

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
TUESDAY, SEPTEMBER 29, 2009**

Chairman Dilts called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:40 A.M.

PRESENT

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

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Finance Comptrollers Donna Manuelli, Pamela Varga and Tracey Walters; Human Resources Director Mary-Elizabeth Garrity; Internal Audit Director James Carone; Law Director George Caceres; Deputy Law Director Linda Cavanaugh; Maintenance Director John Cifelli; Assistant Operations Director Henry (Chip) Eibel; Purchasing Director Andrea Ward; Strategic Policy & Planning Director Marilyn Lennon; Technology and Administrative Services Director Brian Gorman; Tolls Director Robert Quirk; Commander Kevin Burke, New Jersey State Police Troop E; Chief of Staff Joe Orlando; and Secretary Rose Stanko.

Also present were: General Counsel Judy Verrone; General Consultant James Beattie; Special Bond Counsel John Kelly; Governors' Authorities Unit Representative Sonia Frontera; additional individuals consisting of other NJTA employees; interested organizations; and the general public; and from the media: the Asbury Park Press; Star Ledger; 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.

ACTION ON 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 August 25, 2009; he has not exercised his power to veto any items in those minutes.

In addition, property identification in the minutes of the Meeting of March 31, 2009, set forth in Item 64-09, will be corrected to read Parcel 956 versus 955; and for Parcel 951B, the correction will read Design Section 3, Right-of-Way Section 3F.

Upon motion made by Commissioner DuPont, seconded by Commissioner Cummis, the minutes of the August 25, 2009 meeting and corrected minutes of the March 31, 2009 meeting, 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: 217-09 for Commissioner Hodes; 218-09, 220-09, 221-09, 226A-09, 226B-09 and 226C-09 for Commissioner Pocino; and 217-09 for Commissioner Diaz.

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At this juncture, the Chairman announced that a separate Executive Session was not required and opened the floor for comment pertaining to the public items being presented for Board approval. There was no response.

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

PERSONNEL

213-09

Human Resources Director Garrity submitted the **Personnel Agenda**, dated September 29, 2009, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendations for consideration.

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

LAW

Law Director Caceres requested approval of items 214-09 and 215-09; moved together, those items are as follows:

214-09

In a memorandum dated September 8, 2009, concerning a recommendation to **Settle Formal Workers' Compensation Matter of John Pitt v. New Jersey Turnpike Authority**, Account No. 10-870-405070.

John Pitt, an Electrical Craftsperson hired in June 1998, sustained bilateral shoulder injuries while pulling wires working from a bucket truck on July 18, 2006. After a regimen of conservative treatment, including physical therapy, medication and cortisone injections failed to resolve his pain, he underwent arthroscopic surgery (subacromial decompression and rotator cuff debridement) of the right shoulder in September 2006 and bursal extension surgery in August 2007. In addition, in March 2008 Petitioner underwent equally complex left shoulder arthroscopic surgery.

The Petitioner is represented by Petro, Cohen and Matarazzo of Northfield, NJ. The Authority is defended by Special Counsel Gary Price of Buttafuoco, Arce & Price of South Plainfield, NJ. The matter is venued in the district office of Toms River, NJ and is before Judge Bradley Henson.

Permanency findings on behalf of the Petitioner opined 70% partial total disability of the right and 60% of the left shoulder. On behalf of the Respondent, Dr. Bachman placed a value of 7.5% partial total disability on each shoulder.

Petitioner's original demand in this matter was for 65% or \$232,610.00. From there, negotiations ensued until, in a conference with the judge, the court placed a value of 55% or \$166,980.00. After further conferences, the court recommended settlement at 50% or \$138,000.00 and counsel previously conveyed that request, which the Authority rejected. The matter then proceeded to trial on August 5, 2009. After hearing the full testimony of the Petitioner, and some effective cross examination, the judge said, on the record, that he would approve an offer of 40% to resolve the entire case (both shoulders) if offered, which equates to \$88,320.00. The judge also stated that, if the trial continued, he may award his original recommended amount of 55%. The judge is apparently sending a clear message that it would be in the Authority's best interest to accept this settlement offer. All interested parties on behalf of the Authority strongly concur.

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 this matter for the sum of \$88,320.00.

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The following matters constitute the Public Session agenda:

215-09

In a memorandum dated September 9, 2009, concerning a recommendation to **Enter into an Agreement with the United States Army Corps of Engineers (USACE), the New Jersey State Historic Preservation Office (SHPO) and the New Jersey Department of Transportation (NJDOT)** – Historical Resources, Garden State Parkway Interchanges 9, 10 and 11 Improvements.

The New Jersey Turnpike Authority (the "Authority") is continuing with its plans to improve Interchanges 9, 10 and 11 on the Garden State Parkway. The Garden State Parkway has been designated a historic district and the proposed improvements to the interchanges could result in adverse effects to characteristics that make the Garden State Parkway eligible for listing in the National Register of Historic Places as a historic district. Accordingly, it is necessary to enter into an Agreement with the State Historic Preservation Office ("SHPO"), the Army Corps of Engineers ("ACE"), and the New Jersey Department of Transportation ("NJDOT") to implement measures to address and minimize these potentially adverse effects to the historical resources which have been identified by the parties.

The parties propose to enter into a Memorandum of Agreement ("MOA") which will identify specific processes intended to minimize, where practicable, the adverse effects of the proposed construction and mitigate such adverse effects that cannot be avoided. The proposed MOA would provide that the Authority perform historical mitigation at little or no cost to the Authority. Should the

cost of such historical mitigation exceed the Executive Director's delegated authority of \$35,000, ratification by the Commissioners would be sought.

Therefore, it is recommended that the Executive Director be authorized to enter into a Memorandum of Agreement with SHPO, USACE, and NJDOT, substantially incorporating the above terms, and such other terms as may be necessitated by this authorization, after review and approval by the Law Department and outside counsel. It is further recommended that the Executive Director, with the concurrence of the Director of Law and the Chief Engineer, be authorized to execute such document and take such acts which are necessary and in furtherance of the intent of the agreement set forth above, subject to ratification by the Commissioners in the event that the costs of such actions exceed the Executive Director's delegated authority threshold of \$35,000.

Reviewed by the Human Resources Director as applicable; available funds certified by the Finance Comptroller; the Executive Director certified the recommendations for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved the two (2) 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 began by outlining the progression of engineering projects in terms of dollars and (using rounded cost figures) noted that in this agenda alone there are three (3) construction contracts totaling \$22 Million and three (3) professional service orders for design totaling \$20 Million. He reported that there have been a total of thirty (30) construction contracts totaling \$377 Million and forty-three (43) Orders for Professional Services totaling \$296 Million since January 2009. Further, he advised that the awards are 20% below departmental estimates which represent savings that are being applied towards other projects, in particular to the Parkway Widening of Mileposts 48 to 64.

Upon conclusion of this update, the Chief Engineer requested approval of item numbers 216-09 through 226C-09. Moved as a group, those Engineering items are as follows:

216-09

In a memorandum dated September 2, 2009, concerning authorization to **Enter into a Reimbursement Agreement – New Jersey Department of Transportation (NJDOT)** – New Jersey Turnpike, Drainage Improvements at Interchange 15E in Newark, 2009 Capital Construction Program No. 31002003.

This Agreement will allow the Authority to reimburse New Jersey Department of Transportation (NJDOT) for drainage repairs performed within the Authority's jurisdiction along Ramp AV adjacent to Interchange 15E in the city of Newark. The site has been the location of constant flooding for years, even during minor storm events. The work performed included cleaning existing drainage inlets and pipes; channel excavation; testing and disposal of contaminated soil; pipe repairs; and videotaping of the existing drainage system.

The subject drainage system cleaning and repairs were performed by the NJDOT's contractor with the understanding that the Authority would reimburse the NJDOT for the portion of the work within the Authority's jurisdiction. Based on documentation provided by the NJDOT, the Authority's cost responsibility has been determined to be \$600,000. The cost has been reviewed by the Engineering Department, is considered reasonable and approval is recommended.

It is, therefore, recommended that the Executive Director be authorized to execute this Agreement, authorizing reimbursement to the New Jersey Department of Transportation in the amount of \$600,000.

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217-09

In a memorandum dated September 9, 2009, concerning a recommendation to **Execute Utility Order No. 1215-T – Verizon New Jersey Inc.** – New Jersey Turnpike, Contract No. T869.120.202, Interchange 6 to 9 Widening Program, Grading, Drainage, Paving, Structures, Lighting, Pavement Markings and Signs, Milepost 55.1 to 56.5, Chesterfield Township, Burlington County, Future Bond Issue.

Existing utility facilities belonging to the referenced utility will be directly impacted by the construction of the referenced contract. The Authority will reimburse the utility company for the relocation of approximately 3,500 feet of existing aerial facilities to new underground facilities, cost of materials, engineering, inspection and associated activities. This work will be done in the vicinity of Route 528 (MP 55.1) and Ward Avenue (MP 56.4).

The cost of this Utility Order was provided by Verizon New Jersey, Inc. and is based on the final improvements and known conditions at this time. The cost proposal was reviewed by the Engineering Department, is considered reasonable and approval is recommended.

It is, therefore, recommended that the Executive Director be authorized to execute Utility Order No. 1215-T, in the amount of \$1,830,000.

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218-09

In a memorandum dated September 10, 2009, concerning a recommendation to **Award Contract No. T100.123 – Railroad Construction Co. Inc.** – New Jersey Turnpike, Northern Turnpike Bridge Deck Reconstruction, Milepost 83.0 to 122.0 and the Newark-Bay Hudson County Extension, 2009 Capital Construction Program No. 31001010 and Future Bond Issue.

This contract will primarily provide for partial deck reconstruction and parapet replacement on five bridges located in the northern section of the Turnpike. The work will also include reconstruction of deck joints, concrete headers, resurfacing approach roadways and replacing existing electrical and drainage facilities.

Seven bid proposals were received on September 2, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$18,321,280.00, may be compared to the second low bid proposal in the amount of \$19,272,362.50. The low bidder, Railroad 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. T100.123 be awarded to the low bidder, Railroad Construction Co., Inc. of Paterson, New Jersey, in the amount of \$18,321,280.00. 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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219-09

In a memorandum dated September 10, 2009, concerning a recommendation to **Issue Order for Professional Services No. T3266 – Stone & Webster Inc.** – New Jersey Turnpike, Supervision of Construction Services, for Contract No. T100.106 - Northern Bridge Deck Repairs and Resurfacing, Milepost 83 to 122, Maintenance Reserve Fund No. 03010001; and Contract No. T100.123 - Northern Deck Reconstruction, Structure Nos. 99.13B, E113.0 and on the Newark Bay-Hudson County Extension, Mile N5.9 to Mile N8.2, 2009 Capital Construction Program No. 31001010 and Future Bond Issue.

This Order for Professional Services (OPS) provides construction supervision services for the two referenced contracts. Contract No. T100.106 is the first of two Turnpike bridge deck repair contracts to be awarded for the 2010 construction season and will concentrate in the northern section of the Turnpike. The work generally involves selective replacement of existing asphalt wearing surface, deck repairs and related incidental items. Contract No. T100.123 will primarily provide for partial deck reconstruction and parapet replacement on five bridges located in the northern section of the Turnpike. The work will also include reconstruction of deck joints, concrete headers, resurfacing approach roadways and replacing existing electrical and drainage facilities.

This assignment is classified as a "Complex Project" because the fee exceeds \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 59 engineering firms prequalified and eligible under Profile Codes B155 – Bridges: Construction Inspection and B157 – Bridges: Deck Repair/Replacement Inspection. Four EOIs were received by the closing date of July 21, 2009.

The four firms were requested to submit Technical and sealed Fee Proposals. They are: 1) Stone & Webster, Inc.; 2) Jacobs Engineering Group, Inc.; 3) HAKS Engineers, P.C.; and 4) Ammann & Whitney Consulting Engineers, P.C. The Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Stone & Webster, Inc. being the highest technically ranked firm. The fee submitted has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3266 be issued to the firm of Stone & Webster, Inc. of Trenton, New Jersey in the maximum amount of \$5,195,000, allocated as follows: Fund 03010001: 2010 - \$1,300,000; 2011 - \$30,000; Fund 31001010: 2009/2010 - \$2,170,000; 2011 - \$1,695,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.5 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses.

The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by 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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220-09

In a memorandum dated September 11, 2009, concerning a recommendation to **Award Contract No. P500.101 – Mount Construction Co., Inc.** – Garden State Parkway, Chevalier Avenue Salt Storage Structure, Milepost 125.0 NB, Construction Fund No. 06510066.

This contract will provide for the construction of a new salt storage facility on the Garden State Parkway at Milepost 125.0, adjacent to the ramp for Exit 125, Chevalier Avenue in Sayreville, Middlesex County. The work will consist of construction of a prefabricated rectangular salt storage facility with foundation, minor electrical work for interior lighting of the new structure, grading, and paving. The work to be performed under this contract will be completed on or before June 30, 2010.

Four bid proposals were received on September 10, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$1,345,622.20, may be compared to the Engineer's Estimate in the amount of \$1,205,423.50. The low bidder, Mount 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. P500.101 be awarded to the low bidder, Mount Construction Co., Inc. of Berlin, New Jersey, in the amount of \$1,345,622.20. 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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221-09

In a memorandum dated September 16, 2009, concerning a recommendation to **Award Contract No. A600.143 – Conti Enterprises Inc.** – Garden State Parkway and New Jersey Turnpike , Advance Fabrication of Cantilever and/or Overhead VMS Structures – GSP and TPK Sign Improvements, 2008A Note Construction Fund No. 30000003.

This contract will provide for advanced fabrication of 11 cantilever and 21 overhead span variable message sign support structures for use on Contract No. A600.102A, Installation of Variable Message Signs at New and Existing Locations on the Turnpike and Garden State Parkway.

Six bid proposals were received on September 9, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$2,284,397, may be compared to the Engineer's Estimate in the amount of \$2,436,900. The low bidder, Conti Enterprises, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. A600.143 be awarded to the low bidder, Conti Enterprises, Inc. of South Plainfield, New Jersey, in the amount of \$2,284,397. 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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222-09

In a memorandum dated September 9, 2009, concerning a recommendation to **Issue Order for Professional Services No. A3261 – Dewberry-Goodkind Inc.** – Garden State Parkway (GSP) and New Jersey Turnpike (TPK), Supervision of Construction Services, for Contract No. A600.143 - Advance Fabrication for Cantilever and/or Overhead VMS Structures, Sign Improvements; and Contract No. A600.102A - Installation of Variable Message Signs at New and Existing Locations, 2009 Capital Construction Program No. 31006014.

This Order for Professional Services (OPS) will provide supervision of construction services for the referenced contracts. Contract No. A600.143 will provide for advanced fabrication of 11 cantilever and 21 overhead span variable message sign support structures for use on Contract No. A600.102A, Installation of Variable Message Signs at New and Existing Locations on the TPK and GSP. Contract No. A600.102A shall consist of the installation of 34 "site-specific" VMS sign structures on the Turnpike and Parkway roadways. The contract work includes foundation construction, sign structure erection and removal of existing electronic signs and associated control systems.

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 63 engineering firms prequalified and eligible under Profile Code B-153 - Roadway Construction Inspection. Five firms submitted EOIs by the closing date of August 12, 2009.

Subsequent to the scoring of the Expressions of Interest, Fee Proposals were requested from the top three firms. They are, in the order of technical ranking: 1) Dewberry-Goodkind, Inc.; 2) Churchill Consulting Engineers; and 3) KS Engineers, P.C. The fee submitted by Dewberry-Goodkind, Inc. 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. A3261 be issued to the firm of Dewberry-Goodkind, Inc. of Bloomfield, New Jersey in the maximum amount of \$985,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.35 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by 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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223-09

In a memorandum dated September 16, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3246 – Gannett Fleming Inc.**, for Contract No. P200.134 Milepost 48.0 to Milepost 52.5, Atlantic and Ocean Counties; **Order for Professional Services No. P3247 – The RBA Group Inc.**, for Contract No. P200.135, Milepost 52.5 to Milepost 58.0, Ocean County; and **Order for Professional Services No. P3248 – Michael Baker Jr. Inc.**, for Contract No. P200.136, Milepost 58.0 to 64.5, Ocean County – Design Services, Widening of the Garden State Parkway, Milepost 48.0 to 64.5, 2009 Capital Construction Program No. 31028031 and Future Bond Issue.

Through this single procurement process for Orders for Professional Services (OPS), three consultants will be selected to perform the following services: OPS P3246 - final design to widen 4.5 miles between Milepost 48.0 and 52.5 including an embankment and a subgrade stability study between Milepost 49.1 and 50.6; OPS P3247 - final design to widen 5.5 miles between Milepost 52.5 and 58.0 including realignment of the northbound Parkway mainline at the New Gretna Toll Plaza, as necessary, to provide improved roadway geometrics to accommodate the future implementation of Express EZ Pass facilities; and OPS P3248 - final design to widen 6.5 miles between Milepost 58.0 and 64.5 and the anticipated coordination of ramp improvements at Interchange 58 (NB exit ramp/CR 359/Poorman's Parkway) with Ocean County.

These assignments are classified as “Complex Projects” since the scope of work is not clearly defined and likely to change during the course of the project, and the fee exceeds \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 44 engineering consulting firms prequalified and eligible in Profile Codes A090 – Bridges: New; A091 – Bridges: Widening and Modifications; and A250 – Fully Controlled Access Highways. Fourteen (14) firms submitted EOIs by the closing date of August 3, 2009.

Subsequent to the scoring of EOIs by the Review Committee, the top four firms were requested to submit Technical Proposals. They are, in order of technical ranking: 1) Michael Baker Jr., Inc.; 2) The RBA Group, Inc.; 3) Dewberry-Goodkind, Inc.; and 4) Gannett Fleming, Inc. The Review Committee reviewed and evaluated each firm’s Technical Proposal and final scoring resulted in Michael Baker Jr., Inc.; The RBA Group, Inc.; and Gannett Fleming, Inc. being the highest technically ranked firms. Based on information presented in the Technical Proposals, the Review Committee assigned the OPS’ to the firms. Fee proposals were then requested from each of these firms for only their assigned OPS. The fees submitted by all three firms have been reviewed, negotiated, and are considered to be fair and reasonable for the services to be provided.

Therefore, it is recommended that OPS No. P3246 be issued to the firm of Gannett Fleming, Inc. of South Plainfield, New Jersey for \$5,369,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.80, based on a 10% allowance for profit and an overhead rate of 154.5% or, the firm’s overhead rate as determined by Federal Audit Regulation (FAR) procedure, which ever is less, plus authorized, direct non-salary expenses.

It is also recommended that OPS No. P3247 be issued to the firm of The RBA Group, Inc. of Parsippany, New Jersey for \$6,095,000. This amount includes reimbursement of direct salaries times a multiplier of 2.56, based on a 10% allowance for profit and an overhead rate of 132.9% as determined by Federal Audit Regulation (FAR) procedure, plus authorized, direct non-salary expenses.

It is also recommended that OPS No. P3248 be issued to the firm of Michael Baker Jr., Inc. of Hamilton, New Jersey for \$8,365,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.80, based on a 10% allowance for profit and an overhead rate of 154.5% or, the firm’s overhead rate as determined by Federal Audit Regulation (FAR) procedure, which ever is less, plus authorized, direct non-salary expenses.

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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224-09

In a memorandum dated September 16, 2009, concerning a recommendation to **Issue Supplement A to Order for Professional Services No. T3085 – URS Corporation** – New Jersey Turnpike, Design Services for Contract No. T100.034, Bridge Deck Reconstruction, Miscellaneous Structural, Roadway and Lighting Improvements, Newark Bay-Hudson County Extension, Milepost N0.00 to N3.00, 2008A Note Construction Fund No. 30000010.

This Order for Professional Services (OPS) was issued at the October 2008 Commission Meeting, in the amount of \$3,350,000, and provided for engineering services for the design and preparation of contract documents for redecking portions of Structure No. N2.01, the Newark Bay Bridge, under Contract No. T100.034.

Supplement A provides for additional design services, as requested by the Authority, which includes the development of contract documents for the installation of Boschung America's (Boschung) fixed automated spray technology (FAST) anti-icing system, a product proprietary to Boschung. This Supplement provides for the payment of Boschung's engineering costs related to the design of two pump houses, related piping system, spray head distribution system, four weather stations and pavement sensors, communication improvements, and computer hardware and software required for activation on Structure No. N2.01 from Pier W15 to the East Abutment. The program is anticipated to be expanded on the westerly approach within upcoming design contracts. Boschung's design effort will be paid as a direct expense through URS who will be responsible for the overall coordination of plan development and Contract No. T100.034 delivery. URS will provide additional engineering services including: foundation design, site plan development, utility order development and deck panel blockout details, to incorporate the anti-icing system within the final contract documents.

The FAST anti-icing system will ultimately be procured as a no-bid fixed cost item in Contract No. T100.034, which contract is in its final design phase for public advertisement. Accordingly, Supplement A to OPS No. T3085 is required to complete the FAST anti-icing system design while maintaining the current award and construction schedule of this high priority redecking contract.

URS has submitted a proposal in the amount of \$480,665 to provide the required services, which has been reviewed, negotiated and considered reasonable. It includes a lump sum fee of \$253,900 for Boschung's design services.

It is, therefore, recommended that Supplemental OPS No. T3085A be issued to URS Corporation in the amount of \$480,665, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$3,350,000 to \$3,830,665. 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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225-09

In a memorandum dated September 9, 2009, concerning a recommendation **to Issue Supplement A to Order for Professional Services No. A3215 – Gannett Fleming Inc.** – Garden State Parkway and New Jersey Turnpike, Design Services, Condition Assessment and Prioritization of Repair for Authority Maintenance Facilities, 2009 Capital Construction Fund No. 31005013 .

This Order for Professional Services (OPS) was issued at the April 2009 Commission Meeting, in the amount of \$975,000, to provide a building assessment and inspection program for the New Jersey Turnpike Authority's various maintenance facilities located on the New Jersey Turnpike and Garden State Parkway. Also included in the Scope of Services was preparation of design documents for a prototype garage/administration facility (including Department of Community Affairs plan approval), and other related work.

Supplement A will compensate Gannett Fleming for additional condition assessment at the Oceanview Service Area on the Parkway and to prepare final design documents for the construction of a Vehicle Maintenance Facility at the Holmdel State Police Facility. The Oceanview Service Area has been added to the assessment list due to the service area's conversion by HMS Host from a full food service operation to a vending operation. The assessment will establish the baseline condition of the facility. Supplement A assures a prompt conversion by early October 2009 in order to afford continued food services to our motoring public. The Vehicle Maintenance Facility has been added to OPS A3215 in order to utilize information procured under the original OPS to facilitate the prompt design and erection of the new facility to the benefit of the State Police. The consultant will prepare design documents, including acquisition of Department of Community Affairs plan approval, for a contract to construct the facility. Gannett Fleming has submitted a proposal in the amount of \$350,000 to provide the required services, which has been reviewed, negotiated and considered reasonable.

It is, therefore, recommended that Supplemental OPS No. A3215A be issued to Gannett Fleming Inc. in the amount of \$350,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$975,000 to \$1,325,000. 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.

(To correct a typographical error regarding the above item, the figure "\$1,275,000" found in the memorandum has been disregarded and these minutes reflect the correct agenda amount and read accurately as \$1,325,000)

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226A-09 through 226C-09

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

Payment:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<u>Contract P100.007</u>	Joseph M. Sanzari, Inc. Garden State Parkway Northern Bridge Deck Repairs and Resurfacing Milepost 119.2 to Milepost 150.3 Monmouth, Middlesex, Union, Essex and Bergen Counties Maintenance Reserve Fund No. 03020001	\$381,958.23
<u>Contract P200.096</u>	Joseph DeFino Trucking Co. Inc. d/b/a DeFino Contracting Company Garden State Parkway Interim Shoulder Repair and Miscellaneous Safety Improvements Milepost 89.70 to 96.10 Monmouth and Ocean Counties 2008A Note Construction Fund No. 30000009	\$249,949.74
<u>Contract T700.069</u>	The Dawson Corporation New Jersey Turnpike Compensatory Wetland Mitigation Interchange 12 Middlesex County Construction Fund No. 06510015	\$147,342.57

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 Comptroller; the Executive Director certified the recommendations for consideration.

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority approved the thirteen (13) item engineering agenda; and authorized, 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 goods and services; presented the recommendations contained in General Business item 228-09; and requested approval. Moved as a group, Purchasing items 227A-09 through 227H-09 and General Business item 228-09 are as follows:

Results of Bidding: Items 227A-09 through 227F-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:

227A-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>		
11	2	Treadle Frames	Meta-Lite Inc. Clifton, NJ	\$ 88,520.00

Requisition (R) 62744; Bids Received September 8, 2009; Budget Code 31005013.

Requisitioned by the Toll Collection Department, this is for the purchase of 40 Contact Frames for Roadway Treadles. Bidders were required to quote the unit price per frame with the award based on the lowest total price.

Recommend award be made to the lowest responsible bidder, Meta-Lite Inc., in an amount not to exceed \$88,520. 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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227B-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>		
6	3	Sewer Ejector Pump Systems	Evans Machine and Tool Co. Perth Amboy, NJ	\$ 37,986.40

R 62918; Bids Received: September 9, 2009; Budget Code 010-01-580-464010.

Requisitioned by the Maintenance Department, this will provide for the purchase and installation of two Dual Sewer Pump Ejector Systems for Turnpike Interchange Nos. 15W and 18W. Bidders were required to quote the total amount for both systems.

Recommend award be made to the lowest responsible bidder, Evans Machine and Tool Co., in an amount not to exceed \$37,986.40. 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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227C-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>		
21	6	Traffic Cones	Traffic Safety Service LLC South Plainfield, NJ	\$ 60,000.00

Requisition Memorandum (RM) 747; Bids Received: July 14, 2009.

Requisitioned by the Inventory Section, this is a one-year price agreement for the purchase of 28" high Traffic Cones for use at Parkway toll plazas and maintenance yards. Bidders were required to submit a unit price per cone.

There was a through review of all bid proposals, written confirmations regarding the types of cones proposed and sample cones from the lowest bidders. Staff found that none of the five lower bidders met the material specifications which include requirements for product durability and worker safety concerns during usage. Therefore, those bid proposals were rejected as being non-compliant.

Recommend award be made to the lowest responsible bidder, Traffic Safety Service LLC. The anticipated annual expenditure will not exceed \$60,000, subject to funding availability at the time of order. 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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227D-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>		
7	2	Treated Rock Salt	International Salt Company LLC Clarks Summit, PA	\$ 838,031.00 (Turnpike, Zone I)
				\$1,295,802.00 (Turnpike, Zone II)
				\$1,142,937.00 (Turnpike, Zone III)
				\$1,268,218.00 (Parkway, Zone IV)

\$1,129,940.00
(Parkway, Zone V)

\$ 886,130.00
(Parkway, Zone VI)

RM 759; Bids Received: September 8, 2009.

Requisitioned by the Maintenance Department, this price agreement is for the purchase of approximately 81,100 tons of granular sodium chloride treated with liquid magnesium chloride and organic based performance enhancer (“Treated Rock Salt”) for six zones over both roadways, for the period through October 15, 2010. Bidders were required to quote unit prices per ton of treated rock salt for regular and expedited delivery. The basis of award is the total bid amount per Zone.

Review of the other bid proposal found that the product did not meet material specifications in at least two critical criteria which would result in adverse effects on environmental areas and Authority equipment. Therefore, the bid proposal was rejected as being non-compliant.

Recommend award be made to the lowest responsible bidder, International Salt Company LLC, for Zones I through VI in a total amount not to exceed \$6,561,058, subject to funding at the time of ordering. 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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227E-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
3	2	Axle Counting Treadles	The Revenue Markets Inc. Accord, NY	\$ 296,280.00

RM 760; Bids Received: September 10, 2009.

Requisitioned by the Tolls Collection Department, this is a one-year price agreement for the purchase of Axle Counting Roadway Treadles including, but not limited to, mounting hardware interface circuitry and adaptors for toll plazas. Bidders were required to quote the unit price per treadle for 90 treadles, with the award based on the lowest total price.

Review of the other bid proposal found it as non-compliant and required rejection.

Recommend award be made to the lowest responsible bidder, Revenue Markets Inc., in an amount not to exceed \$296,280, subject to funding availability at the time of order. 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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227F-09

Results of Bidding for Snow Plowing and Salting Services on Garden State Parkway

and Authorization to Negotiate Remaining Contracts, RM 753 (Rebid)

Bidders Invited: 21; Bids Received on September 10, 2009: 2.

Requisitioned by the Maintenance Department, these Service Agreements for snow plowing and salting services are for the three-year period beginning November 1, 2009 through April 30, 2012. The bid quotations are based on the hourly rates for the number of trucks, and awards are based on total prices.

Original contract terms may be extended for two additional one-year terms at the sole discretion of the Authority. Any succeeding term of the contracts will be adjusted yearly based on the Consumer Price Index (“CPI”) as designated in the average CPI for combined New York/Northern New Jersey and Philadelphia/Southern New Jersey areas. However, the maximum increase permitted for any year shall be 5%

Recommend awards for snow plowing and salting services be made to the lowest responsible bidders; the anticipated contract expenditures are subject to funding availability at the time of service. Those awards are as follows:

PARKWAY AREA CONTRACTS:

<u>Contractor</u>	<u>Contract</u>	<u>Amount Not to Exceed</u>
A. Montone Construction Inc. Holmdel, NJ	Contract LC-05-09 (Raritan Tolls / Driscoll Bridge)	\$ 32,400.00
Haskell Site Work, LLC West Creek, NJ	Contract LC-6-09 (Asbury Toll Plaza)	\$ 48,600.00

However, no bids (for loaders and back-up vehicles) were received for the following

Areas:

- LN-02-09 (Pascack Valley Tolls)
- LN-03-09 (Bergen Toll Plaza)
- LN-4-09 (Saddlebrook Toll Plaza)
- LN-5-09 (Interchange 165 Toll Plaza)
- LN-6-09 (Brookdale Service Area)
- LN-7-09 (Brookdale Toll Plaza)
- LN-9E-09 (Clifton Commuter Lot)
- LN-10-09 (Bloomfield Toll Plaza)
- LN-11-09 (Union Toll Plaza)
- LN-11E-09 (Union Ramps)
- LN-12-09 (East Orange Toll Plaza)
- LN-13-09 (Vauxhall Service Area).

Given that contracts for these Areas were bid on two separate occasions and no bids were received, it is recommended that staff be authorized to negotiate contracts with vendors who can provide the services in time for the 2009/2010 snow season, as permitted by N.J.S.A. 27:23-6.1. Furthermore, the Maintenance Department re-evaluated the Areas which has resulted in a reduction in the number of vehicles for Contracts: LN-02-09; LN-03-09; and LN-10-09 and the elimination of LN-9E-09 and LN-13-09.

Therefore, it is also recommended that contracts for the other Areas be negotiated, with the exception of LN-9E-09 and LN-13-09, as outlined herein. Recommendation for awards of the negotiated contracts will be placed on the Agenda for the next Commission Meeting.

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227G-09

In a memorandum dated September 10, 2009, concerning the recommendation to **Award a Sole Source Contract – Hansen Information Technologies** – Annual Software Support and Maintenance for the Computerized Maintenance Management System, R-63647, Budget Code 010-00-833-427010.

At the October 25, 2005 Commission Meeting the Authority awarded a contract to Hansen Information Technologies (Hansen), (formerly Spear Technologies Inc.), to install a computerized maintenance management (CMM System). This software system is used to manage work force, monitor maintenance assets and to identify overall performance statistics for the Maintenance and other operational departments. The CMM System has been in use since 2005. The Technology and Administrative Services Department is requesting annual software support and maintenance to the CMM System, including but not limited to, resolution of software issues and corrective software patches.

The CMM System software licenses, professional services and the associated support services are registered, trademarked and copyrighted by Hansen. This is the only vendor which has access to the source codes needed to debug, upgrade and support the CMM System software. No other vendor is capable of providing the modifications required herein. In addition, this is an exceptional circumstance because the Authority relies solely on the CMM System to provide certain maintenance management functions. Hansen submitted price proposals for the referenced annual support and maintenance services in the amount of \$68,094.38 for the period covering 8/1/09 through 7/31/10.

Accordingly, authorization is requested to enter into a contract with Hansen Information Technologies, Chicago, IL for services outlined herein, in an amount not to exceed \$68,094.38 for the support and maintenance to the CMM System. The award was made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.S.A. 27:23-6.1 and Executive Order No. 37. The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to the same. A resolution, as required by N.J.A.C. 19:9-2.2(d)1, follows as **Resolution 227G-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
ANNUAL SOFTWARE SUPPORT AND MAINTENANCE
COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM

WHEREAS, the Technology and Administrative Services (“TAS”) Department requisitioned software annual support and maintenance services to the Authority’s Computerized Maintenance Management System (CMM System); and

WHEREAS, at the October 25, 2005 Commission Meeting the Authority awarded a contract to Hansen (formerly Spear Technologies, Inc.) to install a computerized maintenance management system (“CMM System”) and

WHEREAS, the CMM System software is used to manage work force, monitor maintenance assets and to identify overall performance statistics for the maintenance and other operational departments ; and

WHEREAS, TAS Department requests annual software support and maintenance to the CMM System, including, but not limited to, resolution of software issues and corrective software patches; and

WHEREAS, the CMM System software licenses, professional services and the associated support services are registered, trademarked and copyrighted by Hansen and consequently it is the only vendor which has access to the source codes needed to debug, upgrade and support the CMM System; and

WHEREAS, software services to the CMM System can only be procured from Hansen Information Technologies and only through direct negotiations; and

WHEREAS, the Authority’s regulations pursuant to N.J.A.C. 19:9-2(d)1 promulgated under N.J.S.A. 27:23-6.1 permits sole source procurement when only one source of the required service exists.

NOW, THEREFORE, BE IT RESOLVED THAT the Authority’s Commissioners hereby authorize and approve award of a contract for annual software support and maintenance to the CMM System in an amount not to exceed \$68,094.38 for the period covering 8/1/09 through 7/31/10 as a sole source exception to procurement by public advertisement permitted by N.J.A.C. 19:9-2.2(d)1 promulgated under the Authority’s enabling legislation, N.J.S.A. 27:23-6.1.

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227H-09

In a memorandum dated September 17, 2009, concerning the recommendation to **Extend and Increase Amount of Contract No. 278 – Rich-Mark Contracting Inc.** – Collection, Transportation and Disposal of Roadway Sweepings.

At the May 3, 2005 Commission Meeting, the Authority awarded a contract to Rich-Mark Contracting, Inc. for the disposal of approximately 6,500 tons of roadway sweepings on the New Jersey Turnpike and Garden State Parkway in an amount not to exceed \$272,189.50 per year. This contract was awarded pursuant to the public bidding laws of N.J.A.C. 19:9-2.2 as promulgated under N.J.S.A. 27:23-6.1. The term of the contract was 18 months with 2 one-year options to extend. The second contract extension term expired on July 4, 2009. In recognition of the contract expiration, the Authority publicly bid and awarded a new contract for these services at the June 30, 2009 Commission Meeting.

Prior to issuing the new contract, one of the bidders in the solicitation filed a bid protest against the award to the apparent low bidder. Consequently, the contract has not yet been implemented. Pursuant to NJDEP Regulations, roadway sweepings must be disposed of within a 90-day period from date of collection. To comply with the laws, the Maintenance Department has requested that Contract No. 278 be extended for an additional six months through December 31, 2009 and the contract amount be increased by \$225,000.

Accordingly, authorization is requested to increase Contract No. 278 with Rich-Mark Contracting Inc., Bayville, NJ. by \$225,000 for the immediate disposal of roadway sweepings on the Authority's roadways. The new total authorized amount will not exceed \$497,189.50, subject to availability of funds at time of service.

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

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved the eight (8) item Purchasing agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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GENERAL BUSINESS

228-09

In a memorandum dated September 24, 2009, concerning the recommendation to **Award Multiple Orders for On-Call Professional Services for – General Real Estate Appraisal Services; Real Estate Consultant Services; Licensed Professional Planning Services; Title Insurance Companies; and Relocation Consultant Services.**

The Authority requires the services of several real estate consultants for the acquisition, sale and/or exchange of real properties in connection with various roadway construction projects, including the New Jersey Turnpike Interchange 6-9 Widening Program. Thus, the Authority issued

a Request for Qualifications (“RFQ”) soliciting Expressions of Interest (“EOI”) for the following five professional on-call services: 1) General Real Estate Appraisal Services, 2) Real Estate Consultant Services, 3) Licensed Professional Planning Services, 4) Title Insurance Companies and 5) Real Estate Relocation Consultant Services (collectively, the “Real Estate Services”). The contracts will be awarded for a term of two-years. The RFQ was advertised in two newspapers, posted on the Authority’s and State’s website and distributed to 54 firms. On May 27, 2009, qualifications were received and 29 firms responded to the RFQ. The professional services process was conducted in accordance with N.J.S.A. 23:26-6.1, N.J.A.C. 19:9-2(b) and Executive Order No. 37. This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee(s) pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to same.

The Executive Director appointed an Evaluation Committee consisting of personnel from the Law and Engineering Departments. The Committee thoroughly reviewed and ranked the qualifications for each category of Real Estate Services based on the criteria stated in the RFQ. The RFQ established the standard rates and fees for Services. Each contract awarded herein shall be in an amount not to exceed \$500,000 per year, subject to availability of funding at the time of service. The RFQ also stated the suggested number of qualified firms sought for each category. The results are as follows:

1) General Real Estate Appraisal Services

The RFQ sought five firms for General Real Estate Appraisal Services. Thirteen firms submitted qualifications for these Services. Due to the overwhelming response to this solicitation, the quality of the submittals and the Authority’s needs in this area, the Committee felt an additional contract should be awarded for these Services thereby bringing the number of contracts to six.

Accordingly, it is recommended that contracts be awarded to the following six firms:

- Ard Appraisal Company, Clark, NJ
- Curini Appraisal Company, Inc., Hamilton Square, NJ
- Integra Realty Resources, Whippany, NJ*
- Stack Coolahan & Stack LLC, Hoboken, NJ
- Gagliano & Company, Shrewsbury, NJ*
- Sterling DiSanto & Associates, Somerville, NJ

2) General Real Estate Consultant Services

The RFQ sought five firms for General Real Estate Consultant Services. Seven firms submitted qualifications for this category. The Evaluation Committee determined that all seven firms were responsive and qualified to provide the Services. Accordingly, it is recommended that contracts be awarded to the following five firms:

- BRB Valuation & Consulting Services, Freehold, NJ*
- Cornerstone Group, New York, NY
- Lasser Sussman Associates llc, Livingston, NJ*
- O. R. Colan Associates, Union, NJ
- Value Research Group LLC, Livingston, NJ*

* Five firms, BRB Valuation & Consulting Services, Gagliano & Company, Integra Realty Resources, Lasser Sussman Associates LLC and Value Research Group LLC, all submitted

qualifications for both Real Estate Appraisal Services and Real Estate Consultant Services. Pursuant to the RFQ, the Authority, in its sole discretion, could determine which category a contract will be awarded. The recommendations in these two categories reflect that determination. Furthermore, a contract awarded for On-Call General Real Estate Consultant Services may include appraisal services for those proposers whose proposals have been deemed qualified in that category.

3) **Licensed Professional Planning Services**

The RFQ sought two firms for Licensed Professional Planning Services. Two firms submitted proposals and both were deemed qualified to perform the Services in the category.

Accordingly, it is recommended that contracts be awarded to the following two firms:

- CME Associates, Inc., Parlin, NJ
- Phillips Preiss Shapiro Associates, Inc., New York, NY

4) **Title Insurance Services**

The RFQ sought seven firms for Title Insurance Services. 10 firms submitted qualifications for this category. The Committee recommends that contracts be awarded to the seven highest ranked proposers. Accordingly, it is recommended that contracts be awarded to the following seven firms:

- All-Pro Title Group, LLC, Morristown, NJ
- Asset Title Real Estate Services & Esquire Title Services, Fort Lee, NJ
- Chicago Title Insurance Company, Toms River, NJ
- Direct Title Agency, Freehold, NJ
- First American Title Insurance Company, Plainsboro, NJ
- Noble Title Agency, Inc., Cranford, NJ
- Saint Michael Title Services, Inc., Verona, NJ

5) **General Real Estate Relocation Consultants**

The RFQ sought five firms for General Real Estate Relocation Consultant Services. Only three firms submitted qualifications for this category. All three were deemed qualified.

Accordingly, it is recommended that contracts be awarded to the following three firms:

- Cornerstone Group, New York, NY
- O.R. Colon Associates, Union, NJ
- Phillips Preiss Shapiro Associates, Inc., New York, NY

Authorization is requested to award contracts for the Real Estate Services as set forth herein.

Reviewed by the Law Director, the Executive Director certified the recommendation for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved the recommendation; authorized the award of multiple Real Estate on-call professional services, as presented; and received and filed the memorandum.

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229-09

Deputy Law Director Cavanaugh presented a memorandum dated September 21, 2009, concerning authorization to **Pay Additional Premium for Major Bridge and Property Insurance – The NIA Group LLC** – New Jersey Turnpike, Operating Account No.

1000890441000

The New Jersey Turnpike Authority (“Authority”) maintains several different insurance programs for protection against liability claims and for the protection of its physical assets. The Major Bridge and Property Insurance for the New Jersey Turnpike roadway (“Property Insurance”) expired on September 1, 2009. In preparation for the renewal of this and other policies, the Authority undertook a procurement process conducted in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.1(b) and Executive Order No. 37.

Pursuant to this process, The NIA Group, LLC (“NIA”) proposed renewal of the policy with AIG (Lexington Insurance Company) and ACE (Westchester Insurance Company) on the terms of the policy as expiring. The evaluation committee recommended that The NIA Group, LLC be awarded renewal of this policy.

Shortly after the policy was renewed, the Authority determined that the original value submitted in the procurement package submitted by the Authority to all potential proposers was incorrect. The true value for the replacement costs on the Turnpike Authority bridges was substantially higher. NIA was given the correct value and asked to insure the coverage as required.

NIA has advised that both ACE and AIU will provide the additional coverage as required and that they will use the same composite rate for the premiums to charge for and include the additional schedule of bridges as part of the covered property for the Authority. While the rate is the same, this increased coverage will require an additional premium of \$494,310.00.

It is therefore requested that the Executive Director be authorized to pay the premium as outlined herein. It is further requested that the Executive Director be authorized to take all such actions and to execute all such documents to effectuate the authority set forth above.

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

On motion by Commissioner Pocino, seconded by Commissioner Diaz, the Authority unanimously approved the recommendation; authorized to pay the additional bridge and property insurance premium, as presented; and received and filed the memorandum.

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230-09

Executive Director Gutierrez-Scaccetti presented a memorandum dated September 24, 2009, concerning authorization to **Amend Section 719(b) of the Turnpike Revenue Bond Resolution.**

This proposed resolution will amend Section 719(b) of the Turnpike Revenue Bond Resolution, which section pertains to the percentage of retainage to be held on each construction contract awarded by the New Jersey Turnpike Authority. Currently, the Authority withholds 10% of each partial payment under the contract until such payments, including retained amounts, equal 50% of the total contract amount.

Through discussions with associations representing construction contractors, a request was made that the Authority adjust the retainage amount required under the Turnpike Revenue Bond Resolution to be consistent with that provided for under state law. Bond Counsel reviewed this request and determined that the proposed amendment can be made without the need to obtain Bondholder consent; as such an amendment will not materially adversely affect the holders of the Authority's Bonds. Further, the proposed amendment has been discussed with the Trustee who concurred that the Authority did not need to obtain Bondholder consent. It will be applied on a prospective basis only. Accordingly, approval of the proposed amendment is requested.

On motion by Commissioner Cummis, seconded by Commissioner DuPont, the Authority approved the amendment as outlined; received and filed the memoranda; and unanimously adopted the following **Resolution 230-09:**

SUPPLEMENTAL RESOLUTION AMENDING
SECTION 719(b) OF THE TURNPIKE
REVENUE BOND RESOLUTION
Adopted September 29, 2009

WHEREAS, the New Jersey Turnpike Authority (the "Authority"), a public body corporate and politic of the State of New Jersey, organized pursuant to the New Jersey Turnpike Authority Act of 1948, constituting Chapter 454 of the Laws of 1948 of the State of New Jersey, as amended and supplemented (the "Act"), has adopted and in effect a resolution entitled "Turnpike Revenue Bond Resolution", initially adopted by the Authority on August 20, 1991, as amended and restated on September 26, 1991, as further amended and restated on November 22, 1991 and as further amended and supplemented from time to time in accordance with its terms (the "General Bond Resolution") (capitalized terms used herein and not otherwise defined have the meaning given to such terms in the General Bond Resolution); and

WHEREAS, Section 719(b) of the General Bond Resolution requires, in part, that each construction contract entered into by the Authority shall provide, in substance, that the Authority will withhold and retain at least 10% of each partial payment thereunder until such payments, including retained amounts, shall aggregate 50% of the total contract amount;

WHEREAS, the Authority now desires to amend the provisions of Section 719(b) of the General Bond Resolution to provide that the Authority shall withhold and retain from each partial payment under a construction contract the amounts required or permitted by applicable law, including the Act;

WHEREAS, Section 1101(10) of the General Bond Resolution authorizes the Authority to adopt, without obtaining the consent of the Bondholders, a Supplemental Resolution to effect any amendment or change to the General Bond Resolution which does not materially adversely affect the Owners of the Bonds; and

WHEREAS, the Authority has determined, in reliance upon an opinion of its Bond Counsel, that the amendment to Section 719(b) of the General Bond Resolution described above and set forth herein does not materially adversely affect the Owners of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW JERSEY TURNPIKE AUTHORITY, as follows:

Section 1. This Resolution is adopted pursuant to the provisions of the Act and Section 1101 of the General Bond Resolution and shall constitute a Supplemental Resolution for all purposes of the General Bond Resolution.

Section 2. Section 719(b) of the General Bond Resolution is hereby amended to read in its entirety as follows:

“(b) Each contract shall also provide, in substance, that the Authority will withhold and retain from each partial payment thereunder the amounts required or permitted by applicable law, including the Act; that after work under the contract has been substantially completed, the Authority may release retained amounts which in the opinion of the Consulting Engineers are in excess of the amount reasonably required to be retained to secure performance of the remaining work thereunder in a manner satisfactory to the Consulting Engineers; and that final payments on the contract will not be made until completion of the work thereunder to the satisfaction of the Consulting Engineers and the acceptance thereof by the Authority.”

Section 3. A copy of this Resolution shall be filed with the Trustee under the General Bond Resolution, together with the Counsel’s Opinion required by Section 1101 of the General Bond Resolution.

Section 4. This Resolution shall take effect at the earliest time specified in Section 3(F) of the Act.

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231-09

Finance Comptroller Donna Manuelli presented the financial results of the New Jersey Turnpike Authority for the Eight Months ended August 31, 2009.

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

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232-09

Assistant Operations Director Eibel presented a memorandum dated September 20, 2009, concerning ratification of the **2009-2013 Multi-Year Agreement – Transportation Operations Coordinating Committee (TRANSCOM)**.

By Agenda Item 212-09 at the August 25, 2009 Commission meeting, the Commissioners delegated authority to the Executive Director to enter into an agreement with TRANSCOM. This agreement allows the New Jersey Turnpike Authority to continue partnership with Transcom for the five-year period of 2009 through 2013.

The agreement, in essence, is to fund the base operations activities of TRANSCOM by means of annual financial support by the 13 signatory member agencies. Each of the signatory member agencies provides financial support in the form of yearly dues contributions, which are determined on a percent share. The percentage share per agency varies from a high of 15.69% to a low of 1.96%. The Authority’s share is 7.84% and the dollar amount of the dues contribution is approved every year through a separate Board action. For 2009, the Authority’s 7.84% yearly dues share translated to \$250,768.

The base operations activity for Transcom represents a percentage of their yearly budget. This budget is determined annually by the unanimous approval of the Transcom Board of Trustees. Base operations activities are those activities performed by Transcom for the collective benefit of the member agencies.

The base operations activities that directly serve the Authority's needs include support for and implementation of a successful partnership of regional transportation agencies including the operation of a Traffic Management Center which sends out traffic alerts to all affected transportation agencies when a regional incident occurs; a means of establishing a regional cooperative approach to transportation management including a forum for the coordination of operating procedures and construction projects which help minimize design and construction conflicts in the region; and the demonstration and implementation of various traffic management technologies to facilitate regional mobility across jurisdictional lines which provides information we use to monitor traffic conditions on adjoining facilities.

Accordingly, ratification of the Multi-Year agreement with TRANSCOM for the 5-year period of 2009 through 2013 is now requested.

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

On motion by Commissioner Pocino, seconded by Commissioner DuPont, the Authority unanimously ratified the TRANSCOM multi-year agreement as presented; and received and filed the memorandum.

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233-09

Resume of All Fatal Accidents – Garden State Parkway and New Jersey Turnpike. Submitted by Assistant Operations Director Eibel, they contain a descriptive summary for the Period 1/1/09 to 9/18/09, together with 2008 – 2009 Yearly Comparisons for the eight months through August 2009.

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

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234-09

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

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

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Addendum Item

235-09

Executive Director Gutierrez-Scaccetti presented a Resolution to honor retired State Police Major James Grant and his promotion to the rank of Brigadier General in the National Guard. The Executive Director acknowledged his outstanding career while serving as a member of the New Jersey State Police and added special appreciation for his duty performance while assigned to Troop D on the New Jersey Turnpike, as well as his continued commitment to the protection of the United States of America.

On Motion by Commissioner Cummis, seconded by Commissioner Pocino, the Authority unanimously adopted the following **Resolution No. 235-09**:

RESOLUTION
of the
NEW JERSEY TURNPIKE AUTHORITY
Major James J. Grant #3394 (NJSP Retired)
September 29, 2009

WHEREAS, James J. Grant, Badge # 3394, served the New Jersey State Police honorably and with great distinction for 27 years before his retirement with the rank of Major in June 2006; and

WHEREAS, during his distinguished career in service to the citizens of New Jersey, Major Grant received three Certificates of Commendation, two Letters of Commendation from the Attorney General, and ten Letters of Commendation from the Superintendent of the State Police; and

Whereas, Major Grant's State Police career included more than four years in service to the patrons of the New Jersey Turnpike as a member of Troop D, first as a trooper at the Moorestown Station from September 1984 to August 1985; then as Deputy Troop Commander from September 1998 to January 1999; and finally as Troop Commander from September 1999 to June 2002; and

WHEREAS, Major Grant's commitment to protecting and serving the citizens of New Jersey did not end with his retirement from the State Police but rather continued through his dedicated service to the New Jersey Army National Guard; and

WHEREAS, Major Grant has taken on more and more responsibility as he has been promoted through several positions with the National Guard, culminating with his current job, Chief of the Joint Staff to Major General Glenn K. Reith, a position from which he supervises 8,300 members of the New Jersey Army and Air National Guard and oversees the operations of the New Jersey Department of Military and Veterans Affairs; and

WHEREAS, in recognition of his faithful service, his considerable military skills, and his extraordinary leadership abilities, the National Guard recently saw fit to promote Major Grant from the rank of Colonel to Brigadier General;

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the New Jersey Turnpike Authority do hereby recognize and acknowledge Major Grant's ascension to the rank of Brigadier General, express admiration for his willingness to devote his time and talents to a second career in service to his fellow citizens, and wish him good luck and Godspeed in all his endeavors;

BE IT FURTHER RESOLVED that this Resolution shall be recorded in the minutes of the New Jersey Turnpike Authority and a copy shall be presented to Major Grant.

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At this juncture, Executive Director Gutierrez-Scaccetti made an announcement regarding the construction status of a cell tower at Exit 109 of the Garden State Parkway. She acknowledged that people in the area have changed since a public hearing was held in August 2007 and because of concerns voiced by officials and residents, discussions were undertaken with T-Mobile. The result is that T-Mobile has agreed to not build the tower at the Exit 109 site and they will work with Authority staff to find a less intrusive setting at which to erect the

needed tower. The Executive Director concluded by adding that when another location is determined, the Authority will go through the process again of community notification and holding a public hearing.

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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 Diaz and, after the voice vote, the motion was duly adopted. The Authority adjourned at 10:08 A.M., to meet on Tuesday, October 27, 2009, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:

COMMUNICATIONS:

Opinion Letter: dated September 29, 2009, from Wilentz Goldman & Spitzer P.A., Bond Counsel – in connection with the adoption by the New Jersey Turnpike Authority, on the date hereof, of its Supplemental Resolution Amending Section 719(B) Of The Turnpike Revenue Bond Resolution (Resolution 230-09) – opining that the Authority may adopt the Amending Resolution pursuant to Section 1101(10) of the General Bond Resolution.

ADDITIONAL REPORTS:

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

REPORT OF UTILITY ORDERS – under EDDA 117-05, modified by EDDA 150-09; Dated for September 29, 2009.

REPORT SUMMARY OF CONTRACT CHANGE ORDERS; only for Type 1 and Type 2 – Period August 7, 2009 through September 11, 2009; Dated for September 29, 2009.

REPORT OF CONSTRUCTION PROGRESS – Period Ending September 11, 2009; Dated for September 29, 2009.

AGREEMENTS/CONTRACTS:

Property Declaration of Taking, dated June 10, 2009: Dolores A. Bell a/k/a Dolores A. Clark – Turnpike ROW Section 4J, Design Section 6, Parcel 1102, Block 22, Lot 36.01, 58 Milford Road, East Windsor, NJ; authorized 3/31/09.

Property Declaration of Taking, dated May 22, 2009: Ronald and Janice Wendling – Turnpike ROW Section 4G, Design Section 4, Parcel 955*, Block 37, Lots 4 and 4Q, 47 Circle Drive, Robbinsville, NJ; authorized (for a negotiated purchase) 3/31/09.
(* this represents a correction from Turnpike parcel 956)

Property Deeds, dated July 10, 2009: from Sarinvest N.V., a Netherlands Antilles Corporation – authorized 3/31/09, follow as:

Deed of Transfer: Turnpike ROW Section 4G, Design Section 4, Parcel 951A, D951A, 2D951A, E951A and UE951A, Block 36, Lot 4, Township of Robbinsville, NJ; Together with – Turnpike ROW Section 3F**, Design Section 3**, Parcel 951B and C951B, Block 2715, Lot 11, Township of Hamilton, NJ (** this represents a correction from Turnpike ROW Section 4G, Design Section 4)

Deed of Drainage Easement: Parcel D951A and 2D951A.

Deed of Slope Easement: Parcel E951A.

Deed of Utility Easement: Parcel UE951A

Deed of Temporary Construction Easement: Parcel C951B.

Interagency Multi-Year Agreement: Transportation Operations Coordinating Committee (TRANSCOM) – for coordination of transportation management with multiple regional transportation agencies. Term: 1/1/09 through 12/31/13; EDDA 8/25/09; ratified 9/29/09.

Agreement: Jurisdictional Agreement No. 4635, dated July 29, 2009 – State of New Jersey through NJ Department of Transportation (NJDOT), Borough of Tinton Falls and Township of Neptune in Monmouth County, NJ – for Route 66, Parkway to Jumping Brook Road; authorized 12/9/08.

Agreement: Insurance Brokerage-Risk Management – Risk Strategies Company – for Owner Controlled Insurance Program (OCIP). Term: 6/1/09 to May 31, 2014; EDDA 2/24/09; ratified 7/29/09.

Agreement: Insurance Brokerage-Risk Management – Allied North America – for Rolling Owner Controlled Insurance Program (ROCIP) a/k/a Rolling Construction Wrap-Up Program. Term: 5/1/09 to April 30, 2014; EDDA 2/24/09; ratified 7/29/09.

Contract No. T100.112 – Ferreira Construction Co. Inc.; authorized 5/27/09.

Contract No. T100.115 – Kyle Conti Construction LLC; authorized 6/30/09.

Contract No. T100.116 – Ahern Painting Contractors Inc.; authorized 5/27/09.

Contract No. P100.118 – Agate Construction Co. Inc.; authorized 6/30/09.

Contract No. P200.104 – Arawak Paving Co. Inc.; authorized 3/31/09.

Contract No. P200.128 – Intercounty Paving Associates LLC; authorized 7/29/09.

Contract No. T869.120.201 – South State Inc.; authorized 6/30/09.

Contract No. T869.120.401 – IEW Construction Group Inc.; EDDA 7/29/09; ratified 8/25/09.

ORDER FOR PROFESSIONAL SERVICES and/or PROFESSIONAL SERVICES AGREEMENTS

OPS No. A3222 – Weidlinger Associates Inc. – Bridge Risk Assessment Study; authorized 7/29/09.

OPS No. P3223 – Jacobs Engineering Group Inc. – Supervision of Construction; authorized 5/27/09.

OPS No. A3226 – Weidlinger Associates Inc. – On-Call Security Design Services; authorized 5/27/09.

OPS No. A3227 – HNTB Corporation – On-Call Security Design Services; authorized 5/27/09.

OPS No. A3228 – URS Corporation – On-Call Security Design Services; authorized 5/27/09.

OPS No. A3231 – Stantec Consulting Services Inc. – On-Call Engineering Services; authorized 6/30/09.

OPS No. A3232 – Hatch Mott MacDonald LLC – On-Call Engineering Services; authorized 6/30/09.

OPS No. A3235 – Michael Baker Jr. Inc. – On-Call Transportation and Facility Planning Services; authorized 5/27/09.

OPS No. T3238 – STV Inc. – Supervision of Construction Services; authorized 5/27/09.

OPS No. P3240 – LS Engineering Associates Corporation – Design Services; authorized 6/30/09.

OPS No. P3242 – Boswell Engineering – Supervision of Construction; authorized 7/29/09.

OPS No. T3249 – Dewberry-Goodkind Inc. – Design Services; authorized 7/29/09.

Supplemental OPS No. A3953K – HNTB Corporation – Design Services; authorized 7/29/09.

Rose Stanko
Secretary

APPROVED:

Stephen Dilts, Chairman and NJ Department of Transportation Commissioner

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner

Raymond M. Pocino, Commissioner

Clive S. Cummis, Commissioner

Troy Singleton, Commissioner (ABSENT)

Ulises E. Diaz, Commissioner