CAPITAL COMMITTEE MEETING AGENDA

December 7, 2021

9:30 AM

50 Water Street, Room 1515 A&B – Virtual

CALL TO ORDER

- ADOPTION OF MINUTES November 15, 2021
- SENIOR VICE PRESIDENT'S REPORT

ACTION ITEMS

Resolution

Christine Flaherty / Eric Wei, MD Authorizing the New York City Health and Hospitals Corporation ("NYC Health + Hospitals") to execute a contract with Jemco Electrical Contractors, Inc. (the "Contractor") for an amount not to exceed \$7,234,156 for construction services necessary for the Main Distribution Frame (MDF) and Data Closet Upgrade Phase II at NYC Health + Hospitals/ Harlem Hospital ("Harlem") with a 10% project contingency of \$723,416 for unexpected changes in scope yielding a total authorized expenditure of \$7,957,572.

Vendex: Approved

EEO: Approved

Resolution

Authorizing the New York City Health and Hospitals Corporation (the "System") to execute a revocable five year license agreement with River Renal Services, Inc. (the "Licensee") for its continued use and occupancy of 7,817 square feet of space to operate a renal dialysis center at NYC Health + Hospitals/Bellevue (the "Facility") at an occupancy fee rate of \$68.50 per square foot or \$539,163.50 per year to be escalated by 2.75% per year for a total of \$2,848,221.26 over the five-year term.

Vendex: Pending **EEO**: Pending

Resolution

Theodore Long, MD / Chris Keeley Authorizing New York City Health and Hospitals Corporation (the "System") to execute agreements for license renewals for the use of space at the three mass COVID-19 vaccination/testing sites, the 12 pop-up COVID-19 testing sites and the one storage site listed in Annex A attached to this Resolution (together, the "Sites") and, through an agreement with NYCHA, various locations on

NYCHA property, for no longer than one year for a cumulative amount not to exceed \$4.4M, plus an 11% contingency of \$500,000 to cover site repairs and utility overages, for a total of \$4.9M.

Vendex: NA EEO: NA

Christine Flaherty / William Hicks

Feniosky Peña-Mora

Feniosky Peña-Mora

Christine Flaherty

Capital Committee Agenda December 7, 2021

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

CAPITAL COMMITTEE MEETING MINUTES

November 15, 2021

Capital Committee VIRTUAL Meeting - November 15, 2021 As reported by José Pagán Committee Members Present: José Pagán, Mitchell Katz, Sally Hernandez-Piñero, and Freda Wang

Mr. Pagán called the meeting to order at 10:05 a.m.

Mr. Pagán noted that Mr. Feniosky Peña-Mora - Chair of the Capital Committee has recused himself from the proceedings of this meeting, therefore Mr. Pagán will chair the meeting.

Upon motion made and duly seconded the minutes of the Capital Committee meeting held on October 18, 2021 were unanimously approved.

Senior Vice President's Report

Mrs. Flaherty, Senior Vice President, Office of Facilities Development presented her report.

Mrs. Flaherty advised that the office continued working on establishing systems and initiating the pipeline of capital projects across the system as they concurrently planned for future advocacy of capital funding in addition to \$1.3 billion dollars secured over the course of the past year. As one of the days' resolutions would highlight, the team was busy working on capital projects that planned 2 years ago, and were working closely with the system and facility leaders to further evolve a coordinated approach to the capital plan.

Mrs. Flaherty explained that the overall progress of the bond Portfolio was progressing with only one project in early design (Woodhull Auditorium Roof) while the remaining fourteen (14) were finishing up Design to start procurement. Fifteen (15) Projects were in Procurement and the team was carefully watching Supply Chain trends that may impact completion goals. Four (4) projects were in Construction and one project completed (QUEENS: Main Building - eight (8) Elevator Controls Upgrade). Four (4) projects were cancelled and funds redistributed for shortfalls throughout the portfolio keeping the total portfolio at 35 or 39 Projects total.

Mrs. Flaherty noted that there would be five resolutions on the agenda for discussion and she was happy to take any questions in advance of addressing the action items

Sally Hernandez-Piñero asked if the capital projects cancelled due to funding were cancelled because funding was not received or the projects were over- budget. Mrs. Flaherty explained that in some cases the timeline did not align with the bond funding requirements or initial concept budgets were beyond the scale and required additional funding. Each project is unique. Freda Wang requested clarification of whether the projects were cancelled from the bond funding but not cancelled altogether. Mrs. Flaherty confirmed the projects are still in the portfolio just not funded by the capital bonds.

That concluded Mrs. Flaherty's remarks.

Ms. Flaherty read the resolution:

Authorizing New York City Health and Hospitals Corporation (the "System") to sign a 10-year lease with Coney Island Associates Retail 2 LLC ("Developer") for approximately 2,500 sq. ft. on the 1st floor of a to-be-constructed building at 1607 Surf Avenue, between W. 17th and 16th Streets in Coney Island (the "Premises") to house the Ida G. Israel Community Health Clinic (the "Clinic") operated by NYC Health + Hospitals/Coney Island (the "Facility") now operating on an adjacent lot for a yearly rent of \$30/sq. ft to be escalated by 10% every 5 years plus a share of increases in Developer's operating costs; provided that Developer will build out the Premises to the System's specifications within a budget of \$250/sq. ft., rent will not be payable until 18 months after construction is completed and the System shall hold two 5-year options to renew the lease at 95% of fair market value with the rent over the initial term totaling \$787,500.

Ms. Flaherty was joined by Svetlana Lipyanskaya, Chief Executive Office, NYC Health + Hospitals / Coney Island to present the license agreement. Together they narrated a presentation providing overview of the history of the clinic and the proposed new location and terms.

Mrs. Hernandez-Piñero asked how much square footage the family medicine component would occupy and whether there was adequate space or if some expansion would be needed in the future.

Mrs. Lipyanskaya responded that there would be six exam rooms and the ability to have three family care providers at the site which was an increase from the current site, which only has one family care provider serving at a time. She added that while 2,500 square feet was not a large amount of space it was sufficient for future service and there was room to shift things around or increase hours in order to accommodate an increase in utilization.

After discussion and upon motion duly made and seconded the resolution was approved for consideration by the Board of Directors.

Ms. Flaherty read the resolution:

Authorizing the New York City Health and Hospitals Corporation ("NYC Health + Hospitals") to increase the Not-to-Exceed amount for requirements contracts with 8 architectural and engineering consulting firms, namely Array Architects, P.C., E/F/H Architects, P.C., Gensler Architecture, Design & Planning, P.C., Gertler & Wente Architects LLP, Lothrop Associates LLP Architects, Moody Nolan, Inc., NK Architects, P.A. (a/k/a Nadaskay Kopelson), and, Perkins Eastman Architects, DPC, to provide professional architectural and engineering design services (the "AE Firms"); and with 5 mechanical, engineering, and plumbing consulting firms, namely Greenman-Pedersen, Inc., MG Engineering, D.P.C. (f/k/a Kallen & Lemelson, LLP), Lakhani & Jordan Engineers, P.C., Lizardos Engineering Associates, P.C., and Loring Consulting Engineers, Inc., to provide professional mechanical, engineering, and plumbing design services (the "MEP Firms") on an as-needed basis throughout NYC Health + Hospitals by an additional \$60,000,000 above the original \$30,000,000 for a cumulative amount not to exceed of \$90,000,000.

RESOLUTION AMENDMENT: Mrs. Flaherty noted that the resolution is being amended to reflect the legal names of two of the vendors NK Architects, and P.A. should be NK Architects, P.A. and Kellen & Lemelson was purchased by MG Engineering. D.P.C. - the resolution will be amended for the Board presentation.

Ms. Flaherty was joined by Oscar Gonzalez, Assistant Vice President, Office of Facilities Development to present the resolution. Together they narrated a presentation providing overview of the contracts original award, current AE and MEP pool commitment and MWBE utilization to date.

Mrs. Flaherty explained that it can be difficult to meet 30% goals with MEP firms, but that would be monitored closely.

Mrs. Hernandez-Piñero asked for clarification on the \$98 million refinancing and the \$50 million reserve, and another \$48 million.

Mrs. Flaherty said that \$98 million was inclusive of the City's refinancing bond (EITS, equipment and infrastructure projects), another \$102 billion in Mayoral City funding to support the system, and \$30 million in borough president and City Council funds in fiscal year 2022.

Freda Wang asked if the contract term was staying the same and the increase in not-to-exceed threshold was expected to provide for the same (five year) term of the contracts.

Mrs. Flaherty said yes that is the expectation but we will work with Supply Chain to determine if a new pool will be awarded prior to the five-year term of the existing contracts.

Mrs. Wang asked how the \$90 million total was determined. Mrs. Flaherty said it was a combination of burn rate to date and anticipated work in the pipeline.

 $Mr.\,Pagán$ asked if there were adequate staff on the Health + Hospitals side to ensure projects would be appropriately staffed for project

oversight. Mrs. Flaherty said her team was taking a multi-pronged approach including; recruitment, working closely with facility partners to put in place a central office representative to support and employment of construction management firms to assist with multiple projects at a particular site.

After discussion and upon motion duly made and seconded the resolution was approved for consideration by the Board of Directors.

Mrs. Flaherty read the resolution:

Authorizing New York City Health and Hospitals Corporation (the "System") to sign a contract with Consigli Construction Co., Inc. (the "CM") to serve as construction manager under a guaranteed maximum price ("GMP") structure for the construction and construction management of the System's Outposted Therapeutic Housing Unit ("OTxHU") project at NYC Health + Hospitals/Bellevue ("Bellevue") for a cost of \$109,925,530 which, when added to 10% project contingency yields a cost not-to-exceed \$120,918,083.

Mrs. Flaherty noted for the record that the vendor responsibility memo was not included in the materials, however the vendex check has been approved and the EEO check is pending.

Mrs. Flaherty was joined by Patsy Yang, Senior Vice President, Correctional Health Services to present the resolution. Together they narrated a presentation providing overview of the contract, related services, and expectations moving forward.

Mrs. Hernandez-Piñero noted that the project was anticipated to have a very high cost and asked if that was because of the work to be performed on the roof.

Mrs. Flaherty explained that the project was both Correctional Health and Behavioral Health space so it was a highly specialized project on multiple fronts. Everything from walls, windows, ligature free, tamper proof requirements, and those factors all drive cost. She added that the project was on a compressed schedule to allow for completion as soon as possible. Additionally, this work was being completed within an existing, operating facility and that requires more coordination to ensure patients and staff are not affected.

Mrs. Hernandez-Piñero asked why the costs were so difference between the Woodhull project and the Bellevue project if they were similar projects. Mrs. Flaherty said each project was unique and had its own challenges but she did not believe the costs were too different.

Mrs. Hernandez-Piñero asked Ms. Yang to outline the patient experience. Ms. Yang noted that this was a pioneering project, neither inpatient nor outpatient, it will focus on health and security. Patients would live in the unit for the duration of their treatment and can be returned to jail or until they are treated and released from custody.

Ms. Yang explained that patients in the unit will be for his or her medical conditions, mental health and substance abuse conditions. The bulk are medical patients and not mental health.

Ms. Wang asked if units were solely for the incarceration aspect or is the medical care being delivered within the site.

Ms. Yang said they are for both. They are secure units for people who are in detention for whatever reason (90% are pre-trial detainees) and they have arrived with medical conditions so Correctional Health Services will act as the main primary care provider rather than detainee/patient traveling back and forth for services.

Ms. Wang asked about the separate entrance. Ms. Yang said there was already a traffic pattern and flow at the site because Bellevue already has a process for incarcerated individuals.

Ms. Wang asked if the full amount included contingency. Mrs. Flaherty said yes.

After discussion and upon motion duly made and seconded the resolution was approved for consideration by the Board of Directors.

Ms. Flaherty read the following two resolutions into the record and noted they will be presented together and voted on separately:

Authorizing New York City Health and Hospitals Corporation (the "System") to increase the funding by \$6,087,369 for its agreement with AECOM USA, Inc. ("AECOM") to provide program management services for the preparation of space at NYC Health + Hospitals/Bellevue Hospital ("Bellevue") and NYC Health + Hospitals/ Woodhull Hospital ("Woodhull") in connection with the System's Correctional Health Unit ("CHS") initiative to treat its patients who require higher levels of care in its Outposted Therapeutic Housing Units ("OTxHU") in Bellevue and Woodhull such that the funding is increased from \$9,039,198 to \$15,136,567.

Authorizing New York City Health and Hospitals Corporation (the "System") to increase the funding by \$1,814,880 for its previously executed agreement with Array Architects, PC ("Array") to provide architectural/engineering services for the renovation of space at NYC Health + Hospitals/Bellevue Hospital ("Bellevue") and NYC Health + Hospitals/ Woodhull Hospital ("Woodhull") over a five year term in connection with the System's Correctional Health Unit ("CHS") initiative to treat its patients who require higher levels of care in its Outposted Therapeutic Housing Units ("OTxHU") such that the funding is increased from \$8,663,000 to \$10,477,880.

Ms. Flaherty was joined by Patsy Yang, Senior Vice President, Correctional Health Services to present the resolution. Together they narrated a presentation providing overview of the contract, related services, and expectations moving forward.

After discussion and upon motion duly made and seconded the AECOM resolution was approved for consideration by the Board of Directors.

Ms. Wang noted that the presentation reflected that the funding request forthcoming and asked if the funding increase was pending with the City.

Mrs. Flaherty said there was budget in the Mayoral funds for both of the resolutions but the Capital authorization to proceed, from the New York City Office of Management and Budget (OMB,) to categorize the funding for both projects, was in process.

After discussion and upon motion duly made and seconded the resolution for Array was approved for consideration by the Board of Directors.

There being no further business, the Committee Meeting was adjourned at 11:10 am.

CONTRACT APPROVAL JEMCO ELECTRICAL CONTRACTORS, INC. MDF AND DATA CLOSET UPGRADE PH. II NYC HEALTH + HOSPITALS / HARLEM

RESOLUTION

Authorizing the New York City Health and Hospitals Corporation ("NYC Health + Hospitals") to execute a contract with Jemco Electrical Contractors, Inc. (the "Contractor") for an amount not to exceed \$7,234,156 for construction services necessary for the Main Distribution Frame (MDF) and Data Closet Upgrade Phase II at NYC Health + Hospitals/ Harlem Hospital ("Harlem") with a 10% project contingency of \$723,416 for unexpected changes in scope yielding a total authorized expenditure of \$7,957,572.

WHEREAS, Harlem has completed Phase I of the MDF and Data Closet Upgrade, the facility is embarking on Phase II in an effort to complete the construction and outfitting of the MDF and Data Closets and UPS rooms; and

WHEREAS, an important part of the Harlem work is the Installing a 2nd UPS (UPS B) on the 2nd floor of the MLK building, the connection of this UPS power source to the MDF room in the Mural Pavilion, and the extension of the power from the MDF in the Mural Pavilion to all the data closets in the Mural Pavilion, MLK Pavilion and the Ron Brown Pavilion. In addition, the inclusion for updating the MLK and Ron Brown IT Closets (the "Project"); and

WHEREAS, NYC Health + Hospitals issued a public invitation to bid, reviewed the bids and determined that the Contractor was the lowest responsible bidder for the Project; and

WHEREAS, the Project will be completed in the spring of 2023.

NOW THEREFORE be it

RESOLVED, the New York City Health and Hospitals Corporation ("NYC Health + Hospitals") to execute a contract with Jemco Electrical Contractors (the "Contractor") for an amount not to exceed \$7,234,156 for construction services necessary for the Upgrade of the MDF and Data Closet at NYC Health + Hospitals /Harlem Hospital ("Harlem") with a 10% project contingency of \$723,416 for unexpected changes in scope yielding a total authorized expenditure of \$7,957,572.

EXECUTIVE SUMMARY MDF and Data Closet Upgrade Phase II HEALTH + HOSPITALS / HARLEM HOSPITAL

- OVERVIEW: NYC Health + Hospitals seeks authorization to enter into a contract with Jemco Electrical Contractors, Inc. for the construction and outfitting of the MDF and Data Closets and UPS rooms
- **NEED**: In lieu of the demolishing of the WP Building and ONR Building and the relocation of the data center, power and cooling was required for the new IDF and MDF closets.

SCOPE: Installing a 2nd UPS (UPS B) on the 2nd floor of the MLK building, the connection of this UPS power source to the MDF room in the Mural Pavilion, and the extension of the power from the MDF in the Mural Pavilion to all the data closets in the Mural Pavilion, MLK Pavilion and the Ron Brown Pavilion. In addition, the inclusion for updating the MLK and Ron Brown IT Closets.

- **PROCUREMENT:** NYC Health + Hospitals issued a public invitation to bid, received bids, reviewed the bids and determined that the Contractor was the lowest responsible bidder for the Project.
- **COSTS:** Full project budget is \$7,957,572. Base bid of \$7,234,156 and \$723,416 in project contingency. The balance of the full project budget will be spent on other contracts associated with the project.
- **FINANCING**: General Obligation bonds.
- **SCHEDULE:** The combined project is scheduled for completion by April 2023.
- **MWBE:** 36.44% subcontractor utilization plan presented.



То:	Colicia Hercules Chief of Staff, Office of the Chair
From:	Keith Tallbe Senior Counsel Office of Legal Affairs
Re:	Vendor responsibility, EEO and MWBE status
Vendor:	Jemco, Inc.
Date:	November 29, 2021

The below chart indicates the vendor's status as to vendor responsibility, EEO and MWBE:

Vendor Responsibility	<u>EEO</u>	<u>MWBE</u>
Approved	Approved	36.44%

The above status is consistent and appropriate with the applicable laws, regulations, and operating procedures to allow the Board of Directors to approve this contract.



NYC H+H / HARLEM Jemco Electrical Contractors Inc. MDF & DATA CLOSET UPGRADE –PHASE 2

Capital Committee December 7, 2021

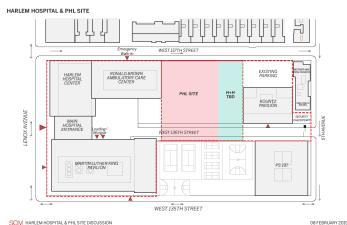
Dr. Eric Wei, Interim CEO, NYC Health + Hospitals / Harlem Christine Flaherty, Senior Vice President, Office of Facilities Development

NYC HEALTH+ HOSPITALS

Project Background

- As part of the planned decanting and demolishing of the Women's Pavilion (WP) the new Public Health Lab (PHL) will be 230,000 sq,ft, nine story building to be located on the campus of Harlem Hospital.
- Phase I
 - The Women's Pavilion housed the IT Data Center for Harlem Hospital. That data center needed to be relocated to the 2nd floor of the Mural Pavilion (MP) building. The space identified in the Mural Pavilion required electric, HVAC work to ensure there is sufficient power and cooling for the IT department.
- Phase II
 - includes installing a second redundant UPS B in the MLK building, providing power (normal and emergency) from the MLK building power system and interconnecting this UPS B power source with Mural Pavilion MDF. This phase also distributes UPS power from the Mural Pavilion MDF to the MLK and Ron Brown Pavilion IT closets. It also includes upgrading the AC systems for the MLK and Ron Brown Pavilion IT closets.





NYC HEALTH+ HOSPITALS Construction Contract

- Sourced via public bid
- Jemco Electrical Contractors, Inc. was the lowest of three (3) bidders
- MWBE 36.44% subcontractor utilization plan presented

Subcontractor	Certification	Supplies/Services	Utilization Plan %
TEDCO GROUP	MBE	Services	22.12%
PARK AVE BUILDING	MBE	Supplies	1.04%
TURTLE & HUGHES	WBE	Supplies	13.13%
DEUTSCHER & DAUGHTER	WBE	Service	0.16%

- Contract amount is \$7,234,156
- MWBE amount is \$ 2,636,360
- Jemco is currently one of our JOCs Electrical Contractor (2020-2022) and also a previous JOCs Electrical Contractor (2018-2020). Evaluations for both contracts were rated 93% and 93% respectively. Additionally, the ratings listed in MOCs included 3 Excellent and 4 Good.
- Projected completion in 2023

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Project Budget

Harlem MDF & Data Closet Upgrade	
Construction	\$ 7,234,156
Construction Contingency (10%)	\$ 723 <i>,</i> 416
TOTAL	\$ 7,957,572

NYC HEALTH+ HOSPITALS

Capital Committee Approval Request

Authorizing the New York City Health and Hospitals Corporation ("NYC Health + Hospitals") to execute a contract with Jemco Electrical Contractors, Inc(the "Contractor") for an amount not to exceed \$7,234,156 for construction services necessary for Upgrade of the Main Distribution Frame and Data Closet at NYC Health + Hospitals / Harlem Hospital Center (the "Facility") with a 10% contingency of \$723,416 for unexpected changes in scope yielding a total authorized expenditure of \$7,957,572.

LICENSE AGREEMENT RIVER RENAL SERVICES, Inc. NYC HEALTH + HOSPITALS / BELLEVUE

RESOLUTION

Authorizing the New York City Health and Hospitals Corporation (the "**System**") to execute a revocable five year license agreement with River Renal Services, Inc. (the "**Licensee**") for its continued use and occupancy of 7,817 square feet of space to operate a renal dialysis center at NYC Health + Hospitals/Bellevue (the "**Facility**") at an occupancy fee rate of \$68.50 per square foot or \$539,163.50 per year to be escalated by 2.75% per year for a total of \$2,848,221.26 over the five-year term.

WHEREAS, the Licensee began providing dialysis services at the Facility in 2011 and the Board of Directors last authorized the extension of the System's agreement with the Licensee at its meeting held in December 2016; and

WHEREAS, in addition to an outpatient dialysis services, the Licensee will provide inpatient services to Facility patients under the supervision of Facility physicians and nurses; and

WHEREAS, the Facility has determined that there continues to be a need for renal dialysis services for its patients and that the presence of an on-site provider of such services will be beneficial; and

WHEREAS, Licensee's operations at the Facility are licensed in accordance with Article 28 of the New York Public Health Law; and

WHEREAS, the Licensee provides services to all patients regardless of their ability to pay and the System pays at the established Medicaid rates for the services provided to any patient that cannot be enrolled for insurance; and

WHEREAS, the Executive Director of the Facility will be responsible for supervising the performance of the proposed license agreement.

NOW, THEREFORE, be it

RESOLVED, that the New York City Health and Hospitals Corporation (the "**System**") be and hereby is authorized to execute a revocable five year license agreement with River Renal Services, Inc. (the "**Facility**") for its continued use and occupancy of 7,871 square feet of space to operate a renal dialysis center at NYC Health + Hospitals/Bellevue (the "**Facility**") at an occupancy fee rate of \$68.50 per square foot or \$539,163.50 per year to be escalated by 2.75% per year for a total of \$2,848,221.26 over the five-year term.

EXECUTIVE SUMMARY

RIVER RENAL SERVICES, INC.

NYC HEALTH + HOSPITALS/BELLEVUE

OVERVIEW: The System seeks authorization from the Board of Directors to execute a five-year revocable license agreement with River Renal Services, Inc. (the "Licensee") to operate a renal dialysis treatment center at NYC Health + Hospitals/Bellevue (the "Facility").

NEED/

- **PROGRAM:** The Licensee began providing treatments to Facility patients in 2011. Currently, the Licensee operates eighteen hemodialysis stations and six intermittent peritoneal stations at which treatments are provided to outpatients. The Licensee also provides inpatient services to Facility patients. The inpatient treatments are provided under the medical supervision of Bellevue physicians and nurses whereas the outpatient treatments are provided under the Licensee's own Article 28 authority and medical supervision. In fact, nephrologists affiliated with NYU School of Medicine who are also on the Facility's staff provide the medical supervision of the outpatient operation. The Licensee provides services to patients regardless of their ability to pay. The Facility pays at the established Medicaid rate for any patient that cannot be enrolled in insurance. The Facility pays the Licensee for the its inpatient services. The Licensee bills third party payors for its outpatient services.
- **UTILIZATION:** RRD performs approximately 197 outpatient dialysis treatments per week with a current patient census of 72 patients.
- **TERMS:** The Licensee will be granted the continued use and occupy of approximately 7,817 square feet of space on the fifth floor of the Facility's bed tower. The Licensee will pay an occupancy fee of \$68.50 per square foot, or \$539,163.50 per year to be escalated by 2.75% per year for a total of \$2,848,221.26 over the five-year term. The occupancy fee is based on fair market value and represents a 4% increase in the rate currently in effect.

The Facility will provide electricity, heat, air conditioning, routine maintenance, security, and hot and cold water to the licensed space. The Licensee will be responsible for its own housekeeping and red-bag waste removal.

The proposed license agreement will be for five years and will be revocable by either party on ninety days' notice.

SAVITT PARTNERS

November 17, 2021

Mr. Dion Wilson Office of Facilities Development, Real Estate NYC Health and Hospitals Corporation 346 Broadway, 12 West New York, NY 10013

Re: Fair Market Value/appraisal update of space within the Bellevue Hospital Center Regarding specified space on the 5th Floor of Building H, licensed to River Renal Services, Inc., licensee On behalf of NYC Health & Hospitals Corporation

Dear Dion:

You have asked that the fair market value/appraisal report previously prepared for this property originally dated July 21, 2016 be reevaluated in order to assess the current fair market value of the licensed space. Current assessment is inclusive of the current value of the tenant improvements and specified operating expenses such as utilities, housekeeping, security, service contracts, structural repairs, etc. This updated appraisal will assess the estimated value of the now current base license fee inclusive of the tenant improvements and operating expenses. This evaluation is subject to the following:

- The unit is currently occupied and is appropriately zoned for the current use of the space.
- The licensor will occupy approximately a total of 7,871 SF as amended, within the referenced building.
- This evaluation is for the purpose of establishing the current FMV to lease/license the referenced property and considers numerous factors including but not limited to location, market conditions, market area comparables, lease terms and conditions, as well as tenant improvements.

The River Renal Services dialysis unit has been located on the 5th Floor of the H Building within the Bellevue Hospital campus on First Avenue in the Kips Bay market area.

It is accessible by private and public surface transportation running along First Avenue, Second Avenue, 23rd Street and 34th Street. There are a number of private parking lots located near the hospital. The complex is readily accessible by mass transit and conveniently situated off the FDR Drive with exit/entrance ramps on 23rd Street. This is a unique property within the referenced market area; however, there are numerous medical facilities, hospitals and private physician practices in the immediate area providing a benchmark for market rents. The proposal offers the licensee a full-service hospital building with amenities typically only found in hospitals and full-service medical office buildings, and not commercial properties.

Kips Bay and specifically First Avenue have numerous medical health care providers, both individuals as well as institutional. While market conditions have been established and are readily available for comparison, the Covid pandemic has caused much of the real estate office market, both in the subject neighborhood and elsewhere throughout NYC, to go through a sudden and dramatic shift downward. Specifically, from March of 2020 through August of 2021, approximately 20% of rents for existing spaces have declined. That said, market valuation seems to be rebounding rather quickly and current rents have returned to almost pre-pandemic levels. Pricing for medical and laboratory spaces in this market area vary widely and range from \$40 -\$75 per RSF. This market has seen an increase in asking rents from the 2016 license agreement, and landlord concessions have also been reduced. Therefore, the ability to procure built out "turn-key" medical office space has experienced an increase in comprehensive expenses. For example, private physician offices in the Peter Cooper Stuyvesant Square housing complex garner rents in the range of \$40 - \$70 per RSF. Adjacent neighborhoods such as properties on Park Avenue South and Union Square have continued to garner stable and increased rents for medical space in this market. Although these areas have numerous medical sites, the lack of product, i.e. rental opportunities, has maintained a stable rental market. It is important to consider that some commercial landlords in this area consider medical use "less desirable" and would prefer typical commercial tenants. This variable is factored in this assessment as well.

It continues that most of the opportunity for medical office space in this market is for undeveloped space; therefore, the space would require build out and a major capital expenditure by the tenant. Administrative office space is more competitive and can still achieve rents in the low to mid \$40 RSF range.

The referenced medical space consists of:

- 18 chairs for dialysis patients in 12 combined treatment rooms
- 8 offices
- 1 lounge
- 1 training room
- 1 large patient room
- 6 bathrooms (1 with shower)
- 2 nurses' stations
- 2 medical file/storage rooms
- 1 utility closet
- 1 general storage room
- 1 supply/copy room
- 1 water purification room with supply storage
- 2 clean utility rooms

The entire facility is designed and built off of a central corridor.

There are additional variables that must also be considered for this evaluation. It is apparent that proximity to the licensor's main campus is attractive. Additionally, the ability to enter into an all-inclusive transaction with no allocation for real estate taxes or other additional charges has value to the tenant/licensee. The provision of tenant services that are uncommon for non-medical

facilities, i.e., 24-7 access and the provision of full-time services such as HVAC and security must also be factored in this evaluation.

The method of measurement used to calculate the available square footage within the institution gives us an accurate reading, leading to a truer measurement of the useable square footage than in a traditional office space. A traditional office space generally suffers a loss factor of 30% or greater, meaning that a 7,871 SF requirement necessitates approximately 11,000 SF to achieve the same net square footage result.

This dialysis unit, however, was developed and is specific to the licensee's use, as an outpatient facility which makes it somewhat more difficult to compare to spaces found within the general community. In addition, there is little or no value placed on common areas so our evaluation only considers the space within the demised premises. Accordingly, we value the space currently at approximately \$52/SF net of any services and any additional physical space added, to account for common area within the premises or common area needed for access to the premises.

In addition to the base rent of \$52/SF, which we previously described as net, you would add in approximately \$3.50/SF for utility services, as much as \$5/SF for IT and telephone services depending on the level of sophistication provided, and \$3.00/SF for cleaning services. In addition to these services, the tenants occupying the spaces do not have to maintain service contracts or maintenance of AC, communications or office equipment, etc. That can be value-added into the cost of the space as well. Accordingly, we value the space at a gross rent of approximately \$63.50/SF with services provided, which would be consistent with general office tenants found within the general community.

It has been our experience that a build out of a dialysis unit, complete with the extensive plumbing, technical equipment, maintenance and regulatory agency compliance required to provide dialysis services equates to \$450/SF. This figure would be broken down to approximately \$350/SF for the unit build out and approximately \$100/SF for FF&E. While this sum describes the build out costs for the intended use, it also includes base building work performed to include, but not be limited to HVAC installation and equipment, electrical, plumbing and other building conditions that would be required and calculated in the total fit-out costs. On a 25 year term, fully amortized and with an interest rate factor on the money used for the build out, this comes to \$20/SF for a new constructed and equipped space. Coupled with a market rent of approximately \$63.50/SF for the area with services and utilities, the result would be a rent of \$83.50/SF for a built dialysis space that is operational and current to code.

Further, while this is a well-functioning dialysis unit for outpatient use, it is also a 10 year old installation with equipment of the same age. As such, the useful life of the installation has been somewhat amortized and some equipment may be in need of upgrades, repair, or significant maintenance over the next few years. Accounting for this, therefore, it would be proper to recognize that the value of this unit would be reduced by as much as \$15/SF for any potential tenant or licensee, which would be charged with the obligation to further upgrade, repair, replace and maintain both the space, equipment and infrastructure. Accordingly, we value this unit at approximately \$68.50/SF for the built dialysis unit in its current condition and configuration.

In conclusion, this analysis finds that the FMV for this space has greater value than commercial opportunities within the same market district. It would be appropriate for the tenant to negotiate an escalation provision to the base rent/fee of 2.75% to 3.0% commencing in the first year of the renewal term, with the same increases yearly and compounded for any license extension year of the license agreement. These would be commercially fair and reasonable terms based on the data and information assessed in this report.

In the event that I can be of any further assistance to you, please do not hesitate to call.

Thank You.

Very Truly Yours,

Michael E. Dubin Partner



NYC Health + Hospitals / Bellevue

River Renal Services, Inc.

Capital Committee Meeting December 7, 2021

William Hicks, Chief Executive Officer, NYC Health + Hospitals/Bellevue Christine Flaherty, Sr. Vice President, Office of Facilities Development



HEALTH+ HOSPITALS Background: River Renal

- River Renal has been providing dialysis services under Article 28 of the New York State Public Health Law at Bellevue since 2011.
- River Renal operates eighteen outpatient chronic hemodialysis stations within leased space on the 5th Floor of the Hospital Building.
- River Renal also provides training, medical support and management, equipment and supplies to outpatient home peritoneal dialysis patients and home hemodialysis patients.



NYC HEALTH+ HOSPITALS Background: River Renal

- Bellevue Hospital has 6 dialysis stations which provides dialysis services to our inpatient population. This is also located on the 5th Floor of the Hospital Building.
- River Renal provides nurses for inpatient dialysis treatments under the medical supervision of Bellevue Hospital's physicians.
- River Renal also provides water and equipment management services including chlorine and chloramine testing.

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NYC HEALTH+ HOSPITALS Background: River Renal

- River Renal has been providing treatments at Bellevue since 2011 with the Board of Directors most recently approving a renewal of their license in 2016.
- River Renal provides approximately 197 outpatient treatments weekly.
 Their current patient census is 72.
- Bellevue bills third-party payors for inpatient treatments provided by River Renal. River Renal bills third-party payors for its outpatient treatments.
- River Renal provides services to all patients regardless of their ability to pay.
- Bellevue pays the established Medicaid rate for treatments provided to any patient who cannot be enrolled in insurance.

NYC HEALTH+ HOSPITALS Dialysis Across the System

- H+H provides its own outpatient dialysis at Metropolitan, Harlem, Kings County, Lincoln, NCB and Jacobi.
- Newtown provides outpatient dialysis treatments at Elmhurst.
- H+H has an agreement with Dialyzedirect for inpatient dialysis services at Coler and McKinney.



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NYC HEALTH+ HOSPITALS

License Terms

- River Renal will continue to occupy 7,817 sf of space on the fifth floor of Bellevue's bed tower at a rate of \$68.50/sf for a total of \$539,163.50 per year. The rate is set at the fair market value for the space.
- The rate payable by River Renal on its expiring license is \$65.76/sf. The proposed rate represents a 4% increase over the current rent.
- The occupancy fee will be escalated by 2.75% per year over the five year term.
- The total annual occupancy fee over the five year term will be \$2,848,221.26
- Bellevue will provide hot and cold water, electricity, heating, air conditioning, security and maintenance to the licensed space. River Renal will provide housekeeping and red-bag waste removal.

HEALTH+ HOSPITALS Capital Committee Approval Request

Authorizing the New York City Health and Hospitals Corporation (the "System") to execute a revocable five-year license agreement with River Renal Services, Inc. (the "Licensee") for its continued use and occupancy of 7,871 square feet of space at NYC Health + Hospitals/Bellevue (the "Facility") at an occupancy fee rate of \$68.50 per square foot or \$539,163.50 per year to be escalated by 2.75% per year for a total of \$2,848,221.26 over the five year term.

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LICENSE AGREEMENTS

THREE (3) COVID-19 VACCINATION SITES

TWELVE (12) COVID-19 TESTING SITES

ONE (1) COVID-19 STORAGE SITE

Various Locations on NYCHA Property

SYSTEM-WIDE

RESOLUTION

Authorizing New York City Health and Hospitals Corporation (the "System") to execute agreements for license renewals for the use of space at the three mass COVID-19 vaccination/testing sites, the 12 pop-up COVID-19 testing sites and the one storage site listed in Annex A attached to this Resolution (together, the "Sites") and, through an agreement with NYCHA, various locations on NYCHA property, for no longer than one year for a cumulative amount not to exceed \$4.4M, plus an 11% contingency of \$500,000 to cover site repairs and utility overages, for a total of \$4.9M.

WHEREAS, since May 2020 the System has operated sites around the City where New Yorkers could be tested for COVID at no cost and starting in early 2021, certain sites offered free COVID-19 vaccinations; and

WHEREAS, such sites were located in a variety of locations including at City or other government locations such as libraries, NYCHA housing, and properties managed by the City's Economic Development Corporation, at privately owned locations and at some outdoor locations; and

WHEREAS, the Sites are made available to the System without charge by the property owners although in some cases, the property owners ask to be reimbursed for certain out of pocket expenses incurred to enable the System's use of the Sites with all such arrangements being in the form of revocable license agreements; and

WHEREAS, the System made an agreement with NYCHA allowing the use of vans in NYCHA parking lots and pop-up operations in building lobbies without specifying specific sites to allow flexibility; and

WHEREAS, over the course of the epidemic, the portfolio of locations used for testing and vaccinations has constantly evolved as COVID has hit different parts of the City, as spaces became available and then unavailable and as other circumstances dictated; and

WHEREAS, the many agreements and modifications of agreements that were necessary for the operation of the COVID-19 testing and vaccination program were executed pursuant to the emergency authority vested in the System's President in accordance with the System's Board's Statement of Policy for the Review and Authorization of Procurement Matters; and

WHEREAS, the System wishes to bring the agreements for the Sites authorized under such emergency authority under the System's normal procurement and contracting rules; and

WHEREAS, currently, the System uses the Sites for its COVID-19 testing and vaccination program; and

WHEREAS, the future use of the Sites is uncertain as is the course of the epidemic and the continued availability of the Sites; and

WHEREAS, the System has a mobile testing fleet consisting of 70 vans, as well as vaccination vans, which can provide testing in areas where the pop-ups are not available; and

WHEREAS, authority is requested to continue the use of the Sites for a year to allow the System the flexibility to maintain the Sites for such period even though some or all may cease to be necessary before the expiration of such period; and

WHEREAS, the administration of the agreements for the Sites shall be under the direction of the Senior Vice President of the Office of Facilities Development and the Senior Vice President for Ambulatory Care.

NOW, THEREFORE BE IT RESOLVED, that New York City Health and Hospitals Corporation (the "**System**") be and it hereby is authorized to execute agreements for license renewals for the use of space at the three mass COVID-19 vaccination/testing sites, the 12 pop up COVID-19 testing sites and the one storage site listed in Annex A attached to this Resolution (together, the "**Sites**") and, through an agreement with NYCHA, various locations on NYCHA property for no longer than one year for a cumulative amount not to exceed \$4.4M plus an 11% contingency of \$500,000 to cover site repairs and utility overages, for a total of \$4.9M.

ANNEX TO RESOLUTION POP-UP TESTING SITES

Borough	Controlled by	Name	Address	First Day of Testing
Brooklyn	SCA	Bensonhurst 14th Ave	6315 14th Avenue, Brooklyn, NY 11219	6/11/2020
Brooklyn	SCA	Midwood	1223 Coney Island Avenue, Brooklyn, NY 11230	5/18/2020
Brooklyn	DCAS	Bay Ridge 5th Ave	8511 and 8515 5th Avenue, Brooklyn, NY 11209	5/29/2020
Brooklyn	Private	Starrett City	1279 Pennsylvania Ave, Brooklyn, NY 11239	10/7/2020
Brooklyn	SCA/Diocese	Fort Hamilton	4002 Fort Hamilton Parkway, Brooklyn, NY 11218	6/10/2020
Manhattan	Private	Times Square	20 Times Square, 3rd Floor, New York, NY 10036	4/15/2021
Queens	Parks	Sorrentino Rec Center	18-48 Cornaga Avenue, Queens, NY 11691	5/29/2020
Queens	PANYNJ	JFK Airport	Covid Testing Site, Terminal 6, JFK International Airport, Jamaica, NY 11430 (Location: Follow Signs from Terminal 5 Airtrain Station)	11/18/2020
Queens	PANYNJ	LGA Airport	LGA Terminal B Parking Lot, Level 1, Queens, NY 11371	10/16/2020
Staten Island	Parks	Greenbelt Recreation Center	501 Brielle Avenue, Staten Island, NY 10314	
Staten Island	EDC	St. George Ferry	1 Bay St, Retail Space 103, Staten Island, NY 10301	11/12/2020
Staten Island	SCA	57 Cleveland Place	57 Cleveland Place, Staten Island, NY 10305	5/28/2020

MASS VACCINATION SITES

Brooklyn Army Terminal, 140 58 th Street, Brooklyn NY 11220	Bathgate Contract Postal Station, 4006 3 rd Avenue, Bronx, NY 10457	Citi Field, 36-2 Seaver Way, Flushing, NY 11368
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STORAGE SITE

56,000 sq. ft. warehouse in Brooklyn Army Terminal (Building A, Phase VI, Unit 4-O)

NYCHA LOCATIONS

Through a master agreement, the System may park medically equipped vans in NYCHA parking lots and may set up pop-up operations in lobbies of NYCHA buildings. The locations are not specified in advance to create maximum flexibility

EXECUTIVE SUMMARY LICENSE AGREEMENTS T2 TESTING SITES, VACCINATION SITES, AND STORAGE FACILITY

(See Annex for List of Locations)

- **OVERVIEW:** The System seeks authority to continue the use of the Sites listed in Annex A as part of its COVID-19 testing and vaccination program. Since early May 2020 the System launched the operation of sites around the City where New Yorkers could be tested for COVID-19 at no cost and starting in early 2021, certain sites started offering free COVID-19 vaccinations. Such sites were in a variety of locations including at City or other government locations such as libraries, NYCHA housing, and properties managed by the City's Economic Development Corporation, at privately owned locations and at some outdoor locations. Over the course of the epidemic, the portfolio of locations used for testing and vaccinations constantly evolved as COVID has hit different parts of the City, as spaces became available and then unavailable and as other circumstances dictated. The many agreements and modifications of agreements that were necessary for the operation of the COVID-19 testing and vaccination program were executed pursuant to the emergency authority vested in the System's President in accordance with the System's Board's Statement of Policy for the Review and Authorization of Procurement Matters. The System wishes to bring the contracts authorized under such emergency authority under the System's normal procurement and contracting rules.
- **NEED:** COVID continues to circulate in the City and testing and vaccinations continue to be necessary. The extent of the continued need is unknown and various circumstances may change including the loss of the use of some of the Sites but the System currently intends to continue to operate all of the Sites and wishes to be able to do so throughout the coming year.
- **TERMS:** The Sites are available to the System under revocable license agreements without charge by the property owners although in some cases, the property owners ask to be reimbursed for certain expenses incurred to enable the System's use of the Sites such as for electricity and, at the Mass Vaccination Sites, certain labor costs incurred to accommodate the System's use. This pattern will continue on the renewal of the agreements for the Sites. It is not possible to express these costs on a per square foot basis because in many cases, the System received the use of undefined areas such as the parking lots at Citi Field where certain registration operations occur.
- **COSTS:** \$4.4M, plus an 11% contingency of \$500,000 to cover site repairs and utility overages, for a total of \$4.9M over calendar year 2022.
- **FINANCING:** The costs are to be covered by OMB under our MOU with that Agency. OMB anticipates Federal reimbursement.
- **TERM:** One year starting January 1, 2022. All agreements are terminable on short notice by either party.



NYC Health + Hospitals Test & Trace Corps Testing and Vaccine Sites

Capital Committee Meeting December 7, 2021

 Dr. Ted Long, Sr. Vice President, Ambulatory Care and Population Health; Executive Director, Test & Trace Corps
 Chris Keeley, Assistant Vice President, Ambulatory Care Operations



NYC HEALTH+ HOSPITALS

Background: Mass Vax Sites

- The Test & Trace Corps operates three 24/7 "Mass Vaccine Sites".
- All three sites are open to the public; appointments are available online or via call center; walk-ins are also accepted.
- In total, the three sites have administered more than 450,000 doses (as of 11/17/21).
- The sites will be maintained for up to a year or as necessary.
- No occupancy fees are paid however H+H does pay for gas and electricity and, at Citi Field, reimburses the Mets for some labor costs incurred to accommodate the use.

Brooklyn Army Terminal, 140 58 th Street, Brooklyn NY 11220	Bathgate Contract Postal Station, 4006 3 rd Avenue, Bronx, NY 10457	Citi Field, 36-2 Seaver Way, Flushing, NY 11368
Operated as T2 COVID-19 testing site from 5/28/20-1/9/21	Operated as T2 COVID-19 testing site from 7/2/20-1/6/21	Was not previously a testing site.
First day of operations as vaccine site: 1/10/21	First day of operations as vaccine site: 1/10/21	First day of operations as vaccine site: 2/10/21
Managed by EDC	Managed by EDC	Privately owned
Moderna (18+)	Moderna (18+)	Pfizer (5-11, 12+)
T2 is responsible for gas costs of approximately \$100/mo.	T2 is responsible for reimbursing EDC for heat, hot water, water, and electricity, \$2,650/month.	T2 is responsible for reimbursing the Mets for direct expenses incurred, including security; labor costs for electricians, plumbers, and any other costs incurred by the Mets as a result of our occupancy totaling approximately \$300,000/month.

NYC HEALTH+ HOSPITALS

Background: T2 Testing Sites

- As of November 21st, the Test & Trace Corps operates 12 "pop-up" community-based COVID-19 Testing sites.
- All sites offer PCR tests; 9 also offer rapid molecular testing.
- In total, these 12 sites have tested over 580,409 individual patients (as of 11/17/21).
- No occupancy fees are paid however H+H does pay for electricity at only 1 site.
- T2 will continue operating the below 10 sites for another year or as necessary.

Borough	Controlled by	Name	Address	First Day of Testing
Brooklyn	SCA	Bensonhurst 14th Ave	6315 14th Avenue, Brooklyn, NY 11219	6/11/2020
Brooklyn	SCA	Midwood	1223 Coney Island Avenue, Brooklyn, NY 11230	5/18/2020
Brooklyn	DCAS	Bay Ridge 5th Ave	8511 and 8515 5th Avenue, Brooklyn, NY 11209	5/29/2020
Brooklyn	Private	Starrett City	1279 Pennsylvania Ave, Brooklyn, NY 11239	10/7/2020
Brooklyn	SCA/Diocese	Fort Hamilton	4002 Fort Hamilton Parkway, Brooklyn, NY 11218	6/10/2020
Manhattan	Private	Times Square	20 Times Square, 3rd Floor, New York, NY 10036	4/15/2021
Queens	Parks	Sorrentino Rec Center	18-48 Cornaga Avenue, Queens, NY 11691	5/29/2020
Queens	PANYNJ	JFK Airport	Covid Testing Site, Terminal 6, JFK International Airport, Jamaica, NY 11430 (Location: Follow Signs from Terminal 5 Airtrain Station)	11/18/2020
Queens	PANYNJ	LGA Airport	LGA Terminal B Parking Lot, Level 1, Queens, NY 11371	10/16/2020
Staten Island	Parks	Greenbelt Recreation Center	501 Brielle Avenue, Staten Island, NY 10314	6/19/2020
Staten Island	EDC	St. George Ferry Terminal	1 Bay St, Retail Space 103, Staten Island, NY 10301	11/12/2020
Staten Island	SCA	57 Cleveland Place	57 Cleveland Place, Staten Island, NY 10305	5/28/2020

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NYC
HEALTH+
HOSPITALSBackground: On-Site NYCHA Testing &
Vaccines

- Test & Trace maintains a committed presence at NYCHA developments citywide
 - Mobile Testing:
 - T2 has provided on-site testing (via mobile testing vans and self test teams) for the past year
 - NYCHA residents receive resources "at their doorstep"
 - NYCHA campuses provide strategic locations citywide to increase testing access in TRIE communities
 - Mobile Vaccination:
 - T2 providing the first clinics specifically for NYCHA residents, starting in January of 2020
 - T2 has provided clinics at over 60 developments
 - Starting 12/14, T2 and NYCHA plan to bring pediatric vaccine clinics to at least 10 developments with high concentrations of eligible children
- Master agreement applies to all NYCHA developments across the five boroughs.
- There is no license fee or pass-through costs associated with our use of the NYCHA space
- The proposed resolution will extend H+H's master agreement with NYCHA through 2022.



Background: Additional Testing HEALTH+ and Vaccination Resources HOSPITALS

- Most T2 pop-up sites were located in properties lent to us by City agencies, houses of worship, community groups, and libraries. Only a few private owners were involved.
- As in-person services began reopening, T2 transitioned pop-up sites to a mobile testing model.
- Overall the T2 testing and vaccination capacity is higher than ever. In addition to the pop-up sites, T2 has available:
 - A fleet of 70 mobile testing and vaccination units, which can mobilize flexibly as needed to bring resources to the specific locations with the greatest need, with a particular focus on areas where we do not have pop-ups available.
 - Contracts with multiple vendors who can deploy many testing or vaccination teams on a "light touch" model to indoor or outdoor locations with just a few days notice.
 - Contract with a vendor to provide saliva-based testing.
 - Six units in the Street Health Outreach and Wellness (SHOW) Program, which offer COVID-19 testing and vaccination, as well as other basic health care services, specifically aimed at unsheltered homeless New Yorkers.
- On a sample week in November 2021, T2 conducted a total of 45,000 tests
 - Approximately 18,000 were at the pop-up sites.

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The other 27,000 were from the mobile units, SHOW units, and vended models described here.

NYC HEALTH + HOSPITALS Background: BAT PPE Warehouse

- Separate from the Vaccination Site at EDC's Brooklyn Army Terminal, T2 has been occupying a 56,000 sq. ft. at no cost located in the warehouse at Brooklyn Army Terminal (Building A, Phase VI, Unit 4-O).
- Utilized as storage for PPE, equipment from decommissioned testing sites, and other T2 supplies.
- No other storage space has been identified that is available for storing the volume of supplies/equipment that must be stored and distributed by T2.

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C ALTH+ SPITALS Capital Committee Approval Request

Authorizing New York City Health and Hospitals Corporation (the "System") to execute agreements for license renewals for the use of space at the three mass COVID-19 vaccination/testing sites, the 12 pop-up COVID-19 testing sites and the one storage site listed in Annex A attached to this Resolution (together, the "Sites") and, through an agreement with NYCHA, various locations on NYCHA property, for no longer than one year for a cumulative amount not to exceed \$4.4M, plus an 11% contingency of \$500,000 to cover site repairs and utility overages, for a total of \$4.9M.



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