

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
WEDNESDAY, DECEMBER 16, 2009**

Chairman Dilts called the Authority into session at the State Police Troop E Headquarters, Parkway Exit 116, Holmdel, New Jersey, at 9:45A.M.

PRESENT

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

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Electronic Toll Collection Director Dennis Switaj; Finance Comptrollers Donna Manuelli, Pamela Varga and Tracey Walters; Human Resources Director Mary-Elizabeth Garrity; Internal Audit Director James Carone; Deputy Law Director Linda Cavanaugh; Maintenance Director John Cifelli; Operations Director Sean Hill; Purchasing Director Andrea Ward; Strategic Policy and Planning Director Marilyn Lennon; Technology and Administrative Services Director Brian Gorman; Tolls Director Robert Quirk; Commander Matthew Walker, New Jersey State Police Troop D; Garden State Art Center Foundation Director of Development Mary Ruotolo; Chief of Staff Joe Orlando; and Secretary Rose Stanko.

Also present were: General Counsel Judy Verrone; General Consultants Jack Finn and James Beattie; Governors' Authorities Unit Representative Maura Tully; NJDOT Policy and Authorities Coordination Representative Ben Neville; Frank Forst – Consultant, Local 194 IFPTE; additional individuals consisting of other NJTA employees; interested organizations; the general public; and from the media: the Asbury Park Press; and The Bergen 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 October 27, 2009 and the special meeting of November 17, 2009; he has not exercised his power to veto any items in those minutes.

Upon motion made by Commissioner DuPont, seconded by Commissioner Hodes, the minutes of the October 27 and November 17, 2009 meetings were 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: 290G-09 for Commissioner Hodes; and 274-09, 279-09 and 288B-09 for Commissioner Singleton.

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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

262-09

Human Resources Director Garrity submitted the **Personnel Agenda**, dated December 16, 2009, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendations for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Hodes, 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.

263-09

Executive Director Gutierrez-Scaccetti presented the recommendation contained in a memorandum dated December 9, 2009, concerning **Assignment of Plan Administrator for the New Jersey Turnpike Authority Employees Deferred Compensation Plan** (the "Plan").

In 1980, the New Jersey Turnpike Authority implemented a deferred compensation savings program under Internal Revenue Service Code Section 457 (the "Plan").

Since 1994, I have served as Plan Administrator pursuant to action of the Board of Commissioners at the November 29, 1994 meeting. I believe it is appropriate to appoint Tracey Walters, Comptroller, to be Plan Administrator. Patricia Grabowski will remain as Assistant Plan Administrator responsible for managing the day-to-day activity of the Plan.

Therefore, authorization is requested to take all steps necessary, including but not limited to, notifying the ING Group, the Plan provider, of the change in plan administration.

Further, the Executive Director added that there will be not be any increase in salary compensation attached to this appointment as Plan Administrator.

On motion by Commissioner Hodes, seconded by Commissioner Diaz, the Authority unanimously approved the recommendation, as amended; and received and filed the memorandum.

LAW

Deputy Law Director Cavanaugh requested approval of items 264-09 through 269-09; moved together, those items are as follows:

264-09

In a memorandum dated December 7, 2009, concerning a recommendation to **Settle Formal Workers' Compensation Matter of Alice Eggers vs. New Jersey Turnpike Authority**, Account No. 10-870-405070.

Alice Eggers, a retired Turnpike Division Toll Collector hired in March 1991, suffered a shoulder injury on June 5, 2000 while pulling closed a toll booth door. She underwent two surgical procedures at that time. That claim was settled on October 30, 2003 for 27.5% of partial total or \$22,713.00. The Authority also received a 7.5% credit due to two prior shoulder surgeries which were not work related. This current settlement request arises out of a claim filed for re-injury of the same shoulder, which occurred on May 10, 2004 when the petitioner twisted her ankle in a pot hole while on the job, fell and landed on her left shoulder. After the re-injury of May 2004, the petitioner underwent four additional surgeries on the left shoulder which included repair of a rotator cuff tear, acromioclavicular synovitis and bicipital tendon tear.

The petitioner is represented by Christopher J. Pitts, Esq. of Clifton, NJ. The Authority is defended by Special Counsel Frank J. Dupignac of Hering, Dupignac, Stanzione & Dunn, located in Toms River. The matter is venued in the district office of Paterson before Judge Beverly Karch.

Permanency evaluation on behalf of the respondent was performed by Dr. Canario who opined 17.5% of partial total attributable to the new injury. Permanency evaluation on behalf of the petitioner was performed by Dr. Cheryl Wong. Dr. Wong valued the petitioner's injuries at 100% (total) disability and required the petitioner's attorney to join the Second Injury Fund. After conferencing the matter with Judge Karch, the Deputy Attorney General for the Fund and the petitioner's attorney, it was decided that the petitioner is not totally disabled due to the fact she can still perform limited activities and is only 40 years of age. Judge Karch recommended 75% partial total for the eight shoulder surgeries minus a credit for the prior 27.5% award equating to \$292,500. After further negotiations, Special Counsel was able to settle at 72.5%, minus an ordinary disability pension offset of \$350.90 per week and a credit for the prior award of 27.5% at 2004 rates (\$33,774.00), for a total award of \$96,334.50. Special Counsel believes that if the case were to go to trial, the judge would award a higher disability percentage in addition to the cost of medical testimony and the additional legal fees that would be incurred.

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 \$96,334.50.

265-09

In a memorandum dated November 30, 2009, concerning a recommendation to **Settle** **Formal Workers' Compensation Matter of Brian DeQuarto vs. New Jersey Turnpike Authority**, Account No. 10-870-405070.

Brian DeQuarto, a Parkway Division Maintenance Person hired in February 1999, suffered back and neck injuries on November 30, 2006 when the loader truck he was operating tipped over, temporarily trapping him underneath. Mr. DeQuarto received authorized treatment by the NJ Turnpike Authority Medical Section and was subsequently referred to orthopedic specialist Dr. Shawn Sieler, MD. Dr. Sieler diagnosed the petitioner with compression of the cervical spinal cord at C4-C5 and C5-C6 and bulging of several discs in the lumbar spine. Dr. Sieler performed anterior cervical decompression surgery which included iliac crest autograph, instrumentation and fusion at C4-C5 and C5-C6. Dr. Sieler also administered facet injections to treat the lumbar disc bulges. Subsequently, Mr. DeQuarto was able to return to work.

The petitioner is represented by Petro, Cohen and Matarazzo of Northfield, NJ. The Authority is defended by Special Counsel Frank J. Dupignac of Hering, Dupignac, Stanzione & Dunn, located in Toms River. The matter is venued in the district office of Toms River before Judge Roche.

Permanency findings on behalf of the respondent were performed by Dr. Robert Bachman. Dr. Bachman opined 10% disability for the cervical injuries and 0% disability for the low back. Permanency findings on behalf of the petitioner were performed by Dr. Ralph Cataldo. Dr. Cataldo opined 70% disability for the cervical spine, 20% for the iliac crest donor site and 55% for the lumbar injury. The petitioner's attorney demanded 60% permanent partial total disability or \$233,610.00. After negotiations with the petitioner's attorney and conferencing the case with Judge Roche, the petitioner's attorney accepted Special Counsel's offer of 47.5% permanent partial total disability. This would be broken down to 37.5% for the injuries to the cervical spine including the iliac crest donor site, and 10% for multilevel lumbar disc bulges, which equates to a total award of \$131,100.00. Special Counsel believes this to be a reasonable settlement, considering the extent of injuries and ensuing surgical intervention and treatment. Counsel advises that we could not expect a more favorable outcome by trying the case.

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 \$131,100.00.

266-09

In a memorandum dated November 20, 2009, concerning a recommendation to **Sell** **Surplus Property**, Parkway Section 8, Parcel 4510, Block 1160.1, Lots 386, and 387 (portion of), Lakewood Township, Ocean County, Purchaser: Lakewood Terminal LLC.

The New Jersey Turnpike Authority is the owner of Parkway Section 8, Parcel 4510, located in Lakewood Township, Ocean County. Portions of the parcel, consisting of approximately ± 5.453 acres, are sought to be transferred to Lakewood Terminal, LLC.

The Law Department, in conjunction with the Authority's Real Estate Consultant and General Counsel, have determined that under the Surplus Property Policy, portions of the parcel are of no use to the Authority nor is there any need to retain them for future use.

Pursuant to the Authority's Surplus Property Policy, this property was declared surplus on March 17, 2004 per Agenda Item 101-04. The Authority identified government agencies in the area that would have a reasonable interest in the property to inquire as to whether any such entity would be interested in purchasing the property. No such entity expressed an interest.

The Purchaser, Lakewood Terminal, LLC, however, expressed an interest in this property. Lakewood Terminal, LLC owns the contiguous property and wishes to use this additional property to avoid the need for bulk variances on their present property.

An appraisal was done and it was determined that the fair market value of the property is \$225,000, which Lakewood Terminal, LLC has agreed to pay to acquire this property.

The above transaction as proposed does not involve any properties designated as "Preserved Farmland" pursuant to and as regulated by the Agricultural Development and Retention Act, N.J.S.A. 4:1C-11 et seq., and the State Agricultural Development Committee Rules N.J.A.C. 2:76-1.1, the Act's implementing regulations. Nor has the above referenced property 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.

There are no structures on the above referenced property, the zoning for the property is M-1 Industrial, and it is irregularly shaped. Since there are no current residents of the property, there is no requirement for Relocation Assistance from the Authority.

Authorization is hereby requested to authorize the Executive Director, with the assistance of the Law and Engineering Departments, to execute such documents to sell the above referenced property to Lakewood Terminal, LLC, for the sum of \$225,000. All subject to the terms and conditions to be reviewed and approved by the Law Department.

267-09

In a memorandum dated December 2, 2009, concerning **Ratification of Action Taken to Acquire Property Required for the New Jersey Turnpike Authority Interchange 6 to Interchange 9 Widening Program**, Acquisition of Thirty-Four Property Interests, 2009 Capital Construction Program, Amount: \$ 1,776,443.50.

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 and construction is proceeding.

The acquisition of the necessary property interests is critical to the success of the Widening Program. In light of same, the Commissioners of the New Jersey Turnpike Authority authorized the Executive Director to take all steps necessary to prepare for the acquisition of easements or other property rights needed to begin Phase 1 construction of the Widening Program with final action being brought to the Commissioners for ratification.

Since that time, the Authority has taken final action with respect to the following properties:

I. New Acquisitions: The Authority has determined that the 29 properties listed below 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 as appropriate for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. 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) Turnpike Design Section 2, Turnpike Right-of-Way (ROW) Section 3E
Parcel Series 282, Block 104, Lot 4 (Partial Taking)
463 Ward Avenue, Chesterfield Township, Burlington County
Owner: Nancy Nelson, Rachel Nelson and John Fryc
Amount: \$8,000.00

The property currently consists of 15.205 acres of land improved with a 4,291 square foot three-story, single-family residence and a 16,000 square foot barn (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.062 acres of the Property to be designated as Parcel 282; (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the reconstruction of a driveway, impacting 0.010 acres of the Property to be designated as Parcel C282; and (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the reconstruction of a driveway, impacting 0.011 acres of the Property to be designated as Parcel 2C282.

- 2) Turnpike Design Section 4, Turnpike ROW Section 4G
Parcel Series 983, Block 30, Lot 8.17 (Partial Taking)
19 Hickory Way, Robbinsville Township, Mercer County
Owner: Barbara and Patrick Nocera
Amount: \$20,000.00

The property currently consists of 0.859 acres of land improved with a two-story, single-family residence with an attached garage (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.082 acres of the Property to be designated as Parcel 983; and (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a noise wall and appurtenances, impacting 0.029 acres of the Property to be designated as Parcel C983.

- 3) Turnpike Design Section 3, Turnpike ROW Section 3F
Parcel No. UE342, Block 2733, Lot 4.04 (Partial Taking)
125 Merrick Road, Hamilton Township, Mercer County
Owner: Danuta and Janusz Kowalczyk
Amount: \$1,820.00 (\$1,100.00 + \$720.00 for tree replacement)

The property currently consists of 2.903 acres of land improved with a 4,368 square foot two-story colonial style single-family house (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a utility easement consisting of the right to construct and maintain a subsurface utility pipeline for Colonial Gas Company, impacting 0.055 acres of the Property to be designated as Parcel UE342.

- 4) Turnpike Design Section 6, Turnpike ROW Section 4J
Parcel No. 1095, Block 18, Lots 1, 2 & 3 (Partial Taking)
425-441 Route 33 East, East Windsor Township, Mercer County
Owner: SAFTB, LLC
Amount: \$4,200.00

The property currently consists of 0.76 acres of land improved with a one-story diner on Lot 2 and associated parking areas on Lot 1 and Lot 3 (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.0136 acres (594 square feet) of the Property to be designated as Parcel 1095.

- 5) Turnpike Design Section 5, Turnpike ROW Section 4H
Parcel Series 1038, Block 29, Lots 16.01 & 17 (Partial Taking)
873 & 885 Old York Road, East Windsor Township, Mercer County
Owner: Leroy Bruce Jones
Amount: \$110,000.00

The property currently consists of a total of 2.018 acres of land. Lot 16.01 currently consists of 1.098 acres of land improved with a two-story single-family residence and several sheds. Lot 17 currently consists of 0.920 acres of vacant land (together the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.285 acres of the Property to be designated as Parcel 1038A; (2) a fee simple interest in 0.036 acres of the Property to be designated as Parcel 1038B; (3) a slope easement consisting of the right to form and maintain slopes for grading and draining Windsor Road, impacting 0.034 acres of the Property to be designated as Parcel E1038A; (4) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall, and appurtenances, impacting 0.068 acres of the Property to be designated as Parcel D1038A; and (5) a temporary construction easement consisting of the right to access land and area for construction of a driveway, impacting 0.063 acres of the Property to be designated as Parcel C1038B.

- 6) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 202, Block 43, Lot 2.04 (Partial Taking)
1177 Jacksonville Road, Mansfield Township, Burlington County
Owner: John T. and Sophie T. Pietras
Amount: \$1,100.00

The property currently consists of 8.182 acres of vacant land (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Columbus Road, impacting 0.030 acres of the Property to be designated as Parcel E202; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Columbus Road, impacting 0.060 acres of the Property to be designated as Parcel 2E202; and (3) a drainage easement consisting of the right to construct and maintain drainage pipes and appurtenances and the right to maintain the flow of surface drainage and discharge said water on lands of the owner on the southwesterly side of Columbus Road, impacting 0.010 acres of the Property to be designated as Parcel D202.

- 7) Turnpike Design Section 2, Turnpike ROW Section 3E
Parcel No. 246, Block 203, Lot 45 (Partial Taking)
21 Bordentown-Chesterfield Road, Chesterfield Township, Burlington County
Owner: William and Martha Griner
Amount: \$1,300.00

The property currently consists of 7.844 acres of land improved with a single-family residence (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.023 acres of the Property to be designated as Parcel 246.

- 8) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel No. E219, Block 52, Lot 2.03 (Partial Taking)
830 Mansfield Road West, Mansfield Township, Burlington County
Owner: Kenneth and Carolyn A. Coulter
Amount: \$1,700.00

The Property currently consists of 0.920 acres of land improved with a two-story residential dwelling, garage, and an outbuilding (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a slope easement consisting of the right to form and maintain slopes for grading and drainage of Mansfield Road West, impacting 0.017 acres of the Property to be designated as Parcel E219.

- 9) Turnpike Design Section 8, Turnpike ROW Section 4L
Parcel Series 1205, Block 8, Lot 1.02 (Partial Taking)
324 Half Acre Road, Cranbury Township, Middlesex County
Owner: Church & Dwight Co., Inc.
Amount: \$269,400.00

The property currently consists of 8.759 acres of land improved with a 36,000 square foot industrial lab building (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.997 acres of land to be designated as Parcel 1205; (2) a utility easement consisting of the right to install and maintain a water main located along the proposed NJTA ROW line, impacting 0.535 acres of the Property to be designated as Parcel UE1205; (3) a utility easement consisting of the right to install and maintain a sanitary sewer line located along the proposed NJTA ROW line, impacting 0.305 acres of the Property to be designated as Parcel 2UE1205; and (4) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the relocation of a water main, impacting 0.005 acres of the Property to be designated as Parcel C1205.

- 10) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel No. C212, Block 51.01, Lot 2.02 (Partial Taking)
1410 Hedding Road, Mansfield Township, Burlington County
Owner: William R. Aring
Amount: \$1,000.00

The property currently consists of 1.103 acres of land improved with a two-story residence (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed driveway, impacting 0.005 acres of the Property to be designated as Parcel C212.

- 11) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 207, Block 31, Lot 10.01 (Partial Taking)
1167 Hedding Road, Mansfield Township, Burlington County
Owner: Noemi B. and Osvaldo R. Doschyk
Amount: \$55,300.00

The property currently consists of a total of 84.48 acres of land improved with a two-story residence and outbuildings (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.329 acres of the Property to be designated as Parcel 207; (2) a utility easement consisting of the right to install and maintain a pipeline for Sunoco Incorporated, impacting 1.505 acres of the Property to be designated as Parcel UE207; (3) a utility easement consisting of the right to install and maintain a pipeline for Colonial Gas Company, impacting 1.498 acres of the Property to be designated as Parcel 2UE207; (4) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed pipeline, impacting 1.517 acres of the Property to be designated as Parcel C207; and (5) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed pipeline, impacting 1.649 acres of the Property to be designated as Parcel 2C207.

- 12) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 216, Block 51.01, Lot 3.06 (Partial Taking)
825 Mansfield Road West, Mansfield Township, Burlington County
Owner: Deborah E. and Frank J. Melicharek, Jr.
Amount: \$1,400.00

The property currently consists of 0.950 acres of land improved with a two-story, single-family residence with an attached garage. The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a slope easement consisting of the right to form and maintain slopes for grading, drainage, and support of Mansfield Road West, impacting 0.017 acres of the Property to be designated as Parcel E216; and (2) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed driveway, impacting 0.009 acres of the Property to be designated as Parcel C216.

- 13) Turnpike Design Section 6, Turnpike ROW Section 4J
Parcel Series 1107, Block 15, Lot 12 (Partial Taking)
19 Probasco Road, East Windsor Township, Mercer County
Owner: The Supor Family, LLC
Amount: \$38,500.00

The property currently consists of 17.390 acres of land improved with a 17,000 square foot cross dock truck terminal (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.192 acres of the Property to be designated as Parcel 1107; and (2) a temporary construction easement consisting of the right to store construction materials and stockpile excavated material for use during the reconstruction of the driveway and resetting of the existing fence on the Property, impacting 0.010 acres of the Property to be designated as Parcel C1107.

- 14) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 193, Block 47.01, Lot 9.03 (Partial Taking)
Columbus Road, Mansfield Township, Mercer County
Owner: James Polak
Amount: \$3,500.00

The property currently consists of a total of 10.0 acres of vacant land (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.033 acres of the Property to be designated as Parcel 193; and (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Florence-Columbus Road, impacting 0.037 acres of the Property to be designated as Parcel E193.

- 15) Turnpike Design Section 4, Turnpike ROW Section 4G
Parcel Series 984, Block 30, Lot 8.18 (Partial Taking)
17 Hickory Way, Robbinsville Township, Mercer County
Owner: Michael Prohammer and Anaida Monzon
Amount: \$17,200.00

The property currently consists of a total of 0.855 acres of land improved with a two-story, single-family residence with an attached garage (the "Property"). The NJTA must acquire the following

interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.082 acres of the Property to be designated as Parcel 984; and (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a noise wall and appurtenances, impacting 0.029 acres of the Property to be designated as Parcel C984.

16) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel No. C305, Block 2726, Lot 6 (Partial Taking)
5757 South Broad Street, Hamilton Township, Mercer County
Owner: Robert J. and Sharon D. Ford
Amount: \$500.00

The property currently consists of a total of 2.43 acres of land improved with a 2,816 square foot, two-story dwelling (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a roadway and appurtenances and the construction of a driveway and a sidewalk, impacting 0.064 acres of the Property to be designated as Parcel C305.

17) Turnpike Design Section 6, Turnpike ROW Section 4J

Parcel No. 1113, Block 14, Lot 978 (Partial Taking)
665 Route 33 East, East Windsor Township, Mercer County
Owner: Hess Realty Corporation
Amount: \$8,186.50 (\$6,100.00 + \$2,086.50 for relocation of a light pole)

The property currently consists of a total of 0.63 acres of land improved with a Hess gasoline service station with twelve pumps and a 1,600 square foot convenience store ("Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 191 square feet of the Property to be designated as Parcel 1113.

18) Turnpike Design Section 2, Turnpike ROW Section 3E

Parcel No. E259, Block 100, Lot 1 (Partial Taking)
2 Bordentown-Chesterfield Road, Chesterfield Township, Burlington County
Owner: Warren R. and Kimberly A. Bloom
Amount: \$1,000.00

The property currently consists of a total of 0.2189 acres of land improved with a two-story, single-family residence with an above ground pool and outbuilding (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a slope easement consisting of the right to form and maintain slopes for grading and draining Bordentown-Chesterfield Road, impacting 0.010 acres (454 square feet) of the Property to be designated as Parcel E259.

19) Turnpike Design Section 2, Turnpike ROW Section 3E

Parcel Series 271, Block 103, Lot 2 (Partial Taking)
3 Bordentown-Chesterfield Road, Chesterfield Township, Burlington County
Owner: Angelo M. Nasti and Nancy M. Falconi-Nasti
Amount: \$3,600.00

The property currently consists of a total of 0.569 acres of land improved with a 1,920 square foot cape-cod style single-family house and a detached two car garage (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.004 acres of the Property to be designated as Parcel 271; (2) a slope easement consisting of the right to form and maintain slopes for grading and drainage Bordentown-Chesterfield Road, impacting 0.015 acres of the Property to be designated as Parcel E271; and (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the reconstruction of a driveway, impacting 0.008 acres of the Property to be designated as Parcel C271.

20) Turnpike Design Section 7, Turnpike ROW Section 4K

Parcel Series 1164, Block 12, Lot 1 (Partial Taking)
Hightstown-Cranbury Station Road, Cranbury Township, Middlesex County
Owner: Cranbury Brickyard, LLC
Amount: \$235,000.00 (plus \$5,000.00 for a right of entry)

The property consists of approximately 20.04 acres of vacant, unimproved land (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.990 acres of the Property to be designated as Parcel R1164A; (2) a fee simple interest in 0.039 acres of the Property to be designated as Parcel 1164B; (3) a fee simple interest in 0.513 acres of the Property to be designated as Parcel 1164C; (4) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Brick Yard Road, impacting 0.158 acres of the Property to be designated as Parcel E1164; (5) a drainage easement consisting of the right to construct and maintain a drainage easement containing subsurface drains and appurtenances, impacting 0.364 acres of the Property to be designated as Parcel D1164; and (6) a utility easement consisting of the right to construct, maintain and operate lines for the transmission of electric energy, impacting 0.028 acres of the Property to be designated as Parcel UE1164.

21) Turnpike Design Section 2, Turnpike ROW Section 3E

Parcel Series 275, Block 103, Lot 3 (Partial Taking)
5 Bordentown-Chesterfield Road, Chesterfield Township, Burlington County
Owner: Julius Borocz
Amount: \$1,500.00

The property currently consists of a total of 0.653 acres of land that is improved with a 980 square foot ranch style single-family house and a small storage shed (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a slope easement consisting of the right to form and maintain slopes for grading and drainage of Bordentown-Chesterfield Road, impacting 0.033 acres of the Property to be designated as Parcel E275; and (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a driveway, impacting 0.005 acres of the Property to be designated as Parcel C275.

22) Turnpike Design Section 6 Turnpike ROW Section 4J

Parcel No. 1091, Block 22, Lot 58.01 (Partial Taking)
8 Katherine Court, East Windsor Township, Mercer County
Owner: William Gates and Karen Judge-Gates
Amount: \$84,000.00

The property currently consists of a total of 1.167 acres of land improved with a 2,416 square foot two-story, single family residence with an attached two car garage (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.335 acres of the Property to be designated as Parcel 1091.

23) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel No. UE341, Block 2733, Lot 5 (Partial Taking)
Merrick Road, Hamilton Township, Mercer County
Owner: Robert Moslowski
Amount: \$7,000.00

The property currently consists of 2.477 acres of land improved with a 2,550 square foot metal light industrial building (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a utility easement consisting of the right to construct and maintain a subsurface utility pipeline for Colonial Gas Company, impacting 0.236 acre of the Property to be designated as Parcel UE341.

24) Turnpike Design Section 6, Turnpike ROW Section 4J

Parcel Series 1116, Block 19, Lot 7 (Partial Taking)
412 Monmouth Street, East Windsor Township, Mercer County
Owner: Michael Nieschmidt
Amount: \$15,700.00

The property currently consists of a total of 0.69 acres of land improved with a two-story commercial building containing 2,361 square feet (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a utility easement consisting of the right to install and maintain the Colonial Pipeline, impacting 0.042 acres of the Property to be designated as Parcel UE1116; and (2) a temporary construction easement consisting of the right to store construction equipment, materials and stockpile excavated material for use during the construction of the Colonial Pipeline, impacting 0.094 acres of the Property to be designated as Parcel C1116.

25) Turnpike Design Section 4, Turnpike ROW Section 4G

Parcel Series 985, Block 30, Lot 8.19 (Partial Taking)
15 Hickory Way, Robbinsville Township, Mercer County
Owner: Guy A. Nardo and Janet M. Fetch
Amount: \$3,000.00

The property currently consists of a total of 0.814 acres of land improved with a two-story, single-family residence with an attached garage (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.011 acres of the Property to be designated as Parcel 985; and (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a noise wall and appurtenances, impacting 0.015 acres of the Property to be designated as Parcel C985.

26) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel Series 339, Block 2733, Lot 4.05 (Partial Taking)
99 Merrick Road, Hamilton Township, Mercer County
Owner: Wayne and Karen Giquinto
Amount: \$348,437.00 (\$300,000.00 + \$48,437.00 for damage to property)

The property currently consists of a total of 16.565 acres of land improved with a 2,148 square foot, two-story, colonial farmhouse (the "Property"). Additionally, there are several outbuildings located on the Property, including a 720 square foot farm utility storage shed and a 300 square foot farm utility storage shed. The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 6.075 acres of the Property to be designated as Parcel 339; (2) a utility easement consisting of the right to construct and maintain a subsurface utility pipeline for Colonial Gas Company, impacting 1.379 acres of the

Property to be designated as Parcel UE339; and (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface pipelines and appurtenances, impacting 1.659 acres of the Property to be designated as Parcel C339.

27) Turnpike Design Section 1, Turnpike ROW Section 3D

Parcel Series 197, Block 46, Lot 5.01
Columbus Road, Mansfield Township, Burlington County (Partial Taking)
Owner: Diocese of Trenton
Amount: \$1,500.00

The property currently consists of 5.859 acres of vacant land (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a drainage easement consisting of the right to construct and maintain a drainage ditch and the right to maintain the flow of surface drainage and discharge said water on lands of the owner on the northeasterly side of Columbus Road, impacting 0.021 acres of the Property to be designated as Parcel D197; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Columbus Road, impacting 0.006 acres of the Property to be designated as Parcel E197; (3) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Columbus Road, impacting 0.040 acres of the Property to be designated as Parcel 2E197; and (4) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of drainage improvements, impacting 0.039 acres of the Property to be designated as Parcel C197.

28) Turnpike Design Section 3, Turnpike ROW Section 3F

Parcel Series 336, Block 2714, Lot 28 (Partial Taking)
Uncle Pete's Road, Hamilton Township, Mercer County
Owner: Marvin C. Rothenberg et ux, et al
Amount: \$370,000.00

The property currently consists of 8.130 acres of vacant land (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 4.382 acres of the Property to be designated as Parcel 336; (2) a drainage easement consisting of the right to construct and maintain drainage facilities containing subsurface drains and appurtenances, impacting 0.061 acres of the Property to be designated as Parcel D336; and (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of drainage facilities, roadway construction and grading, impacting 0.039 acres of the Property to be designated as Parcel C336.

II. New Eminent Domain Proceedings. The Authority has determined that the 6 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. With respect to Block 1080, Lot 1, the Authority's numerous attempts to contact the property owner have been unsuccessful. The property owner has not responded to the initial offer letter or any subsequent correspondence including the last which outlined the need for initiation of a condemnation action. With respect to Block 31, Lot 13, the Authority had contacted the property owner and 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. These negotiations have reached an impasse. With respect to Block 30, Lot 6.02, the Authority had contacted the property owner and entered into good faith negotiations with the owners for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Eminent Domain proceedings are being filed as the last resort. The following is a description of said property:

1) Turnpike Design Section 4, Turnpike ROW Section 4G

Parcel Series 980, Block 30, Lot 8.14 (Partial Taking)
25 Hickory Way, Robbinsville Township, Mercer County
Owner: Deborah and Joseph Rzepka, Sr.
Amount: \$15,700.00

The property currently consists of 1.694 acres of land improved with a two-single family residence with an attached three-car garage (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.095 acres of the Property to be designated as Parcel 980; and (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a noise wall and appurtenances, impacting 0.032 acres of the Property to be designated as Parcel C980.

2) Turnpike Design Section 6, Turnpike ROW Section 4J

Parcel No. 1080, Block 30, Lot 1 (Partial Taking)
254 Etra Road, East Windsor Township, Mercer County
Owner: Jenny Segarra
Amount: \$31,000.00

The property currently consists of 22,003 square feet of land improved with a one-story 1,305 square foot single-family residence and a shed (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 6,512 square feet of the Property to be designated as Parcel 1080.

- 3) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 199, Block 33.01, Lots 10.01, 11 & 12.06 (Partial Taking)
271 Mill Lane, Mansfield Township, Burlington County
Owner: Grace D. Coleman & Ronald M. Matanovsky
Amount: \$82,200.00

The property currently consists of a total of 17.4 acres of land. Lot 10.01 currently consists of 10.5 acres of vacant land with power lines running through same. Lot 11 currently consists of 5.6 acres of vacant land with power lines running through same. Lot 12.06 currently consists of 1.3 acres of land improved with a ranch-type dwelling (together the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.815 acres of the Property to be designated as Parcel 199A; (2) a fee simple interest in 1.015 acres of the Property to be designated as Parcel 199B; (3) a utility easement consisting of the right to install and maintain a pipeline for Sunoco Incorporated, impacting 0.929 acres of the Property to be designated as Parcel UE199A; (4) a utility easement consisting of the right to install and maintain a pipeline for Colonial Gas Company, impacting 0.936 acres of the Property to be designated as Parcel 2UE199A; (5) a utility easement consisting of the right to install and maintain a pipeline for Sunoco Incorporated, impacting 0.401 acres of the Property to be designated as Parcel UE199B; (6) a utility easement consisting of the right to install and maintain a pipeline for Colonial Gas Company, impacting 0.271 acres of the Property to be designated as Parcel 2UE199B; (7) a utility easement consisting of the right to install and maintain a pipeline for Sunoco Incorporated, impacting 0.046 acres of the Property to be designated as Parcel UE199C; (8) a utility easement consisting of the right to install and maintain a pipeline for Colonial Gas Company, impacting 0.137 acres of the Property to be designated as Parcel 2UE199C; (9) a temporary construction easement consisting of the right to perform construction related activity for use during the pipeline construction, impacting 0.917 acres of the Property to be designated as Parcel C199A; (10) a temporary construction easement consisting of the right to perform construction related activity for use during the pipeline construction, impacting 0.938 acres of the Property to be designated as Parcel 2C199A; (11) a temporary construction easement consisting of the right to perform construction related activity for use during the pipeline construction, impacting 0.513 acres of the Property to be designated as Parcel C199B; (12) a temporary construction easement consisting of the right to perform construction related activity for use during the pipeline construction, impacting 0.057 acres of the Property to be designated as Parcel 2C199B; and (13) a temporary construction easement consisting of the right to perform construction related activity for use during the pipeline construction, impacting 0.296 acres of the Property to be designated as Parcel C199C.

- 4) Turnpike Design Section 1, ROW Section 3D
Parcel Series 200, Block 31, Lot 13 (Partial Taking)
271 Mill Lane, Mansfield Township, Burlington County
Owner: Grace D. Coleman and Ronald M. Matanovsky
Amount: \$1,100.00

The property presently consists of 2.694 acres of vacant land with power lines running through same (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.574 acres of the Property to be designated as Parcel 200; and (2) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed pipeline, impacting 0.016 acres of the Property to be designated as Parcel C200.

- 5) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 209, Block 30, Lot 6.02 (Partial Taking)
1244 Hedding Road, Mansfield Township, Burlington County
Owner: Susan and David Sharples
Amount: \$28,000.00

The property currently consists of 4.355 acres of land improved with a single-family residence and outbuildings (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.735 acres of the Property to be designated as Parcel 209; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Hedding Road, impacting 0.313 acres of the Property to be designated as Parcel E209; (3) a drainage easement consisting of the right to construct and maintain a drainage pipe and appurtenances, impacting 0.085 acres of the Property to be designated as Parcel D209; and (4) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed driveway and the removal of the existing driveway, impacting 0.149 acres of the Property to be designated as Parcel C209.

- 6) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 211, Block 30, Lot 8.02
767 Mansfield Road West, Mansfield Township, Burlington County
Owner: Henri A. and Jeanette R. Edmond
Amount: \$4,600.00

The property currently consists of 2.981 acres of land improved with a two-story, single-family residence with an attached garage and small shed (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a slope easement consisting of the right to form and maintain slopes for grading, drainage and

support of Mansfield Road West, impacting 0.142 acres of the Property to be designated as Parcel E211; (2) a drainage easement consisting of the right to construct and maintain a drainage pipe and appurtenances, impacting 0.029 acres of the Property to be designated as Parcel D211; and (3) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed driveway, impacting 0.104 acres of the Property to be designated as Parcel C211.

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.

All actions taken by the Executive Director have been reviewed and approved by the Law Department and General Counsel.

Based on the foregoing, it is requested that the Authority Commissioners ratify any and all actions taken by the Executive Director and Director of Law as outlined herein for the acquisition of the properties set forth above.

268-09

In a memorandum dated December 4, 2009, concerning a recommendation of **Settlement in Eminent Domain Action and Public Liability Claim with Bass River Township to Acquire Property Necessary for the Parkway Interchange 30 to Interchange 80 Widening**, Parkway Section 10, Block 14, Portion of Lots 6 – 12, Unused portion of Amasa Landing Road, Acreage: ± .95 Acres, Right-of-Way of Township of Bass River, Burlington County

The New Jersey Turnpike Authority (“Authority”) was compelled to acquire this property to fulfill a permit condition for the Pinelands permit in order to get New Jersey Department of Environmental Protection (“NJDEP”) approval for the widening of the Parkway between Mileposts 30 and 80. The Pinelands required wetlands mitigation to be performed as a permit condition. The .95 acre parcel was an abandoned roadbed (use of this portion of the road was discontinued when the Parkway was extended in the 1950’s) and the NJDEP determined that if the roadbed were removed, the tidal water would flow to the larger 80+ acre parcel to the north creating a salt water wetland.

The Authority began negotiations with Bass River Township (the “Township”), however, it was forced to file an eminent domain action when the Township’s demands exceeded the initial offer of \$70,000 for the acquisition and payment toward repairing the still useable portion of Amasa Landing Road. After a multi-day Condemnation Commissioners’ Hearing spanning nearly a year, the Commissioners awarded \$9,000 for the land value due in part to the lack of expert testimony by the Township in support of its theory that the land was worth \$285,000 when used for wetlands mitigation. The Township filed an appeal of this award, retained an expert on valuation of wetlands mitigation and served an initial expert report valuing the land at \$285,000. It also sought, and was

granted, leave to file a late Notice of Claim against the Authority under the Tort Claims Act for alleged damage caused by the Authority's contractors and/or subcontractors to Amasa Landing Road.

A series of telephone conferences were held with Judge Bookbinder in which the judge suggested mediation using the Office of Dispute Resolution, an office of the New Jersey Division of the Public Advocate. After weighing the potential costs of retaining a new expert witness on wetlands mitigation procedure and valuation, in addition to retaining the Authority's consultant, Mark Renna of Evergreen Environmental who had testified at the hearing, the Authority entered into additional negotiations with the Township.

The parties agreed to settle this matter for \$70,000, the initial figure offered by the Authority prior to filing the condemnation complaint, subject to Commissioner approval. This figure also includes compensation for any alleged damage to the road by trucks used by the contractors. A Settlement Agreement and Release has been drafted covering both the land acquisition and any and all property damage to the remaining portion of the road. As \$6,000 had been deposited with the Superior Court Trust Fund Unit which can be withdrawn by the Township, it is requested that the Authority's Commissioners authorize the Executive Director and Director of Law to take all steps necessary to finalize the settlement, including authorization of an additional \$64,000 to the Township.

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The following matters constitute the Public Session agenda:

269-09

LAW

In a memorandum dated December 9, 2009, concerning **Ratification of Execution of Master Lease Agreement with Metro PCS New York, LLC and Metro PCS Pennsylvania, LLC for the Provision of Wireless Telephone Services**

MetroPCS New York LLC, a Delaware limited liability company and MetroPCS Pennsylvania LLC, a Delaware limited liability company (hereinafter collectively referred to as "Company") is a wireless communication provider seeking to construct, install, operate and maintain wireless communications equipment along with other associated electronic equipment in connection with its wireless communication business, at various locations along the New Jersey Turnpike and the Garden State Parkway (collectively "the Roadways").

In order to facilitate the construction, installation, operation and maintenance of the radio transmitting and receiving antennas and related wireless communication equipment (collectively "the Work"), the Authority and the Company have agreed to enter into a "Master Lease Agreement for the Provision of Wireless Telephone Services" (the "Master Agreement") in the State of New Jersey. The Master Agreement provides that the Authority and the Company mutually identify and select parcels of property and/or space on existing towers or other structures for the Work. Once a

location is agreed upon, an Individual Site Agreement will be executed identifying the conditions and terms specific to that location.

The Individual Site Agreement, valid for thirty (30) years from the date set forth therein, allows the Company to use the agreed upon location for construction of a communications structure at the heights and of the type described in its the Individual Site Agreement, along with the installation of associated antennas, a modular equipment storage facility at each site, fencing and other accessories for the operation of the radio equipment facility. Pursuant to terms of said Master Agreement and as set forth in detail therein, the Company will pay the appropriate fees for said usage. The Authority is authorized to negotiate directly both the Master Agreement and anticipated Individual Site Agreements with the Company pursuant to its enabling legislation, specifically N.J.S.A. 27:23-9.

Based on the above, it is recommended that the Commissioners ratify the Executive Director's execution of the Master Agreement substantially as set forth above. In addition, it is recommended that the Executive Director be authorized to execute any and all Individual Site Agreements in connection therewith after review and approval by the Law Department and General Counsel.

Reviewed by the Law Director, available funds certified by the Comptroller as appropriate, the Executive Director certified the recommendations for consideration.

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority unanimously approved the six (6) Law items; and authorized and/or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ENGINEERING

Chief Engineer Raczynski highlighted the importance of items 271-09, 272-09 and 281-09 to the Turnpike Interchange 6 to Interchange 9 Widening project. He continued by reporting that the approximate value of \$830 million has been awarded for all construction contracts and professional services this year, which is three-times over 2008 and agreed with Chairman Dilts that 2009 is a record year for the New Jersey Turnpike Authority.

Executive Director Gutierrez-Scaccetti stressed item 273-09 and the significant benefit the upgraded new Variable Message Signs will provide on the reporting of real-time information during construction events and/or other incidents that effect the movement of traffic and the safety of travelers.

The Chief Engineer requested approval of item numbers 270-09 through 288C-09. Moved as a group, those Engineering items are as follows:

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270-09

In a memorandum dated November 23, 2009, concerning the **Ratification Approval of the 2010 Turnpike Main Bridge Inspection Program-Part A – HNTB Corporation – Order for Professional Services No. A3053**, General Consulting Engineers for the New Jersey Turnpike Authority and 2006 – 2010 Main Bridge Inspection Program – Part A, Special Project Reserve Fund No. 04010018.

Order for Professional Services (OPS) No. A3053 was issued to HNTB Corporation at the August 2005 Commission Meeting, to provide for professional engineering services in two distinct areas, namely, the services of the General Consulting Engineer (GCE) for the New Jersey Turnpike Authority over a five year term, and services associated with the 2006 – 2010 Turnpike Main Bridge Inspection Program – Part A. An amount of \$1,470,000 was authorized for the 2006 Turnpike Main Bridge Inspection Program – Part A services, with the years 2007 – 2010 bridge inspection services scope and fee to be negotiated annually, subject to approval by the Chief Engineer.

HNTB Corporation submitted the scope and fee for these services in the total amount of \$2,300,000 which is considered fair and reasonable for the services to be provided. The scope of services includes the development of a bridge load rating policy and guidelines manual using the AASHTO Load Resistance Factor Rating approach based on recommendations of the Federal Highway Administration. This approach has been implemented by other regional transportation agencies, including the NJDOT. This policy and guidelines will update the current outdated policy for rating of overweight vehicles and facilitate integration within the Superload program being advanced by the NJDOT.

It is, therefore, recommended that the approval of the 2010 Turnpike Main Bridge Inspection Program – Part A of OPS No. A3053 be ratified in the amount of \$2,300,000, allocated as follows: \$2,100,000 in 2010 and \$200,000 in 2011. Ratification of the Chief Engineer's approval of HNTB Corporation's proposed scope and fee will provide for reimbursement of all services associated with the 2010 Turnpike Main Bridge Inspection Program – Part A. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.S.A. 19:9-2.8.

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271-09

In a memorandum dated November 25, 2009, concerning the recommendation to **Execute Utility Order No. 1241-T – Sunoco Pipeline L.P** – New Jersey Turnpike Interchange 6 – 9 Widening Program, Townships of Mansfield, Bordentown and Chesterfield, Burlington County Township of Hamilton, Mercer County, 2009 Capital Construction Program No. 31018001 and Future Bond Issue

A Utility Order is required to perform construction services associated with the relocation of approximately 3.5 miles of existing Sunoco Pipeline L.P. facilities that will be directly impacted

by the proposed construction of the Interchange 6 – 9 Widening Program (Program) between Milepost 48.7 and 57.0 on the New Jersey Turnpike. The schedule of this relocation is critical to the Program as any delays will directly affect upcoming Program contracts.

The cost of this Utility Order was provided by Sunoco Pipeline L.P. and is based on the final improvements and known conditions at this time. This estimate includes construction of five relocation segments, associated tie-ins, associated inspection as well as inspection throughout the duration of the Program, and removal and abandonment of the existing pipeline. Material costs are not included in this Utility Order and will be paid under the Materials Purchase Letter as authorized at the April 28, 2009 Commission Meeting. 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. 1241-T, in an amount not to exceed \$23,500,000.

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272-09

In a memorandum dated November 23, 2009, concerning the recommendation to **Execute Utility Order No. 1242-T – Colonial Pipeline Company** – New Jersey Turnpike Interchange 6 – 9 Widening Program, Townships of Mansfield, Bordentown and Chesterfield, Burlington County, Townships of Hamilton, Robbinsville and East Windsor, Mercer County Township of Cranbury, Middlesex County, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

A Utility Order is required to perform construction services associated with the relocation of approximately 13 miles of existing Colonial Pipeline Company facilities that will be directly impacted by the proposed construction of the Interchange 6 – 9 Widening Program (Program) between Milepost 48.7 and 72.8 on the New Jersey Turnpike. The schedule of this relocation is critical to the Program as any delays will directly affect upcoming Widening Program contracts.

A cost proposal for this Utility Order was provided by Colonial Pipeline Company in the amount of \$130,000,000 based on the final improvements and known conditions at this time. This estimate includes construction of 16 relocation segments, associated tie-ins, associated inspection as well as inspection throughout the duration of the Program, and removal and abandonment of the existing pipeline. Material costs are not included in this Utility Order and will be paid under the Materials Purchase Letter as authorized at the April 28, 2009 Commission Meeting.

Due to several factors including, but not limited to, unknown bid results and field conditions coupled with the critical construction relocation schedule, it is requested that the Executive Director be authorized to execute Supplemental Utility Order(s), if necessary, in an amount not to exceed an additional \$30,000,000.

It is, therefore, recommended that the Executive Director be authorized to execute Utility Order No. 1242-T, in the amount of \$130,000,000, with authorization to execute Supplemental Utility Order(s), if necessary, in an amount not to exceed \$30,000,000, for a total authorized amount not to exceed \$160,000,000.

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273-09

In a memorandum dated December 7, 2009, concerning the recommendation to **Award Price Agreement ITS2009 – DAKTRONICS, Inc.** – Garden State Parkway and New Jersey Turnpike, Fabrication of Variable Message Sign and Variable Speed Limit Sign System 2009 Capital Construction Program 31006019, 31018001 and Future Bond Issue

The services to be performed under Price Agreement ITS2009 will consist of the fabrication of variable message sign and variable speed limit sign systems for installation and use along the New Jersey Turnpike and the Garden State Parkway. The intent of this Price Agreement is to provide a three year term for the fabrication and delivery of up to 240 variable message signs, 160 variable speed limit signs, 240 controller cabinets, and one prototype of each of the three types of signs and cabinet. These signs and cabinets are to be fully assembled in the proposer's factory, tested as a complete system and shipped to locations as directed by the Authority for installation under various contracts. This Price Agreement also provides the Authority with the option for two one-year extensions if deemed necessary. Funds are expected to be expended over a three and one-half year period from January 28, 2010 to June 28, 2014.

This Price Agreement was solicited in a two step process consisting of a vendor prequalification submission, followed by a technical/cost proposal from the successfully prequalified proposers. Three firms submitted pre-qualification packages by the September 22, 2009 submission deadline. Two of the three firms were determined to meet the project prequalification requirements and were requested to submit Technical/Cost Proposals by the closing date of November 10, 2009. Scoring of Technical/Cost Proposals by the Review Committee was performed for the following sign fabricating firms: 1) DAKTRONICS, Inc.; and 2) IMAGO North America. The Review Committee evaluated each firm's Technical/Cost Proposal and final scoring resulted in DAKTRONICS Inc. being the highest technically ranked and the lowest cost proposal. The low bid proposal, in the amount of \$25,610,094, may be compared to the second low bid proposal in the amount of \$28,022,768.

DAKTRONICS, Inc. has previously provided similar products and services for the Authority and is considered competent to complete this contract. The fee submitted by \$25,610,094 has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Price Agreement ITS2009 be awarded to DAKTRONICS, Inc. of Brookings, South Dakota, in the amount of \$25,610,094. 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. 19:9-2.8, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

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274-09

In a memorandum dated November 25, 2009, concerning the recommendation to **Award Contract No. P100.079 – Joseph M. Sanzari, Inc.** – Garden State Parkway, Bridge Repairs and Resurfacing, Milepost 0 to 126, Maintenance Reserve Fund No. 03020001.

This is the first of two Parkway bridge repair contracts to be awarded for the 2010 construction season, concentrated in the southern sector of the Parkway between MP 0 and MP 126. The work generally involves selective replacement of complete deck panels, parapet replacement, concrete spall repairs, joint repairs, replacement of existing asphalt wearing surface and miscellaneous substructure repairs.

Six bid proposals were received on November 20, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$5,190,349.50, may be compared to the second low bid proposal in the amount of \$6,121,705.10. The low bidder, Joseph M. Sanzari, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P100.079 be awarded to the low bidder, Joseph M. Sanzari, Inc. of Hackensack, New Jersey, in the amount of \$5,190,349.50, allocated as follows: \$5,000,000.00 in 2010 and \$190,349.50 in 2011. 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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275-09

In a memorandum dated December 2, 2009, concerning a recommendation to **Issue Order for Professional Services No. P3324 – Gannett Fleming, Inc.** – Garden State Parkway Supervision of Construction Services for Contract No. P100.079, Bridge Repairs and Resurfacing Milepost 0 to 126, Maintenance Reserve Fund No. 03020001.

Through this Order for Professional Services (OPS) single procurement process the Authority will select three consultants to furnish construction supervision for three separate bridge deck repair contracts. This OPS represents one of the three assignments and it will provide for supervision of construction services for Contract No. P100.079. This contract is concentrated in the southern sector of the Parkway between MP 0 and MP 126 and the work generally involves selective replacement of complete deck panels, parapet replacement, concrete spall repairs, joint repairs, replacement of existing asphalt wearing surface and miscellaneous substructure repairs. The recommendation to issue OPS Nos. P3323 and T3325 will be presented at the January 2010 Commission Meeting when the corresponding construction contracts are recommended for award.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the estimated cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 45 engineering firms prequalified and eligible under Profile Codes: B156 - Bridge Repair Inspection or B157 - Bridges Deck Repair/Replacement Inspection. Seven firms submitted EOIs by the closing date of October 16, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top four firms. The firms are: 1) Jacobs Engineering Group, Inc.; 2) Gannett Fleming, Inc.; 3) Greenman-Pedersen, Inc.; and 4) HAKS Engineers. Each firm was assigned to one of the three OPS' based on their EOI and the Review Committee's recommendations, which determined that Gannett Fleming was the most qualified firm for OPS No. P3324. The fee submitted by Gannett Fleming, 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. P3324 be issued to the firm of Gannett Fleming, Inc. of Mount Laurel, New Jersey, in the maximum amount of \$919,000, allocated as follows: \$800,000 in 2010 and \$119,000 in 2011. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.50 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. 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. 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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276-09

In a memorandum dated November 23, 2009, concerning the recommendation to **Award Contract No. T100.106 – Gardner M. Bishop, Inc.** – New Jersey Turnpike, Bridge Deck Repairs and Resurfacing, Milepost 83 to 122 and the Newark Bay Hudson County Extension, Maintenance Reserve Fund No. 03010001 and 2009 Capital Construction Program No. 31001010.

This is the first of two Turnpike repair contracts to be awarded for the 2010 construction season, focusing only on bridge deck repairs concentrated in the northern sector of the Turnpike. The work generally involves selective replacement of complete deck panels, concrete spall repairs, joint repairs, replacement of existing asphalt wearing surface and related incidental items.

Two bid proposals were received on November 18, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$10,164,345, may be compared to the second low bid proposal in the amount of \$10,681,735. The low bidder, Gardner M. Bishop, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T100.106 be awarded to the low bidder, Gardner M. Bishop, Inc. of White Plains, New York, in the amount of \$10,164,345, allocated as follows: Fund 03010001 - \$8,071,145 in 2010 and \$200,000 in 2011; and Fund 31001010 - \$1,893,200. 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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277-09

In a memorandum dated November 24, 2009, concerning the recommendation to **Award Contract No. P200.146 – New Prince Concrete Construction Co.Inc.** – Garden State Parkway, Removal of Northbound Tolls at Pascack Valley Toll Plaza, 2009 Capital Construction Program No. 31003035.

The work to be performed under this contract consists of the removal of the northbound tolls at the Pascack Valley Toll Plaza between Milepost 165.7 and 166.4 to provide one-way tolls in the southbound direction. The work is scheduled to be substantially complete by May 31, 2010.

Ten bid proposals were received on November 20, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$1,812,522.35, may be compared to the second

low bid proposal in the amount of \$2,059,270.00. The low bidder, New Prince Concrete 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. P200.146 be awarded to the low bidder, New Prince Concrete Construction Co., Inc. of Hackensack, New Jersey, in the amount of \$1,812,522.35. 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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278-09

In a memorandum dated December 2, 2009, concerning the recommendation to to **Issue Order for Professional Services No. P3253 – HAKS Engineers** – Garden State Parkway, Supervision of Construction Services, Contract No. P200.146, Removal of Northbound Tolls at Pascack Valley Toll Plaza, 2009 Capital Construction Program No. 31003035.

This Order for Professional Services (OPS) will provide supervision of construction services for the referenced contract. The work to be performed under this contract consists of the removal of the northbound tolls at the Pascack Valley Toll Plaza between Milepost 165.7 and 166.4 which will provide one-way tolls in the southbound direction. The work is scheduled to be substantially complete by May 31, 2010.

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 59 engineering firms prequalified and eligible under Profile Code B153 – Roadway Construction Inspection. Seven firms submitted EOIs by the closing date of October 30, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) HAKS Engineers; 2) KS Engineers, P.C.; and 3) URS Corporation. The fee submitted by HAKS Engineers 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. P3253 be issued to the firm of HAKS Engineers of Newark, New Jersey, in the maximum amount of \$440,000. 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. 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. 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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279-09

In a memorandum dated November 27, 2009, concerning the recommendation to **Award Contract No. A300.110 – Agate Construction Co., Inc.** – Parkway and Turnpike, Toll Plaza Rehabilitation, 2009 Capital Construction Program No. 31005013 and Future Bond Issue.

The work to be performed under this contract consists of the rehabilitation of concrete toll lane pavement at 20 toll plazas on both the Garden State Parkway and the New Jersey Turnpike. Rehabilitation work will consist of repair and/or total replacement of concrete toll lane pavement as shown on the plans including installation of reinforcing steel (as required), replacement of treadle frames with drains, concrete toll island repair and miscellaneous electrical conduit work. The work to be performed under this contract is scheduled to be completed on or before June 30, 2011.

Ten bid proposals were received on October 6, 2009 for the above publicly advertised contract. The low bidder, J. Fletcher Creamer & Son, Inc. and Joseph M. Sanzari, Inc. a Joint Venture indicated there was an error in their bid. After review and consultation with the Law Department and Special Counsel, McElroy Deutsch Mulvaney & Carpenter, LLP, it was determined that the low bidder could be released from their bid; however the Joint Venture would be subject to a three month suspension from bidding in accordance with the Authority's discretion under N.J.A.C. 19:9-2.8(g). The second low bid proposal, in the amount of \$5,227,900.00, may be compared to the third low bid proposal in the amount of \$5,243,742.73. The second 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. A300.110 be awarded to the second low bidder, Agate Construction Co., Inc. of Clermont, New Jersey, in the amount of \$5,227,900.00. 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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280-09

In a memorandum dated December 2, 2009, concerning the recommendation to **Award Contract P600.190 – Solar-Mite Electrical Contractors, Inc.** – Garden State Parkway, PNC Bank Arts Center Variable Message Sign Replacement, Milepost 115.6 to 116.1, 2008A Note Construction Fund No. 30000003.

The work to be performed under this contract consists of replacement of the existing billboard variable message signs, the existing supporting structures and associated equipment for the PNC Bank Arts Center on the Parkway at two locations (one at Northbound and one at Southbound). The completion date is May 31, 2010.

Nine bid proposals were received on December 1, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$817,821.00, may be compared to the second low bid proposal in the amount of \$904,478.25. The low bidder, Solar-Mite Electrical Contractors, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P600.190 be awarded to the low bidder, Solar-Mite Electrical Contractors, Inc. of Fords, New Jersey, in the amount of \$817,821.00. 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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281-09

In a memorandum dated November 25, 2009, concerning the recommendation to to **Award Contract No. T869.120.202 – South State, Inc.** – New Jersey Turnpike, Interchange 6 to Interchange 9 Widening Program, NSO/SNO Roadways, Grading, Drainage, Paving, Structures, Pavement Markings and Signing, Milepost 55.1 to 56.5, Townships of Bordentown and Chesterfield, Burlington County, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

This Contract involves the construction of new NSO and SNO roadways in the northern portion of Section No. 2. This Contract also includes two local road bridges over the mainline, which are County Route 528 and Ward Avenue, three new storm water management basins and five retaining walls. Additionally, the Contract will construct two butterfly sign structures, one cantilever sign structure, four overhead VMS structures and relocate transverse utilities. Construction is anticipated to commence the first quarter of 2010 and be completed by the end of 2012.

Ten bid proposals were received on November 24, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$32,143,255.77, may be compared to the second low bid proposal in the amount of \$33,133,795.32. 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. T869.120.202 be awarded to the low bidder, South State, Inc. of Bridgeton, New Jersey, in the amount of \$32,143,255.77. 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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282-09

In a memorandum dated December 2, 2009, concerning the recommendation to **Issue Order for Professional Services No. P3265 – Greenman-Pedersen, Inc.** – Garden State Parkway, Design Services for Interchange Improvements, Interchange 141 to Interchange 157, Union, Essex, Passaic and Bergen Counties, 2009 Capital Construction Program No. 31003035 and Future Bond Issue.

This Order for Professional Services (OPS) will provide for preliminary and final design and environmental services as necessary for the construction of interchange improvements considered necessary to accommodate existing and projected future traffic volumes at six Garden State Parkway Interchanges as defined in the OPS' Scope of Services. The priority locations warranting operational and safety improvements include ramps at Interchange 141 SB, Interchange 145, Interchange 150 NB, Interchange 153 NB, Interchange 154/155P SB and Interchange 157 SB.

This assignment is classified as a "Complex Project" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 28 engineering firms prequalified and eligible in Profile Codes A250 – Fully Controlled Access Highways; A252 – Complex Interchanges; C190 – Preparation of EIS and EA's; and D491 – Transportation Planning: Alternative Analyses. Thirteen firms submitted EOIs by the closing date of September 14, 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) Greenman-Pedersen, Inc.; 2) URS Corporation; and 3) Arora and Associates. The Review Committee

reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Greenman-Pedersen, Inc. being the highest technically ranked firm. The fee submitted by Greenman-Pedersen, 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. P3265 be issued to the firm of Greenman-Pedersen, Inc. of Lebanon, New Jersey in the maximum amount of \$3,180,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.8, based on a 10% allowance for profit and an overhead rate of 154.5% or, the firm's overhead rate as determined by Federal Acquisition 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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283-09

In a memorandum dated November 27, 2009, concerning the recommendation to to **Issue Order for Professional Services No. P3273 – TranSystems Corporation** – Design Services for Contract No. P100.186, Bridge Repairs and Resurfacing, Milepost 126 to 172 ; and **Order for Professional Services No. P3274 – Cherry, Weber & Associates, P.C.** – Design Services for Contract No. P100.187, Bridge Repairs and Resurfacing, Milepost 0 to 126 Garden State Parkway, Maintenance Reserve Fund No. 03020001.

Through this Order for Professional Services (OPS) single procurement process the Authority will select two consultants to furnish design services including inspection, condition evaluation and preparation of construction contract documents for two annual bridge deck and miscellaneous structural repair contracts for 2011 that will address the northern and southern sectors of the Garden State Parkway.

These assignments are classified as "Simple Projects" based on the scope of work being clearly defined and not likely to change during the course of the projects, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 48 engineering firms prequalified and eligible under Profile Code A092 – Bridges: Miscellaneous Repairs, and A093 – Bridges: Deck Replacement and Rehabilitation. Nine firms submitted EOIs by the closing date of November 4, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) Cherry, Weber & Associates, P.C.; 2) TranSystems Corporation; and 3) T & M Associates. The fees submitted by Cherry, Weber & Associates, P.C. and TranSystems

Corporation have been reviewed and are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. P3273 be issued to the firm of TranSystems Corporation of Paramus, New Jersey, in the maximum amount of \$798,000, allocated as follows: \$700,000 in 2010 and \$98,000 in 2011. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.78, based on a 10% allowance for profit and an overhead rate of 152.73%, or the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. It is also recommended that, OPS No. P3274 be issued to the firm of Cherry, Weber & Associates, P.C. of Freehold, New Jersey, in the maximum amount of \$774,000, allocated as follows: \$675,000 in 2010 and \$99,000 in 2011. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.77, based on a 10% allowance for profit and an overhead rate of 152.27% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever 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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284-09

In a memorandum dated November 27, 2009, concerning the recommendation to **Issue Order for Professional Services No. P3287 – Stantec Consulting Services, Inc.** – Garden State Parkway, Design Services, Southern Interchange Improvements Study, Interchange 0 to Interchange 125, 2009 Capital Construction Program No. 31009036 and Future Bond Issue.

This Order for Professional Services (OPS) will provide professional services to perform traffic and operational studies to determine the ability of 16 selected southern Garden State Parkway interchanges to accommodate existing and future traffic volumes safely and efficiently. Recommendations to improve the subject interchanges will be provided, as applicable, as well as a prioritization listing of the interchanges requiring improvements.

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 40 engineering firms prequalified and eligible under Profile Code D491 – Transportation Planning: Alternative Analyses. Ten firms submitted EOIs by the closing date of November 4, 2009.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three firms. The firms are: 1) Stantec Consulting Services, Inc.; 2) HNTB Corporation; and 3) T & M

Associates. The fee submitted by Stantec Consulting Services, Inc. has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. P3287 be issued to the firm of Stantec Consulting Services, Inc. of Rochelle Park, New Jersey, in the maximum amount of \$715,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.8, based on a 6.87% allowance for profit and an overhead rate of 162%, or the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. This award is 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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285-09

In a memorandum dated November 25, 2009, concerning the recommendation to to **Issue Supplement B to Order for Professional Services No. T3102 – HNTB Corporation** – New Jersey Turnpike, Program Management, Interchange 6 to Interchange 9 Widening Program, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

This Order for Professional Services (OPS) was issued at the December 2006 Commission Meeting, in the amount of \$17,650,000, and provided for program management oversight coordination and reporting of activities during the design phase of the Widening Program. Supplement A was authorized in December 2008 in the amount of \$5,550,000 and provided compensation for additional subsurface investigations and utility relocation engineering.

This supplement will compensate HNTB Corporation for unanticipated work, additional in-scope services and the extension of post-design services. The unanticipated work includes providing mapping and borings to cover pipeline relocations outside the original Program corridor. The additional work covered HNTB's review of mitigation and fabrication contracts, extensive coordination with utility companies on the relocation of over \$200 million of longitudinal pipeline facilities, and continual involvement on the acquisition of over 300 right-of-way parcels. Finally at the time OPS No. T3102 was issued in December 2006, the overall Widening Program schedule was not established, as a result the duration of HNTB's post-design services only covered through 2012. Now that the Program's schedule is known, additional funds will be required to cover their services through Program completion in 2014.

HNTB Corporation has submitted a proposal in the amount of \$2,225,000 to provide the required services, which has been reviewed, negotiated and considered reasonable.

It is, therefore, recommended that Supplemental OPS No. T3102B be issued to HNTB Corporation in the amount of \$2,225,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$23,150,000 to \$25,425,000. 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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286-09

In a memorandum dated November 20, 2009, concerning the recommendation to to **Issue Supplement A to Order for Professional Services No. T3138 – H2M Associates, Inc.** – New Jersey Turnpike, Operation, Maintenance and Compliance Monitoring of Remediation Systems at Service Area 4N (James Fenimore Cooper), Special Project Reserve Fund No. 04010019.

This Order for Professional Services (OPS) was issued at the December 2007 Commission Meeting, in the amount of \$722,000. The original term of the OPS was two years, commencing January 31, 2008 with an option for one, one-year extension. The two-year term will expire on January 30, 2010.

Based on H2M's exceptional performance and the requirement for continued NJDEP compliance, it is recommended to extend H2M's services for an additional one-year period (January 31, 2010 to January 30, 2011). The original authorized amount was for the initial two-year term and will be expended, therefore supplemental funding is required to extend the OPS for the additional one-year period. The supplemental costs include efforts to modify the remediation system to increase the remedial efficiency.

H2M Associates, Inc. has submitted a proposal in the amount of \$307,405 to provide the required services for the additional one-year period, which has been reviewed and considered reasonable.

It is, therefore, recommended that Supplemental OPS No. T3138A be issued to H2M Associates, Inc. in the amount of \$307,405, allocated as follows: \$281,800 in 2010 and \$25,605 in 2011, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$722,000 to \$1,029,405. 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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287-09

In a memorandum dated November 23, 2009, concerning the recommendation to to **Issue Supplement B to Order for Professional Services No. A3150 – Hatch Mott MacDonald (HMM)** – Parkway and Turnpike, Underground Storage Tank System (UST) Inspections, Maintenance and Testing at Various Facilities, Special Project Reserve Fund No. 04010019.

This Order for Professional Services (OPS) was authorized at the December 2007 Commission Meeting in the amount of \$372,000. The original term of the OPS was for one-year, commencing February 1, 2008 with an option for two, one-year extensions. The originally authorized fee pertained specifically to the first year of the requisite services. The first one-year extension was previously exercised via Supplement A, in the amount of \$365,000 for costs pertaining to the second year of services. The second one-year term will expire on January 31, 2010.

Beginning in September of 2009, the Authority began performing the underground storage tank (UST) compliance inspections in-house utilizing staff in the Environmental Section. It remains necessary however to continue to utilize consultant services to perform some of the UST repairs and the annual testing as required to maintain environmental compliance. It is therefore proposed to extend HMM's services for an additional one-year period (February 1, 2010 to January 31, 2011) specifically to provide services pertaining to this reduced scope.

Hatch Mott MacDonald has submitted detailed backup documentation relative to the scope for the additional year of services. The Engineering Department has reviewed HMM's submittal and has negotiated a fee of \$207,350, which is considered fair and reasonable for the additional services being provided.

It is, therefore, recommended that Supplemental OPS No. A3150B be issued to Hatch Mott MacDonald in the amount of \$207,350, allocated as follows: \$191,000 in 2010 and \$16,350 in 2011, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$737,000 to \$944,350. 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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288A-09 through 288C-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 T200.099</u>	Gardner M. Bishop, Inc. New Jersey Turnpike Drainage Improvements Milepost 121 to 122 (Route I-95 Segment) Bergen County 2008A Note Construction Fund No. 30000016	\$52,627.36
<u>Contract P500.061-1</u>	Joseph M. Sanzari, Inc. Garden State Parkway Installation of Salt Dome at Essex Toll Plaza Milepost 150.5 NB Essex County Special Project Reserve Fund No. 04028032	\$53,567.12
<u>Contract T900.093</u>	A.P. Construction, Inc. New Jersey Turnpike Datim Enclosures and Toll Island Modifications Interchange Nos. 2, 3, 4, 14A and 14B Gloucester, Camden, Burlington and Hudson Counties 2008A Note Construction Fund No. 30065162	\$55,206.50

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 Certificate, in the amounts shown, due to the contractors for completion of the above contracts.

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

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority approved the twenty-one (21) item engineering agenda; and ratified and/or authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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MAINTENANCE

289-09

Maintenance Director Cifelli presented the recommendation contained in his memorandum dated December 3, 2009, concerning **Award of Contract No. P200.181 – Griffin Sign, Inc.** – Garden State Parkway, Guide Rail Maintenance and Repair, Milepost 0.0 to Milepost 172.4, Maintenance Reserve Project No. 04008028.

The project provides for on call repairs of steel beam guide rail and appurtenances along the Garden State Parkway mainline roadway, and ramps between Milepost 0.0 and Milepost 172.4. The work will be performed, as necessary, upon advance notification by the Director of Maintenance, or designee. Duration of the contract is for a period of 2 years beginning February 1, 2010 and terminating on January 31, 2012.

Three (3) bid proposals were received on November 24, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$4,695,361.10, may be compared to the second low bid proposal in the amount of \$4,806,090.00. The low bidder, Griffin Sign, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.181 be awarded to the low bidder, Griffin Sign, Inc. of Cinnaminson, NJ, in the amount of \$4,695,361.10, allocated as follows: \$2,150,000 in 2010, \$2,350,000 in 2011 and \$195,361.10 in 2012. 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.

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

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved the recommendation, as presented; and received and filed the memorandum.

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PURCHASING

Purchasing Director Ward identified the agenda for the purchase of goods and professional services as routine and requested approval. Moved as a group, Purchasing items 290A-09 through 290N-09 are as follows:

Results of Bidding: Items 290A-09 through 290E-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 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:

290A-09

BIDDERS BIDS		COMMODITY	VENDOR	AMOUNT
INVITED	REC'D			
9	2	Mechanical Broom Sweeper	H.A. DeHart & Son Inc. Thorofare, NJ	\$236,572.00

Requisition (R)-63927, Budget Code 156999 01 310 540, Project 31009521
Bids Received: October 22, 2009

Requisitioned by the Maintenance Department, this is for the purchase of one Mechanical Broom Sweeper. Bidders were required to quote a unit price for the equipment.

Non-Compliance: Bortek Industries, Inc., Mechanicsburg, PA also submitted a bid proposal for this solicitation. This bidder's documentation, however, did not include the New Jersey Business Registration Certificate ("NJBRC") which is a mandatory requirement. Item No. 11 of the Bidder Guidelines/Check states in part: "NJBRC (Mandatory submission, must accompany the bid or the bid will be rejected)." Subsequently, Bortek filed a bid protest with the Authority arguing that the NJBRC was included. The Authority's legal counsel reviewed the bid package and denied the protest. Therefore, it is recommended that the bid proposal submitted by Bortek Industries, Inc. be rejected.

Recommend award be made to the lowest responsible bidder, H.A. DeHart & Son, Inc. in an amount not to exceed \$236,572. 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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290B-09

BIDDERS BIDS		COMMODITY	VENDOR	AMOUNT
INVITED	REC'D			
13	3	Emergency Medical Kits for State Police Vehicles	First Due Emergency Supply Co. Sewell, NJ	\$212,756.34

R-64286, Budget Code 650020 01 040 720, Project 04010002
Bids Received: October 14, 2009

Requisitioned by State Police Troops D and E, this is a one year Price Agreement for the purchase of emergency medical kits which include, but are not limited to, bandages, antibiotic ointments and sprays, respirators, blankets, eye wash and latex gloves to outfit 281 State Police

vehicles for use on the Turnpike and Parkway. Bidders were required to quote a unit price for specified items.

Non-Compliance: CPR Savers and First Aid Supply LLC (“CPR Savers”), Scottsdale, AZ and ProPac, Inc., North Charleston, SC also submitted proposals for the referenced contract. However, both bidders failed to include a proposal guarantee contrary to Item No. 7 of the Bidder Guidelines/Checklist. The instructions state “Proposal Bond and/or Letter of Surety (Mandatory submission, must accompany the bid or the bid will be rejected”). In addition, CPR Savers failed to submit the New Jersey Business Registration Certificate, which is a mandatory requirement in the specifications (as stated in No. 13 of the “Bidder Guidelines/Checklist”). Therefore, it is recommended that the bid proposals submitted by CPR Savers and ProPac, Inc. be rejected.

Recommend award be made to the lowest responsible bidder, First Due Emergency Supply Co., in an amount not exceed \$212,756.34, subject to funding availability 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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290C-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
10	5	Diesel Powered Trash Pump	Godwin Pumps of America Inc. Bridgeport, NJ	\$35,469.00

R-64709, Budget Code 01 040 540 650010, Project 04008033

Bids Received: October 29, 2009

Requisitioned by the Maintenance Department, this is for the purchase of one diesel powered trash pump to dispose of excessive water from the Authority's roadways, thereby maintaining roadway safety.

Recommend award be made to the lowest responsible bidder, Godwin Pumps of America in an amount not to exceed \$35,469.00. 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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290D-09

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
10	5	Chevrolet OEM Parts	Frank's Truck Center Inc. Lyndhurst, NJ	\$70,000.00 (Area A)
			Richard Lucas Chevrolet d/b/a Woodbridge Auto Sales Avenel, NJ	\$20,000.00 (Area B)
			Mall Chevrolet Inc. Cherry Hill, NJ	\$15,000.00 (Area C)

Requisition Memorandum (RM)-782, Bids Received: September 8, 2009

Requisitioned by the Maintenance Department, this is a one-year Price Agreement for the purchase of Chevrolet Original Equipment Manufacturer (“OEM”) parts. Bidders were required to quote on seven unit items (including, but not limited to, catalytic converter, computer module, and oxygen sensor) and discounts off of the Manufacturers List Prices on remanufactured major assemblies and miscellaneous parts. In addition, bidders were required to have facilities within designated counties (“Areas”): A) Bergen, Passaic, Essex, Hudson or Union; B) Middlesex or Mercer; C) Burlington, Camden, Gloucester or Salem; D) Monmouth or Ocean; and E) Atlantic or Cape May. The basis of award is the lowest total bid amount per Area.

Recommend award be made to the lowest responsible bidders, Frank’s Truck Center, Inc. for Area A in an amount not to exceed \$70,000; Woodbridge Auto Sales for Area B in an amount not to exceed \$20,000; and Mall Chevrolet for Area C in amount not to exceed \$15,000 for a total anticipated annual expenditure not to exceed \$105,000.00, subject to funding availability 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.

In addition, no bids were received for Areas: D and E. Therefore, it is recommended that contracts for these two Areas be re-advertised.

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290E-09

<u>BIDDERS BIDS</u>		<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
6	2	Underground Utility Locating and Marking Services	Adesta LLC Omaha, NE	\$500,420.00 (two-years)

RM-768, Bids Received: November 20, 2009

Requisitioned by the Maintenance Department, this is a two-year Price Agreement for Underground Utility Location and Marking Services along the Garden State Parkway. Bidders were required to quote on six Items (including prices for marking of surfaces and emergency location on-call services).

Non-Compliance: UtiliQuest, Atlanta, GA also submitted a bid proposal for this solicitation. This bidder, however, failed to submit three documents required in the bid specifications: 1) Exhibit A "Affirmative Action Information Sheet"; 2) Mandatory Equal Employment Opportunity Language"; and 3) New Jersey Public Works Certificate. This bidder submitted its own form of EEO language responding to Items 1 and 2. This was deemed unacceptable, but could have been cured prior to contract execution. However, UtiliQuest's failure to submit a Public Works Certificate or at least be registered with the New Jersey Department of Labor, Division of Wage and Hour Compliance on the day of the bid opening is a fatal flaw in this bidder's submission. This Certificate is a mandatory requirement and cannot be waived. (See Item No.18 of the Bidder Guidelines/Check.) Therefore, it is recommended that the bid proposal from UtiliQuest Inc. be rejected.

Recommend award be made to the lowest responsible bidder, Adesta, LLC in an amount not to exceed \$500,420 for a 2-year price agreement (\$250,210.00 per year), all subject to funding availability at 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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290F-09

In a memorandum dated December 4, 2009, concerning a recommendation to **Award a Sole Source Contract – Applied Concepts** – Multi Directional Sensing Radar Units, R-65587, Budget Code 650020 01 040 720, Project 04010002.

New Jersey State Police Troops D and E requisitioned twenty (20) multi-directional sensing radar units for installation in police vehicles. The radar units are required to replace older, unserviceable units with current technology. They allow State Police to monitor and enforce posted speed limits along the Garden State Parkway and New Jersey Turnpike. The State Police requested that the Authority obtain the radar units from Applied Concepts, Inc., which is the supplier of the units currently installed in State Police vehicles.

Applied Concepts, Inc. designed, developed, manufactured and is the sole provider of the Stalker DSR2X Multi Directional Sensing Radar Unit. These Radar Units incorporate several exclusive features and patented technologies, including, but not limited to, same lane fastest moving mode; directional sensing; front and rear antenna display simultaneously; rear traffic alert; and stationary direction control. No other vendor can provide these features. They are crucial to State Police vehicle operations which provide safety to the motoring public. Thus, it is recommended that this purchase be procured without public advertisement as a sole source exception to the public bidding laws and consistent with Executive Order No. 37 as no other vendor is capable of providing these units.

Accordingly, authorization is requested to issue a Purchase Order to Applied Concepts Inc., Plano, Texas in an amount not to exceed \$48,100.00. The award will be 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. The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the vendor 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 290F-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
MULTI DIRECTIONAL SENSING RADAR UNITS

WHEREAS, the New Jersey State Police Troops D and E requested that a Purchase Order be issued for twenty (20) Stalker DSR2X Multi Directional Sensing Radar Units (“Radar Units”) for its vehicle fleet;

WHEREAS, the Radar Units enable the State Police to monitor and enforce posted speed limits on the Garden State Parkway and New Jersey Turnpike and are crucial to State Police vehicle operations which provide safety to the motoring public as well as the State Police;

WHEREAS, Applied Concepts Inc. designed and developed these Radar Units and is the only authorized provider;

WHEREAS, these Radar Units incorporate several exclusive features and patented technologies, including, but not limited to, same lane fastest moving mode; directional sensing; front and rear antenna display simultaneously; rear traffic alert; and stationary direction control;

WHEREAS, the Stalker DSR2X is covered by one or more of the following United States Patents: 5,563,603; 5,570,093; 5,565,871; 5,528,245; 5,691,724; 6,198,427 B1; 6,501,418; 6,580,386B1 and 6,646,591B2;

WHEREAS, the cost of these Radar Units will be in an amount, not to exceed, \$48,100.00; and

WHEREAS, the Authority’s regulations pursuant to N.J.A.C. 19:9-2.2(d)1 promulgated under N.J.S.A. 27:23-6.1 permits sole source procurement when only one source of the required goods exists.

NOW, THEREFORE, BE IT RESOLVED THAT the Authority’s Board of Commissioners hereby authorizes and approves a Purchase Order be issued to Applied Concepts, Inc. for the Radar Units outlined herein, in an amount not to exceed \$48,100.00 as a sole source exception to procurement by public advertisement as permitted by N.J.A.C. 19:9-2.2(d)1; N.J.S.A. 27:23-6.1; and Executive Order No. 37.

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290G-09

In a memorandum dated December 9, 2009, concerning a recommendation to **Award a Sole Source Contract – Oracle Corporation** – Oracle Software Upgrades and Service Agreement, R-66285, Budget Code 00-010-833-427010.

The Technology and Administrative Services Department (TAS) requisitioned renewal of two Software License and Service Agreements with Oracle Corporation (“Software Agreements”). Under the Software Agreements, the Oracle Corporation will continue to provide technical support and software upgrades to the Authority’s database management systems and electronic toll collection system that use the Oracle Software. For the period January 1, 2010 through December 31, 2010, the cost of the Software Agreements, which include subscription and support services, 24/7 telephone support, product upgrades and maintenance releases, in an amount not to exceed \$688,903.44.

The Oracle Software is proprietary to Oracle Corporation, which is the publisher and holder of all copyrights. Oracle Corporation is the only vendor which has access to the source codes needed to debug, upgrade and support the Oracle Software. Thus, no other vendor is

capable of providing the services required under the Software Agreement. In addition, this is an exceptional circumstance, as the client support and maintenance services are necessary for the operation of the Authority's database management systems. Thus, the annual Software Agreements were procured without public advertisement as a sole source exception to the public bidding laws and consistent with Executive Order No. 37.

Accordingly, authorization is requested to renew the Software License and Service Agreements with Oracle Corporation, Redwood Shores, CA, for the period January 1, 2010 through December 31, 2010, in an amount not to exceed \$688,903.44. 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.A.C. 27:23-6.1. 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 290G-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
SOFTWARE LICENSE AND SERVICE AGREEMENT WITH ORACLE CORPORATION

WHEREAS, the Technology and Administrative Services Department requisitioned a renewal of the Software License and Service Agreement with Oracle Corporation, Redwood Shore, California; and

WHEREAS, under the Software Agreement, the Oracle Corporation will provide technical support and software upgrades, including PeopleSoft requirements, for the Authority's Database Management Systems and storage of toll collection data by the ETC Department; and

WHEREAS, Oracle Software is copyrighted and proprietary in nature, and therefore, of a unique and confidential nature that will not admit a generic or standard specifications for procurement through competitive solicitation by public advertisement; and

WHEREAS, Oracle Software can only be procured from Oracle Corporation through direct negotiation of the Software Agreement and, for the period January 1, 2010 through December 31, 2010, the cost of the renewal of technical support and software upgrades will not exceed \$688,903.44; and

WHEREAS, the Authority's regulations pursuant to N.J.A.C. 19:9-2.2(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 Board of Commissioners hereby authorizes and approves the renewal of the Software License and Service Agreement with Oracle Corporation for the period through December 31, 2010, in an amount not to exceed \$688,903.44 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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290H-09

In a memorandum dated November 26, 2009, concerning a recommendation to **Award a Sole Source Contract – Cybertech Inc.** – Electronic and Mechanical Replacement Parts for Direct Thermal Toll Receipt Printers, RM- 795.

The Tolls Department has requisitioned the Authority to enter into a one year contract for the purchase of electronic and mechanical replacement parts for thermal toll receipt printers used at all exit lanes on the New Jersey Turnpike and all manual lanes on the Garden State Parkway. The printers are proprietary to Cybertech Inc. and the components are either manufactured by

Cybertech Inc., itself or directly sourced by Cybertech Inc. to licensed third parties in strict compliance with Cybertech Inc.'s specifications. In addition, this is an exceptional circumstance, as the toll receipt printers and associated parts are essential to the Authority's revenue collection.

Accordingly, authorization is requested to award a sole source contract to Cybertech Inc., Horsham, PA, for the electronic and mechanical replacement parts for the thermal toll receipt printers used on the Turnpike and Parkway for the period January 1, 2010 through December 31, 2010, in an amount not to exceed \$50,000. The award will be made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.A.C. 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 290H-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
ELECTRONIC AND MECHANICAL PARTS FOR TOLL THERMAL RECEIPT PRINTERS

WHEREAS, the Toll Collection Department requisitioned a contract with Cybertech Inc. of Horsham, PA for the electronic and mechanical parts for the thermal toll receipt printers used on the Turnpike and Parkway; and

WHEREAS, Cybertech Inc. will supply the electronic and mechanical parts for the thermal toll receipt printers located at all exit lanes on the New Jersey Turnpike and all manual lanes on the Garden State Parkway; and

WHEREAS, the cost for the electronic and mechanical parts for the thermal toll receipt printers will not exceed \$50,000, for the period January 1, 2010 through December 31, 2010; and

WHEREAS, the printers are proprietary of Cybertech Inc., which is the manufacturer and original source of this product; and

WHEREAS, the components are either manufactured by Cybertech Inc. or directly sourced by Cybertech Inc. to licensed third parties in strict compliance with Cybertech Inc.'s specifications; and

WHEREAS, the Authority's regulations pursuant to N.J.A.C.19:9-2.2(d)1, as 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 Board of Commissioners hereby authorizes and approves the sole source contract for the electronic and mechanical parts for the thermal toll receipt printers with Cybertech Inc. of Horsham, PA for the period January 1, 2010 through December 31, 2010, in an amount not to exceed \$50,000, 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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290I-09

In a memorandum dated November 26, 2009, concerning a recommendation to **Award a Sole Source Contract – ACS Transport Solutions Inc. (ACS)** – Ticket Reader Toll Equipment Ribbons, RM 800.

The Tolls Department has requisitioned the Authority to enter into a one-year contract for the purchase of nylon toll equipment ribbons for the entry and exit ticket readers used on the New Jersey Turnpike. ACS is the manufacturer and sole supplier of the exit and entry readers and associated equipment used at the Turnpike toll plazas. Therefore, as the ticket readers are

proprietary to ACS, it is the only vendor capable of supplying the required ribbons. In addition, this is an exceptional circumstance, as this specific type ribbon is an essential part of the Authority's ability to monitor and audit its cash toll revenue collection system.

Accordingly, authorization is requested to issue a contract to ACS, Norcross, Georgia, for the referenced equipment in an amount not to exceed \$100,000. The award will be made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.A.C. 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 290J-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
TOLL EQUIPMENT RIBBONS

WHEREAS, the Tolls Department has requisitioned a one-year contract for the purchase of toll equipment ribbons used in the entry and exit readers at New Jersey Turnpike toll plazas; and

WHEREAS, ACS Transport Solutions, Inc. of Norcross, Georgia ("ACS") is the manufacturer and sole distributor of the specialized ribbons used in the entry and exit readers; and

WHEREAS, the toll equipment and related supplies are proprietary to ACS; and

WHEREAS, the Authority's regulations pursuant to N.J.A.C. 19:9-2.2(d)1, promulgated under N.J.S.A. 27:23-6.1, permits sole source procurement when only one source exists for the goods and/or services that are required.

NOW, THEREFORE, BE IT RESOLVED THAT the Authority's Board of Commissioners hereby authorizes and approves the issuance of a one-year contract for toll equipment ribbons used in the entry and exit readers at New Jersey Turnpike toll plazas, to ACS Transport Solutions, Inc. of Norcross, Georgia, in an amount not to exceed \$100,000, as a sole source exception to procurement by public advertisement permitted by N.J.A.C. 19:9-2.2(d)1 and promulgated under the Authority's enabling legislation, N.J.S.A. 27:23-6.1.

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290J-09

In a memorandum dated November 30, 2009, concerning a recommendation to **Award a Sole Source Contract – Eaton Corporation** – Maintenance and Service Agreement for Uninterruptible Power Service (UPS), RM 804.

Under an existing agreement with the Authority ("UPS Maintenance Agreement"), Eaton Corporation repairs and maintains the UPS "Best" battery systems installed at all E-ZPass lanes on the New Jersey Turnpike and Garden State Parkway. The UPS provides back-up power to all E-ZPass lanes and is essential to their continuous functionality. The Electronic Toll Collection (ETC) Department has requisitioned the renewal of the UPS Maintenance Agreement for another 3-year term. Services include, but are not limited to, corrective maintenance, on-site labor, four-hour response time and replacement parts. Eaton Corporation is the manufacturer, installer and only supplier authorized to service the "Best" brand UPS units with compatible batteries. The UPS Maintenance Agreement is crucial to the E-ZPass system. Thus, it is recommended that this agreement be procured without public advertisement as a sole source exception to the public

bidding law and consistent with Executive Order No. 37 as no other vendor is capable of providing the support and maintenance services. The annual cost is \$151,381.00

Accordingly, authorization is requested to issue a contract to Eaton Corporation, Raleigh, NC for the UPS Maintenance Agreement, for the period January 1, 2010 through December 31, 2012, in an amount not to exceed \$454,143, subject to funding availability at the time of service. The award will be made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.A.C. 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 290J-09**:

RESOLUTION FOR SOLE SOURCE PROCUREMENT
MAINTENANCE AND SERVICE AGREEMENT FOR UNINTERRUPTIBLE POWER SERVICE

WHEREAS, the Electronic Toll Collection Department requisitioned a 3-year maintenance and service agreement with Eaton Corporation for on-site uninterruptible power service ("UPS");

WHEREAS, under the UPS Maintenance and Service Agreement, Eaton Corporation will repair and service the UPS battery systems which are installed at all E-ZPass lanes on the New Jersey Turnpike and the Garden State Parkway;

WHEREAS, Eaton Corporation is the manufacturer and installer of the "Best Power" UPS units, which are in use on both roadways and are proprietary in nature, and therefore, will not admit standard specifications for procurement through competitive solicitation by public advertisement;

WHEREAS, Eaton Corporation's technicians are the only ones authorized to repair and replace the "Best" brand units with compatible batteries;

WHEREAS, the UPS Maintenance and Service Agreement, which includes on-site UPS replacement parts, labor, and related expenses, can be procured from only Eaton Corporation through direct negotiation through December 31, 2012, at an annual cost of \$151,381 for a total contract cost not to exceed \$454,143; and

WHEREAS, the Authority's regulations pursuant to N.J.A.C. 19:9-2.2(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 Board of Commissioners hereby authorizes and approves the UPS Maintenance and Service Agreement with Eaton Corporation for the period January 1, 2010 through December 31, 2012, in a total amount not to exceed \$454,143, 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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290K-09

In a memorandum dated December 3, 2009, concerning a recommendation to **Award a Sole Source Contract – Transpo Industries, Inc** – Impact Attenuator Repairs and/or Replacement, RM-810.

In order to protect the motoring public, the Authority is required to immediately repair and/or replace damaged impact attenuators following certain incidents on both roadways. The Maintenance Department has requisitioned the supply of impact attenuators and parts for a two-year period from January 1, 2010 through December 31, 2011. The Authority will have the sole discretion of extending the price agreement for two additional one-year terms.

The parts listed (approximately 175 line items) are all patented products for which Energy Absorption Systems, Inc. is the sole manufacturer. Transpo is the sole distributor for Energy Absorption Systems, Inc. in the Northeast for impact attenuator parts currently used on the Authority's roadways. The Authority had publicly bid this procurement several times in the past and each time received only one bid from Transpo. Furthermore, the Purchasing Department attempted, but was unable to find, another distributor in the United States which would supply the parts and perform the emergency repair services. Transpo is the only vendor which can provide the essential impact attenuator repair and replacement services. No other vendor is capable of obtaining the parts from the manufacturer in New Jersey. In addition, this is an exceptional circumstance because the Authority must maintain the impact attenuators for roadway safety.

For the upcoming year, the Maintenance Department prepared a list of multiple units required for the existing impact attenuator services and parts. Transpo submitted a quotation for all the listed items in the amount of \$900,000 per year. The Authority is not bound to any minimum or maximum amounts. The Maintenance Department reviewed the prices and found that they compare favorably to the previous contract with Transpo. In fact, Transpo increased the unit prices by an average of 9.57% from 2006, which was the last time the Authority solicited prices. This vendor's prices shall remain firm for one (1) year. Succeeding years of the contract will be adjusted yearly based on the CPI as designated in the average Consumer Price Index for the New York City/ Northern New Jersey areas (Bureau of Labor Statistics (CPI-U) New York-Northern New Jersey-Long Island, All Items 1982-84=100).

Accordingly, authorization is requested to award a Price Agreement to Transpo Industries Inc., New Rochelle, NY, for repair and/or replacement of impact attenuator parts for the period January 1, 2010 through December 31, 2011 in an amount not to exceed \$1,800,000 for the two-year term, subject to funding availability at the time of service. 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 290K-09**:

RESOLUTION
IMPACT ATTENUATORS REPAIRS AND/OR REPLACEMENT PARTS

WHEREAS, in order to protect the motoring public, the Authority is required to immediately repair and/or replace damaged impact attenuators following incidents on both the New Jersey Turnpike and Garden State Parkway; and

WHEREAS, the Maintenance Department has requisitioned the supply of impact attenuator parts for a three year period, from January 1, 2010 through December 31, 2011; and

WHEREAS, the impact attenuator parts are all patented products of Energy Absorption Systems, Inc. of Chicago, IL which is the sole manufacturer; and therefore are incapable of generic specifications for public advertisement; and

WHEREAS, Transpo Industries, Inc., New Rochelle, New York (“Transpo”), is the sole distributor for Energy Absorption Systems, Inc. in the Northeast for impact attenuator parts currently used on both roadways; and

WHEREAS, the Authority, has in the past, publicly bid this procurement several times and each time only received one bid from Transpo; and

WHEREAS, the Purchasing Department also attempted, but was unable to, find another distributor in the United States which would supply the parts and perform the emergency repair services; and

THEREFORE, BE IT RESOLVED, that it is in the best interest of the Authority to ensure the continuation of the impact attenuator repairs and replacement parts and that of the public-at-large for its protection and safety, that the contract be awarded to Transpo Industries, Inc., for a two-year period in an amount not to exceed \$1,800,000 (\$900,000 per year), and that this action is taken under exception to public bid as stated in N.J.A.C. 19:9-2.2(d)1 promulgated under N.J.S.A. 27:23-6.1 et seq., for a sole source procurement.

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290L-09

In a memorandum dated December 9, 2009, concerning a recommendation to **Increase Amount of Contract No. 1119 – US Environmental Inc.** – Removal and Disposal of Liquid Hazardous and Non-Hazardous Waste Material.

At the March 31 2009 Commission Meeting, authorization was granted to award a price agreement to US Environmental Inc. for the collection, transportation and disposal of liquid hazardous and non-hazardous waste material at facilities on the Garden State Parkway and New Jersey Turnpike in an amount not to exceed \$100,380. The agreement 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 37. The term of the contract was from April 22, 2009 through April 21, 2010 with an option to extend for two additional one year periods under the same terms and conditions.

The Engineering Department has requested that Contract No. 1119 be increased by \$48,000. Engineering staff found that the Multi-Phase Extraction (“MPE”) technology performed by US Environmental, Inc. to be more effective at reducing the overall contaminant levels than the existing (pump and treat) remediation systems currently in place at several sites on both roadways. Due to the effectiveness of the technology, the frequency of utilizing the MPE technology was increased at multiple remediation sites in 2009, and staff plan to use the MPE technology at additional sites in 2010.

Accordingly, authorization is requested to increase Contract No. 1119 with US Environmental Inc., Downingtown, PA, by \$48,000 for the period through April 21, 2010. This would bring the total authorized amount of the Contract to \$148,380.00, subject to availability of funding at the time of ordering.

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290M-09

In a memorandum dated December 9, 2009, concerning a recommendation to **Extend Contract – Transcom Inc.** – Interagency Remote Video Network (IRVN).

The Operations Department maintained contracts with Transcom, Inc. for access to the interagency remote video network (IRVN) systems operating on both roadways. IRVN is a

system used to receive and disseminate live traffic video to and from transportation agencies in the New York/New Jersey metropolitan region. Transcom, Inc.'s operations center serves as the IRVN hub where all control requests and traffic video are processed and distributed. The transportation agencies reimburse Transcom, Inc. for its services. At the May 2001 Commission Meeting of the former New Jersey Highway Authority (herein referred to as "Parkway"), authorization was granted for the Parkway to enter into a five-year contract with Transcom, Inc with respect to participating in the IRVN program. This agreement was for the period June 1, 2003 through May 31, 2008. In September 2003, the New Jersey Turnpike Authority Turnpike ("Turnpike") also entered into a five-year contract with Transcom, Inc. with respect to the IRVN program. The agreement for the Turnpike roadway was for the period May 1, 2003 through April 30, 2008.

In light of the consolidation of the Parkway and Turnpike in July 2003, the opening of the Statewide Transportation Management Center and changes in traffic video technology, the New Jersey Turnpike Authority elected not to extend the two (2) contracts when they expired in 2008. The Authority, however, has continued to use the IRVN systems on both roadways. The Authority recently decided to utilize traffic video systems different from the IRVN systems. Therefore, effective December 31, 2009, the Authority will cease utilizing the IRVN systems on both the Parkway and Turnpike roadways.

Nonetheless, the Authority must reimburse Transcom, Inc. for IRVN related services in an amount not to exceed \$33,000 for outstanding invoices for 2008 and 2009. In order to do so, the Operations Department has requested that both contracts be extended to through December 31, 2009.

Accordingly, authorization is requested to extend the terms of the two (2) contracts with Transcom, Inc., through December 31, 2009, in a total amount not to exceed \$33,000, as outlined herein.

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290N-09

In a memorandum dated December 4, 2009, concerning a recommendation to **Increase the Amount of Professional Services Agreement - NW Financial Group LLC** – Financial Advisory Service, Budget Code 890-445020.

At the January 27, 2009 Commission Meeting a Professional Services Agreement for Financial Advisory Services was made with NW Financial Group, LLC ("NW Financial"). The award was for a three-year term with an annual fee of \$75,000 for base financial advisory services. In addition, the firm proposed a fee of \$.05 per thousand for bond and bond related transactions.

During 2009, NW Financial has spent a considerable amount of time analyzing and recommending complex deals to help reduce the Authority's interest rate swap exposure, possibly refinance the Series 1991D bonds, and invest the proceeds of the Series 2009E and F

bond issue, all under difficult market conditions. These tasks were completed in addition to the base financial advisory services provided to the Authority. As these additional services have gone beyond the scope of the original award, the annual fee for 2009 will exceed the approved amount by approximately \$46,000.

NW Financial has provided the Authority with exemplary financial advisory services for over seven years, and has been instrumental in helping the Authority to reduce its variable rate debt and swap exposure over the past year. Accordingly, approval is recommended to increase the 2009 annual fee by \$46,000, bringing the total fee not to exceed \$121,000 for base financial advisory services.

Reviewed by the Law Director, available funds certified by the Comptroller as appropriate, the Executive Director certified the recommendations for consideration.

On motion by Commissioner Hodes, seconded by Commissioner Diaz, the Authority unanimously approved the fourteen (14) item Purchasing agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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STRATEGIC POLICY AND PLANNING

291-09

Strategic Policy and Planning Director Lennon presented the recommendation in a memorandum dated November 25, 2009, concerning the **2010 Strategic Plan Update and 10-year Capital Investment Plan.**

Pursuant to N.J.S.A. 27:23-3.2, the New Jersey Turnpike Authority's 2010 Strategic Plan Update and 10-year Capital Investment Plan were submitted for consideration.

This Strategic Plan Update and Capital Investment Plan for 2010 represents the current review of our capital projects and corresponding funding sources. These projects are interrelated with the New Jersey Department of Transportation's Capital Plan and are included as part of the Statewide Transportation Improvement Plan (STIP).

The Capital Investment Plan identifies proposed transportation projects that will further the strategic goals and objectives of the organization, and the associated funding levels for Fiscal Years 2010 through 2019. The Authority's proposed Capital Program is financed through its Construction, Maintenance Reserve, Special Project Reserve and Supplemental Capital Funds, and is subject to available funding. The items listed in the capital program are fiscally unconstrained and approval is requested.

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

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority

unanimously approved the recommendation; adopted the 2010 Strategic Plan Update and 10-Year Capital Investment Plan, in substantially the same form provided; and received and filed the memoranda.

The Chairman complimented Director Lennon on this submission and requested that, after the Governor's veto period expires, it be made readily available as suggested reading.

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GENERAL BUSINESS

292-09

Deputy Law Director Cavanaugh presented a memorandum dated December 9, 2009, concerning the **Ratification of Railroad Protective Insurance Placement with Travelers Insurance Company** – for Contract No. T100.123, Rolling Owner Controlled Insurance Program (ROCIP), Construction Projects on the Turnpike and Parkway Roadways, Project No. 31001010.

By Agenda Item 137-09 at the May 27, 2009 Commission Meeting, the Commissioners delegated authority to the Executive Director to place and bind various insurance coverages with respect to the New Jersey Turnpike Authority's two (2) Owner Controlled Insurance Programs ("OCIP"), one of which is the Rolling OCIP for construction projects on the Turnpike and Parkway Roadways. By Agenda Item 164-09, the Commissioners ratified, in all respects, the placement of the various insurance coverages. At the time of these two Commission actions, it was not known whether the Authority or the individual contractors would be providing Railroad Protective Liability Insurance for each of the construction projects under the Rolling OCIP. The Authority has decided to provide such direct coverage in favor of the railroads. This insurance will cover all project-related claims which occur within 50 feet of a railroad right-of-way.

The first project requiring such coverage is Contract T100.123, Northern Turnpike Bridge Deck Reconstruction, Mile 83.0 to Mile 122.0 and Newark Bay-Hudson County Extension. This insurance, underwritten by travelers insurance Company, will provide \$2,000,000 limit coverage and \$6,000,000 aggregate for each of the three rail lines which run through the project site: Conrail, New Jersey Transit, and Amtrak, in order to meet all of the rail lines requirements, for a total cost to the Authority of \$50,259, plus applicable surcharges, fees and taxes. The insurance shall be in effect for the duration of Contract T100.123.

The Authority is currently working with its broker, Allied North America, to provide blanket railroad protective coverage on a rolling basis for all construction projects in the ROCIP Program in order to avoid procuring this type of insurance repeatedly for each project, and hopes to present to the Commission a recommendation for same.

Accordingly, it is recommended that the Commissioners ratify in all respects the placement of the Railroad Protective Liability Insurance coverage with Travelers Insurance Company at the limits, term and premium as set forth above.

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

On motion by Commissioner Diaz, seconded by Commissioner Hodes, the Authority unanimously ratified the recommendation, as presented; and received and filed the memorandum.

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293-09

Secretary Stanko presented the recommendation contained in her memorandum dated November 23, 2009, concerning **Authorization to Publish Notice of the 2010 Schedule of Commission Meetings** for the New Jersey Turnpike Authority.

Authorization is requested to publish public notice of the 2010 New Jersey Turnpike Authority Commission Meetings in accordance with Chapter 231, P.L. 1975, as set forth in the schedule submitted below. All Commission Meetings will be held at the New Jersey Turnpike Authority Administration Offices located at 581 Main Street, Woodbridge, New Jersey; commencing at 9:30 A.M., unless otherwise notified.

PROPOSED 2010 COMMISSION MEETING SCHEDULE

JANUARY 26, Tuesday	JULY 27, Tuesday
FEBRUARY 23, Tuesday	AUGUST 31, Tuesday
MARCH 30, Tuesday	SEPTEMBER 28, Tuesday
APRIL 27, Tuesday	OCTOBER 26, Tuesday
MAY 26, Wednesday	DECEMBER 15, Wednesday
JUNE 29, Tuesday	

The Executive Director certified the recommendation for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved the recommendation; authorized Publishing Notice of the 2010 Schedule of Commission Meetings for the New Jersey Turnpike Authority, as presented; and received and filed the memorandum.

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294-09

Executive Director Gutierrez-Scaccetti presented the recommendation contained in a memorandum dated December 9, 2009, concerning adoption of a **Partnership Resolution for the 2010 Census.**

The United States Census Bureau has requested the support of the New Jersey Turnpike Authority in emphasizing the importance of the 2010 national census.

The 2010 Census is a count of everyone living in the United States and is mandated by the United States Constitution. Census data are used to distribute congressional seats to states, to distribute more than \$300 billion in federal funds to local, state and tribal governments each year and to make decisions about what community services to provide.

An accurate census count is vital to the well being of communities and residents' by helping planners determine where to locate schools, day-care centers, roadways and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs. Those decisions and growth determinations play a part in how the Authority continues to project, plan and meet the transportation needs of the citizens of New Jersey.

The Authority's partnership proposal will be to display bullnose signs at toll plazas, banners at our service areas, a message on our electronic billboard at the Arts Center and the Authority website will provide a link to the Census 2010 website.

The link to the Census 2010 website is already on our website. The banners, bullnose signs and message on the electronic billboard, if approved by the Census National Processing Center, will be put up the middle of March until the middle of May.

There is no cost to the Authority. Conversely, the Authority's Print Shop may be engaged as a vendor to print the bullnose signs for the Parkway, Turnpike and Atlantic City Expressway, if approved by the Regional Census Center.

Further, the Authority's Toll Collection Department, Patron Services Division and Constituent Services Division have been advised and are prepared to place the public service announcements, as identified above.

Accordingly, a 2010 Census Partnership Resolution is submitted herewith for approval and adoption is requested.

RESOLUTION
2010 CENSUS PARTNER

WHEREAS, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs; and

WHEREAS, more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data; and

WHEREAS, census data ensure fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts; and

WHEREAS, the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community; and

WHEREAS, the information collected by the census is protected by law and remains confidential for 72 years.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Turnpike Authority is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010; and as a 2010 Census partner, we propose to: 1) Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate; and 2) Encourage people in the Authority to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness of the 2010 Census and ensure a full and accurate census.

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295-09

ITEM DEFERRED

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296-09

Finance Comptroller Manuelli presented the recommendation in the memorandum dated December 1, 2009, concerning **Financial Certification for Years 2009 and 2010.**

Under the provisions of Section 713 of the Turnpike Revenue Bond Resolution adopted by the Authority on August 20, 1991 as amended and supplemented (the "Resolution") on or before December 1 in each year, the Authority shall complete a review of its financial condition for the purpose of estimating whether the Net Revenues (as such term is defined in the Resolution) for such year and for the next succeeding year will be sufficient to comply with subsection (b) of Section 713 of the Resolution and shall by resolution make a determination with respect thereto. A copy of such resolution, certified by an Authorized Officer of the Authority, together with a certificate of such Authorized Officer setting forth a reasonably detailed statement of the actual and estimated receipts and the payments to be made there from for such year, upon which such determination was made, shall be filed with the Trustees on or before December 20.

Failing to meet the requirements of Section 713 of the Resolution, the Authority is required to have the Traffic Engineers make a study for the purpose of recommending a schedule of tolls which will provide the necessary revenues to meet the requirements.

Review of the financial condition of the Authority for the years 2009 and 2010 has been completed and the Authority is now in a position to make the determination showing that the requirements of Section 713 (b) of the Resolution will be met in the years 2009 and 2010.

The detailed schedules submitted for Commissioner review provide information relative to the years of 2009 and 2010 under review, and their contents are summarized here:

Schedule A

This schedule contains a Resolution which states that a review has been made of the Authority's financial condition for the purpose of estimating whether the tolls, revenues, fees, charges, rents and other income and receipts from the operation of the New Jersey Turnpike and the Garden State Parkway during 2009 and 2010, including investment income treated as revenues for each year, will be sufficient to provide all of the payments and meet all other requirements as specified in subsection (b) of Section 713 of the Resolution.

Schedules B and C

These schedules set forth calculations relative to 2009's revenue requirements. Specifically, the schedule provides actual revenue through October 31, 2009 and projected revenue for the balance of the year (November-December, 2009).

Schedules D and G

These schedules set forth figures to support the certification under Section 713(c) of the "Resolution" demonstrating that in each calendar year "Net Revenues shall at least equal the Net Revenue Requirement for such year" as required by Section 713(b) of the Resolution. Under Section 101 of said Resolution, Net Revenues are defined as "... for any calendar year or other period of time, the Pledged Revenues during such year or period less the amounts of the Operating Expenses for such year or period." The Net Revenue Requirement means with respect to any period of time, "an amount equal to the greater of

- (i) The Sum of the Aggregate Debt Service, Maintenance Reserve Payments, Required State Payments, Special Project Reserve Payments, and payments, if any to the Charges Fund for such period
- OR
- (ii) 1.20 Times the Aggregate Debt Service for such period (excluding, for purposes of clause (ii) only, any payment due and payable by the Authority under a Qualified Swap upon an early termination thereof)."

Schedules E and F

These schedules set forth calculations relative to 2010's financial projections and estimated revenue provisions.

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority unanimously accepted the certification schedules by Revenue Comptroller Manuelli that certain requirements of Section 713(b) of the Turnpike Revenue Bond Resolution will be met in the years 2009 and 2010; received and filed the memoranda; and hereby adopted the following **Resolution** (as identified in Schedule A):

RESOLUTION 296-09

WHEREAS, the Authority, in accordance with subsection (c) of Section 713 of its Turnpike Revenue Bond Resolution adopted August 20, 1991 as amended and supplemented (the "Resolution"), has completed a review of its financial condition for the purpose of estimating whether the tolls, revenues, fees, charges, rents and other income and receipts from the operation of the New Jersey Turnpike and the Garden State Parkway during 2009 and 2010, including investment income treated as revenues for such year, will be sufficient to provide all of the payments and meet all other requirements as specified in subsection (b) of Section 713 of said Resolution.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Turnpike Authority as follows:

1. That it is determined based upon the review of the financial condition of the Authority as described in the recital hereof, the tolls, revenues, fees, charges, rents and other income and receipts from the operation of the New Jersey Turnpike and the Garden State Parkway during 2009 and 2010, including investment income treated as revenues for such year will be sufficient to comply with subsection (b) of Section 713 of the Resolution.

2. That a copy of this resolution certified by the Comptroller of the Authority, together with a certificate of said Comptroller setting forth a reasonably detailed statement of the actual and estimated receipts and payments to be made there from for 2009 and 2010 as shown in schedules which were utilized in said review, shall be filed in its entirety with The Bank of New York and U.S. Bank as Co-Trustees, under the Resolution, all in accordance with said Section 713 of said Resolution.

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297-09

Finance Comptroller Manuelli presented the **Financial Summary** of the New Jersey Turnpike Authority for the Ten Months ended October 31, 2009.

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority's financial report was unanimously accepted and received for file.

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Operations Director Hill requested approval of items 298-09 through 300-09; moved together, those items are as follows:

298-09

In a memorandum dated December 2, 2009, concerning authorization to **Pay TRANSCOM – 2010 Annual Membership Contribution**, Account 10-890-445900.

As per the agreement between the New Jersey Turnpike and TRANSCOM, the Authority is required to make an annual contribution for operating costs. The annual contribution to TRANSCOM for 2010 is \$250,768 and payment is recommended.

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299-09

In a memorandum dated December 8, 2009, concerning the recommendation to

Authorize the 2010 Contributions for Ambulance Squads and Fire Departments

Period: January 1, 2010 through December 31, 2010, Operating Budget Account No. 10-710-442060.

It has been the policy of the New Jersey Turnpike Authority to make contributions to volunteer ambulance squads and fire departments that are on-call and provide services on the New Jersey Turnpike and Garden State Parkway roadways.

Ambulance squads are paid a standby contribution and per call contribution. Fire Departments are paid a standby contribution and a contribution based on the number of apparatus responding per call.

At the December 2008 Commission Meeting authorization was granted to allow for a standard schedule of contributions for both the New Jersey Turnpike and Garden State Parkway and a maximum contribution amount covering both roadways was authorized for all of 2009. The actual numbers for the first six months and current assessment for the last six months indicate that the 2009 expenditure for these emergency response providers will be within the amount previously authorized.

Accordingly, it is recommended that the Authority be authorized to make contributions for anticipated services to be provided on the New Jersey Turnpike and Garden State Parkway in an estimated amount not to exceed \$590,000, for the year of 2010.

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300-09

Resume of All Fatal Accidents – Garden State Parkway and New Jersey Turnpike.

Submitted by Operations Director Hill, they contain a descriptive summary for the Period 1/1/09 to 12/02/09, together with 2008 – 2009 Yearly Comparisons for the ten months through October 2009.

On motion by Commissioner Diaz, seconded by Commissioner DuPont, the Authority unanimously approved the two (2) Operations Department recommendations as presented, accepted the fatal accident résumé's; and received and filed the memoranda.

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301-09

New Jersey State Police Troops D and E - Reports of Activities for the ten months

through October 2009, including 2008 – 2009 Yearly Comparisons, were submitted by Major Walker, New Jersey State Police Troop D Commander.

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

Explaining that Troop E Commander Burke was busy with last minute details for dedication of the new Troop E Headquarters to be held here today; Major Walker, on behalf of

Major Burke and all State Troopers, expressed many thanks to the New Jersey Turnpike Authority and all those who have provided enormous cooperation and support especially over the last few years. He said that this new building and accompanying technology will greatly improve the ways in which Trooper duties will be performed and offered his personal gratitude.

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At this juncture, the Chairman requested the Executive Director to proceed with the monthly report which reflects on certain activity of the Authority. A summation of the Executive Director's report is as follows:

- ◆ Financial Certification: Extraordinarily favorable under difficult market conditions.
- ◆ Bonds: In the last months there have been an unprecedented nine Authority bond issues which have contributed greatly to the Authority's sound footing. In 2010, another \$1.6 billion in bond offerings is anticipated.
- ◆ Engineering: The bond revenues will allow for more construction on important transportation infrastructure which in turn will support jobs.
- ◆ Charitable Endeavors: First – in New Jersey, a collection of 160 turkeys and 3,000 lbs of assorted goods were distributed to over 160 families for Thanksgiving. This is an increase over the 2008 total of 123 families. Second – for United States military personnel stationed in the more remote war outposts of Afghanistan and Iraq, where supplies are difficult to acquire and there is no access to a PX; simple items such as socks, toiletries, snacks and gum are luxuries. Coordinated by Dennis Zilinski of the maintenance department, whose own son was killed in Iraq in 2005, the help of NJ State Police Troop E and the Unilever Adopt a Soldier Platoon program who agreed to pay for shipping, over 1000 lbs of goods were collected for distribution to the US troops serving our country in those areas.

Thanks with pride were extended to everyone for their participation and the extensive effort put forth in both Food/Supply Drives.

- ◆ Confidence: Thank you to the Authority's Commissioners for their confidence in allowing us to proceed with all the recommended initiatives. Board support has given the Authority new life. We will not abuse it and will continue to honor that trust in our professional and personal lives.

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Upon conclusion of scheduled matters, Chairman Dilts opened the floor to public comment on other matters. There being no comments from the floor, the Chairman proceeded to report that this may be his last meeting as Chairman. He pointed to the extraordinary growth occurring which includes the widening projects for the both the Turnpike and Parkway, the Statewide Traffic Management Center and the new State Police Troop E Headquarters that is being dedicated today. He advised that the Authority is known as one of the finest agencies, both nationally and internationally, and the special partnership with State Police Troops D and E is important to that achievement. He acknowledged that the public takes for granted the level of

work that is required to maintain such status. In his concluding remarks, Chairman Dilts thanked everyone for their hard work and expressed his honor at being part of the New Jersey Turnpike Authority organization.

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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 10:14 A.M., to meet on Tuesday, January 26, 2010, 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 two-month period: October 1 through November 30, 2009.

REPORT OF UTILITY ORDERS – under EDDA 117-05, modified by EDDA 150-09; Dated for December 16, 2009.

REPORT SUMMARY OF CONTRACT CHANGE ORDERS; only for Type 1 and Type 2 – Period October 9, 2009 through November 24, 2009; Dated for December 16, 2009.

REPORT OF CONSTRUCTION PROGRESS – Period Ending December 3 2009; Dated for December 16, 2009.

Rose Stanko
Secretary

APPROVED:

Stephen Dilts, Chairman and NJ Department of Transportation Commissioner

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner

Raymond M. Pocino, Commissioner

(ABSENT)

Clive S. Cummis, Commissioner

Troy Singleton, Commissioner

Ulises E. Diaz, Commissioner