



**OLYMPIC REGIONAL
NEW YORK
DEVELOPMENT AUTHORITY**

BOARD OF DIRECTORS MEETING

Olympic Center, Lake Placid, NY

March 19, 2021

1:00 pm

AGENDA

I. INTRODUCTION

- A. Roll Call**
- B. Agenda Review**
- C. Approval of Minutes from January 22, 2021 Board Meeting**
- D. Audit Committee's Report**
- E. President's Report**

II. OLD BUSINESS

III. NEW BUSINESS

A. Resolutions

- Σ Resolution # 408 – Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into Agreements for the Olympic Center Revitalization Project – James Sheffield Speed Skating Oval and Support Building**
- Σ Resolution # 409 – Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Amended Agreement for the Belleayre Base Lodge Modernization Project**
- Σ Resolution # 410 – Resolution Committing Capital and Granting Approval for the President & CEO to Enter Into Agreements for the Whiteface Mountain Snowmaking System Upgrades Project**
- Σ Resolution # 411 – Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Amended Agreement for the Olympic Sports Complex – Mt. Van Hoevenberg Base Lodge & Sliding Sports Facility Project**
- Σ Resolution # 412 – Resolution Committing Capital and Granting Approval for the President & CEO to Enter Into an Agreement for Professional Auditing Services**

IV. ADJOURN



NYS Olympic Regional Development Authority
Board Meeting Minutes
January 22, 2021

Present: Kelly Cummings, Chair
William Beaney
Stephen Hunt, ESD
Thomas Keegan
Andrew Lack
Betty Little
Arthur Lussi
Diane Munro
Christopher Pushkarsh, OPRHP
Jeffrey Stefanko, DEC
Elinor Tatum

Also Present: Michael Pratt, President/CEO
Michelle Crew, General Counsel

Introduction: Chairperson Kelly Cummings called the meeting to order at 1:12 p.m. and welcomed everyone in attendance.

Ms. Cummings then asked for a roll call, and confirmed a quorum was present. Ms. Cummings explained that the meeting was being videotaped and a link to the recording would be made available on www.orda.org.

Minutes: On a motion by Mr. Lussi, seconded by Ms. Tatum, the minutes of the Board of Directors meeting held on November 20, 2020 were approved without changes.

All in favor, motion carried unanimously.

President's Report: Mr. Pratt discussed the early season, as the venues managed under COVID-19 protocols. Considerations included the growth of season passholders, the need to control capacities through capping ticket sales, and limited terrain as operations got underway amid some challenging weather. Because demand for ORDA's products was high, there were some challenges with customers unable to obtain tickets when they desired, but the mountains were carefully using updated technology and historical data to manage and monitor attendance.

Guidances for New York State ski areas was being successfully implemented, including with employee safety. Mr. Pratt noted that while ORDA had 24 cases of COVID-19 among employees since the pandemic began in March 2020, none of those had been traced back to the workplace. A survey of passholders found that 86% found the COVID-19 communications to be clear and



effective, but the venues will continue working hard and improving under the new challenges.

A snow slide early on Christmas morning forced a 15-day closure of the Overlook Lodge at Belleayre Mountain. Mr. Pratt commended the staff for their hard work on a quick cleanup, repair, and reopening effort.

ORDA's numerous award-winning sustainability efforts were discussed, which include solar arrays for Gore and Whiteface Mountains, the recognition of the Olympic Region as a LEED Gold Community, hybrid grooming tractors, e-Zamboni, electric vehicle charging stations, efficient building systems, and salt reduction communication efforts. Ms. Little suggested ORDA's salt reduction signage be shared with other state entities. Mr. Pratt also highlighted ORDA's branded hiking centers, which include hikes for varying abilities and can serve to lighten traffic on overused trails in the region.

Mr. Pratt discussed event planning and the start of the Olympic Center hosting the NWHL season. ORDA is busy coordinating test events for the World University Games (WUG), which will be held in under two years. He said that the United States Olympic and Paralympic Committee (USOPC) has been very supportive of the WUG, and have a national governing body of sport working group dedicated to Team USA participation during the Games. Mr. Pratt emphasized close collaboration with several state agencies for safety, transportation, and technology. The Development Authority of the North Country (DANC) has been at ORDA facilities assessing connectivity. Mr. Lack asked for a measure of the scale of the Games, and Mr. Pratt explained that WUG would feature twice the number of athletes and twice the number of events as the 1980 Olympic Games. Events will be spread through neighboring communities such as Potsdam, Canton, Saranac Lake, and North Creek. Mr. Lack emphasized the importance of the community's knowledge of the size of the WUG, so everyone had a common understanding of the importance and urgency of the planning effort. Ms. Cummings noted this was only the second time the Games were held in North America, and Ms. Little discussed the large European draw they held. Mr. Pratt detailed two housing projects in progress that would have lasting positive effects on the community after the Games concluded.

Mr. Lussi asked about the Sprung Structures the board has previously approved. Due to the pandemic, the ski resort who offered them did not proceed with dismantling the structures. Mr. Pratt noted it was a good opportunity, but unfortunately did not work out.

Ms. Munro asked about the Overlook Lodge, and Mr. Pratt explained that the damage primarily affected an addition as well as exterior windows and doors. Most damage was non-structural except for one post, and the safety and integrity of the building was not compromised.

Ms. Little inquired about the new foodservice at Mt. Van Hoevenberg, which is now open. The new offerings have been well received by customers.



Mr. Lussi commended Mr. Pratt for his vision on installing the RFID gates and direct ticketing in advance of COVID-19, and noted that the ORDA staff has been attentive to maintaining and enforcing safety protocols among guests.

New Business:

Resolutions:

#402 Resolution Committing Capital and Granting Approval for the President & CEO to Enter into an Agreement for Lift Modernizations at Whiteface Mountain for Components of the Face Lift and Cloudsplitter Gondola

On a motion by Ms. Little, seconded by Mr. Lack.

All in favor, motion carries unanimously, adopted Resolution #402.

#403 Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter into an Amended Agreement for the Olympic Sports Complex – Transformation Projects Site Work

On a motion by Ms. Munro, seconded by Mr. Keegan.

Amid the extensive bidding process, there was a geotechnical report included that expected the site to have ledge rock, which could be blasted and utilized as aggregate on site. Unfortunately, the material was actually boulders, which prevented the use of anticipated aggregate needed for the rest of the project. Due to the change, aggregate needed to be trucked in, which created the need to amend the agreement.

All in favor, motion carries unanimously, adopted Resolution #403.

#404 Resolution Committing Capital and Granting Approval for the President & CEO to Enter into Agreements for the Olympic Ski Jumping Complex Outrun Reconstruction Project

On a motion by Ms. Tatum, seconded by Ms. Little.

Mr. Pratt explained that this exciting project would allow certification and homologation of both winter and summer jumping. USA Nordic has noted the significance to its sport of this improvement and it would allow them to base in Lake Placid. Ms. Little asked if this was the first year of refrigerating the tracks, and it was explained that was completed during Fall 2019, so this was the second winter. Mr. Pratt explained that the refrigeration has resulted in a much faster recovery time from adverse weather than was previously possible.

All in favor, motion carries unanimously, adopted Resolution #404.



#405 Resolution Committing Capital and Granting Approval for the President & CEO to Enter into an Agreement for the Update and Extension of ORDA's Workers' Compensation Insurance Policy

On a motion by Mr. Lussi, seconded by Ms. Little.

Mr. Pratt explained that while ORDA had been experiencing steady increases in its workers' compensation costs a few years ago, more recent actions including enhanced work safety programs and the actions of a newly hired Risk Manager are among reasons that costs are reducing. The proposal from PERMA extends the current three-year agreement to four years. Mr. Pratt noted newly reduced costs and PERMA's partnership with safety programming. Ms. Tatum asked about how worker incidents are monitored, and Mr. Pratt said that ORDA continually analyzes types of injuries and department-specific safety. Cindy Dady, ORDA's Risk Manager, explained that ORDA has focused on trends to address any specific areas of concern and that safety results are communicated on a weekly basis with managers.

All in favor, motion carries unanimously, adopted Resolution #405.

#406 Resolution Approving and Adopting a Background Check Policy

On a motion by Ms. Munro, seconded by Mr. Lack.

Ms. Crew said that this new policy complies with NY law and SafeSport, which is a required protocol of the USOPC. This policy will only affect certain segments of employees, including some administration staff, those handling cash or financial accounts, Snow Sports School staff, and those who would be in regular contact with potentially vulnerable guests. Ms. Munro asked about costs and third-party administrators for compliance with the policy. ORDA would pay for the background check services required, and HR processes would remain very similar to how they are presently executed.

All in favor, motion carries unanimously, adopted Resolution #406.

#407 Resolution Approving and Adopting an Open Data Policy Pursuant to Executive Order 95

On a motion by Mr. Lussi, seconded by Mr. Lack.

Ms. Crew explained that EO 95 is focused on using technology to improve citizen engagement. As part of the Open Data NY effort, the types of information shared under this policy would include events calendars, maps of the mountains, attendance numbers, and bid information. She noted that the bid information would be particularly helpful, as that is the type of request often associated with FOIL. A data coordinator will be designated to compile and publish the



information, and Ms. Munro asked if that was anticipated to require another staff person. Presently the effort is planned to be done by existing staff.

All in favor, motion carries unanimously, adopted Resolution #407.

Chair:

Ms. Cummings announced that the next meeting is presently scheduled for Friday, March 19, 2021 at 1:00pm.

In closing, Ms. Munro requested an organizational chart and some explanation of ORDA's financial terms. Both of these items will be addressed.

Adjournment:

On a motion by Ms. Little, seconded by Ms. Tatum, the meeting of the Olympic Development Authority Board of Directors was adjourned at 2:18 p.m.

DRAFT



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 408

RESOLUTION COMMITTING CAPITAL AND GRANTING CONDITIONAL APPROVAL FOR THE PRESIDENT AND CEO TO ENTER INTO AGREEMENTS FOR THE OLYMPIC CENTER REVITALIZATION PROJECT – JAMES SHEFFIELD SPEED SKATING OVAL AND SUPPORT BUILDING

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on March 19, 2021, the Chair offered the following resolution:

WHEREAS, ORDA desires to enter into a proposed Agreement for work on a project entitled “James Sheffield Speed Skating Oval and Support Building” (ARN.10.006.106) with LeChase Construction Services, LLC, and the Engineer/Architect of Record, Cannon Design Architecture & Engineering, P.C. (ARN.19.006.030), for construction administration services for necessary improvements and modifications at the Olympic Center (the “Project”); and

WHEREAS, a general overview of the Project scope includes, but is not limited to, all labor, tools, equipment, materials, temporary facilities, and profit and overhead for the removal of an existing outdoor long course speed skating oval and existing oval support building, with a new outdoor long course speed skating oval and a new 3000 square foot oval support building; and

WHEREAS, the Project additionally includes a new spectator plaza with new hardscapes, new sport lighting, and an outdoor monumental stair; work includes but is not limited to all demolition, excavation, concrete, refrigeration piping and connection to refrigeration equipment, piping, insulation, HVAC, controls, electrical, plumbing, related equipment and materials, and related systems; and

WHEREAS, the Project also includes all maintenance, protection of traffic, and final clean-up; and

WHEREAS, the Project is part of a continuing effort to provide upgrades and improvements to ORDA facilities that are necessary to ensure the continued success of ORDA operations; and

WHEREAS, following a Design-Bid-Build Request for Proposals in the New York State Contract Reporter, LeChase Construction Services, LLC submitted a proposal for ORDA’s consideration and, in accordance with Project Labor Agreement Framework, said bid was awarded as the lowest responsible bidder; and

WHEREAS, following a Professional Services Request for Proposals in the New York

State Contract Reporter, Cannon Design Architecture & Engineering, P.C. submitted a proposal for ORDA's consideration and said bid was awarded pursuant to New York State Finance Law § 136-a; and

WHEREAS, the lump sum cost for the Project is \$12,440,334.00 plus an Add Alternate No. 4: "Remove and Dispose of Oval Vapor Barrier as an Asbestos-Containing Material" in the amount of \$637,000.00, which shall only be used if testing of the Oval confirms the presence of hazardous materials, for a total not-to-exceed Project cost of \$13,077,334.00; and

WHEREAS, the anticipated final completion date for the Project is 434 calendar days from the Notice of Award; and

WHEREAS, the President & CEO has requested that the Board commit the requisite capital for the Project; and

WHEREAS, pursuant to ORDA's By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into agreements the value of which will be in excess of \$250,000.00 or more over the life of the contract, the President & CEO has requested authority to enter into the foregoing proposed Agreement, subject to approval by the Office of the State Comptroller and the Office of the Attorney General.

THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the Project as is described more fully herein; and

THEREFORE, BE IT FURTHER RESOLVED that, subject to the approval of the proposed Agreement by the Office of State Comptroller and the Office of the Attorney General, the Board of Directors hereby authorize the President & CEO to enter into the proposed Agreement under the circumstances and incorporating the terms described above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 408 was duly passed by the Board of Directors on March 19, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of March 2021

Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 409

RESOLUTION COMMITTING CAPITAL AND GRANTING CONDITIONAL APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AN AMENDED AGREEMENT FOR THE BELLEAYRE BASE LODGE MODERNIZATION PROJECT

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on March 19, 2021, the Chair offered the following resolution:

WHEREAS, on April 29, 2019, the Board of Directors (“Board”) approved Resolution #326 entitled “Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Belleayre Base Lodge Modernization Project” (Contract No. BEL.18.005.006) (“the Agreement”); and

WHEREAS, Resolution #326 provided, among other things, for work to be performed at the Belleayre Mountain Ski Resort by The Pike Co., Inc., which included an expansion of the Discovery Lodge to increase the seating capacity of the cafeteria and Stone and Copper Lounge, and remodel and modernization of existing lodge areas; and

WHEREAS, the value of the original Agreement, as approved by the New York State Office of the Comptroller and the Office of the Attorney General, was \$14,559,098.00; and

WHEREAS, thereafter, in the course of the work unforeseen areas with asbestos-containing material have been discovered, necessitating a change order for asbestos abatement and testing not anticipated in the original contract documents; and

WHEREAS, as a result of the need for the change order described above, on November 22, 2019, the Board approved Resolution #362 to Amend the original Agreement to increase its value by \$245,798.65 for a total estimated cost of work of \$14,804,896.65, as approved by the New York State Office of the Comptroller and the Office of the New York Attorney General on December 10, 2019; and

WHEREAS, thereafter, changes to specific work to be performed further included a change in the scope of work in the original Agreement that called for the mezzanine level of the Base Lodge to be finished as administrative offices, and the new scope of work will finish this area as a usable guest space for a VIP area, along with minor additions and deletions to the Agreement, and a cost for added duration of the Agreement; and

WHEREAS, as a result of the need for the changes described above, on March 16, 2020, the Board approved Resolution #373 to Amend the original Agreement to increase its value by \$429,018.34 for a total estimated cost of work of \$15,233,914.99, as approved by the New

York State Office of the Comptroller and the Office of the Attorney General on May 12, 2020;
and

WHEREAS, thereafter, changes to the specific work to be performed further included additional access control to exterior doors within the security system, changing the bar top from a temporary to permanent bar top, resulting in a credit to the contract amount, and the mechanical room had a missing drain which caused significant damage to the IT Equipment, resulting in a credit to the contract amount for equipment replacement; and

WHEREAS, ORDA is proposing an Amendment to the Agreement that will reflect these changes to the Project scope of work; and

WHEREAS, pursuant to the terms of the proposed Amendment, the change order will increase the value of the contract by \$1,358.69 for a total estimated cost of work of \$15,235,273.68; and

WHEREAS, pursuant to the terms of the proposed Amendment, the physical completion date will now be September 30, 2020; and

WHEREAS, the President & CEO has requested that the Board commit the requisite capital for the proposed Amended Agreement; and

WHEREAS, pursuant to ORDA's By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into any agreement the value of which will be in excess of \$250,000.00 or more over the life of the agreement, the President & CEO hereby requests the authority to enter into the foregoing proposed Amended Agreement on the revised terms as provided for herein, and subject to approval of the change order by the Office of the State Comptroller and the Office of the Attorney General; and

THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the proposed Amended Agreement, which will authorize the change order described herein to Resolution #326 entitled "Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Belleayre Base Lodge Modernization Project" Contract No. BEL.18.005.006); and

THEREFORE, BE IT FURTHER RESOLVED that, subject to the approval of the proposed Agreement by the Office of State Comptroller and the Office of the Attorney General, the Board of Directors hereby authorizes the President & CEO to enter into the proposed Amended Agreement upon the terms and amounts provided above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 409 was duly passed by the Board of Directors on March 19, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of March 2021

Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 410

RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AGREEMENTS FOR THE WHITEFACE MOUNTAIN SNOWMAKING SYSTEM UPGRADES PROJECT

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on March 19, 2021, the Chair offered the following resolution:

WHEREAS, ORDA desires to enter into proposed Agreements with multiple contractors for necessary upgrades and improvements to the Whiteface Mountain Snowmaking System Upgrades (the “Project”); and

WHEREAS, the Project work will include all work in the Project Manual and on the Project Drawings, including all labor, equipment, materials, and temporary facilities for the Project, the scope of which will include, but not be limited to:

- Σ “Snowmaking Pump House General Contract” (WFM.20.013.100) – work to be performed for the necessary general construction upgrades of the Whiteface Mountain Snowmaking Pump Houses Nos. 2, 3, 4, and 5. Work includes modifications to the existing pumps for installation of the new pumps and electrical equipment. Services will be procured via posting on New York State Contract Reporter.
- Σ “Snowmaking Pump House Electrical” (WFM.20.013.200) – work to be performed for the necessary upgrades to the electrical systems of Whiteface Mountain Snowmaking Pump Houses Nos. 2, 3, 4, and 5. Services will be procured via posting on New York State Contract Reporter.
- Σ “Snowmaking Pump House Specialty Piping” (WFM.20.013.300) – work to be performed for the necessary mechanical piping upgrades to the Whiteface Mountain Snowmaking Pump Houses Nos. 2, 3, 4, and 5. Services will be procured via posting on New York State Contract Reporter.
- Σ “Snowmaking Piping and Valve Houses” (WFM.20.013.400) – work to be performed for the upgrade and replacement of snowmaking piping and valve houses necessary to support the Pump House improvements. Services will be procured via posting on New York State Contract Reporter.

WHEREAS, ORDA desires to enter into proposed Agreements entitled “Electrical Equipment Pre-purchase” (WFM.20.013.006), “Snowmaking Piping Pre-Purchase” (WFM.20.013.007), and “Vertical Turbine Snowmaking Pump Procurement” (WFM.20.013.003), for the supply of commodities contracts as identified in the Project

Manuals, which includes all materials and delivery and, if required, technical installation services for the Project, the scope of which will include, but not be limited to:

- Σ “Electrical Equipment Pre-Purchase” (WFM.20.013.006) – purchase of long lead item electrical equipment for Whiteface Mountain snowmaking Pump Houses Nos. 2, 3, 4, and 5. The contract includes supply of Variable Frequency Drives, Motor Starters and other major electrical equipment for the pump houses. Materials will be procured via posting on New York State Contract Reporter.
- Σ “Snowmaking Piping Pre-Purchase” (WFM.20.013.007) – purchase of snowmaking piping for water and air for the proposed piping upgrades. Materials will be procured via posting on New York State Contract Reporter.
- Σ “Vertical Turbine Snowmaking Pump Procurement” (WFM.20.013.003) – purchase of vertical turbine pumps and motors for Whiteface Mountain Snowmaking Pump Houses Nos. 2, 3, and 5. The contract includes pump and motor fabrication, startup services and training. Materials will be procured via posting on New York State Contract Reporter.

WHEREAS, the Project is part of a continuing effort to provide upgrades and improvements to ORDA facilities that are necessary to ensure the continued success of ORDA operations; and

WHEREAS, to do this ORDA will need to be able to commit to the expenditure of funds necessary for the expenses related to the Project including but not limited to possible contracts for design and/or construction as soon as any funds are made available; and

WHEREAS, following design-bid-build Requests for the construction Proposals in the New York State Contract Reporter, all bids chosen by ORDA will be awarded to the lowest responsible bidder for the Project; and

WHEREAS, following Requests for Proposals for the commodities in the New York State Contract Reporter, or via Piggy-Back Procurement in compliance with State Finance Law, all bids chosen by ORDA will be awarded to the best value bidder for the Project; and

WHEREAS, the anticipated cost of the Project is approximately \$9,300,000.00; and

WHEREAS, the President & CEO has requested that the Board commit the requisite capital for the Project; and

WHEREAS, pursuant to ORDA’s By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into agreements the value of which will be in excess of \$250,000.00 or more over the life of the contract, the President & CEO has requested authority to enter into the foregoing proposed Agreement.

THEREFORE, BE IT RESOLVED that, subject to any necessary review and approvals as may be required by law or regulation, the Board of Directors hereby authorizes the President & CEO to invest up to \$9,300,000.00 for expenses related to the Project as is described more fully herein, including but not limited to the authority to enter into contracts for design and/or construction, whether or not any contract amount exceeds \$250,000.00. The President & CEO will report to the Board of Directors at each meeting the status of the Project and the amount and type of any contracts entered into in since the last meeting of the Board of

Directors, in implementing the work necessary for upgrades and improvements at the Project.

THEREFORE, BE IT FURTHER RESOLVED that, the Board of Directors hereby authorize the President & CEO to enter into the proposed Agreements under the circumstances and incorporating the terms described above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 410 was duly passed by the Board of Directors on March 19, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of March 2021

Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 411

RESOLUTION COMMITTING CAPITAL AND GRANTING CONDITIONAL APPROVAL FOR THE PRESIDENT & CEO TO ENTER INTO AN AMENDED AGREEMENT FOR THE OLYMPIC SPORTS COMPLEX – MT. VAN HOEVENBERG BASE LODGE & SLIDING SPORTS FACILITY PROJECT

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on March 19, 2021, the Chair offered the following resolution:

WHEREAS, on May 20, 2019, the Board of Directors (“Board”) approved Resolution #329 entitled “Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Olympic Sports Complex – Mt. Van Hoevenberg Base Lodge & Sliding Sports Facility Project” (Contract No. OSC.18.001.008) (the “Agreement”); and

WHEREAS, Resolution #329 provided, among other things, for work to be performed at the Olympic Sports Complex by The Pike Co., Inc. (“Contractor”), which included all professional design services, labor, tools, and equipment necessary to complete Contract No. OSC.18.001.008 (the “Project”); and

WHEREAS, the specific work to be performed included the complete design and permitting of the Project and the construction of an entirely new lodge to replace the previously existing three lodges at Mt. Van Hoevenberg, so as to unify the separate areas within the Olympic Sports Complex and ensure that lodge facilities are compliant with the Americans with Disabilities Act; and

WHEREAS, the value of the original Agreement, as approved by the New York State Office of the Comptroller (“OSC”) and Office of the Attorney General (“OAG”), was \$32,921,302.00; and

WHEREAS, thereafter, during the foundation excavation work for the Project, the Contractor encountered unsuitable soils in the building footprint requiring removal and replacement of the soils with engineered structural fill; and

WHEREAS, ORDA is proposing an Amendment to the Agreement that will reflect these changes to the Project scope of work; and

WHEREAS, pursuant to the terms of the proposed Amendment, ORDA is requesting the Board’s approval to submit a change order to the OSC and OAG that will increase the value of the Agreement by \$221,687.00 for a total estimated cost of work of \$33,142,989.00; and

WHEREAS, the change order described herein has not changed the Physical Completion Date of October 30, 2020; and

WHEREAS, the President & CEO has requested that the Board commit the requisite

capital for the proposed Amended Agreement; and

WHEREAS, pursuant to ORDA’s By-Laws, Art. VI § 2, which requires that the President & CEO obtain Board approval prior to entering into any agreement the value of which will be in excess of \$250,000.00 or more over the life of the agreement, the President & CEO hereby requests the authority to enter into the foregoing proposed Amended Agreement on the revised terms as provided for herein, and subject to approval of the change order by the Office of the State Comptroller and the Office of the Attorney General; and

THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the proposed Amended Agreement, which will authorize the change order described herein to Resolution #329, entitled “Resolution Committing Capital and Granting Conditional Approval for the President & CEO to Enter Into an Agreement for the Olympic Sports Complex – Mt. Van Hoevenberg Base Lodge & Sliding Sports Facility Project” (Contract No. OSC.18.001.008); and

THEREFORE, BE IT FURTHER RESOLVED that, subject to the approval of the proposed Agreement by the Office of the State Comptroller and the Office of the Attorney General, the Board of Directors hereby authorizes the President & CEO to enter into the proposed Amended Agreement upon the terms and amounts provided for above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 411 was duly passed by the Board of Directors on March 19, 2021.

Signature _____
Title: Secretary to the ORDA Board of Directors

Sworn before me this _____ day of March 2021
Notary Public, State of New York



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 412

RESOLUTION COMMITTING CAPITAL AND GRANTING APPROVAL FOR THE PRESIDENT AND CEO TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL AUDITING SERVICES

At a meeting of the Board of Directors of the Olympic Regional Development Authority (ORDA) held on March 19, 2021, the Chair offered the following resolution:

WHEREAS, pursuant to Public Authorities Law § 2611, ORDA has the power enter into contracts and to execute all instruments necessary or convenient to conduct the business of ORDA; and

WHEREAS, pursuant to Public Authorities Law § 2925, ORDA is required to provide the results of a publicly available annual independent audit report; and

WHEREAS, ORDA complies with this requirement through the retention of an independent auditor through a Professional Services Contract; and

WHEREAS, pursuant to a Professional Services Request for Proposal in the New York State Contract Reporter on October 1, 2016, ORDA's current contract for auditing services will end on March 31, 2020; and

WHEREAS, following a Professional Services Request for Proposals in the New York State Contract Reporter on December 28, 2020, the EFPR Group, CPAs, PLLC ("EFPR") submitted a proposal for ORDA's consideration and said proposal was awarded as the best value to ORDA; and

WHEREAS, a general overview of the proposed scope of services by EFPR (the "Services") includes, but is not limited to, an annual audit of the financial statements of ORDA and an expression of an opinion as to whether the financial statements are presented fairly, in all material respects, in accordance with U.S. Generally Accepted Accounting Principles; and

WHEREAS, the Services will further include an objective review and annual report in accordance with Public Authorities Law § 2925 that will contain a description of the scope and objectives of the audit, a statement that the audit was made in accordance with generally accepted government auditing standards for financial and compliance audits, a description of any material weaknesses found in the internal controls, a description of any noncompliance with ORDA's investment policies as well as applicable laws, regulations, and the State Comptroller's investment

guideline requirements, a statement of positive assurance of compliance on the items tested, and a statement of any other material deficiency or finding identified during the audit; and

WHEREAS, the Services shall follow the Generally Accepted Auditing Standards, as well as the standards for financial audits contained in *Government Auditing Standards*, as issued by the Comptroller General of the United States; and

WHEREAS, ORDA desires to enter into a proposed Agreement with EFPR for the Services described herein for a term of five (5) years (“Term”);

WHEREAS, the annual fees for the Services over the Term of the Agreement are the following:

Σ March 31, 2021	\$31,500.00
Σ March 31, 2022	\$32,200.00
Σ March 31, 2023	\$32,900.00
Σ March 31, 2024	\$33,600.00
Σ March 31, 2025	\$34,300.00

WHEREAS, the total value the proposed Agreement is \$164,500.00; and

WHEREAS, the President & CEO has requested that the Board commit the requisite capital for the Services; and

THEREFORE, BE IT RESOLVED that the Board of Directors hereby authorizes the expenditure of funds and commits the capital for the Services as is described more fully herein; and

THEREFORE, BE IT FURTHER RESOLVED that, the Board of Directors hereby authorizes the President & CEO to enter into the proposed Agreement under the circumstances and incorporating the terms described above.

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

Excused/Abstained:

Against:

Emily Stanton, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 412 was duly passed by the Board of Directors on March 19, 2021.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of March 2021

Notary Public, State of New York