient from droughts,



floods and cyberattacks

- \$40 billion for bridge repair, replacement, and rehabilitation
- \$39 billion to modernize public transit
- \$25 billion for airports
- \$21 billion to clean up Superfund and brownfield sites, reclaim abandoned mine land and cap orphaned gas wells
- \$17 billion for port infrastructure
- \$16 billion for major projects that would be too large or complex for traditional funding
- \$12 billion in partnership grants for intercity rail service, including high-speed rail
- \$11 billion for transportation safety

- \$7.5 billion for zero and low emission buses and ferries
- \$7.5 billion to build a nationwide network of plug-in electric vehicle chargers
- \$1 billion to reconnect communities

The Biden Administration is proposing to pay for the plan in a multitude of ways, none of which includes raising taxes. Instead, legislators claim they will fund the bill by repurposing COVID-19 relief funds, including funds intended for federal unemployment relief that was unused by certain states. In addition, the administration is proposing to recoup money in fraudulent unemployment benefits paid out during the pandemic, save funds by delaying a Medicare rebate rule passed under the past administration, and gain tax revenue by changing the tax reporting requirements for cryptocurrencies. Lastly, the infrastructure package relies on generating money from economic growth on the long-term projects.

This new infrastructure investment should be an exciting opportunity for construction companies. Close attention will

**Planning is even more important than ever for construction companies. Monitoring when the various projects will be in the pipeline, deciding which ones to bid on, estimating costs and budgeting the manpower and cash flow requirements will be key.**

be paid to the speed at which the identified projects will be determined, and then at which they are bid and awarded. This federal investment in the future of our infrastructure and economy will make an historic impact on our communities. The law also includes funding and provisions to get more job training programs going, and to get more women and minorities into the construction industry.

Based on the above, planning is even more important than ever for construction companies. Monitoring when the various projects will be in the pipeline, deciding which ones to bid on, estimating costs and budgeting the manpower and cash flow requirements will be key. Additionally, since another tax law proposal with more changes is being discussed, proactive tax planning will be crucial.

For more information about the \$1.2-trillion infrastructure bill, how it can impact your company and how to plan for this, please reach out to your CPA.

*About the author: Phillip Ross, CPA, CGMA is an Accounting and Audit Partner and Chair of the Construction Industry Group at Anchin, Block & Anchin, LLP. For more construction industry thought leadership and content, log on to [www.anchin.com](http://www.anchin.com).*

## NEW YORK CITY UPDATE

### Two Multi-Billion-Dollar Projects Advance

NEW YORK—A pair of mega construction projects totaling up to \$14 billion in investment in the New York City metro region were announced this month.

On Dec. 13 New York Gov. Kathy Hochul reported that the Port Authority of New York and New Jersey has reached a revised agreement with The New Terminal One (NTO)—a consortium of financial sponsors—to build a 2.4 million sq. ft., state-of-the-art international terminal that will anchor the south side of John F. Kennedy International Airport. The \$9.5-billion Terminal One project will be built in phases and will create more than 10,000 jobs, becoming the fourth major terminal project announced by the Port Authority as part of a complete transformation of JFK into a world-class airport worthy of New York and the region.

When completed, The New Terminal One will be the largest international terminal at JFK and aspires to be among the top-rated airport terminals in the world, the governor noted.

The Port Authority Board of Commissioners were scheduled to vote on the proposed lease agreement at its meeting on Dec. 16. The full cost of the terminal will be privately financed by the NTO consortium which includes financial partners

Carlyle, JLC Infrastructure, and Ullico. A joint venture of Munich Airport International and CAG Holdings is the operating and technical services partner to the consortium.

As part of the project, the Port Authority will undertake a number of infrastructure upgrades and improvements including roads, parking, and utilities including a new electrical substation. The New Terminal One will be built on the site of the current undersized and outdated Terminal 1, the aging and obsolete 59-year-old Terminal 2, and the site of the former Terminal 3, which was demolished in 2013.

Construction of the new terminal is scheduled to begin in mid-2022 and the first phase, including the new arrivals and departures hall and first set of new gates, is expected to open in 2026.

This week, the Port Authority Board will also vote on the authorization of the full \$2.9 billion of funds which were included in the Port Authority's 2017-2026 Capital Plan for the JFK Redevelopment program. These funds are allocated to enabling infrastructure in direct support of JFK Redevelopment, including roadway improvements, utilities, improved parking facilities, a ground transport

Please turn to page 19

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# \$20M to Help Local Governments Fund Water Infrastructure Projects

Continued from page 3  
structure. With challenges that include an uptick in severe storms and extreme weather events, harmful algal blooms, and emerging contaminants, New York is prioritizing generational investments in drinking and wastewater projects, along with the good jobs these projects create. The funding, combined with an infusion of federal funding from the recently passed federal Infrastructure Investment and Jobs Act, will deliver hundreds of millions of dollars in grants and low- or no-interest loans to ensure localities have the resources they need to com-

plete critical projects that protect public health and the environment.”  
The CWSRF and the DWSRF are EFC's core funding programs. With its partner DEC, EFC is responsible for the operation and administration of the CWSRF. The CWSRF allows EFC to provide interest-free or low-interest rate financing and grants to support a variety of eligible wastewater projects. EFC similarly operates and administers the DWSRF, with its partner DOH, to provide interest-free or low-interest rate financing and grants for drinking water infrastructure projects.

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## Ossining, Haverstraw Nab \$10M Revitalization Awards Continued from page 4

dedication and effort that went into our Downtown Revitalization Initiative plan. My thanks to everyone who helped us to reach this summit and bring home this targeted economic development funding.”

Ossining Mayor Rika Levin said, “This is an exciting day for Ossining, and a testament to the hard work of so many people here in the village. Thank you, Governor Hochul, for delivering this \$10 million commitment to our community. We look forward to the great projects and progress that this funding supports.”

Haverstraw’s downtown is a high-density neighborhood close to the Hudson riverfront. The village of Haverstraw aims to make this area an inclusive, lively, 21<sup>st</sup> century urban center where residents and visitors can live, work, learn and play. Haverstraw has stayed committed to downtown revitalization with multiple completed and ongoing projects, including multiple mixed-use developments, a new waterfront esplanade,

and streetscape improvements. Building on this work, Haverstraw aims to redevelop vacant space, expand public space, increase the economic activity of and access to the waterfront, as well as embrace their diverse history, state officials noted.

Ossining’s DRI will focus on the Waterfront District. With a downtown that is on both the New York State and the National Historic Registers, Ossining wants to use their existing assets, including a rich history, public amenities, engaged residents, and an innovative business community, to build on previous successes and strengthen their downtown to have the greatest economic impact. Previous successes include a mixed-use development with a waterfront park, promenade, beach, and fishing pier on a former brownfield, the Sing Sing Kill Greenway, and the ongoing Sing Sing Prison Museum project. Building on these projects, Ossining aims to improve community services, increase access to

and the economic impact of the waterfront, expand public space, and repurpose areas for development.

President, SUNY New Paltz said, “Congratulations to Ossining and Haverstraw for their outstanding plans for revision-

**“Congratulations to Ossining and Haverstraw for their outstanding plans for revisioning their downtown communities. These investments will help to energize their downtowns, grow local businesses and transform their communities”**

—Dr. Donald P. Christian, President, SUNY New Paltz

The Mid-Hudson Region Economic Development Council conducted a thorough and competitive review process of proposals submitted from communities throughout the region and considered seven criteria before recommending Haverstraw and Ossining as the nominees.

Mid Hudson Regional Economic Development Council Chair Dr. Donald P. Christian,

ing their downtown communities. These investments will help to energize their downtowns, grow local businesses and transform their communities. The DRI’s innovative and thoughtful projects have made a real difference around the state and will further support our work to reimagine and rebuild an even stronger New York for the future.”

Led by the Department of

State, an interagency team of state experts will work with Haverstraw and Ossining to begin the process of developing a Strategic Investment Plan to revitalize their downtowns with up to \$300,000 in planning funds from the \$10 million DRI grant. Local Planning Committees made up of municipal representatives, community leaders, and other stakeholders will lead the effort, supported by a team of private sector experts and state planners.

The Strategic Investment Plans will examine local assets and opportunities and identify economic development, transportation, housing, and community projects that align with each community’s vision for downtown revitalization and that are poised for implementation. The Strategic Investment Plans will guide the investment of DRI grant funds in revitalization projects that can leverage and expand upon the state’s \$10-million investment. Plans for the DRI’s fifth round will be complete in 2022.

## Multi-Billion-Dollar Projects

Continued from page 17

tation center and airfield work. (To date, approximately \$1.24 billion of those funds have been authorized through separate Board actions.)

Gary LaBarbera, president of the Building & Construction Trades Council of Greater New York, said, “The plan for a new Terminal 1 at JFK International Airport will transform the facility into a world class transportation hub, while driving historic private investment into New York City and its working people with the creation of tens of thousands of middle-class careers during construction. We applaud Gov. Hochul for her leadership in advancing this monumental project and look forward to getting to work to build a best-in-class, world-renowned facility.”

In what appears to be another piece of promising news for the region’s construction trades, *The New York Times* reported on Dec. 13 that in a deal brokered by U.S. Sen. Chuck Schumer (D-NY), Amtrak and the MTA had reached an agreement that will allow the nearly \$3-billion Penn Access project and the \$1.3-billion repair of East River rail tunnels to proceed.

Amtrak has agreed to provide \$500 million of new federal funding to help pay for the \$2.87 billion project to connect the Metro-North Railroad to Pennsylvania Station in Manhattan, which is owned by Amtrak.

The MTA has agreed to spend as much as \$432 million on the project to repair the East River rail tunnels that were damaged by Superstorm Sandy.

Sen. Schumer said the agreement between the MTA and Amtrak was reached because both agencies can access funding from \$30-billion in rail funding that was part of the recently enacted \$1.2-trillion Infrastructure Investment Jobs Act.



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Guest Speakers, from left, Matthew Cichetti, P.E., of Cichetti Engineering/Earth Construction Services; William Lyons III, F.A.C.I., of The Euclid Chemical Company; Alfred H. Brand, P.E., D.G.E., of Mueser Rutledge Consulting Engineers; Program Manager Laurel Brunelle of the Construction Advancement Institute; guest speaker Jonathan B. Wohl of Wohl Diversified Services on fire stopping; and Thomas H. Welby, Esq., P.E., of the law firm Welby, Brady & Greenblatt, LLP; Alfred H. Brand, P.E., D.G.E., of Mueser Rutledge Consulting Engineers. (Not pictured, guest speaker Michael J. Squarzini, P.E., of Thornton Tomasetti.)

## Profession Engineers to Earn CPE Credits At 2022 Seminar

TARRYTOWN, NY – Professional engineers seeking continuing education credits can now plan to attend 12<sup>th</sup> annual seminar, “Construction Solutions for Engineering Designs,” expressly presented for professional engineers in mid-2022 at the Abigail Kirsch/Tappan Hill Manson here. The program will earn attending P.E.s a total of six CPE credits, according to Mark Fante, chairman of the Construction Advancement Institute of Westchester & The Mid-Hudson Region, Inc., the program’s organizer and sponsor.

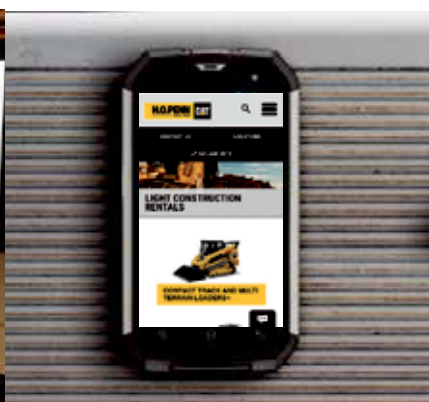
Attendees earned the professional development/HSW hours from the American Institute of Architects (AIA), and these health safety welfare credits are also recognized by the New York State Department of Education for P.E.s, added Mr. Fante, who is vice president of Darante Construction Inc.

For Information about previous and upcoming CAI programs, contact CAI Program Manager Laurel Brunelle at (914) 631-1033 or laurel@bcany.org.

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## WHAT'S NEW &amp; WHO'S NEWS

## NYS Laborers L.U. 17 Joins State Officials To Spread Comfort, Warmth, Care to Families

NEWBURGH, NY—The New York State Laborers Union Local No. 17 joined Sen. James Skoufis and Assemblymember Jonathan Jacobson last month to give out fresh pillows and cozy pajamas to Newburgh families in need.

Following the success of last year's inaugural event, the New York State Laborers, under the union's "Feel the Care" community outreach initiative, on Nov. 23 again partnered with the Newburgh Armory Unity Center to hand out a total of 612 pillows and 665 sets of pajamas to Newburgh families in time for the holidays.

"The past two years have

been especially difficult on families across the country, and the Laborers are proud to have the opportunity to cross these items off holiday shopping lists," said Business Manager L. Todd Diorio of Laborers L.U. 17, who said his union local is committed to being a strong community partner in Newburgh and throughout the region.

"It's our belief that, as our union thrives, it's our duty to do what we can to help our community thrive," the union officials said. "By creating partnerships with extraordinary organizations such as the Newburgh Armory Unity Center, we have the ability to volunteer our time and resources to uplift those in need—and we consider it a privilege to do so."

"The Laborers International Union of North America believes that strong unions build strong communities," added Executive Director Frank Marchese, Jr., of New York State Laborers' Health and Safety Trust Fund. "It's our goal to ensure the brotherhood and sisterhood that bonds our membership together is extended into the neighborhoods we build. The



Jeff Diorio, Local 17

holidays can be especially financially stressful for families, and we want to help ease that burden in any small way we can."

Max Cuacuas, director of Operations, Newburgh Armory Unity Center said: "We truly appreciate the generosity of Laborers Local 17. Thanks to their efforts, hundreds of children in Newburgh will have new, warm clothes to sleep in this winter. With the cost of living increasing for everyone, I know the families we serve can use this support."

New York Sen. James Skoufis said, "Working collaboratively with the dedicated members of Local 17, I am confident that our community will come together to bring comfort and warmth to children in need. I'm grateful



From left, New York State Sen. James Skoufis; Fred Butwell of New York State Laborer's Organizing Fund; Business Manager L. Todd Diorio of Local 17; New York State Assemblymember Jonathan Jacobson and Dean Tamburri of Local 17

to our brothers and sisters in organized labor for always going out of their way to brighten the holiday season for local families."

Assemblymember Jonathan Jacobson added, "This event is

an outstanding example of Local 17 working hard to provide for the community beyond their own members. I'm proud to be here today with LiUNA to help keep Newburgh families cozy and warm this winter season."



Dean Tamburri, Local 17

## CapitalPlus Construction Services Named Among Most Innovative Companies in Specialty Finance

KNOXVILLE, TN—CapitalPlus Construction Services, a leading provider of accounts receivable and material financing for construction companies, general contractors, subcontractors and disaster recovery providers, has been recognized by the *ABF Journal* as one of the 50 Most Innovative Companies in Specialty Finance in 2021.

The firm is headquartered in Knoxville but operates its New York offices out of 7 World Trade Center in Manhattan.

This is the second year the independent trade finance magazine has ranked capital providers, expanding the inaugural list from 25 companies in 2020 to 50 in 2021. *ABF Journal*

also increased the candidate pool from lenders to also include service providers and referral sources. The Most Innovative Companies in Specialty Finance list highlights those companies that used innovation to stand out in the industry and improve their own bottom lines.

"Our team's response to the challenges COVID-19 placed on our industry helped us earn this award," said Scott Applegate, president of CapitalPlus Construction Services. "We worked to reshape CapitalPlus to more effectively anticipate market fluctuations in the industry and permanently change how we operate. Our diverse professional backgrounds in

financial services, supply chain management and construction operations propelled our ability to thrive when many in the construction industry needed our help the most."

After re-examining its core values, CapitalPlus underwent a significant transformation to better meet the needs of an industry that was fully affected by COVID-19 supply-chain disruptions, a widening working capital gap, longer pay cycles and dwindling credit limits.

To combat these challenges, CapitalPlus launched its state-of-the-art material financing platform that allows it to purchase the construction materials its clients need to

ensure projects stay on track. The platform also offers contractors and subcontractors extended payment terms, freeing up their working capital so they can pay their staff or fund daily operations. As a result, CapitalPlus experienced a growth of 185% over its prior-year numbers.

"The pandemic exposed inflexibility in the commercial lending industry as a whole," said Grant Applegate, CapitalPlus' director of supply chain operations. "In the construction industry, completing a project on time and on budget is critical to success. Creating a platform that was agile enough to meet the challenges of a post-COVID

world allowed us to earn the trust of our contractor partners, which also helped with our client retention goals."

Established in 1998, CapitalPlus Construction Services is a leading provider of accounts receivable financing and materials financing for construction companies, general contractors, subcontractors, and disaster recovery providers of all sizes and types. With decades of industry experience, our expert team understands the challenges our customers face within the industry and strives to provide quick, flexible working capital solutions for construction companies in all trades.

## Community Solar Nabs NY League Of Conservation Voters Award

PURCHASE, NY—Joule Community Power of Bedford Hills, NY in Westchester County was recognized earlier this month by the New York League of Conservation Voters for its work in Community Choice Aggregation that helps communities across New York State access cleaner and cheaper electricity on their own terms by leveraging the collective bargaining power of their residents and small businesses.

According to the company,

community choice aggregation helps municipalities harness the buying power of residents at large enough scale to negotiate more favorable terms of their energy contracts. CCA also decreases electricity costs, designates renewable generation sources for the choice of clean energy, and it increases consumer protection among other benefits. Joule is the only CCA Administrator in New York State with a Public Service-

Commission-approved implementation plan that integrates community solar, and was the first to launch a community choice solar program in the country, bringing the benefits of solar to entire communities.

Another group, Groundwork Hudson Valley, was celebrated for its work in promoting community-based partnerships in urban neighborhoods to create on-the-ground environmental projects at the community level.



New York State Assemblyman Steve Otis, (91-AD) and NYLC President Julie Tighe (former key official at the NYS Department of Environmental Conservation), gathered at Manhattanville College earlier this month to advocate for legislative measures and issues. Mentioned was a possible statewide environmental bond act on the ballot in November 2022. First it must clear the FY2022-23 budget battle in the coming months.

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## LOW BIDS

### Tilcon, Morano, Grace, DRC Secure NYSDOT Projects

ALBANY—The New York State Department of Transportation recently announced the selection of four apparent low bidders for work in the Hudson Valley/New York City metro regions.

**Tilcon New York Inc.** of Parsippany, NJ was the lowest of five bidders at \$4,688,000.00 for 2.1 miles of asphalt milling and paving on Route 304 in the Towns of Orangetown and Clarkstown in Rockland County.

**Morano Brothers Corp.** of Croton-on-Hudson, NY was the lowest of six bidders at \$3,802,000.00 for 12.4 miles of asphalt milling and paving on Rte. 9A and Yonkers Ave. in Town of Greenburgh, Village of Hastings-on-Hudson and City of Yonkers in Westchester County.

**Grace Industries LLC** of Melville, NY was the lower of two bidders at \$2,587,964.00 for paving Route 59 from Route 303 to Route 9W and sidewalk improvements at West Broadway in Rockland County.

**DRC Emergency Services** of Mobile, AL was the lowest of four bidders at \$7,883,155.00 for debris removal throughout Downstate New York in Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond and Rockland counties.

### Mace Contracting, Nua Construction Win Westchester DPW Contracts

WHITE PLAINS—The Westchester County Department of Public Works recently reported the selection of two apparent low bidders for project work in the county.

**Mace Contracting Corp.** of New Rochelle, NY was the lowest of eight bidders at \$7,476,370.00 for pumping station rehabilitation, Crotonville Pumping Station, Ossining Sanitary Sewer District, Ossining, NY.

**Nua Construction Corp.** of Ardsley, NY was the lowest of six bidders at \$2,814,000.00 for roof replacement program, Yonkers Joint Water Resource Recovery Facility, Yonkers, NY.

## NEW YORK CITY UPDATE

### Halmar-Railworks JV Win \$2.87B Penn Access Job

NEW YORK—New York Gov. Kathy Hochul announced on Dec. 15 that the Metropolitan Transportation Authority has approved a Design-Build contract for the Penn Station Access Project, which will provide direct Metro-North service from the Bronx, Westchester and Connecticut to Penn Station and Manhattan's West Side. The contract will be awarded to Halmar International, LLC/RailWorks, J.V.

The current project construction schedule is estimated at 63 months and \$2.87 billion. It is estimated the project will create or retain approximately 4,500 direct jobs and another 10,000 indirect jobs.

"Metro-North is coming to the east Bronx, and bringing faster commutes with it," said Gov. Hochul. "This one project by itself is a big step forward for environmental justice, environmentally sustainable transportation, the Bronx economy and regional interconnectivity, and yet another example of our ongoing efforts to make sure that all New Yorkers have the modernized transportation systems they deserve."

Janno Lieber, MTA Acting Chair and CEO added, "This is a great news for the Bronx and the region. With four new ADA-accessible stations in Co-Op City, Morris Park, Parkchester/Van Nest and Hunts Point, Penn Station Access will deliver access to jobs, education and opportunity for those underserved neighborhoods, cutting commutes to the Manhattan Central Business District, but also introducing reverse commuting opportunities."

The project also will improve regional transportation connectivity, enhance network resiliency by providing a second Metro-North terminal in Manhattan, promote sustainability and bridge communities. By using Amtrak's existing Hell Gate Line, the project will maximize the potential of existing infrastructure, while minimizing impacts on the community. It will bring the Hell Gate Line into a state of good repair and improve reliability and on-time performance for intercity passengers and prepare the corridor for high speed rail in the future. Amtrak will contribute \$500 million toward the project. Amtrak has also agreed to pay the costs of delay if they fail to meet commitments to provide outages or workforce. In addition to the four new stations, the project will turn the existing two-track railroad into a largely four-track railroad, with over 19 miles of new and rehabilitated track work.

The project also includes four bridge rehabilitations, the reconfiguration of Metro-North's New Rochelle Yard, four new and one reconfigured interlockings, five new and two upgraded substations, and the modernization of signal, power and communication infrastructure.

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