

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
SPECIAL MEETING
THURSDAY, DECEMBER 4, 2008**

Chairman Dilts called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:30 A.M.

PRESENT

Chairman Stephen Dilts; Treasurer Michael DuPont; Commissioner Harold Hodes; Commissioner David Evans; and Commissioner Clive Cummis (all participating via telephone conferencing).

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Finance Director Benjamin Hayllar; Technology and Administrative Services Director Brian Gorman and Secretary Rose Stanko.

Also attending via the telephone conference were: Sonia Frontera, Governor's Authorities Unit; and Kathy Diringer, NJDOT Policy & Authority Coordination.

NOTICE OF MEETING

This is a special meeting of the New Jersey Turnpike Authority. Adequate notice of this meeting has been provided in accordance with Chapter 231, P.L. 1975 in that notice has been given to two newspapers and notice has been forwarded to the Secretary of State, Trenton, New Jersey. In addition, notice of said meeting has been and is being displayed in the main lobby of the Authority's Administration Headquarters in Woodbridge.

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RECUSALS

The Secretary reported that that no recusals or abstentions have been submitted.

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At this juncture, Chairman Dilts opened the floor for comment pertaining to the items being presented for Board approval. There was no response.

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The Members of the Authority then moved on the following matters being considered:

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215-08

Chief Engineer Raczynski presented the recommendation contained in his memorandum dated November 25, 2008, concerning **Award of Contract No. P100.024 – Agate Construction Co. Inc.** – Mullica River Bridge and Northbound Widening, Parkway Milepost 48.5 to Milepost 49.7, 2004 Bond Issue Fund No. 07860004, 2009 Capital Construction Program.

This is the first of two contracts that will provide for widening of the Parkway at Mullica River and the rehabilitation of the existing Mullica River Bridge (Structure No. 49.0). This contract will provide for the construction of a new parallel bridge carrying the Parkway over the Mullica River to the east of the existing bridge, and associated new approach roadways.

Six proposals were received on November 19, 2008 for the above publicly advertised contract. The low bid proposal, in the amount of \$53,073,562.44, may be compared to the second low bid proposal in the amount of \$61,708,716.00. The low bid is about 16% below the second low bid. A post-bid meeting was conducted with Agate Construction Co., Inc. (Agate) based on the difference in total price and select unit prices between Agate and the remaining bidders to ensure that Agate understands the scope and schedule of the contract and is comfortable with the total price bid. Agate confirmed their understanding of the contract scope and schedule, and the adequacy of the total price bid. Agate has previously performed work for the Authority, satisfactorily performed similar work for other regional transportation agencies, and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P100.024 be awarded to the low bidder, Agate Construction Co., Inc. of Clermont, New Jersey, in the amount of \$53,073,562.44, allocated as follows: \$28,000,000.00 in Fund 07860004 and \$25,073,562.44 in the 2009 Capital Construction Program. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by this awardee pursuant to Public Law 2005, Chapter 51 and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

Reviewed by the Law Director; available funds certified by the Finance Director, the Executive Director certified the recommendation for consideration.

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority unanimously approved the recommendation; authorized award of Contract No. P100.024 to Agate Construction Co. Inc., in the amount of \$53,073,562.44, as presented; and received and filed the memoranda.

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216-08

Chief Engineer Raczynski presented the recommendation contained in his memorandum dated November 21, 2008, concerning **Issue of Order for Professional Services No. P3191 – PB Americas, Inc.** – Supervision of Construction Services for Contract No. P100.024 - Mullica River Bridge & Northbound Widening, Parkway Milepost 48.5 to Milepost 49.7, 2004 Bond Issue Fund No. 07860004; Contract No. P100.025 - Rehabilitation of Existing Mullica River Bridge, Parkway Milepost 49.0, 2004 Bond Issue Fund No. 07860004; and Contract No. P200.104 - Pavement Restoration and Miscellaneous Improvements, Parkway Milepost 38 to Milepost 48, Maintenance Reserve Fund No. 03020005.

This Order for Professional Services (OPS) will provide supervision of construction services for Contract Nos. P100.024, P100.025 and P200.104. Contract No. P100.024 provides for the construction of a new northbound bridge over the Mullica River and widening of the existing bridge crossing. Contract No. P100.025 provides for the reconstruction of the concrete deck and parapets on the existing bridge over Mullica River. Contract No. P200.104 provides for pavement restoration on the Garden State Parkway mainline roadway from Mileposts 38 to 48.

This assignment is classified as a "Complex Project" because the fee exceeds \$1,000,000. Forty-one engineering consulting firms prequalified and eligible in Profile Code B155: Bridges - Construction Inspection were invited to submit Expressions of Interest (EOIs). Six EOIs were received by the closing date of October 8, 2008.

Subsequent to the scoring of EOIs by the Review Committee, three firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) PB Americas, Inc.; 2) STV Incorporated; and 3) Gannett Fleming, Inc. The Review Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in PB Americas, Inc. being the highest technically ranked firm. The fee submitted has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. P3191 be issued to the firm of PB Americas, Inc. of Princeton, New Jersey in the maximum amount of \$7,240,000, allocated as follows: \$6,540,000 in Fund 07860004 and \$700,000 in Fund 03020005 (2009). This amount includes reimbursement of direct salaries times a maximum multiplier of 2.20, to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by this awardee pursuant to Public Law 2005, Chapter 51 and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8 and Executive Order No. 37 (Corzine).

Reviewed by the Law Director; available funds certified by the Finance Director, the Executive Director certified the recommendation for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved the recommendation; authorized issue of OPS No. P3191 to PB Americas, Inc., in the amount of \$7,240,000, as presented; and received and filed the memorandum.

At this juncture, Chairman Dilts offered his congratulations to the Authority's Staff on this very important first step for the Parkway Widening Project.

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The motion to adjourn was made by Commissioner DuPont, seconded by Commissioner Evans and, after the voice vote, the motion was duly adopted. The Authority adjourned at 9:43 A.M.

Rose Stanko
Secretary

APPROVED:

Stephen Dilts, Chairman and NJ Department of Transportation Commissioner

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner

Raymond M. Pocino, Commissioner

(ABSENT)

Clive S. Cummis, Commissioner