



QUARTERLY REPORT TO THE TRANSPORTATION COMMITTEE

**Regarding the Status of Pending and Current Contracts, Small Harbor Projects
and the Construction Project at the State Pier**

Pursuant to PA 21-179

April 1, 2023 Submission

The Connecticut Port Authority (“CPA”) is a quasi-public agency, pursuant to Section 1-120(1) of the General Statutes of Connecticut (“CGS”), a body politic and corporate, constituting a public instrumentality and political subdivision of the State of Connecticut (“State” or “Connecticut”) that is responsible for coordinating the development of the State’s ports and harbors and maritime economy. *See generally* CGS § 15-31b(a). It is the mission of the CPA to grow Connecticut’s economy and create jobs by strategically investing in the state’s three deep water ports and small harbors to enable each to maximize its own economic potential.

Pursuant to PA 21-179: “Section 1. (NEW) (Effective from passage) On or before October 1, 2021, and quarterly thereafter, the executive director of the Connecticut Port Authority shall submit a report regarding the status of pending and current contracts, small harbor projects and the construction project at the State Pier in the town of New London to the joint standing committee of the General Assembly having cognizance of matters relating to transportation, in accordance with the provisions of section 11-4a of the general statutes. The Commissioner of Administrative Services and the Secretary of the Office of Policy and Management shall jointly review and comment on each such report before such report is submitted to the committee.”

I. Status of Pending and Current Contracts and Other Agreements

The following is a status list of current contracts:¹

1. Office of Policy and Management (OPM) Memorandum of Understanding (MOU) as Amended

ACTIVE - The Authority executed a Memorandum of Understanding (MOU) with the Office of Policy and Management (OPM) in September of 2019, which has since been amended in scope several times, as open issues have been rectified. The current amended agreement extends the engagement through June 30, 2023.

OPM is working to conclude action on all open items to assure compliance with all identified reform measures and will continue to monitor the work of the CPA. OPM has assisted the Authority in the on-boarding process of the newly hired interim executive director (April 2022) and interim finance director (May 2022).

2. Department of Administrative Services (DAS) Memorandum of Agreement (MOA)

ACTIVE - The Authority executed a Memorandum of Agreement (MOA) with OPM and DAS, effective October 2, 2019 in connection with procurement, technical services, contract administration and construction management activities in support of the State Pier Infrastructure Improvements Project (the Project) in New London. OPM's involvement terminated on May 31, 2022 and the agreement was amended in June 2022 to reduce DAS' involvement during the remaining construction phase of the project. DAS personnel participate in the Project to the extent of providing limited technical advice and services to CPA. DAS participation is on an as-needed basis subject to availability, as determined by DAS management.

3. Connecticut Innovations Memorandum of Understanding (MOU)

ACTIVE – The Authority has a Memorandum of Understanding (MOU) with quasi-public agency Connecticut Innovations, effective March 6, 2019, for the purpose of providing the Authority with management and other administrative services, specifically in the areas of human resources, time and labor, payroll, benefits and CORE-CT.

4. Connecticut Department of Transportation (CTDOT) and the Treasurer of the State of Connecticut Memorandum of Understanding (MOU) as Amended

ACTIVE – The Authority has a Memorandum of Understanding (MOU) with Connecticut Department of Transportation (CTDOT) and the Treasurer of the State of Connecticut, effective June 2016, to provide staff support to the Authority in the form of a Transportation Engineer 3 employee employed by the CTDOT temporarily assigned to work exclusively for the Authority as a Program Manager, with compensation and benefits as a State employee. The MOU also provides certain services to the Authority's State Pier facility in New London, such as snow removal for the approach to State Pier Road.

¹ Electronic copies of contracts available upon request.

5. Concession Agreement as Amended

ACTIVE - The Concession Agreement between the Authority and State Pier New London terminal operator Gateway New London, LLC was executed in January 2019. It is a twenty (20) year agreement, with two (2) additional ten (10) year options.

6. Harbor Development Agreement (HDA) as Amended

ACTIVE – The Harbor Development Agreement (HDA) between the Authority, State Pier New London terminal operator Gateway New London, LLC and partners North East Offshore (NEO), a joint venture of Ørsted and Eversource, was executed in February 2020. The HDA resulted from a 2018 Request for Proposals process with respect to the operation of the State Pier facility and the subsequent Concession Agreement with Gateway (noted in #5 above).

The HDA governs the financial contributions and other commitments involved in the redevelopment and near-term operation of the facility as a modern, heavy-lift capable port which will meet the facility requirements of the offshore wind industry. The generational improvements will benefit the port's long-term growth by increasing its capacity to accommodate heavy-lift cargo for years to come while maintaining its freight rail link. The HDA term includes the approximately two (2) year construction project, a ten (10) year sublease period and an additional seven (7) year option (terms of the option period to-be-negotiated at the end of the initial sublease period).

7. New England Central Railroad (NECR) Land and Tracklease as Amended

ACTIVE – The New England Central Railroad (NECR) Land and Tracklease between the Authority and New England Central Railroad, Inc. (NECR), a subsidiary of Connecticut-based Genesee & Wyoming Inc., was executed in March 2020. NECR agreed to lease a five-acre parcel under its control to the Authority to facilitate the redevelopment of the port facility to handle offshore wind components. The agreement covers the approximately two (2) year construction project, as well as the ten (10) year sublease period. It includes a renewal period capped at ten (10) years.

8. Saybrook Junction (Office Lease) as Amended

ACTIVE – The Authority leases office space for its headquarters at 455 Boston Post Road, Suite 204 at Saybrook Junction in Old Saybrook.

9. Gowrie Group (Insurance Documents)

ACTIVE – Gowrie Group is the Authority's current insurance broker, responsible for putting all insurance coverages out to markets annually.

10. Regan Communications / Quinn and Hary (Website Services Contract) as Amended

ACTIVE – The contract for monthly web maintenance includes uploading files and other content (including meeting agendas, minutes and recordings) to the Authority's website and other activities, as requested, and is currently continuing month-to-month, based on direction from OPM.

11. Sound Computing (IT Services)

ACTIVE – The Authority has an annual IT services contract with Sound Computing that is currently month-to-month, based on direction from OPM.

12. Cohn Reznick LLP (Auditing Services)

ACTIVE – The Authority has a three (3) year engagement with Cohn Reznick for Auditing Services.

13. Robinson and Cole LLP (Legal Services)

ACTIVE – The Authority has a three (3) year engagement with Robinson and Cole for Legal Services.

14. Kiewit Infrastructure Co. Construction Manager-at- Risk (CMR) State Pier Infrastructure Improvements Project) as Amended

ACTIVE – The Kiewit Infrastructure Co. was selected by the Authority to serve as the Construction Manager-at-Risk (CMR) for the State Pier Infrastructure Improvements Project and to engage subcontractors through a competitive bidding process to perform various construction work packages at the State Pier facility.

As noted in #2 above, the Authority has a Memorandum of Agreement (MOA) with DAS, in connection with procurement and technical services in support of the State Pier project in New London.

15. AECOM Construction Administrator (State Pier Infrastructure Improvements Project) as Amended

ACTIVE – The Authority’s contract with AECOM designates AECOM as the Authority’s Construction Administrator (owner’s representative) for the State Pier Infrastructure Improvements Project.

16. AECOM Permitting (State Pier Infrastructure Improvements Project) as Amended

ACTIVE – The Authority’s contract with AECOM authorizes AECOM to provide permitting services in support of state and federal permitting for the State Pier Infrastructure Improvements Project.

17. Small Harbor Improvement Projects Program (SHIPP) Grant Agreements

ACTIVE – Following approval of SHIPP project lists by the State Bond Commission, the Authority executes grant agreements with recipient municipalities. See Section II for additional information on projects in-progress.

18. GZA Geoenvironmental. Inc Consulting Services Agreement as Amended

ACTIVE – The Authority’s agreement with GZA is for the purpose of assessing the current condition and future capabilities of Fort Trumbull’s Pier No. 7 in New London

19. Escrow Agreement with Webster Bank Per State of Connecticut Department of Energy and Environmental Protection (DEEP) State Pier Project Permit Condition

ACTIVE – As required by Condition #7 of DEEP License 201905859-SDF TW WQC for improvements to the New London State Pier, this escrow account was established to fund \$3,425,000.00 in support of fish habitat restoration projects as mitigation for coastal resource impacts authorized by the license.

20. U.S. Army Corps of Engineers (USACE) and the State Historic Preservation Office (SHPO), Memorandum of Agreement (MOA) relating to the State Pier Infrastructure Improvements Project.

ACTIVE – The MOA is a condition of the Authority’s pending federal license from USACE for in-water work at the State Pier facility. The Authority is not a direct party to the MOA between USACE and SHPO, but is an “invited signatory.”

21. Agreement with U.S. Department of Commerce and National Oceanic and Atmospheric Administration’s (NOAA) National Ocean Service (NOS) Center for Operational Oceanographic Products and Services as Amended.

ACTIVE – Five-year reimbursable agreement totaling \$124,000 for the ongoing enhancement, management, operation, maintenance, and repair of the New Haven, Connecticut Physical Oceanographic Real-Time System (PORTS). NOS’ PORTS program supports safe and cost-efficient navigation by providing shipmasters, pilots, and other users with accurate real-time information required for safe vessel loading and transit, and to avoid groundings and collisions.

22. Consulting Services Agreement for a Contested Case Administrative Hearing Presiding Officer

ACTIVE – The Authority engaged the services of a consultant to serve as Presiding Officer for the authority in a contested case administrative hearing initiated under the authority of the Authority pursuant to Section 15-13 of the Connecticut General Statutes and held in accordance with Regulations of Connecticut State Agencies § 15-15a-1 to § 15-15a-17 and § 13b-17-100a to § 13b-17-152, in connection with an incident that took place in New Haven Harbor in February 2022. Work in support of the contract is billed hourly, with a total contract not-to-exceed amount of \$3,000.

23. Joint Stipulation and Settlement Agreement

ACTIVE – Resultant from the Contested Case Administrative Hearing Authority noted in #22 above, the Authority entered into a Joint Stipulation and Settlement Agreement regarding Docket No. 2022-0001, dated December 1, 2022, to resolve the claims in the Connecticut Port Authority’s November 3, 2022 Citation and Notice of Hearing to Connecticut State Pilot Michael Peszke, in connection with an incident that took place on February 15, 2022 involving the vessel GREAT COMFORT.

24. Memorandum of Agreement with the Army Corps of Engineers for the New Haven Harbor Improvement Federal Navigation Project Design Phase

ACTIVE – In December 2022 the Authority entered into memorandum of agreement with the Army Corps of Engineers for the design phase of the New Haven Harbor Improvement Federal Navigation Project.

25. Planning Assistance to States Agreement with the U.S. Army Corps of Engineers for a Dredged Material Placement Planning Study

PENDING EXECUTION – On February 21, 2023 the Authority's Board of Directors authorized the executive director to enter into Planning Assistance to States Agreement with the U.S. Army Corps of Engineers for a Dredged Material Placement Planning Study. The study will build upon the recommendations made in the 2015 Dredged Material Management Plan for Long Island Sound. The Corps will be responsible for leading the team. The final report is expected to be completed by December 2024.

II. Status of Small Harbor Projects

It is the mission of the Connecticut Port Authority to grow Connecticut's economy and create jobs by strategically investing in the state's three deep water ports and small harbors to enable each to maximize its own economic potential. In pursuit of this mission, the CPA has created the Small Harbor Improvement Projects Program (SHIPP) as a central part of its strategy to support economic development throughout Connecticut's waterfront communities.

Connecticut General Statute, Section 13b-55a(c), states "Harbor improvement projects include the preparation of plans, studies and construction for the alteration and improvement of various state, municipal and other properties in or adjacent to the waters of the state, for purposes of improving the economy and infrastructure of the state."

Section 13b-56(b) provides "Any municipality may undertake a harbor improvement project, including the development, improvement, construction and installation of berthing areas, channels to berthing areas, sea walls, piers, docks, navigation aids, and bridges and other related facilities and structures, pursuant to a harbor improvement plan."

Harbor improvement projects qualify for varying levels of cost share via SHIPP, depending on the type of activities proposed:

Harbor Management Plans-Studies (50% Cost Share)
Boat Ramp Facilities Feasibility Studies/Design (All Planning Studies are 100% Grant Funded - No Cost Share)
Marina Repairs (Docks, Piles, other) (20% Cost Share) *
Dredging (20% Cost Share) *

*Not all municipalities have the funding resources to provide a 20% Cost Share. The program will accept preliminary project works (Design and Permitting) paid by the municipality as the cost share in lieu of the 20%.

SHIPP Round 2

The Round 2 approved project list consisted of eight projects in municipalities statewide, totaling \$2.9 million in grant funding. The Round 2 projects were authorized by the State Bond Commission in April of 2021. The Authority has executed agreements with all grant recipients, except for one unresponsive municipality.

SHIPP Round 3

On April 19th 2022 the Connecticut Port Authority (CPA) issued a Request for Applications (RFA) for the third round of SHIPP grant funding. Applications were accepted through July 8th.

RATING CRITERIA:

- Local and Regional Supporting Actions.
- Economic and Market Viability.
- Timeline to Implementation.

- Project Permitted.
- Financial Impact if Project Grant not Awarded.
- Type of Marine Related services Provided by Facility.
- Stage of Project, planning, design, construction or other.
- Number of current employees, and jobs created by this project.

Eleven applications were received and ten met the qualification requirements of the program (one application submitted was for infrastructure not owned by the public sector and, thus, was deemed not qualified). Eight of the applications were from entities that had received prior SHIPP funding. Ultimately, ten projects in seven municipalities statewide were selected for a total of \$5.9 million in grant funds:

| | | | |
|-------------------|---|----------------|-----------------------|
| Norwalk | Street Ends-Public Access | Planning Study | \$44,000.00 |
| Norwich | Riverfront Pier-Walkway | Planning Study | \$45,000.00 |
| Stamford | Boat Ramp(s) Feasibility Study | Planning Study | \$20,000.00 |
| Stamford | Cummings Marina Design Municipal Marina | Planning Study | \$236,500.00 |
| Stonington | Town Pier Commercial Fish | Planning Study | \$250,000.00 |
| Branford | Branford Point Wharf | Construction | \$1,000,000.00 |
| Guilford | Municipal Marina Dredging | Construction | \$861,500.00 |
| Norwich | Municipal Marina Docks/Piers | Construction | \$289,489.80 |
| Stamford | Cove Island Park Municipal Marina Dredging | Construction | \$3,095,520.00 |
| Stratford | Emergency Service Dock | Construction | \$63,345.60 |
| Total = | | | \$5,905,355.40 |

Authority's Plan to Ensure a Transparent and Equitable Process for Selecting and Disbursing Grants through the Small Harbor Improvement Projects Program

The Authority remains committed to a transparent and equitable process for selecting and disbursing grants through SHIPP. Since the inception of the SHIPP program in 2017, all qualified and responsive respondents have received funding. When a new round of SHIPP funding is announced the application requirements and selection criteria are posted publicly, along with the SHIPP Policies and Procedures².

In 2021, per guidance from OPM, the Authority updated its SHIPP Policies and Procedures. The SHIPP Policies and Procedures govern the selection criteria and grant funds disbursement requirements for program respondents. One modification to the SHIPP Policies and Procedures was to shift to providing recipients grant funds on a reimbursable basis. Per the new requirements, grantees must submit a Certified Invoice to the Authority for completed work in order to receive funds.

In order to receive reimbursement for funds, a grantee must submit the following documents:

1. Certified Invoice with all back-up material.
2. Updated Project Schedule
3. Project Narrative Report
4. Project Budget Report(s)
 - a. Budget narrative
 - b. Progress report
 - c. Financial report
 - d. Grantee Affirmative Action Plan

In support of the Authority's efforts to ensure a transparent and equitable process for selecting and disbursing grants through SHIPP, in its *2021 Annual Operations and Projects Report* (and repeated in the 2022 annual report) responsive to C.G.S. § 15-31a(k) and C.G.S. § 15-31a(o), as well as during subsequent meetings with the Transportation Committee, the Authority recommended that the committee consider legislation enabling the State Bond Commission to allocate to the Authority the full \$5 million for the Authority's SHIPP program each year and allow the Authority to fund any SHIPP project that meets the requirements of the program on a rolling basis.

² Electronic copy available upon request.

III. Status of the Construction Project at the State Pier in the Town of New London

Project Overview

It is the goal of the Connecticut Port Authority to make generational improvements to transform the State Pier in New London into a state-of-the-art heavy-lift capable port facility that will accommodate a wide variety of cargoes, including wind turbine generator staging and assembly. The proposed State Pier infrastructure improvements are being designed to address previously identified facility shortcomings, and enhance the State Pier facility and site conditions to accommodate future cargo needs and capitalize on opportunities for the State of Connecticut.

- The infrastructure upgrades will re-make State Pier as a modern, heavy-lift capable terminal and meet the facility requirements of the offshore wind industry, while maintaining its freight rail link.
- The upgrades include the creation of two heavy-lift pads, each capable of handling loads of 5,000 pounds per square foot (psf). The rest of the facility's load bearing capacity has been enhanced to 3,000psf.
- With the northeast bulkhead heavy-lift platform (or "delivery berth") completed, commencement of terminal operations has begun. Components will arrive this spring for assembly and delivery of the South Fork Wind project this fall.
- Following the completion of the project, the Ørsted and Eversource joint venture company will enter into a ten-year lease agreement, which will allow it to use State Pier for wind turbine generator pre-assembly and staging, resulting in approximately 100 FTE offshore wind-related well-paying jobs created at the site.
- Three offshore wind projects totaling more than 1,750MW are already scheduled to be delivered from the completed facility:
 - South Fork Wind (132MW, State of New York);
 - Revolution Wind (304MW, State of Connecticut and 400MW, State of Rhode Island); and
 - Sunrise Wind (880MW, State of New York)
- Due to the Port of New London's deepwater access and lack of vertical and horizontal obstructions, the first U.S.-built wind turbine installation vessel, Dominion's *Charybdis* (expected to be sea ready in late-2023) will first be deployed out of State Pier to support the construction of the Revolution Wind and Sunrise Wind projects.
- During periods where Ørsted and Eversource are not using State Pier, Gateway Terminal will market the facility to other commercial enterprises to ensure maximum utilization.

Construction Update

The Authority executed a Memorandum of Agreement (MOA) with OPM and DAS, effective October 2, 2019 in connection with procurement, technical services, contract administration and construction management activities in support of the State Pier Infrastructure Improvements Project (the Project) in New London. OPM's involvement terminated on May 31, 2022 and the MOA was amended in June 2022 to reduce DAS' involvement during the remaining construction phase of the project. DAS personnel participate in the Project to the extent of providing limited technical advice and services to CPA as necessary during the remaining construction phase of the Project. DAS

participation will be on an as-needed basis, subject to availability as determined by DAS management.

As of February of 2022, several critical elements of the terminal construction have been completed – most notably, the facility's Northeast Bulkhead (also known as the “delivery berth”), which features a heavy-lift pad capable of handling loads of 5,000 pounds per square foot. As a result, Orsted and Eversource will utilize the terminal to accept delivery of components for the South Fork Wind project this spring. Offshore wind turbines will leave the facility for the offshore lease areas in summer of 2023.

When fully completed, the 40-acre State Pier Terminal will feature two heavy-lift pads capable of accommodating offshore wind turbine components and a wider range of cargo than the facility had been able to service in the past. When not supporting offshore wind staging and assembly operations, the heavy-lift capable terminal will be marketed to other commercial customers for maximum heavy-lift cargo utilization.

Project Cost Update

In April of 2021, following a public competitive bid process, the Authority executed a Construction Manager-at-Risk contract with Kiewit Infrastructure Co., which resulted in the first real estimate based on the market cost of materials and labor - a Target Guaranteed Maximum Price (GMP) for the project of \$204m (\$193m construction cost, plus another \$11m in contingency). Combined with the project's separate non-construction costs (project design, permitting, lease of adjacent property, etc...) of \$31.5m, the total project cost was estimated at \$235.5m.

As noted by Chairman David Kooris at the Authority's March 22, 2022 special board meeting, the permitting process for the project took significantly longer than anticipated and the board openly discussed that there is cost associated with that delay and additional cost in accelerating certain aspects of construction activities to accommodate the delivery of Orsted and Eversource's South Fork Wind project.

The Authority successfully negotiated and approved the costs associated with the permitting delay and project acceleration. As a result, legislative authorization for an additional \$20 million, and subsequent Bond Commission's action on May 26, 2022, brought available project funds total \$255.5 million.

The project has increased in price by less than 10% from the first estimates based on contractor pricing for labor and materials in mid-2021.

In winter of 2022, the Authority noted that adjustments in the date for total site completion - and any potential additional costs - are associated with certain portions of the project to address supply chain constraints and unknown site conditions (including obstructions). The Authority, construction administrator AECOM, construction manager Kiewit, terminal operator Gateway and Orsted/Eversource are all in the late-stages of complex negotiations towards a final path forward. Negotiations remain dependent on agreed costs resultant from outstanding design changes driven by unknown site conditions and will include additional resources from our private partners to achieve a fair and successful final path forward to project construction completion this fall. Negotiations regarding an Amended Harbor Development Agreement (HDA) and final

GMP are progressing and is expected to necessitate a special meeting of the Board prior to its next regularly scheduled meeting in April.

Please do not hesitate to contact me at uhammond@ctportauthority.com or (860) 577-5174 if you have any questions, comments or concerns regarding the content of this report.

Submitted by:

Connecticut Port Authority



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Date: March 31, 2023