**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY**
**TUESDAY, JUNE 30, 2009**

Chairman Dilts called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:38 A.M.

**PRESENT**

Chairman Stephen Dilts; Commissioner/Treasurer Michael DuPont; Commissioner David Evans; Commissioner Raymond Pocino; Commissioner Troy Singleton; Commissioner Ulises Diaz; and (participating via teleconference) Commissioner Harold Hodes.

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Electronic Toll Collection Director Dennis Switaj; Finance Director Benjamin Hayllar; Human Resources Director Mary-Elizabeth Garrity; Internal Audit Director James Carone; Law Director George Caceres; Deputy Law Director Linda Cavanaugh; Maintenance Manager Susan Intromasso; Operations Director Sean Hill; Purchasing Director Andrea Ward; Strategic Policy & Planning Director Marilyn Lennon; Tolls Director Robert Quirk; Commander Matthew Walker, New Jersey State Police Troop D; Chief of Staff Joe Orlando; and Secretary Rose Stanko.

Also present were: General Counsel Judy Verrone; General Consultant Jack Finn; Governors' Authorities Unit Director James Carey; NJDOT Policy and Authorities Coordination Representative Ben Neville; additional individuals consisting of other NJTA employees; interested organizations; the general public; and from the media: the Asbury Park Press and The Record.

**NOTICE OF MEETING**

> This is a regular 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.

**APPROVAL OF MINUTES**

The Secretary reported that ten days (excluding Saturdays, Sundays and holidays) have elapsed since Governor Jon S. Corzine received the proceedings of the regular meeting of May 27th, 2009; he has not exercised his power to veto any items in those minutes.

In addition, a correction to the record was requested to remedy a typing error found in Engineering item 134C-09. Confirmed and verified with Engineering and Finance, the amount of $132,145.23 will be stricken and revised to read as a final payment in the amount of $132,195.23.

Upon motion by Commissioner Pocino, seconded by Commissioner DuPont; the Minutes of the May 27, 2009 meeting, as corrected, were unanimously approved.

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**RECUSALS**

The Secretary reported that advisements of recusal had been submitted and asked for any further recusals or abstentions to be placed on record for this meeting. Those results are regarding

items: 151-09 through 154-09 and 162A-09 through 162E-09 for Commissioner Pocino; 159A-09 and 162B-09 for Commissioner DuPont; and 151-09 through 153-09, 162D-09 and 162E-09 for Commissioner Singleton.

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A motion to enter into Executive Session, not open to the public in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-12(b), to discuss matters pertaining to:

A. Personnel;

B. Purchase, Lease or Acquisition of Real Property;

C. Pending or Anticipated Litigation; and/or

D. Contract Negotiations.

The motion was made by Commissioner DuPont, seconded by Commissioner Hodes, and, after a voice vote, the motion was duly adopted by the Board of Commissioners of the New Jersey Turnpike Authority. Minutes of the deliberations conducted in closed Executive Session will be disclosed to the public once the Commissioners determine that the public interest will no longer be served by keeping these deliberations confidential.

(At 9:43 AM, prior to entering Executive Session, Commissioner Hodes disconnected from the teleconferencing link.)

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Executive Session was adjourned and the Chairman resumed the public portion of the meeting.

(At 10:20 AM, Commissioner Hodes rejoined the meeting via telephone conferencing.)

The Members of the Authority then moved on the following agenda matters presented for consideration:

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**PERSONNEL**

**143-09**

Human Resources Director Garrity submitted the **Personnel Agenda**, dated June 30, 2009, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendation for consideration.

On motion by Commissioner Pocino, seconded by Commissioner Diaz, employment of those named to serve at the pleasure of the Authority and other recommended personnel actions, were unanimously approved, ratified and confirmed, to become effective as of the dates specified and at the salaries listed.

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**LAW**

Law Director Caceres requested approval of items 144-09 through 149-09; moved as a group, those items are as follows:

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**144-09**

In a memorandum dated June 18, 2009, concerning the recommendation to **Settle Formal Workers' Compensation Matter of James Freund v. New Jersey Turnpike Authority**, Account No. 10-870-405070.

This somewhat complex settlement request encompasses three formal claim petitions arising out of three separate incidents, resulting in four injuries. James Freund, a Turnpike Authority Maintenance Person hired in June 1997, was thrown into a guardrail after being hit by a patron's vehicle in September of 2003, and sustained injury to his right shoulder. He also witnessed his co-worker's death from the same accident, causing psychological trauma. In May, 2005 Mr. Freund sustained another injury to his right shoulder arising out of throwing garbage bags into his litter patrol vehicle. Mr. Freund was diagnosed by Dr. Rubin and Dr. Head with post traumatic stress disorder, anxiety, nightmares and sleep disorder from the vehicular incident. He also underwent arthroscopic surgery by Dr. McCloskey in February, 2004 to repair a complex tear of the anterior labrum of the right shoulder. After the 2005 re-injury of the shoulder, Mr. Freund was again treated by Dr. McCloskey who administered several injections into the shoulder and ordered extensive physical therapy.

The third claim (and fourth injury) is an occupational claim for bilateral carpal tunnel syndrome, which the petitioner alleges originated from his daily, repetitive work activities. In 2007, Mr. Freund underwent authorized carpal tunnel decompression surgery on both the right and left hand performed by Dr. Jason Wong of East Coast Orthopedics and Sports Medicine.

The petitioner is represented by the law firm of Petro, Cohen and Matarazzo of Northfield, NJ. The Authority is defended by Special Counsel Raymond King of King, Kitrick & Jackson located in Brick, NJ. The matter is venued in the district office of Toms River before Judge Carmine Taglialatella.

Permanency findings by Dr. Robert Bachman on behalf of the respondent, opined 7 ½% of permanent partial total for the right shoulder, and 5% for each hand "regardless of cause". Permanency evaluation by Dr. Marshall Pressman on behalf of the petitioner found 80% of permanent partial total for the right shoulder. Special Counsel is requesting settlement at 20% for the right shoulder minus a 5% agreed-upon credit for a pre-existing condition, which would - after factoring in the Authority's Section 40 lien credit - equate to $5,622.37. Special Counsel also requests settlement at 30% permanent partial total for the re-injury of the right shoulder, minus a 20% credit for the prior award (described above), equating to a total of $15,858.00 for that claim. Permanency findings by Dr. Tobe on behalf of the petitioner opined 40% partial total for the psych claim, while the respondent's doctor (Dr. Head) found 0% permanency. Special Counsel recommends that we settle the psychological component for $35,000 under Section 20. Lastly, Special Counsel is requesting $15,000, via Section 20, to bring the bilateral carpal tunnel claim to conclusion.

Special Counsel informs us that Judge Taglialtella will only accept a “global” settlement, inclusive of all three claims. He will not entertain separate settlements for each. Moreover, the settlement amounts have already been vetted with the judge and there is no further opportunity for negotiation. This notwithstanding, Special Counsel and the Authority’s third party administrator believe that this is an acceptable resolution because, although the aggregate settlement amount would be a few thousand dollars more than if settled individually, the “global” settlement will yield not only a Section 20 for the psychological claim, but a Section 20 for the occupational carpal tunnel claim as well. This means that the petitioner will no longer be able to reopen those claims again for future awards. Moreover, under Section 20, the Authority’s portion of petitioner’s legal fees are significantly reduced.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority’s third party workers’ compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle these matters for the sum of $71,480.37.

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**145-09**

In a memorandum dated June 23, 2009, concerning the recommendation to **Acquire Properties Necessary for Turnpike Interchange 6 to Interchange 9 Widening Program - Negotiated Purchase of Five (5) Parcels**, Project No. 06510057.

The New Jersey Turnpike Authority (the “Authority”) is proceeding with its plans to widen the Turnpike between Interchange 6 in Mansfield Township, Burlington County and Interchange 9 in East Brunswick Township, Middlesex County (the “Widening Program”). The roadway will be widened to 12 lanes with major modifications constructed at four interchanges. Final design is currently underway with construction scheduled to commence during 2009.

In order to complete the Widening Program, the Authority must acquire certain property located adjacent to the Turnpike for the purpose of facilitating construction as well as for potential environmental purposes. The Authority has determined that the five properties listed herein are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent appraisers and reviewed by Value Research Group, LLC, the Authority’s Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations for the purchase of same based on this appraised value. In each case, negotiations had come to an impasse and authorization for condemnation was requested and approved by the Authority’s Board of Commissioners at a previous meeting. However, in each case, negotiations continued and a settlement of all terms was agreed upon. The following is a description of each property for which the parties have finalized negotiated terms of sale.

1) Design Section 6, Turnpike ROW Section 4J
Parcel 1103, Block 22, Lot 36
52 Milford Road, East Windsor, Mercer County
Owner: Dolores A. Clark a/k/a Dolores Bell
Amount: $415,000.00 (Full Taking)

The subject property is a rectangular shaped parcel of I-O (Industrial Office) zoned land containing an area of 2.7 acres, or 117,612 square feet. The site is improved with a 3 bedroom, 1 bathroom single-family residential dwelling constructed in 1929 containing 1,260 square feet with a detached, one-car garage.

2) Design Section 6, Turnpike ROW Section 4J
Parcel 1102, Block 22, Lot 36.01
58 Milford Road, East Windsor, Mercer County
Owner: Dolores Bell a/k/a Dolores Clark
Amount: $ 560,000.00 (Full Taking)

The subject is a rectangular shaped parcel of I-O (Industrial Office) zoned land containing an area of 2.58 acres, or 112,385 square feet. The site is improved with three bedroom, 1 full and 1 half bathroom single family residential dwelling constructed in 1960 containing 1,536 square feet with a detached garage. The property was renovated/expanded in 1998.

3) Design Section 6, Turnpike ROW Section 4J
Parcel No. 1077-2, Block 29, Lot 2 (Partial Taking)
200 Etra Road, Township of East Windsor, Mercer County
Owner: Presbyterian Homes at Meadow Lakes, Inc.
Amount: $ 680,000.00

The subject property currently consists of 102.396 acres of vacant unimproved land (the "Property") and adjacent developed land located at Block 63.01, Lot 45 in Hightstown Borough which is not directly impacted by the taking. The Authority must acquire a fee simple interest in a 3.095 acre area along the eastern border of the Property.

4) Design Section 6, Turnpike ROW Section 4J
Parcel Series 1087, Portion of Block 22, Lot 11
66 Woodside Avenue, East Windsor Township, Mercer County
Owner: Milford Realty Associates, LLC
Amount: $ 2,150,000.00 (Partial Taking)

The property currently consists of approximately 74,180 acres of vacant land. Based on preliminary design, the Authority offered to purchase the property in its entirety. However due to a redesign at this location, the Authority's taking was modified. The Authority must now acquire the following interests in a portion of the property: (a) a fee simple interest in 17.912 acres of the property to be designated as Parcel 1087; (2) a utility easement consisting of the right to install and maintain the Colonial Pipeline impacting 1.933 acres of the property to be designated as Parcel UE1087; (3) a conservation easement impacting 0.941 acres of the property for the benefit of the Delaware & Raritan Canal Commission to be designated as Parcel CE1087; (4) a conservation easement impacting 4.211 acres of the property designated as Parcel 2CE1087; (5) a temporary construction easement relating to relocation and construction of the Colonial Pipeline impacting 1.729 acres of the Property to be designated as Parcel C1087; and (6) a temporary construction easement relating to the realignment and regarding of Rock Brook impacting 0.147 acres or 6,411 square feet of the property to be designated as Parcel 2C1087.

5) Design Section 6, Turnpike ROW Section 4J
Parcel Series 1089, Portion of Block 22, Lot 13
65 Woodside Avenue, East Windsor Township, Mercer County
Owner: Daniel Street Realty, L.L.C.
Amount: $1,000,000.00 (Partial Taking)

The property currently consists of approximately 44.845 acres of vacant land. The Authority must acquire the following: (a) a fee simple interest in 9.485 acres of the property to be designated as Parcel 1089A; (b) a fee simple interest in 0.038 acres of the Property to be designated as Parcel 1089B; (c) a slope easement impacting 0.054 acres of the Property to be designated as Parcel E1089B, (d) two (2) utility easements for the purpose of installing and maintaining Colonial Pipeline impacting 2.395 acres and designated as 2UE1089 and 3UE1089; (e) one (1) utility easement for the construction, placement, maintain and repair of underground sanitary sewer and water service line facilities for JCP&L and Verizon telephone service line utility facility and appurtenances impacting 0.107 acres or 4,675 square feet designated as E1089; and (f) three (3) temporary construction easements relating to the relocation and construction of the Colonial Pipeline impacting 2.901 acres designated as C1089, 2C1089 and 3C1089.

The above referenced purchase of the Clark and Bell properties will require the expenditure of funds for relocation benefits as defined by statute. The other three parcels are vacant and will not require such expenditures.

The acquisitions as proposed herein do not involve properties designated as "Preserved Farmland" pursuant to and as regulated by the Agriculture Development and Retention Act,

N.J.S.A. 4:1C-11 et seq., and State Agricultural Development Committee Rules N.J.A.C. 2:76-1.1, the Act's implementing regulations. Nor have the above referenced properties been designated or encumbered as Green Acres properties pursuant to N.J.S.A. 13:1D-52 et seq. and N.J.A.C. 7:35-26.1 et seq.

The Authority's Law Department and its Real Estate Manager/Consultant in consultation with General Counsel recommend that the Authority acquire the properties upon the terms and conditions as set forth above.

Based on the foregoing, it is requested that the Authority Commissioners authorize the Executive Director and Director of Law to take all steps necessary to purchase the properties outlined above for the amounts set forth herein and to satisfy those other costs required to be paid at closing, said costs not to exceed Five Thousand ($5,000.00) per transaction. The amount of One Million Five Hundred Twenty Six Thousand One Hundred Dollars ($1,526,100.00) and No Cents was authorized as part of the earlier Board action as set forth above, therefore authorization for the expenditure of an additional Three Million Two Hundred Seventy Eight Thousand, Nine Hundred Dollars ($ 3,278,900.00) and No Cents is requested at this time. It is further recommended that the Executive Director be authorized to take any other steps necessary for the acquisition of the property upon review and approval of such action by the Law Department and General Counsel. It is additionally recommended that the Executive Director be authorized to take any action to effect the intent and purpose of this recommendation.

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**146-09**

In a memorandum dated June 16, 2009, concerning the recommendation to **Acquire Property for Turnpike Interchange 6 to Interchange 9 Widening Program –Three (3) Parcels**, 2009 Capital Construction Program.

The New Jersey Turnpike Authority (the "Authority") is proceeding with its plans to widen the Turnpike between Interchange 6 in Mansfield Township, Burlington County and Interchange 9 in East Brunswick Township, Middlesex County (the "Widening Program"). The roadway will be widened to 12 lanes with major modifications constructed at four interchanges. Final design is currently underway with construction scheduled to commence during 2009.

In order to complete the Widening Program, the Authority must acquire certain property located adjacent to or in the vicinity of the New Jersey Turnpike for the purpose of facilitating construction as well as for potential environmental purposes. The Authority has determined that the three properties listed herein are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations with the owners and their respective counsel for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Despite such negotiations, the Authority has been

unable to reach an agreed upon purchase price with the owners. The following is a description of each said property:

1) Design Section 1, Turnpike ROW Section 3D
   Parcel Series 177, Block 47.01, Lot 10.02
   1197 Florence Road, Mansfield Township, Burlington County
   Owner: Wayne M. Lisehora and Kathleen Best Lisehora
   Amount: $ 17,000.00 (Partial Taking)

The Property currently consists of 17.01 acres of land improved with a vacant one-story office building, a vacant auto repair facility, a barn and a single family dwelling. The Authority must acquire the following interests in the Property: (1) a fee simple interest in 0.376 acres of the Property to be designated as Parcel 177A; (2) a slope easement impacting 0.375 acres of the Property to be designated as Parcel E177A; (3) a utility easement impacting 0.034 acres consisting of the right to install and maintain the Transcontinental Gas Pipeline to be designated as Parcel UE177A; (4) an aerial utility easement impacting 0.050 acres of the Property to be designated as Parcel AE177A; and (5) a temporary construction easement impacting 1.219 acres of the Property to be designated as Parcel C177A

2) Design Section 4, Turnpike ROW Section 4G
   Parcel Series 973, Block 40, Lot 2.01
   100 West Manor Way, Robbinsville Township, Mercer County
   Owner: 100 West Manor Way, LLC
   Amount: $ 605,000.00 (Partial Taking)

The Property currently consists of 68.509 acres of land improved with a newly constructed 905,000 square foot "big box" warehouse. As a result of a redesign at the location of the Property, the Authority must acquire the following interests in same: (1) a fee simple interest in 4.017 acres of the Property to be designated as Parcel R973A; (2) a fee simple interest in 0.002 acres of the Property to be designated as Parcel 973B; (3) a utility easement consisting of the right to install and maintain the subsurface and aerial utilities, impacting 0.028 acres of the Property to be designated as Parcel RUE973; and (4) a slope easement consisting of the right to form and maintain slopes on the land for grading, drainage and support of Robbinsville Allentown Road, impacting 0.020 acres of the Property to be designated as Parcel E973.

3) Design Section 2, Turnpike ROW Section 3E
   Parcel Series 262, Block 204, Lot 1
   14 Bordentown-Chesterfield Road, Chesterfield Township, Burlington County
   Owner: Matthew and Suzette Lucas
   Amount: $ 235,400.00 (Partial Taking)

The Property currently consists of approximately 16.168 acres of land which is improved with a single family residential dwelling. The Authority must acquire the following interests in same: (1) a fee simple interest in 0.792 acres to be designated as Parcel R262; (2) a drainage easement impacting 0.012 acres to be designated as Parcel D262; and (3) a temporary construction easement impacting 0.119 acres associated with relocation of the Sunoco and Colonial Pipelines crossing of Bordentown-Chesterfield Road to be designated as parcel C262.

The acquisitions as proposed above do not involve properties designated as "Preserved Farmland" pursuant to and as regulated by the Agriculture Development and Retention Act, N.J.S.A. 4:1C-11 et seq., and State Agricultural Development Committee Rules N.J.A.C. 2:76-1.1, the Act's implementing regulations. Nor have the above referenced properties been designated or encumbered as Green Acres properties pursuant to N.J.S.A. 13:1D-52 et seq. and N.J.A.C. 7:35-26.1 et seq.

As such, the Authority's Law Department in consultation with General Counsel and its Real Estate Manager/Consultant recommend that the Authority commence eminent domain proceedings to acquire the properties as set forth above.

Based on the foregoing, it is requested that the Authority Commissioners authorize the Executive Director and Director of Law to take all steps necessary to commence eminent domain proceedings with respect to the properties as set forth above, including depositing with the Superior Court the following amounts which represent the appraised value of each property as indicated:

$ 17,000.00 – Lisehora Property
$ 605,000.00 – 100 West Manor Way Property
$ 235,400.00 – Lucas Property

It is further recommended that the Executive Director be authorized to take any other steps necessary for the acquisition of the property upon review and approval of such action by the Law Department and General Counsel.

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**147-09**

In a memorandum dated June 25, 2009, concerning the recommendation to **Acquire Properties Necessary for Turnpike Interchange 6 to Interchange 9 Widening Program, Mitigation Purposes – Three (3) Properties**, Project No. 31018001.

The New Jersey Turnpike Authority (the "Authority") is proceeding with its plans to widen the Turnpike between Interchange 6 in Mansfield Township, Burlington County, and Interchange 9 in East Brunswick Township, Middlesex County (the "Widening Program"). The roadway will be widened to 12 lanes with major modifications constructed at four interchanges. Final design is currently underway with construction scheduled to commence during 2009. The final design phase includes, among other things, environmental permitting. In order to complete the Widening Program, the Authority acquired certain property located adjacent to or in the vicinity of the Turnpike for the purpose of facilitating construction as well as for potential environmental mitigation purposes. The Widening Program will impact freshwater wetlands located adjacent to the Turnpike and in the vicinity of certain Interchanges. As a result, the Authority obtained a freshwater wetlands permit from the New Jersey Department of Environmental Protection. The permit requires the permittee to undertake mitigation for impacts to wetlands and other environmentally sensitive areas.

The Authority's Environmental Consultant, Louis Berger, Inc., ("Berger") has identified the three parcels listed below as acceptable for mitigation purposes. Berger estimates that these properties can yield credits for wetland impacts in the Raritan Basin as well as riparian zone mitigation for the Millstone River impact. After additional review and consideration, the Authority has determined that said properties are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations for the purchase of same based on this appraised value. The following is a description of each property for which the parties have negotiated terms of sale.

1) Design Section 8, Turnpike ROW Section 4L
Parcel 1238 , Block 6, Lots 6, 7, 10 and 11; Block 7, Lots 1 and 2
South Side of Longstreet Road and West Side of Perrinville Road,
Monroe Township, Middlesex County
Owner: Brookland Company
Amount: $ 4,000,000.00

The Property consists of six, adjacent parcels of vacant land containing a total area of 397.47 acres, or 17,313,793 square feet. The majority of the subject site is zoned RR-FLP (Rural Residential Farmland Preservation District), which permits the development of single-family

dwellings. However, parts of the property, along the boundary lines, are located within the FHC (Flood Hazard/Conservation District). Development within the FHC zone is restrictive. The property contains access and road frontage along Perrinville Road, an improved two lane roadway. Additionally, access to the subject site is provided by Longstreet Road and Mills Road, which are currently both unimproved, dirt roads. According to the NJDEP wetlands map, the majority of the subject site is encumbered with a variety of wetlands and wetland buffers. There is a total of 115.9 acres of uplands; however, access to these areas is limited. The property consists of areas of woodlands, as well as cleared grassland areas and contains mostly level to slightly varying topography.

2) Design Section 8, Turnpike ROW Section 4L
Parcel 1239, Block 6, Lot 8
West Side Perrinville Road and South Side of Longstreet Road
Monroe Township, Middlesex County
Owner: John Rihacel & Palma Formica
Amount: $ 80,500.00

The subject is a parcel of vacant land containing an area of 8.37 acres, or 364,597 square feet. The property is zoned RR-FLP (Rural Residential-Farmland Preservation District), which permits single-family dwellings; farms, truck gardens, and other agricultural activities; parks, playground and other recreation facilities; township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings. The property contains road frontage along Mills Road. Access to the property along Longstreet Road and Mills Road is restrictive, since these roads have not been maintained and would require significant improvements to be brought to RSIS standards (Residential Site Improvement Standards). The property is heavily wooded and contains level to slightly varying topography. Additionally, according to the NJDEP wetlands map, the majority of the subject site is encumbered with freshwater wetlands and wetland buffers. Due to these physical constraints, development potential on the subject site is limited.

3) Design Section 8, Turnpike ROW Section 4L
Parcel 1240, Block 6, Lot 9
West Side Perrinville Road and South Side Longstreet Road
Monroe Township, Middlesex County
Owner: Klefis Rowdonowicz
Amount: $ 80,000.00

The subject is a parcel of vacant land containing an area of approximately 7.85 acres, or 341,946 square feet. The property is zoned RR-FLP (Rural Residential-Farmland Preservation District), which permits single-family dwellings; farms, truck gardens and other agricultural activities; parks, playground and other recreation facilities; township municipal offices, library, fire, first aid, municipal utilities, police stations, schools and other buildings. The property is currently landlocked, with no legal access or road frontage. Additionally, access to the subject area is limited, since the current access roads (Longstreet Road and Mills Road) have not been maintained and would require significant improvements to be brought to RSIS standards (Residential Site Improvement Standards). The property is heavily wooded and contains level to slightly varying topography. Additionally, according to the NJDEP wetlands map, the majority of the subject site is encumbered with freshwater wetlands and wetland buffers. Due to these physical constraints, development potential on the subject site is limited.

Agreements have been reached in principal with the above referenced property owners, however, contracts have yet to be executed by the parties. The Authority's Law Department and its Real Estate Manager/Consultant in consultation with General Counsel recommend that the Authority acquire the properties upon the terms and conditions as set forth above. Any substantial change to the terms of the agreements will be brought back to this Board for ratification.

The above referenced takings involve vacant parcels and will not require the expenditure of funds for relocation benefits as defined by statute.

Also, the acquisitions as proposed herein do not involve properties designated as "Preserved Farmland" pursuant to and as regulated by the Agriculture Development and Retention Act, N.J.S.A. 4:1C-11 et seq., and State Agricultural Development Committee Rules N.J.A.C. 2:76-1.1, the Act's implementing regulations. Nor have the above referenced properties been designated or encumbered as Green Acres properties pursuant to N.J.S.A. 13:1D-52 et seq. and N.J.A.C. 7:35-26.1 et seq.

Based on the foregoing, it is requested that the Authority Commissioners authorize the Executive Director and Director of Law to take all steps necessary to purchase the properties outlined above for the amounts set forth herein and to satisfy those other costs required to be paid at closing, said costs not to exceed Five Thousand ($5,000.00) per transaction. It is further recommended that the Executive Director be authorized to take any other steps necessary for the acquisition of the property upon review and approval of such action by the Law Department and General Counsel.

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**148-09**

In a memorandum dated June 25, 2009, concerning the recommendation to **Take Steps Necessary for Implementation of the First Phase of Construction for Turnpike Interchange 6 to 9 Widening Program including the Acquisition of Property Interests Required for Final Design**

The New Jersey Turnpike Authority ("Authority") is proceeding with its plans to widen the New Jersey Turnpike between Interchange 6 in Mansfield Township, Burlington County, and Interchange 9 in East Brunswick Township, Middlesex County (the "Widening Program"). The Widening Program passes through eleven municipalities including, Mansfield Township, Bordentown Township, Chesterfield Township, Hamilton Township, Washington Township, East Windsor Township, Cranbury Township, Monroe Township, South Brunswick Township, Milltown Borough, and East Brunswick Township. The Widening Program consists of roadway widening (from a six lane roadway to a dual 12 lane roadway) between Interchanges 6 and 8A, and the addition of a third lane to each of the outer roadways between Interchanges 8A and 9. The proposed Widening Program also includes improvements considered to be necessary to the interchanges within the Widening Program limits, specifically Interchanges 7, 7A, 8 and 8A.

The Widening Program staff has been working diligently to acquire the real estate interests necessary for the implementation of the first phase of construction. However, there are several parcels to which the Authority has not yet gained access nor has it completed the process for acquisition. Access to and acquisition of these parcels is necessary for Phase 1 construction to proceed as planned.

Accordingly, authorization is requested to permit the Executive Director, with the assistance of the Law Department, Engineering Department, General Counsel and other Authority consultants, to take all steps necessary to prepare for the acquisition of easements or other property rights needed within the next one year period to begin Phase 1 construction of the Widening Program.

Additionally, authorization by the Turnpike Authority Commissioners is requested to permit the Executive Director to enter into negotiations and contract to acquire the necessary property interests for such amounts as determined, in accordance with applicable law, in consultation with the Turnpike Authority's General Counsel, DeCotiis Fitzpatrick, Cole and Wisler,

LLP and Real Estate Manager/Consultant, Value Research Group. It is further requested that in the event the Executive Director determines that negotiations to acquire a property have reached an impasse, that the Executive Director be authorized to commence eminent domain proceedings, including but not limited to depositing the appraised value into court and filing a Declaration of Taking. Final action with respect to each property interest will be brought to the Commissioners for ratification.

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The following matters constitute the Public Session agenda:

**LAW**

**149-09**

In a memorandum dated June 18, 2009, concerning the recommendation to **Reimburse the New Jersey Department of Environmental Protection (NJDEP) for Costs Incurred By and on Behalf of the Delaware and Raritan Canal Commission in Connection with Issuance of the Certificate of Approval for the Turnpike Interchange 6-9 Widening Program** , Municipalities of Cranbury, Monroe, South Brunswick of Middlesex County; and East Windsor of Mercer County, Project No. 31018001.

The New Jersey Turnpike Authority (the "Authority") is proceeding with its plans to widen the Turnpike between Interchange 6 in Mansfield Township, Burlington County, and Interchange 9 in East Brunswick Township, Middlesex County (the "Widening Program"). The roadway will be widened to 12 lanes with major modifications constructed at four interchanges. Final design is currently underway with construction scheduled to commence during 2009. The final design phase includes, among other things, environmental permitting. In order to complete the Widening Program, the Authority must obtain certain approvals for potential environmental impacts. Such permits normally require the permittee to undertake mitigation for impacts to wetlands and other environmentally sensitive areas.

The Authority, in consultation with their Environmental Consultant, Louis Berger, Inc. ("Berger"), has prepared and submitted an evaluation report to the Delaware & Raritan Canal Commission ( "DRCC") outlining the potential impacts and proposed mitigation of same. The DRCC has issued a Certificate of Approval in response to same. This Certificate of Approval allows the Authority to proceed with the Widening Program upon compliance with certain conditions. One of the conditions requires the Authority to underwrite a fund in the amount of One Hundred Thousand Dollars ($100,000.00) to reimburse the Commission for time involved to review the original application and to monitor the resulting conditions. More specifically, these dollars will reimburse the DRCC for costs incurred while monitoring the stream corridors and accompanying buffers associated with the Widening Program, as well as for monitoring the restoration activities on the mitigation sites, and to ensure against future violations and/or potential encroachments of these protected lands.

The Authority's Law Department, in consultation with General Counsel and with the Environmental Consultant, recommends that the Authority satisfy the requirements set forth herein.

Based on the foregoing, it is requested that the Authority Commissioners authorize the Executive Director and Director of Law to take all steps necessary to satisfy the requirement set forth herein and reimburse said costs of the DRCC and the NJDEP.

Available funds certified by the Finance Director where applicable; the Executive Director certified the recommendations for consideration.

On motion by Commissioner Pocino, seconded by Commissioner DuPont, the Authority unanimously approved the six (6) item Law agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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**ENGINEERING**

Chief Engineer Raczynski requested approval of item numbers 118-09 through 134D-09. Moved as a group, those Engineering items are as follows:

**150-09**

In a memorandum dated June 23, 2009, concerning a recommendation to **Modify and Increase Delegated Authority of Executive Director to Approve Utility Orders and Supplements and Ratification of Certain Past Supplements**

Over the course of Commission approved projects on the Turnpike and Parkway, relocation of various utilities are required. Affected utility companies provide a cost estimate for their engineering services and actual costs incurred by the Authority are based upon invoices submitted by the company as the work is performed.

The Turnpike Authority has no discretion as to who performs the work under a utility order. The only action by the Authority involves negotiation of the fee. In addition, awaiting Board action can delay construction progress because of the interfering utilities. At the May 3, 2005 Commission Meeting (Agenda Item No. 117-05) authorization was delegated to the Executive Director to approve and pay Utility Orders in an amount not to exceed $250,000. Supplemental Utility Orders have also been routinely processed in this manner since such authorization.

Due to the magnitude of many of the Authority's current and long term projects, it is requested that the delegated authority of the Executive Director be modified and increased to approve and pay any individual utility order and its supplements, taken together, in a total amount not to exceed $500,000. Such approval by the Executive Director may occur upon the advice of the respective Department Head(s) recommending issue of such utility orders.

A report of such approved Utility Orders and/or Supplements will continue to be presented to the Commissioners at the regularly scheduled Commission Meetings. Therefore, is it requested that authorization be delegated to the Executive Director to approve and pay any individual Utility Order and its Supplements in a total amount not to exceed $500,000, as set-forth above.

Further, certain Supplements to Utility Orders were issued after the May 3, 2005 authorization that exceeded the authorized threshold and inadvertently were not presented to the Commission for preapproval. Such Supplements now require Commission ratification. Therefore, it is recommended that the Commission ratify and approve, in all respects, all steps taken to date in furtherance of all such Supplements that have been issued from May 3, 2005 to the present.

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**151-09**

In a memorandum dated June 1, 2009, concerning a recommendation to **Ratify Award of Contract No. P100.117 – Railroad Construction Co. Inc.** – Garden State Parkway, Bridge Deck Repairs and Parapet Improvements, Milepost 0.0 to 150.0, 2009 Capital Construction Program No. 31001010.

In an effort to construct needed and high priority bridge repairs, the fast-track design for this project was approved at the October 2008 Commission Meeting (CM). In order to maintain the overall accelerated construction schedule for this project, the Executive Director was authorized to award this contract, upon the recommendation of the Chief Engineer, after the May 27, 2009 CM. The work to be performed is scheduled to be substantially complete by December 2010.

This contract will provide for replacement of bridge deck fascia bays and overhangs, bridge parapet sections, concrete spall repairs, joint repairs, and replacement of existing asphalt wearing surface and related incidental items.

Seven proposals were received on May 20, 2009 for the above publicly advertised contract. The low bid, in the amount of $11,081,165 may be compared to the Engineer's Estimate in the amount of $13,805,995. The low bidder, Railroad Construction Co., Inc., has previously performed similar work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that the award of Contract No. P100.117 be ratified to the low bidder, Railroad Construction Co., Inc. of Paterson, New Jersey, in the amount of $11,081,165. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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.

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**152-09**

In a memorandum dated June 19, 2009, concerning a recommendation to **Award Contract No. T100.115 – Kyle Conti Construction LLC** – New Jersey Turnpike, Truss Gusset Plate Retrofit, Delaware River Turnpike Bridge, Structure No. P0.00, 2009 Capital Construction Program 31011028.

This contract will provide for strengthening the main and approach span truss gusset plates and riveted connections of the Delaware River Turnpike Bridge, which is jointly owned and maintained by the New Jersey Turnpike Authority and Pennsylvania Turnpike Commission. The work will include replacing existing rivets with high strength bolts, reinforcing existing gusset plates, extracting and testing representative rivets to verify key material properties, and other incidental work. In keeping with current cost sharing agreements, the Pennsylvania Turnpike Commission will reimburse the New Jersey Turnpike Authority for the construction costs incurred on the Pennsylvania side of the bridge.

Three bid proposals were received on June 17, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of $3,080,000, may be compared to the second low bid proposal in the amount of $4,335,218. The low bid is about 29% below the second low bid. A post-bid meeting was conducted with the apparent low bidder, Kyle Conti Construction, LLC (KCC), based on the difference in total price and select unit prices between KCC and the second low bid and Engineer's Estimate, to ensure that they understood the scope of the contract and are comfortable with their total price bid. KCC confirmed their understanding of the contract scope and schedule, and the adequacy of their total price bid. KCC has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T100.115 be awarded to the low bidder, Kyle Conti Construction, LLC of Hillsborough, New Jersey, in the amount of $3,080,000. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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.

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**153-09**

In a memorandum dated June 8, 2009, concerning a recommendation to **Award Contract No. P100.118 – Agate Construction Co. Inc**. – Garden State Parkway, Substructure Repairs, Milepost 28.0 to 158.2, 2009 Capital Construction Program No. 31021020 and Future Bond Issue.

This construction contract will provide for the Substructure Repairs for twelve bridges from Milepost 28.0 to 158.2 along the Garden State Parkway. The work generally involves concrete

substructure spall repairs, replacement of bearings, riprap stone slope protection, substructure membrane waterproofing, fender repairs, and incidental items.

Three bid proposals were received on June 4, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of $8,092,699, may be compared to the Engineer's Estimate in the amount of $7,300,469. The low bidder, Agate Construction Co., Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P100.118 be awarded to the low bidder, Agate Construction Co., Inc. of Clermont, New Jersey, in the amount of $8,092,699. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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.

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**154-09**

In a memorandum dated June 16, 2009, concerning a recommendation to **Award Contract No. T869.120.201 – South State Inc.** – New Jersey Turnpike, Interchange 6 - 9 Widening Program, Grading, Drainage, Paving, Structures, Lighting, Pavement Markings & Signing, NSO/SNO Roadways, Milepost 52.3 to 53.4, Townships of Mansfield and Bordentown, Burlington County, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

This Contract will construct two outer roadways from Milepost 52.3 to 53.4, just south of Interchange 7. This contract includes the construction of two structures over Route 206, one structure over the mainline for the S-turn at Milepost 53, sign structures and retaining walls. Construction is anticipated to commence in August of 2009.

Eight bid proposals were received on June 12, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of $50,728,213.66, may be compared to the second low bid proposal in the amount of $52,963,736.15. The low bidder, South State, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.201 be awarded to the low bidder, South State, Inc. of Bridgetown, New Jersey, in the amount of $50,728,213.66. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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.

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**155-09**

In a memorandum dated June 11, 2009, concerning a recommendation to **Issue Order for Professional Services No. A3231 – Stantec Consulting Services Inc**; and **Order for Professional Services No. A3232 – Hatch Mott MacDonald** – Turnpike and Parkway, On-Call Engineering Services, Various Capital Program Funds.

Through this single procurement process for Orders for Professional Services (OPS), the Authority selected two consultants to furnish on-call engineering services for a two-year term, with the option of a one-year extension as approved by the Chief Engineer. Each OPS will be issued in the maximum amount of $2,000,000 for the two-year period. Specific work tasks will be assigned on an "as-needed" basis throughout the duration of the OPS, subject to the availability of funds with the maximum allowable value of an original work task assignment of $250,000.

These assignments were classified as "Complex Projects" where the cost is greater than $1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 36 engineering firms prequalified and eligible under eight or more of the following Profile Codes: A092 – Bridges: Miscellaneous Repairs; A093 – Bridges: Deck Replacements and Rehabilitations; A250 – Fully Controlled Access Highways; A257 – Roadside Safety Features; A265 – Roadway Storm Water Collection Systems; A300 – Roadway Lighting Systems: B153 – Roadway Construction Inspection; B154 – Roadway Resurfacing Inspection; B155 – Bridge Construction Inspection; B157- Bridge Deck Repair/Replacement Inspection; D470 – Surveying: Topographic; D471 – Surveying: Property and Right of Way; and D490 – Transportation Planning: Location & Alignment Studies. Ten firms submitted EOIs by the closing date of May 11, 2009.

By memorandum dated May 28, 2009, Engineering requested and received authorization from the Executive Director to proceed with the issuance of these OPS' without requesting Technical Proposals, and to recommend award based on the reviews and scoring of the ten EOIs.

Subsequent to the scoring of EOIs by the Review Committee, the top four firms were requested to submit sealed Fee Proposals: 1) Stantec Consulting Services, Inc.; 2) Hatch Mott MacDonald; 3) The Louis Berger Group, Inc.; and 4) Greenman-Pedersen, Inc. The Fee Proposals have been reviewed for compliance with the compensation terms of the solicitation and are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. A3231 be issued to the firm of Stantec Consulting Services Inc. of Millburn, NJ; and OPS No. A3232 be issued to the firm of Hatch Mott MacDonald of Rochelle Park, NJ, for a two-year period with a one-year extension option, in the maximum amount of $2,000,000 for each OPS. These awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firms were 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).

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**156-09**

In a memorandum dated June 23, 2009, concerning a recommendation to **Issue Order for Professional Services No. A3233 – CMX** – Turnpike and Parkway, Operation and Maintenance of Water and Wastewater Treatment Facilities, Special Project Reserve Fund No. 04010019.

This Order for Professional Services (OPS) provides engineering and management services for maintenance and operation of the Authority owned water supply and treatment facilities at interchanges, service areas, maintenance yards, police barracks and other locations along both roadways. The term of the OPS is one year, with an option for the Chief Engineer to approve two one-year extensions at the same terms and conditions as provided in the OPS.

This assignment is classified as a “Simple Project" based on the scope of work being clearly defined and not likely to change during the course of the project, and the cost not exceeding $1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to four engineering firms prequalified and eligible under Profile Codes: A540 – Water Treatment Facilities; A541 – Water Supply and Distribution; C422 – Wastewater Treatment Facility: Operation and Maintenance; and C423 – Wastewater Collection, Treatment and Disposal. Three firms submitted EOIs by the closing date of May 11, 2009.

Subsequent to the scoring of EOIs by the Review Committee, all three firms were requested to submit Fee Proposals. The firms are, in order of technical ranking: 1) CMX; 2) Hatch Mott MacDonald; and 3) United Water. The fee submitted by CMX 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. A3233 be issued to the firm of CMX of Manalapan, New Jersey in the maximum amount of $591,000, allocated as follows: $ 195,000 in 2009 and $396,000 in 2010. This amount includes payment of a fixed monthly fee in the amount of $38,000 per month and reimbursement for authorized direct expenses such as chemicals and non-routine repairs. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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).

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**157-09**

In a memorandum dated June 17, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3240 – LS Engineering Associates Corporation** – Garden State Parkway, Design Services for Contract No. P100.132, Widening and Rehabilitation of Patcong Creek Bridge at Milepost 31.0, Small Business Enterprise (SBE) Set-Aside, 2009 Capital Construction Program No. 31028031.

This Order for Professional Services (OPS) provides for design services and preparation of construction contract documents for the Widening and Rehabilitation of Patcong Creek Bridge at GSP Milepost 31.0. The construction contract is anticipated to be awarded in October 2010.

This assignment is classified as a "Complex Project" based on the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeding $1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to seven engineering firms prequalified and eligible under Profile Codes A091 – Bridges: Widening and Modification; and A095 – Bridges: Deck Reconstruction; and registered as an SBE by the New Jersey Commerce and Economic Growth Commission. Six firms submitted EOIs by the closing date of April 13, 2009.

Subsequent to the scoring of EOIs by the Review Committee, the top three firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) LS Engineering Associates Corporation; 2) SJH Engineering, P.C.; and 3) Chilton Engineering. The Review Committee reviewed and evaluated each firm's Technical Proposal. Due to the close scores of the top two ranked firms, the Review Committee held presentations/interviews with both firms on June 8, 2009. The final scoring resulted in LS Engineering Associates Corporation 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. P3240 be issued to the firm of LS Engineering Associates Corporation of Montville, New Jersey in the maximum amount of $1,453,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.46, based on a 10% allowance for profit and an overhead rate of 124% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, 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 the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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).

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**158-09**

In a memorandum dated June 19, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3241 – Hardesty & Hanover LLP** – Garden State Parkway, Design Services for Contract No. P100.130 and Contract No. P100.131, Widening and Rehabilitation of the Bass River Bridge, Milepost 51.9, 2009 Capital Construction Program No. 31021004 and Future Bond Issue.

This Order for Professional Services (OPS) provides for the design services and document preparation for two construction contracts. The first is for a new parallel structure east of the existing bridge to carry three lanes of northbound traffic; the second is for the rehabilitation of the existing

structure to carry three lanes of southbound traffic. The new structure will temporarily carry two lanes of traffic in each direction during the rehabilitation work on the existing structure. The rehabilitation includes seismic retrofit, strengthening of structural members and deck reconstruction. The first contract is anticipated to be awarded in February 2011, the second in January 2013.

This assignment is classified as a "Complex Project" based on the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeding $1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 25 engineering firms prequalified and eligible under Profile Code A090 – Bridges: New; A095 – Bridges: Deck Reconstruction; and A097 – Bridges: Seismic Retrofits. Seven firms submitted EOIs by the closing date of April 17, 2009.

Subsequent to the scoring of EOIs by the Review Committee, the top three firms were requested to submit Technical and sealed Fee Proposals. The firms in order of ranking are: 1) PB Americas, Inc.; 2) Hardesty & Hanover, LLP; and 3) Michael Baker Jr., Inc. The Committee reviewed and evaluated each firm's Technical Proposal and held interviews with the top two firms on June 12, 2009. Final scoring resulted in Hardesty & Hanover, LLP 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. P3241 be issued to the firm of Hardesty & Hanover, LLP of Hoboken, New Jersey in the maximum amount of $7,170,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.6, based on a 10% allowance for profit and an overhead rate of 136.4% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, 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 the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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).

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**159-09**

In a memorandum dated June 18, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3245 – T&M Associates** – Garden State Parkway, Design Services, Bridge Deck Reconstruction Study of Routine Bridges, 2008A Note Construction Fund No. 30000027.

This Order for Professional Services (OPS) will provide for design services to evaluate and prioritize deck reconstruction on routine Garden State Parkway (non-major) bridges. The resulting study will be used as the basis for deck reconstruction projects covered under the 10 year Capital Improvement Program. The services include evaluating the condition of the bridge deck, prioritization of the bridges based on condition and need, and recommendations for rehabilitation or

replacement including preliminary design, permitting and construction costs, and development of a baseline project schedule.

This assignment is classified as a "Simple Project" based on the scope of work being clearly defined and not likely to change during the course of the project, and the cost not exceeding $1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 50 engineering firms prequalified and eligible under Profile Code A093 – Bridges: Deck Replacements and Rehabilitations. Five firms submitted EOIs by the closing date of May 26, 2009.

Subsequent to the scoring of the EOIs, a Fee Proposal was requested from the top three firms. They are, in the order of technical ranking: 1) T&M Associates, 2) Arora and Associates, P.C. and 3) LS Engineering Associates Corporation. The fee submitted by T&M Associates 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. P3245 be issued to the firm of T&M Associates of Middletown, New Jersey in the maximum amount of $235,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.6 based on a 10% allowance for profit and an overhead rate of 136.4% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, 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 the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), 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).

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**160-09**

In a memorandum dated June 23, 2009, concerning a recommendation to **Issue Supplement 2 to GSP Order for Professional Services No. 124-772D – The Louis Berger Group Inc**. – Garden State Parkway, Interchange 10 Improvements, Feasibility Assessment and Preliminary Design, Township of Middle, Cape May County, Supplemental Capital Fund No. 08020001.

This Order for Professional Services (OPS) was issued in March 2004 in the amount of $1,544,803.40 to provide preliminary plans, feasibility assessment report and environmental assessment for Parkway Interchange 10 improvements. Supplement No. 1, in the amount of $1,994,283.29, provided for modification of the scope of work to also include Parkway Interchanges 9 and 11.

Supplement No. 2 will compensate The Louis Berger Group Inc. (Berger) to provide for unanticipated additional work not included in the original or Supplement No. 1 proposals including: additional environmental studies for permits; preparation of various USACE and NJDEP permit applications; and additional engineering effort to develop mitigation for impacts to archaeological sites and wetlands as detailed in their Preliminary Design Technical and Fee Proposal. This

Supplement will also compensate Berger to provide for final design services as detailed in their Final Design Technical and Fee Proposal for work commencing early 2010. The award of this Supplement is contingent upon Federal approval of the additional funding for both the preliminary and final design work, which is fully reimbursable. Due to the federal funding, this project must conform to the requirements for NJDOT Pipeline 1 projects. That process allows supplementing the original OPS for final design services. The Engineering Department estimates the project delivery process will be shortened by nine months and an estimated cost savings of $500,000 will be achieved by continuation of design services within the Pipeline 1 process.

The Louis Berger Group, Inc. submitted a proposal for these additional services in the total amount of $8,720,000, which is considered fair and reasonable for the additional services to be provided.

It is, therefore, recommended that Supplement No. 2 to GSP OPS No. 124-772D be issued to The Louis Berger Group Inc. in the amount of $8,720,000.00, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from $3,539,086.69 to $12,259,086.69. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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**161-09**

In a memorandum dated June 11, 2009, concerning a recommendation to **Issue Supplement A to TPK Order for Professional Services No. 2073 – AECOM USA Inc. (formerly DMJM+Harris, Inc./Urbitran Rosenbloom Architects Inc.)** – On-Call Architectural Services, Miscellaneous Building Improvements, Various Capital Program Funds.

This Order for Professional Services (OPS) was authorized at the December 2004 Commission Meeting through the Maintenance Department, in the amount of $400,000, to provide on-call architectural services for both the design of new buildings and building renovations along the Turnpike roadway for a period of four years.

This Supplement will compensate AECOM USA for providing additional supervision of construction services to cover the extended duration of Contract No. T500.039-1 by approximately 500 calendar days, as a result of delays in receiving the Department of Community Affairs plan releases for the Interchange 15E utility building modifications.

It is, therefore, recommended that Supplemental TPK OPS No. 2073A be issued to AECOM USA, Inc. in the amount of $190,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from $400,000 to $590,000. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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**162A-09 through 162E-09**

Numbered respectively, the following are **Contracts for Formal Acceptance and Final Payment:**

| CONTRACT NO. | CONTRACTOR | AMOUNT |
|---|---|---|
| **GSP Contract 84-1290** | Beaver Concrete Construction Co. Inc.<br>Garden State Parkway<br>Southern Bridge Repairs<br>Milepost 28.0 to Milepost 126.3<br>Cape May, Atlantic, Ocean, Monmouth and Middlesex Counties<br>Maintenance Reserve Fund No. 03020001 | $2,350,000.00 |
| **Contract P200.082** | Stavola Contracting Co., Inc.<br>Garden State Parkway<br>Pavement Restoration and Miscellaneous Improvements<br>Milepost 104.5 to Milepost 116<br>Monmouth County<br>Maintenance Reserve Fund No. 03020005 | $5,000.00 |
| **Contract P200.083** | Tilcon New York, Inc.<br>Garden State Parkway<br>Pavement Restoration and Miscellaneous Improvements<br>Milepost 128.1 to Milepost 137.35<br>Middlesex and Union Counties<br>Maintenance Reserve Fund No. 03020005 | $83,763.02 |
| **TPK Contract R-1433** | Bishop-Sanzari, A Joint Venture<br>New Jersey Turnpike<br>Deck Reconstruction, Miscellaneous Structural, Roadway and Lighting Improvements<br>Structure No. P0.00 (Delaware River Turnpike Bridge)<br>Burlington County<br>2004 Bond Issue Fund No. 07810001 | $350,466.24 |
| **TPK Contract R-1493** | Railroad Construction Company Inc.<br>New Jersey Turnpike<br>Deck Reconstruction<br>Structure No. 40.96, Rancocas Creek Bridge<br>Milepost 40.4 to Milepost 41.5<br>Burlington County<br>2004 Bond Issue Fund No. 07810005 | $239,049.32 |

At this time, Chief Engineer Raczynski highlighted item 154-09 in the amount of $50, 728,213.66; and underscored it as the third construction contract to be in place for the Turnpike Interchange 6 to Interchange 9 Widening Project.

The Authority accepted the certifications of the Engineers, General Consultants and Chief Engineer as to inspection and completion of the foregoing contracts; the certification of the Authority's Law Department as to liens, claims, surety bonds and Final Payment Certificates, in the amounts shown, due to the contractors for completion of the above contracts.

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

On motion by Commissioner Diaz, seconded by Commissioner Hodes, the Authority approved the seventeen (17) item engineering agenda; and authorized and/or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## PURCHASING

Purchasing Director Ward identified the purchasing agenda as routine and requested approval. Moved as a group, items 163A-09 through 163I-09 are as follows:

**Results of Bidding:** Items 163A-09 through 163H-09 are in response to public advertisement for the commodities requisitioned by various departments. Awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008) and having no objection to same. Bids for these items were procured and authorization is sought to award contracts to the lowest responsible bidders, pursuant to N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37.

Recommendations of contract awards to the low bidders meeting Authority specifications are as follows:

### 163A-09

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 5 | 4 | Air Handler Frequency Drives | Peterson Service Co. Inc. Medford, NJ | $ 83,925.00.00 |

Bids Received: May 27, 2009; Requisition- (R) 56864

Requisitioned by the Maintenance Department, this is for the purchase and installation of twelve (12) Variable Air Handler Frequency Drives and Associated Equipment for the Statewide Traffic Management Center. Bidders were required to quote the total price for removing the existing units and installing 12 new ones. The bid price also includes customer training of the new controllers and a 3-year warranty on the equipment.

Review of the bid proposals found one of them as non-compliant and required rejection.

Recommend award be made to the lowest, responsible bidder, Peterson Service Co. Inc., in an amount not to exceed $83,925, subject to availability of funding at the time of service. The Authority will have the sole discretion of extending the price agreement for two additional 1-year terms at the same terms and conditions.

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### 163B-09

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 8 | 4 | Crew Cab Pickup Truck ¾ Ton | Mall Chevrolet Cherry Hill, NJ | $120,897.00* |

Bids Received: May 15, 2009; R-58124

Requisitioned by the Maintenance Department, this is for the purchase of three (3) ¾ ton Crew Cab Two Wheel Drive Pickup Trucks. Bidders were required to quote a unit price per truck.

*It must be noted here that a few days after the bid opening, the lowest responsible bidder, Paladin Chevrolet Inc., notified the Authority that it had received official notice from General Motors Company (“GM”) which required the closure of the dealership. This closure was necessitated by the restructuring of GM and through no fault of Paladin Chevrolet Inc. (This dealership will close on June 30, 2009.) In light of the impossibility of the vendor supplying the requisitioned trucks, it is recommended that the bid proposal submitted by Paladin Chevrolet Inc., be excused. The bid proposal submitted by Mall Chevrolet is fully compliant and the bidder is able to perform.

Recommend award be made to the second lowest responsible bidder, Mall Chevrolet, in an amount not to exceed $120,897. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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**163C-09**

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 10 | 1 | Repairs of Vac-Con/Sewer Cleaning Truck | Eagle Equipment Inc. d/b/a Peirce Equipment Co. Branchburg, NJ | $ 36,018.47 |

Bids Received: May 13, 2009; R-58627

Requisitioned by the Maintenance Department, this is for repairs of a Vac-Con/Sewer Cleaning Truck located at the Parkway Central Maintenance Yard. Bidders were required to quote on seven items, including but not limited to, repairing, rebuilding and replacing tank door assembly, valves and blowers, at a per hour labor rate (based on 60 hours)

Recommend award be made to the sole responsive bidder, Peirce Equipment Co., in an amount not to exceed $36,018.47. The Authority will have the sole discretion of extending the contract for two additional one-year terms at the same terms and conditions.

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**163D-09**

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 4 | 2 | Guardrail, Crash Attenuator Terminal and Extruder – 2000 System Elements | Gregory Industries Canton, OH | $307,450.00 (System I) |
| | | | Chemung Supply Corp. Elmira, NY | $ 58,140.78 (Systems II and III) |

Bids Received: June 16, 2009; R-59918, 59919, 59920, 59921, 59929 and 59932

Requisitioned by the Inventory Division, this is for the purchase of three different types of crash abatement systems for the New Jersey Turnpike: System I -Standard Guardrail System (4 Items including beams, posts and bolts); System II – Extruder 2000 System (7 Items including guardrails, extruder heads, brackets and cable); and System III – Crash Attenuator Terminal System (7 Items including post-cuts, blocks and plates). Bidders were required to quote all items for each System. Bid prices are available in the Purchasing Department.

Recommend awards be made to the lowest responsive bidders: Gregory Industries, in an amount not to exceed $307,450 (for System I); and Chemung Supply Corporation, in an amount not to exceed $58,140.78 (for Systems II and III. The Authority will have the sole discretion of extending the contract for two additional one-year terms at the same terms and conditions.

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**163E-09**

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 11 | 3 | Major Mechanical Repairs and Parts for Chevrolet State Police Vehicles | Malouf Chevrolet-Cadillac Inc. North Brunswick, NJ | $ 60,000.00 (Cranbury Station; and Holmdel Station/Woodbridge Motor Pool) |

Bids Received: June 9, 2009; Requisition Memorandum (RM) 720

Requisitioned by the State Police, this is a one-year Price Agreement for the purchase of Major Mechanical Repairs and Parts for Chevrolet State Police Vehicles. Bidders were required to quote discounts off of the Manufacturers' List Prices for miscellaneous parts and miscellaneous major assemblies, as well as the labor rate for an estimated 100 hours for service and diagnostics. Bidders were also permitted to quote on contracts for the following State Police Stations: Mt Laurel; Cranbury; Newark; Bloomfield; Holmdel Station/Woodbridge Motor Pool and Bass River.

Review of the bid proposals found two of them as non-compliant and required rejection. In addition, no responsible bids were received for the Mt. Laurel, Newark, Bloomfield and Bass River Stations. Thus, it is recommended that contracts for these Stations be re-bid promptly.

Recommend award be made to the lowest responsible bidder, Malouf Chevrolet-Cadillac, Inc. for the Cranbury Station and Holmdel Station/Woodbridge Motor Pool. The anticipated annual expenditure is an amount not to exceed $60,000, subject to funding availability at the time of service. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms at the same terms and conditions.

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**163F-09**

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 8 | 4 | HVAC Temperature Control Systems Maintenance | Siemen's Building Technologies Inc. Pine Brook, NJ | $412,500.00 |

Bids Received: June 2, 2009; RM 725

Requisitioned by the Maintenance Department, this is an 18-month Price Agreement for the maintenance of the HVAC temperature control systems at all New Jersey Turnpike facilities. Services include, but are not limited to, the maintenance of the energy management systems controls on the boilers and hot water heaters. For basis of awards, bidders were required to quote hourly rates (on 1325 hours) for technicians and engineers, respectively, plus a discount off of the Manufacturers' List Price for an estimated $150,000 worth of materials.

Recommend award be made to the lowest responsible bidder, Siemen's Building Technologies Inc. The anticipated annual expenditure is an amount not exceed $412,500, subject to funding availability at the time of service. Original contract term may be extended for two additional one-year terms in the sole discretion of the Authority. If the Authority chooses to extend for the second term, the parties may re-negotiate the hourly rates provided that the new rates will not exceed ten percent of the original bid prices.

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**163G-09**

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 10 | 3 | Collection, Transportation and Disposal of Roadway Sweepings | Rich-Mark Contracting Inc. Bayville, NJ | $670,000.00 |

Bids Received: June 2, 2009; RM 728

Requisitioned by the Maintenance Department, this is a two-year Price Agreement for the Collection, Transportation and Disposal of Roadway Sweepings on the New Jersey Turnpike and Garden State Parkway. Services include, but are not limited to, loading, separating, transporting, recycling and disposing of materials from seven Maintenance Districts. Bidders were required to quote the per ton price for approximately 6,500 tons of material.

Recommend award be made to the lowest responsible bidder, Rich-Mark Contracting, Inc. for a two-year agreement. The anticipated annual expenditure is an amount not to exceed $670,000, subject to funding availability at the time of service. The Authority will have the discretion of extending the price agreement for two additional one-year terms but, if the Authority opts to extend the agreement, the parties are permitted to renegotiate unit prices up to 10% from the original bid price.

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**163H-09**

| BIDDERS INVITED | BIDS REC'D | COMMODITY | VENDOR | AMOUNT |
|---|---|---|---|---|
| 17 | 4 | Delineator Posts | Garden State Highway Products Inc. Vineland, NJ | $105,000.00 |

Bids Received: June 3, 2009; RM 729

Requisitioned by the Maintenance Department, this is a one-year Price Agreement for the supply of Delineator Posts and accessories for the Maintenance Department. For comparative purposes, bidders were required to quote prices for 19 line items with award based on the lowest total bid prices.

Review of the bid proposals found one of them as non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, Garden State Highway Products Inc. The anticipated annual expenditure is an amount not to exceed $105,000, subject to funding availability at the time of order. The Authority will have the sole discretion of extending the contract for two additional one-year terms at the same terms and conditions.

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**163I-09**

In a memorandum dated June 2, 2009, concerning the recommendation to **Rescind Award of Contract; Re-bid; and Delegate Authority to Executive Director to Award Contract for Front Load Trash Service**, RM 695.

Authorization is requested to rescind the award of contract for the above-referenced services granted to Waste Industries, LLC, of Elizabeth, NJ and to re-advertise the contract.

At the April 28, 2009 Commission Meeting (Item 110E-09), authorization was granted to award a contract to Waste Industries, LLC for Front Load Trash Service on the Southern Area of the Garden State Parkway. The contract was for a two-year term in an amount not to exceed $254,000. The contract was publicly bid in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order No. 37.

The award was also contingent upon the Treasurer of the State of New Jersey reviewing this vendor's documents pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (political contributions compliance laws), and having no objections to the submission. Subsequently, Treasury Staff reviewed Waste Industries, LLC's submission and found that this vendor was placed on the State's list of "Disqualified Vendors" for non-compliance as of July 2008. Consequently, this vendor is ineligible to receive any public contract at this time. Therefore, to be in compliance with State law, it is necessary to rescind the contract awarded to Waste Industries, LLC.

No other bid proposals were received for the Southern Area. Trash disposal services are essential to the maintenance of the roadways. Hence, staff is requesting that the contract for this Area be re-bid and an award made to the lowest responsible bidder as soon as possible.

Accordingly, authorization is requested to rescind the award of contract to Waste Industries, LLC as outlined herein and the contract be re-advertised. It is also requested that delegated authority be granted to the Executive Director to award the contract to the lowest responsible bidder immediately following the bid opening.

Reviewed by the Law Director, available funds certified by the Finance Director where applicable, the Executive Director certified the recommendations for consideration.

On motion by Commissioner Evans, seconded by Commissioner DuPont, the Authority unanimously approved the nine (9) item Purchasing agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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**GENERAL BUSINESS**

**164-09**

Deputy Law Director Cavanaugh presented the recommendation contained in a memorandum dated June 25, 2009, concerning **Ratification of Placement of Commercial General Liability; Workers' Compensation; Excess Liability Coverage and Environmental Liability with Various Insurance Carriers in Furtherance of the Implementation of the Turnpike Interchange 6 to Interchange 9 Widening Owner Controlled Insurance Program ("OCIP"); and the Authority's Rolling OCIP for All Construction Projects on the Turnpike and Parkway; and Delegate Authority to Executive Director for Placement of Certain Additional Insurance**

By Agenda Item137-09 at the May 27, 2009 Commission Meeting, the Commissioners delegated the authority to the Executive Director to place and bind Commercial General Liability,

Workers' Compensation, Excess Liability and Environmental Liability coverages with respect to the Authority's two (2) Owner Controlled Insurance Programs.

To that end, and because the Authority's 6-9 Widening Program has construction contracts which will commence soon, staff has worked with the Authority's Broker, Risk Strategies Company, to finalize the coverages for the Widening Program, and the Authority's Broker, Allied North American, to finalize the coverages with respect to the Rolling Construction OCIP Program for all other construction on the Turnpike and Parkway. The coverages for the Turnpike 6-9 Widening were placed to commence on June 1, 2009 and run through December 31, 2014. The coverages for the Authority's Rolling Construction OCIP Program were placed to commence in July 2009. All bindings were made in consultation with and upon the advice of the Authority's brokers for each of the OCIPs, and are set forth in specific detail entitled as "Owner Controlled Insurance Program, Interchange 6-9 Widening Program"; and entitled as "Rolling Owner Controlled Insurance Program Construction on the New Jersey Turnpike and Garden State Parkway". Each sets forth the specific coverages which each broker has negotiated for each of the two OCIP Programs.

In addition to the lines of insurance to be placed specifically for the OCIPs set forth under the two (2) titles incorporated herein; the Authority's broker on its' Excess Program, Risk Strategies Corp., has advised the Authority that it has successfully negotiated with each of the excess carriers on the Authority's current excess program to endorse the Authority's current program to cover both OCIPs with an additional $100 million excess coverage for the benefit of the Authority for the remainder of the current policy term, at no additional cost to the Authority.

It is recommended that the Commissioners authorize, approve and ratify in all respects the placement of the insurance coverages with the insurance companies at the limits, terms and premium amounts as more fully set forth two (2) titles incorporated herein; and additionally, it is requested that the Commissioners ratify all acts taken in furtherance of the insurance placements set forth two (2) titles incorporated herein, including the payment of premiums.

**Owner Controlled Insurance Program**
**Turnpike Interchange 6-9 Widening Program**

GENERAL LIABILITY (6/1/2009 – 12/31/2014)

General Liability insurance, including coverage under the Terrorism Risk Insurance Act ("TRIA"), covering all contractors, subcontractors, consultants and subconsultants, was placed with the Old Republic General Insurance Corp. for a policy term commencing June 1, 2009 through December 31, 2014, with a $1,500,000 limit per occurrence, and a general aggregate limit of $4,000,000. The general aggregate will be reinstated each full 12 month period with a total aggregate of $8,000,000 for eight (8) sections of the Widening project. The self-insured retention is $500,000 per occurrence. The five year premium for this coverage (including TRIA) is $2,305,225, plus State of New Jersey mandated assessments and surcharges of $41,069, for a total amount of $2,346,294. This premium is based on projected hard construction costs of $2.2

billion and a projected workers compensation payroll of $308,000,000, and is subject to audit based on actual construction values.

In addition, in order for the Authority's third party administrator, Gallagher Basset to pay general liability claims on the Authority's behalf, an initial cash deposit imprest fund will need to be established with Citibank, or other bank acceptable to the parties, in the amount of $15,000, and claims will be funded and paid on a weekly basis, with the Executive Director authorized to settle general liability claims up to $35,000, consistent with current delegated authority.

EXCESS LIABILITY (6/1/2009 – 12/31/2014)

The Authority has also placed Excess Liability insurance (including TRIA) in a total amount of $100,000,000 over the primary limit indicated above, for the same term and following the same coverage form as the Primary insurance, as follows:

(1) $25 Million excess primary with Allied World National Assurance Company, for a five year premium of $1,919,000

(2) $25 Million excess of $25 Million with Endurance American Insurance Company, for a five year premium of $585,977

(3) $25 Million excess of $50 Million with National Union Fire Insurance Co of Pittsburgh for a five year premium of $322,880**;** and

(4) $25 Million excess of $75 Million with AXIS Surplus Insurance Company for a five year premium of $177,500

WORKERS COMPENSATION (6/1/2009 – 12/31/2014)

Statutory workers compensation insurance (including TRIA) covering all contractors, subcontractors, consultants and subconsultants working on the Widening site, was placed with the Old Republic General Insurance Corp. for a policy term commencing June 1, 2009 through December 31, 2014. The deductible is $500,000. The five year premium for this coverage, including all taxes and TRIA is $3,790,171, plus required surcharges and assessments including State of New Jersey Second Injury Fund of $2,071,839 for a total amount of $5,862,010, and is subject to audit based on actual payroll.

The Authority has contracted with Medcor to provide on-site emergency/first-aid medical services for injured workers. This will reduce the cost of workers compensation claims paid by the Authority. The five (5) year cost for this service is $750,000.

As collateral, the Authority is in the process of securing a trust account or Letter of Credit in an amount not to exceed $4.5 million dollars to be deposited with Bank of New York/Mellon, or other bank acceptable to the parties. In order for the Authority's insurer, Old Republic, to pay workers compensation claims on the Authority's behalf, an initial cash escrow fund will be held in the amount of $300,000 and the claims will be funded and paid on a monthly basis, with the Executive Director authorized to settle claims up to $35,000, consistent with delegated authority.

ENVIRONMENTAL LIABILITY (6/1/2009 – 12/31/2014)

Environmental Liability insurance covering acts of all contractors on the Widening site was placed with Ironshore Insurance Services L.L.C., with a limit of $25,000,000 and a deductible of $100,000 and includes a ten (10) year completed operations coverage. The five year premium

for this coverage is $553,771, including all New Jersey State assessments and surcharges, and does not include TRIA.

PROFESSIONAL LIABILITY

The Authority is continuing to work with Risk Strategies Corp to finalize Primary and/or Excess Professional Errors and Omissions coverage for all consultants and subconsultants working on the Widening Program. With respect to the three (3) Construction Managers (HNTB, Stone & Webster, and a tri-venture consisting of DMJM, GPI and PB Americas, and their respective subconsultants), Primary Errors and Omissions coverage with a minimum limit of $20,000,000 per claim and $20,000,000 in the aggregate will be secured. It is anticipated that the program will include a deductible of $50,000 per claim, for projects with construction values of $10,000,000 or less, and a deductible of $100,000 per claim for projects with construction values of more than $10,000,000, for which the consultant will be responsible. The Authority will be responsible for any deductible required by insurers above these amounts, which is expected to be no more than $500,000. It is anticipated that the program will include no less than a five (5) year discovery period after expiration of the policy.

With respect to all other consultants and subconsultants on the Widening program, the Authority will secure an excess layer of coverage in an amount no less than $20 million to apply in excess of each consultant and subconsultant's required Primary $2 million Errors and Omissions coverage. This coverage will enure to the benefit of the Authority only. It is requested that the Commissioners authorize the Executive Director to negotiate, bind and finalize this coverage.

**Rolling Owner Controlled Insurance Program**
**Construction on the New Jersey Turnpike and Garden State Parkway**

GENERAL LIABILITY (7/1/2009 – 7/1/2017)

General Liability insurance, including coverage under the Terrorism Risk Insurance Act ("TRIA"), covering all contractors, subcontractors, consultants and subconsultants, was placed with AIU for a policy term commencing July 1, 2009 through December 31, 2017, with a $2,000,000 limit per occurrence and a deductible of $500,000. The eight year premium for this coverage, including TRIA is $4,692,538, plus State of New Jersey mandated assessments and surcharges of $113,146, for a total amount of $4,805,686. This premium is based on projected hard construction costs of $2.21 billion and a projected workers compensation payroll of $309,400,000, and is subject to audit based on construction values.

As collateral, the Authority may establish a deposit or trust account in an amount of approximately $19.8 million dollars to be deposited with AIU, or a bank acceptable to the parties. In addition, in order for the Authority's third party administrator to pay general liability claims on the Authority's behalf, an initial cash deposit fund will need to be established with a bank acceptable to the parties, in the amount of $15,000, and claims will be funded and paid on a

weekly basis with the Executive Director authorized to settle general liability claims up to $35,000, consistent with current delegated authority.

EXCESS LIABILITY (7/1/2009 – 12/31/2017)

The Authority has also placed Excess Liability insurance (including TRIA) in a total amount of $100,000,000 over the primary limit indicated above, for the same term and following the same coverage form as the Primary insurance, as follows:

(1) $25 Million excess primary with National Union Fire Insurance Company of Pittsburgh, Pa, for a seven year premium of $1,875,000 plus required New Jersey surcharges and assessments of $16,875 for a total amount of $1,891,875;

(2) $75 Million excess of $25 Million with Lloyds for a seven year premium of $1,275,000 plus required New Jersey surcharges and assessments of $38,250 for a total amount of $1,313,250.

WORKERS COMPENSATION (7/1/2009 – 12/31/2017)

Statutory workers compensation insurance (including TRIA) covering all contractors, subcontractors, consultants and subconsultants working on the Rolling OCIP sites, was placed with the AIU for a policy term commencing July 1, 2009 through December 31, 2017. The deductible is $500,000. The eight year premium for this coverage, including all taxes and TRIA is $4,603,235, plus required surcharges and assessments including State of New Jersey Second Injury Fund of $1,521,241 for a total amount of $6,124,476 and is subject to audit based on construction values.

ENVIRONMENTAL LIABILITY (7/15/2009 – 12/31/2014)

Environmental Liability insurance covering acts of all contractors, on approximately twenty nine (29) construction project sites for a period of five (5) years, was placed with the Liberty Insurance Underwriters Inc. with a limit of $25,000,000 per incident and in the aggregate and a deductible of $100,000 and includes a ten (10) year completed operations coverage. The five year premium for this coverage, which is based on projected construction values of $1,536,000,000 is $595,994, not including New Jersey State assessments and surcharges of $5,363.95, for a total amount of $601,357.95, and does not include TRIA. It is subject to audit.

PROFESSIONAL LIABILITY (7/15/2009 – 12/31/2014)

The Authority is currently engaged in the negotiation and rewriting of its current Errors and Omissions coverage, which currently covers design contracts on the Parkway only, to cover all design contracts on both the Turnpike and the Parkway. It is anticipated that the program will include Errors and Omissions Professional coverage for all consultants and subconsultants providing design or other professional services. It is anticipated that Primary Errors and Omissions coverage with a maximum limit of $20,000,000 per claim and $20,000,000 in the aggregate will be secured, and that the program will include a deductible of $50,000 per claim for projects with a construction value of $10,000,000 or less, and a deductible of $100,000 per claim for projects with a construction value of more than $10,000,000, for which the consultant will be responsible. It is anticipated that the program will include no less than a five (5) year discovery period after expiration of the policy.

With respect to all other consultants and subconsultants on the Widening Program, the Authority will secure an excess layer of coverage in an amount no less than $20 million to apply in excess of each consultant and subconsultant's required Primary $2 million Errors and Omissions coverage. This coverage will enure to the benefit of the Authority only. It is requested that the Commissioners authorize the Executive Director to negotiate, bind and finalize this coverage.

BUILDERS' RISK (7/15/2009 – 12/31/2014)

The Authority will place Builders Risk insurance for a five (5) year term with a $20,000,000 limit per loss and per occurrence. This coverage includes "all risk" of physical damage or destruction in the course of construction, erection, or repair of any construction and will be elected by the Authority on a case-by-case basis, depending upon the type of work of each construction contract. An initial deposit premium of $100,000 would be required, and each project premium would be based on a formula using values for the type of construction and the contract value. A typical overpass construction job with a construction value of $15 million would have a premium of $39,000. For any projects so elected by the Authority, the Commissioners would be advised and ratification sought for any amounts over $35,000.

Available funds certified by the Finance Director; the Executive Director certified the recommendations for consideration.

On motion by Commissioner Pocino, seconded by Commissioner DuPont, the Authority unanimously ratified, approved and authorized the insurance placements and recommendations, as presented; and received and filed the memoranda.

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**165-09**

Finance Director Hayllar presented the financial results of the New Jersey Turnpike Authority for the Five Months Ended May 31, 2009.

On motion by Commissioner Evans, seconded by Commissioner Diaz, the Authority's **Financial Summary** was unanimously accepted and received for file.

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**166-09**

**Resume of All Fatal Accidents** – New Jersey Turnpike and Garden State Parkway. Submitted by Operations Director Hill, they contain a descriptive summary for the Period 1/1/09 to 6/10/09, together with 2008 – 2009 Yearly Comparisons for the five months through May 2009.

On motion by Commissioner Diaz, seconded by Commissioner Evans, the Authority unanimously accepted the résumé's and received for file.

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**167-09**

**New Jersey State Police Troops D and E - Reports of Activities** for the five months through May, 2009, including 2008 – 2009 Yearly Comparisons, were submitted by Major Walker, New Jersey State Police Troop D Commander.

In addition, Major Walker expressed his personal thanks to the Board for last month's retirement Resolution 141-09 recognizing Allen DelVento for his 30 year career in the New Jersey State Police, which included the position of Commanding Officer of both Troop D and Troop E. Chairman Dilts said the Authority's Commissioners were grateful for the distinguished service of Major DelVento.

On motion by Commissioner Hodes, seconded by Commissioner Pocino, the Authority unanimously accepted the reports and received for file.

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Executive Director Gutierrez-Scaccetti said that although there is good there is also the bad and, even 25 years later, sorrow is felt for the loss of Trooper William Lawrence Carroll while performing his duties during the course of his service with Troop D. She said that it was her privilege to present the following resolution dedicating the State Police Troop D Headquarters in Cranbury, NJ to the memory of Trooper William Lawrence Carroll, Jr.

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority unanimously adopted **Resolution 168-09**; as set forth below:

**168-09**
Resolution
of the
New Jersey Turnpike Authority
in Honor of Trooper William Lawrence Carroll, Jr.
June 30, 2009

WHEREAS, On July 12, 1984, there passed from this life William Lawrence Carroll, Jr., who suffered an untimely death as the result of injuries received in the performance of his duties as a New Jersey State Trooper assigned to Troop D, New Jersey Turnpike, at the New Brunswick Station; and

WHEREAS, A native of the City of New Brunswick, Middlesex County, Trooper Carroll joined the 94th New Jersey State Police Recruit Class in January 1979 and served with selfless courage, honor and devotion with Troop B, North Jersey and Troop C, Central Jersey before his transfer to Troop D in 1982; and

WHEREAS, As a tribute to the inspiring and meritorious service that he brought to the performance of his duties and to his relationships with his colleagues and friends, the Allenwood Station for Troop C in Wall Township was dedicated in his memory. In light of the recent closing of Allenwood Station, on July 12, 2009 Cranbury Headquarters Troop D will be dedicated in the memory of New Jersey State Trooper William Lawrence Carroll Jr. #3296;

NOW THEREFORE, BE IT RESOLVED that the Commissioners of the New Jersey Turnpike Authority, the Staff and all others, express their deepest sorrow at the loss of this truly outstanding public servant and honor him with this dedication;

BE IT FURTHER RESOLVED that this Resolution shall be spread upon the minutes of the Authority and copies be presented to his wife, Michele, and members of their family.

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Upon conclusion of the agenda, Chairman Dilts opened the floor to public comment on and other matters. There was no response.

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The motion to adjourn was made by Commissioner DuPont, seconded by Commissioner Pocino and, after the voice vote, the motion was duly adopted. The Authority adjourned at 10:36 A.M., to meet on Wednesday, July 29, 2009, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:

ADDITIONAL REPORTS:

REPORT OF PURCHASES – under Executive Directors Delegated Authority (EDDA) Resolution 40-95, for the one-month period: May 1 through May 31, 2009.

REPORT OF UTILITY ORDERS – (four) under EDDA 117-05; Dated June 30, 2009.

REPORT SUMMARY OF CONTRACT CHANGE ORDERS; only for Type 1 and Type 2 – Period May 8, 2009 through June 11, 2009, Dated June 30, 2009.

REPORT OF CONSTRUCTION PROGRESS – Period Ending June 12, 2009; Dated June 30, 2009.

AGREEMENTS/CONTRACTS:

Agreement: Feeder Road Maintenance Cost Sharing Agreement, dated June 18, 2009 – State of New Jersey through NJ Department of Transportation (NJDOT) – NJ Turnpike Authority reimbursement payment for access and egress roads onto the Turnpike and Parkway; authorized 1/28/09.

Contract No. P200.045 – Richard E. Pierson Construction Co.; authorized 4/28/09.

Contract No. P200.046 – Earle Asphalt Company; authorized 4/28/09.

Contract No. T200.105 – Crisdel Group Inc.; authorized 4/28/09.

Contract No. T200.114 – DeFino Contracting Company; authorized 3/31/09.

Contract No. T869.120.601 – A. Servidone Inc. and B. Anthony Construction Co. (A Joint Venture); authorized 4/28/09.

ORDER FOR PROFESSIONAL SERVICES and/or PROFESSIONAL SERVICES AGREEMENTS

OPS No. T3177 – HAKS Engineering – Supervision of Construction; authorized 3/31/09.

OPS No. T3195 – WSP Sells (formerly Chas.H.Sells) – 2009 Bridge Inspection; authorized 2/24/09.

OPS No. T3199 – Kupper LLC – Supervision of Construction; authorized 4/28/09.

OPS No. A3205 – Key-Tech – On-Call Construction Material Testing; authorized 3/31/09.

OPS No. A3207 – Pennoni Associates – On-Call Construction Material Testing; authorized 3/31/09.

OPS No. P3208 – Churchill Consulting Engineers – 2009 Bridge Inspection; authorized 4/28/09.

OPS No. A3216 – KS Engineers PC – Outfall Pipe Mapping; authorized 3/31/09.

OPS No. T3219 – Churchill Consulting Engineers – 2009 Bridge Inspection; authorized 3/31/09.

OPS. No. P3221 – TranSystems Corporation – Design Services; authorized 5/27/09.

OPS No. P3220 – Boswell Engineering – Design Services; authorized 4/28/09.

OPS No. A3251 – KS Engineers PC – Engineering Supplemental Staffing; authorized 5/27/09.

Supplemental OPS No. P3009A – HAKS Engineers PC – Supervision of Construction; authorized 5/27/09.

Supplemental OPS No. T3036A – Dewberry-Goodkind Inc. – On-Call Environmental Services; authorized 4/28/09.

Supplemental OPS No. P3047A – Dewberry-Goodkind Inc. – Design Services; authorized 5/27/09.

Supplemental OPS No. P3048A – The RBA Group Inc. – Design Services; authorized 5/27/09.

Supplemental OPS No. A3088B – Stantec Consulting Services Inc.; authorized 4/28/09.

_____
Rose Stanko
Secretary

APPROVED:

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Stephen Dilts, Chairman and NJ Department of Transportation Commissioner

_____
Michael R. DuPont, Treasurer

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Harold L. Hodes, Commissioner

_____
David G. Evans, Commissioner

_____
Raymond M. Pocino, Commissioner

_____ (ABSENT)
Clive S. Cummis, Commissioner

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Troy Singleton, Commissioner

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Ulises E. Diaz, Commissioner