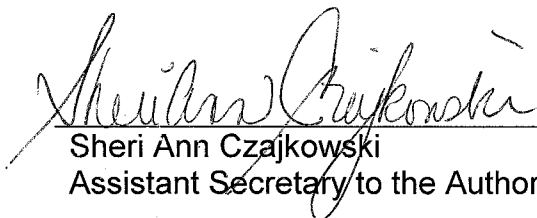


**CERTIFICATION  
OF  
NEW JERSEY TURNPIKE AUTHORITY**

I, Veronique Hakim, hereby certify that I am the Executive Director of the New Jersey Turnpike Authority and as such Executive Director certify that the attached copy of PROCEEDINGS OF THE NEW JERSEY TURNPIKE AUTHORITY is a true and correct copy of the Minutes of the **May 30, 2012** Regular Meeting of the Authority.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the official seal of the New Jersey Turnpike Authority **this 30<sup>th</sup> day of May, 2012.**

ATTEST:

  
\_\_\_\_\_  
Sheri Ann Czajkowski  
Assistant Secretary to the Authority

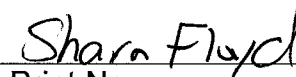
  
\_\_\_\_\_  
Veronique Hakim,  
Executive Director


Corporate Seal

Date: May 30, 2012

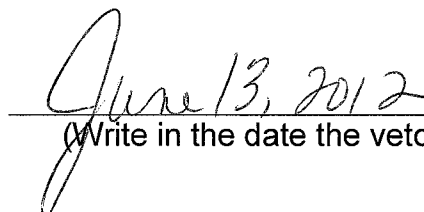
**Received in the Governor's Office on May 30, 2012  
(hand delivered)**

Received by:

  
\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Signature

Veto Period Ends:

  
\_\_\_\_\_  
(Write in the date the veto period ends)

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY****BOARD MEETING****WEDNESDAY, MAY 30, 2012****ooo0ooo**

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

**ooo0ooo****PRESENT**

Present were Chairman James S. Simpson, Vice Chairman Ronald Gravino, Treasurer Michael DuPont; Commissioner Harold Hodes (via telephone); Commissioner Raymond Pocino; Commissioner Ulises Diaz (Absent) and Commissioner Daniel Becht. The meeting commenced at 9:30 a.m.

**ooo0ooo****ALSO PRESENT**

Executive Director Veronique Hakim; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Attorney Maura Tully; Electronic Toll Collection Director Dennis Switaj; Chief Financial Officer Donna Manuelli; Human Resources Director Mary-Elizabeth Garrity; Director of Internal Audit James Carone; Assistant Director of Maintenance Joseph Lentini; Director of Operations Sean Hill; Purchasing Director Andrea Ward; Chief Information Officer Barry Pelletteri; Director of Tolls Robert Quirk; and Assistant Secretary to the Authority Sheri Ann Czajkowski.

Also present were: Governors' Authorities Unit Representative Brett Tanzman; additional individuals consisting of other NJTA employees; interested organizations; the general public; and from the media: The Star Ledger, The Asbury Park Press, The Bergen Record and the Press of Atlantic City.

**ooo0ooo****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.

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**ACTION ON MINUTES**

The Executive Director reported that ten days, excluding Saturdays, Sundays and holidays, have elapsed since Governor Chris Christie received the proceedings of the regular meeting of April 25, 2012; he did not exercise his power to veto any items in those minutes.

Upon motion made by Treasurer DuPont and seconded by Commissioner Becht the minutes of the meeting was unanimously approved.

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**RECUSALS**

The Executive Director 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 the following items:

Commissioner Pocino: 182-05-2012 through 189-05-2012 and 210-05-2012

Vice Chairman Gravino: 211-05-2012

Commissioner Hodes : 202-05-2012 and 203-05-2012

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**PUBLIC COMMENT**

Chairman Simpson opened the floor to public comment on matters relating to the current agenda and all other matters.

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**MURRAY BODIN**

Mr. Bodin raised a concern about the striping patterns, including the gores, of the exit lanes on the Authority's roadways. He read an excerpt from an e-mail he distributed to Authority staff, and handed to the Commissioners, "This is to inform your organization that hazardous and dangerous conditions exist at various roadway exits that can cause driver confusion and lead to accidents. I understand that if your organization does not correct these conditions there may be a liability created by the failure to correct these conditions." Mr. Bodin further thanked all of the people who have worked with him regarding the issues he has presented at Authority Board meetings. He plans on discussing the same topic at the board meetings of other transportation agencies. Mr. Bodin indicated that the culture of 'we have always done it that way' is difficult to change, but such change can save lives. Mr. Bodin stressed the need for State Troopers to wear reflective safety vests when they exit their vehicles.

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**COMMISSIONER'S COMMENTS**

Vice Chairman Gravino thanked Treasurer DuPont for his role as the President of the Garden State Arts Center Foundation (GSACF) and making the opening remarks to 9,000

attendees at the free "Doo Wop Show" held at the Arts Center.

Vice Chairman Gravino thanked Lt. Joseph Castellano, Operations Officer Troop D, for his continued interaction with the Authority, Live Nation, and other law enforcement agencies to address public safety issues at the Garden State Arts Center. Major Elliott indicated that Lt. Castellano is a subject matter expert who does a tremendous job and the State Police are fortunate to have him.

Vice Chairman Gravino commented regarding a motorist aid made by Trooper Manzo on May 24, 2012. Trooper Manzo observed a vehicle stopped on the Driscoll Bridge. When he approached the vehicle, he found the female driver in a hysterical state writing a suicide note. Trooper Manzo was able to calm the woman and get her into his troop car. Trooper Manzo's efforts saved the woman's life.

Major Elliott indicated that this type of situation is one that NJ State Troopers deal with on a daily basis but the public is unaware of. Major Elliott thanked the Authority for its support of the State Police throughout the years and stated that the Authority's support is a major reason why the State Police are able to put Troopers in positions that can save lives.

Vice Chairman Gravino referenced a major arrest on May 18, 2012 in Middletown, NJ. The arrest resulted in the seizure of a significant amount of narcotics and high caliber weapons. The arrest was a product of a NJ State Police Quality of Life Detail in the Authority Service Areas. The State Police followed leads that developed with a Service Area arrest to the arrest in Middletown.

Major Elliott indicated that the Quality of Life Detail is in place at the Service Areas wherein several investigations occur with the use of Detectives from Troop D, Criminal Investigations Office. Senator Joseph Kyrillos, who represents Middletown, NJ, was grateful for the State Police's efforts and wrote a letter to the Troopers to thank them for their efforts.

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### **EXECUTIVE DIRECTOR'S COMMENTS**

ED Hakim advised that on late Friday night – May 25, 2012 -- she was contacted by the New Jersey Devils, who had just advanced to the Stanley Cup Finals. The Devils requested to put up bull nose signs on our roadways. The Devils would pay for the signs. ED Hakim commended the Authority's Print Shop and Tolls Departments for their efforts to print the bullnose signs and have them on the roadways by Sunday May 27, 2012.

Chairman Simpson discussed a major campaign in New Jersey called Clean New Jersey, which is designed to keep the state's roads clear from trash and graffiti. The Chairman commented on this statewide initiative and thanked the Authority for its efforts in keeping both the Turnpike and Parkway clean.

Chairman Simpson also indicated that the Adopt a Highway Program is in place for non-profit organizations to participate by cleaning areas. Chairman Simpson asked everyone to pay

attention to the roadways and if you notice litter contact the Authority so it can be addressed immediately.

ED Hakim reflected on how the Authority is making extra efforts to clean-up graffiti immediately. Chairman Simpson indicated that DOT put major workforce out to clean-up graffiti as well.

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## HUMAN RESOURCES

Director of Human Resources Mary-Elizabeth Garrity requested approval of item 172-05-2012. Moved is the item as follows:

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### 172-05-2012

Human Resources Director Garrity submitted the Personnel Agenda, dated May 30, 2012, and requested confirmation of the personnel matters contained therein. The Executive Director certified the recommendations for consideration.

On motion by Commissioner Pocino and seconded by Commissioner Becht 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.

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## LAW

Attorney Maura Tully requested approval of items 173-05-2012 through 178-05-2012. Moved as a group those items are as follows:

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### 173-05-2012

In a memorandum dated May 16, 2012, a Recommendation for Ratification of Action Taken and Authorization for the Acquisition of Property Interests and Payment of Related Expenses Required for the New Jersey Turnpike Authority Interchange 6-9 Widening Program, 2009 Capital Construction Program, Acquisition of Four (4) Properties, in an amount of \$789,960.00, (\$267,700.00 was previously approved, an additional \$522,260.00 is required), was approved.

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 property rights needed through final construction of the Widening Program with final action being brought to the Commissioners for ratification under Agenda Item No. 315-09-2011.

This Agenda Item seeks authorization to acquire certain property interests and pay certain expenses related to same, as well as ratify final action taken as to other property interests as follows:

**I. Negotiated Acquisitions:** The Authority has determined that the properties listed below are necessary for the Widening Program. To that end, the Authority had an appraisal 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 owner and its respective counsel as appropriate for the purchase of same or the settlement of any claims related to the acquisition 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 the properties for which the parties have finalized negotiated terms of sale:

- 1) Turnpike Design Section 1, Turnpike ROW Section 3D  
Parcel Series 178, Block 47.01, Lots 11 & 12 (Partial Taking)  
Columbus Road & Jacksonville Road, Mansfield Township, Burlington County  
Owner: Avis Realty, LLC  
Amount: \$620,960 (\$146,700 was previously approved for condemnation, an additional \$474,260 is required for settlement of this matter)

The Authority's Commissioners previously approved the acquisition of the required property interests by condemnation under Agenda Item No. 90-09, however, no complaint was filed. After extensive negotiations and prior to a commissioners hearing and trial, the parties were able to reach a settlement via Consent Order of this matter in the amount of \$620,960.

- 2) Turnpike 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. Airing  
Amount: \$4,000 (\$3,000 was previously approved; an additional **\$1,000** is required)

The Authority's Commissioners previously approved the acquisition of a 6 month temporary construction easement and 12 month extension under Agenda Item Nos. 267-09 and 198-06-2011. An additional 6 month extension of the temporary construction easement is required in the amount of \$1,000.

**II. Settled Eminent Domain Proceedings.** The Authority has determined that the three (3) 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 the below parcels, the Authority had contacted the respective property owners and entered into good faith negotiations with said owners and their respective counsel for the purchase of same based on the 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 a property acquisition that has been settled after the filing of a condemnation proceeding.

- 1) Turnpike Design Section 6, ROW Section 4J  
Parcel No.1115, Block 22, Lot 18 (**Partial Taking**)  
36 Daniel Street, Township of East Windsor, Mercer County  
Owner: Estate of Homer and Beatrice McLeod  
Amount: \$115,000 (\$95,000 was previously approved for condemnation, an additional **\$20,000** is required for settlement of this matter)

The Authority's Commissioners previously approved the acquisition of the required property interests by condemnation under Agenda Item No. 90-09. After further negotiations and prior to a commissioners hearing and trial, the parties were able to reach a settlement via Consent Order of this matter in the amount of \$115,000.

- 2) Turnpike Section 3, ROW Section 3F  
Parcel Series 329, Block 2733, Lot 1 (**Partial Taking**)  
1040 Yardville-Allentown Road, Hamilton Township, Mercer County  
Owner: Saint James Protestant Episcopal Church  
Amount: \$50,000 (\$23,000 was previously approved, an additional **\$27,000** is required for settlement)

The Authority's Commissioners previously approved the acquisition of the required property interests by condemnation under Agenda Item No. 38-10. After further negotiations, a commissioners hearing and prior to trial, the parties were able to reach a settlement via Consent Order of this matter in the amount of \$50,000.

The acquisitions in Sections I and II above do not involve property 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 has this property been designated or

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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 necessary for the purchase of the properties listed above including the satisfaction of certain other costs required by law to be paid at closing. All actions taken by the Executive Director have been reviewed by outside counsel and reviewed and approved by the Law Department.

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

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**174-05-2012**

In a memorandum dated May 16, 2012, **a Recommendation for Authorization to Declare Property Surplus to the Authority's Needs, Parkway Section 8, Parcel 4630X, 105 Dugan's Lane, Toms River, Total Area: + 1 Acre, Toms River Township, Ocean County, New Jersey**, was approved.

The Authority is currently preparing to sell at public bid real properties which are no longer needed or used by the Authority. Certain property known as Section 8, Parcel 4630X, located at 105 Dugan's Lane, Toms River, Ocean County, New Jersey, consists of a  $\pm$  1 acre residential lot improved with a single family house. Said structure is currently being used by the Authority as storage and repair for toll equipment, which functions will be transferred to other Authority locations.

In accordance with the Authority's Surplus Property Policy, the Law Department has circulated information regarding the property to the Chief Engineer, the Acting Assistant Director of Maintenance, the Director of Operations and the Authority's Engineering Consultant, HNTB Corporation, for review. Each has reviewed the information regarding Parcel 4630X, and all have certified that the Authority no longer requires the property and does not see any future use of the property by the Authority.

Accordingly, it is recommended that authorization be given to declare Parcel 4630X as surplus to the Authority's needs. It is further recommended that the Executive Director be authorized to take any other steps necessary to prepare for the sale of this parcel, and execute any documents in accordance with the Authority's Surplus Property Policy upon review of such action by Counsel and review and approval by the Law Department.

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**175-05-2012**

In a memorandum dated May 11, 2012, **a Request for Authorization to Enter into a Memorandum of Agreement with New Jersey Department of Transportation for Design/Coordination of Turnpike Interchange 9 Reconstruction and State Highway 18**



Improvements, was approved.

Approval is requested for a Memorandum of Agreement No. 43-12 with the New Jersey Department of Transportation. This Agreement is required for the reconstruction of Interchange 9 of the New Jersey Turnpike in the Township of East Brunswick, Middlesex County and reconstruction and alignment modifications to State Route 18 in the vicinity of Interchange 9. The design of the improvements are being performed by the Authority under OPS T3254, Design and Environmental Permitting for Improvements at Interchange 9, which was approved by the Commissioners at the August 2009 Board Meeting. The construction of the improvements will be done under Contract No. T300.176, Interchange 9 Improvements, Grading, Paving, Drainage and Structures at Milepost 83.0, Township of East Brunswick, Middlesex County, which is anticipated to be advertised in June 2012 and awarded in August 2012. Under the Agreement, the Authority will pay for all costs associated with the project, including design costs, construction costs, utility relocation costs and construction management costs. The New Jersey Department of Transportation will perform plan reviews; permit access to the site; provide support in obtaining environmental permits, utility relocations, and obtaining right of way; and monitor construction, including providing inspectors as needed and advice to the Authority's Construction Manager.

Accordingly, it is requested that Board of Commissioners delegate to the Executive Director the authority to execute Agreement No. 43-12 with the New Jersey Department of Transportation pursuant to the terms outlined above. It is further recommended that the Commissioners authorize the Executive Director to execute any such other documents and take any such other actions as are deemed necessary to effectuate the intent of this authorization.

This Contract procurement is authorized under N.J.A.C. 19:9-2.2(d)(3), promulgated under N.J.S.A. 27:23-1, et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine), which exempts contracts with the Federal or any state government or any agency or political subdivision thereof from public bid requirements.

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**176-05-2012**

In a memorandum dated May 11, 2012, **a Request for Authorization to Enter into an Agreement No. 30-11 with Atlantic County for Design, Permit Compliance and Construction Improvements on the Garden State Parkway Interchanges 41 and 44**, was approved.

Approval is requested for Agreement No. 30-11 with the County of Atlantic. This Agreement is required, as part of the New Jersey Turnpike Authority's 10-year capital improvement program, for: (A) the construction of a new Interchange (Interchange 41) on the Garden State Parkway at the location of Jimmie Leeds Road (County Route 561) in Galloway Township, Atlantic County consisting of four (4) new ramps with northbound and southbound entrances and exits; and (B) the expansion of Interchange 44 at the location of Pomona Road

(County Route 575) by constructing two (2) additional ramps with a northbound and southbound entrance. Both the Interchange 41 and 44 construction will provide access to Atlantic County's Richard Stockton College and enhanced access to County Route 575. Agreement No. 30-11 identifies specifically the project, the Authority's and County's respective obligations, expense sharing for the construction, cooperation in securing environmental/governmental permit approvals and access to the Authority within the County's right-of-way in order to complete the construction.

The Authority will provide all funds for design, preparation of environmental documents and construction. The County will pay all costs, not to exceed \$1.2M, for land acquisition to improve the County roads and for mitigation of secondary environmental impacts such as necessary land acquisition to comply with the New Jersey Department of Environmental Protection's and Pinelands Commission's mitigation requirements. The County shall also bear its own costs for in-house engineering, professional planning, right-of-way acquisition/condemnation costs and legal fees. The County expressly covenants, however, not to seek additional funding for land acquisition or environmental mitigation should its actual costs exceed the "not-to-exceed" amount of \$1.2M.

Additional provisions of the Agreement require: (1) the County of Atlantic to cause its construction and maintenance contractors to carry insurance as specified in the Agreement and the Authority to add the County of Atlantic as an Additional Insured under its Owner Controlled Insurance Program; (2) a mutual indemnification clause without waiver of sovereign immunities; and (3) State Police statutory enforcement jurisdiction within construction zones of the Garden State Parkway. The Agreement, however, does not address each party's responsibility for structural and other infrastructure maintenance of completed facilities. Duties and responsibilities for such activities will be the subject of separate, new Jurisdiction Agreements to either replace or reaffirm provisions of existing Jurisdictional Agreements that apply individually at each crossing of the respective properties of the Authority and the County of Atlantic.

The terms of Agreement No. 30-11 have been reviewed by the Authority's Engineering and Law Departments, and by the County of Atlantic and have been deemed satisfactory. Accordingly, it is requested that the Board of Commissioners delegate to the Executive Director the authority to execute Agreement No. 30-11 with the County of Atlantic pursuant to the terms outlined above. It is further recommended that the Commissioners authorize the Executive Director to execute any such other documents and take any such other actions as are deemed necessary to effectuate the intent of this authorization.

This Contract procurement is authorized under N.J.A.C. 19:9-2.2(d)(3), promulgated under N.J.S.A. 27:23-1, et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine), which exempts contracts with the Federal or any state government or any agency or political subdivision thereof from public bid requirements.

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177-05-2012

In a memorandum dated May 15, 2012, a Recommendation to Approve Appraisal Waiver Policy, was approved.

The New Jersey Turnpike Authority is authorized by N.J.S.A. 27:23-5(j) to acquire any land or other property by purchase or otherwise, on such terms and conditions as the Authority may deem proper, or by condemnation in the manner provided by the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. On occasion, property needed by the Authority for its transportation projects is of low value, and the time and expense in obtaining a full appraisal of the property prior to acquisition is not warranted in comparison to its value. Thus, to promote efficiency in the Authority's property acquisition process, staff recommends that the Authority adopt a policy by which, in certain circumstances, property may be acquired without use of an appraisal. Instead, an informal Administrative Determination of Value (ADV) shall be used to estimate the just compensation to be paid to a property owner. Staff anticipates that this policy will be appropriate for several small parcels to be acquired as part of the Garden State Parkway Interchanges 9, 10 and 11 Improvement Project.

Under the proposed policy, a copy of which is attached, an ADV shall be used in cases where the valuation issue is uncomplicated and anticipated value of the proposed acquisition is estimated at \$10,000 or less, as determined by the Director of Law. If appropriate, the Executive Director may approve the use of an ADV for property with an estimated value of \$10,000 to \$25,000. If a settlement with a property owner cannot be reached using an ADV, an appraisal will be used. This policy is consistent with the process used by the New Jersey Department of Transportation and comports with the waiver valuation requirements of the Federal Highway Administration (FHWA), as set forth in 49 C.F.R. 24.102.

Accordingly, it is requested that the Board of Commissioners adopt an Appraisal Waiver Policy in accordance with the terms set forth above. It is further recommended that the Commissioners authorize the Executive Director to execute any such other documents and take any such other actions as are deemed necessary to effectuate the intent of this authorization.

**NEW JERSEY TURNPIKE AUTHORITY**  
**APPRAISAL WAIVER POLICY**

The New Jersey Turnpike Authority is authorized by N.J.S.A. 27:23-5(j) to acquire any land or other property by purchase or otherwise, on such terms and conditions as the Authority may deem proper, or by condemnation in the manner provided by the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. On occasion, property needed by the Authority for its transportation projects is of low value, and the time and expense in obtaining a full appraisal of the property prior to acquisition is not warranted in comparison to its value. Thus, to promote

efficiency in its property acquisition process, the Authority has determined that in certain circumstances, as defined below, property may be acquired without use of an appraisal. Instead, an informal Administrative Determination of Value (ADV) shall be used to estimate the just compensation to be paid to a property owner. The process by which an ADV is determined by the Authority is set forth below. This process is consistent with the procedures used by the New Jersey Department of Transportation and comports with the waiver valuation requirements of the Federal Highway Administration (FHWA), as set forth in 49 C.F.R. 24.102.

1. An ADV represents an informal estimate by the Authority of the just compensation to be paid to a property owner. An ADV is used in lieu of an appraisal and by definition is not an appraisal. It is anticipated that an ADV would be completed in an abbreviated time frame, in order to permit accelerated negotiations. In the event that a settlement cannot be reached with the owner or the owner requests an appraisal, the Authority will prepare an appraisal prior to the conclusion of negotiations.

2. Use of an ADV is appropriate in cases where the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less, based on a review of available data. The determination of whether an ADV shall be used for the initial valuation of a property to be acquired shall be made by the Director of Law or his or her designee. Factors that may be considered in this determination include, but are not limited to, the nature and complexity of the acquisition, estimated value of the property and the anticipated reaction of the property owner.

3. If appropriate, upon recommendation by the Director of Law, the Executive Director may approve the use of an ADV for property with a value greater than \$10,000, up to a maximum of \$25,000. In such cases, the Authority shall offer to the property owner the option of having the Authority appraise the property. For any property acquisition to be funded by a federal agency, the use of an ADV for property valued between \$10,000 and \$25,000 must also be approved by the federal agency, pursuant to 49 C.F.R. 24.102(c)(2)(ii)(C).

4. The Director of Law or his or her designee shall appoint a person to perform the ADV. The person performing the ADV shall not have any interest, direct or indirect, in the real or personal property to be valued, nor business dealings with its owner(s), tenant(s) or representatives. All potential conflicts of interest must be reported by the person performing the ADV to the Director of Law prior to undertaking any such services. In the event that a potential conflict is discovered in the course of performing the assignment, the person performing the ADV must inform the Director of Law or his or her designee prior to submitting the ADV.

5. Compensation for making an ADV shall not be based on the amount of the valuation estimate. No person shall attempt to unduly influence or coerce the person preparing an ADV regarding any valuation or other aspect of an ADV. The person preparing an ADV must conduct his or her work in accordance with the highest ethical standards.

6. The person preparing an ADV must have sufficient understanding of the local real estate market. If the person preparing the ADV is a licensed or certified appraiser, he or she should not include any appraisal license information on the ADV to avoid creating the impression that the ADV is some form of an appraisal. To the greatest extent practicable, the person preparing the ADV shall also prepare the appraisal report if negotiations cannot be concluded successfully. If the ADV was prepared by a person without the applicable appraisal license or certification, then the appraisal assignment should be done by a person who does hold the requisite license.

7. An ADV is not an appraisal, and therefore a commensurately lesser degree of investigation and analysis should be involved. All property owners on a given project should be treated with consistency and uniformity as ADVs are developed. At a minimum, the property should be inspected and the preparer should secure basic comparable sales data. Sales verification and deed research are not necessary. Property owner accompaniment is not required, but may be permitted by the person preparing an ADV, depending upon the situation and time permitting.

8. In presenting an ADV to a property owner, the Authority shall include a reasonable basis for determining the property value.

9. The final ADV for a property must be approved by the Director of Law or his or her designee.

10. Following the approval of the ADV by the Director of Law or his or her designee, the ADV shall be presented directly to the property owner in writing. The offer letter must clearly state that the compensation offered is based on an ADV, not an appraisal. If the owner requests an appraisal or declines to settle with the ADV, an appraisal should immediately be ordered.

11. If a settlement cannot be reached using an ADV, the Authority will request an appraisal, which will then be presented to the property owner. If continued negotiations with the appraisal are unsuccessful, the case will proceed with the normal condemnation process. The just compensation in such cases shall be based on the appraisal, not the ADV.

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178-05-2012

In a memorandum dated May 15, 2012, Authorization to enter into settlement agreement and release with General Motors, LLC; ESIS, Inc.; and Beyer Brothers Corp. in connection with a thermal event which occurred on July 6, 2011 involving a Crew Cab Pick-up a Tar Melter whereby they were destroyed by fire. General Motors agreed to supply a replacement vehicle (valued at \$30,685) and monetary compensation for the Tar Melter in the amount of (\$31,929), was approved.

On July 6, 2011 two (2) Turnpike Authority vehicles were destroyed by fire in a thermal event. These vehicles were a 2011 Heavy Duty Crew Cab Pick-up and a 2006 Tar Melter. GM

investigated the claim via its third party administrator, ESIS. The Maintenance Department negotiated a settlement whereby GM would bear responsibility for the damage to the Authority vehicles. GM agreed to supply a replacement vehicle for the Heavy Duty Crew Cab Pick-up, through its dealer Beyer Brothers Corp., and further agreed to provide monetary compensation for the damaged Tar Melter. The parties have agreed to settle this matter by accepting a credit of Thirty One Thousand Nine Hundred Twenty Nine Dollars (\$31,929.00) with Beyer Brothers Corp., to be used for a replacement Heavy Duty Crew Cab Pick-up, and the sum of Thirty Thousand Six Hundred and Eighty Five Dollars (\$30,685.00) as compensation for the damaged Tar Melter. In exchange, the Authority will release the parties from liability with respect to this property damage incident. The Maintenance and Law departments have reviewed this settlement and advise that it is fair and in the best interest of the Authority.

Therefore, it is requested that the Commissioners authorize the Executive Director, or her designee, to enter into a Settlement Agreement and Release substantially as set forth above. It is additionally requested that the Executive Director be authorized to execute any additional documents and take any additional actions which may be necessary to effect the intent of this authorization.

On motion by Treasurer DuPont and seconded by Commissioner Pocino, the Authority unanimously approved item number 173-05-2012 through 178-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## ENGINEERING

Chief Engineer Richard Raczynski requested approval of item numbers 182-05-2012 through 187-05-2012, and 210-05-2012. Moved are the items as follows:

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### ORDER FOR PROFESSIONAL SERVICES (OPS)

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#### 182-05-2012

In a document dated May 4, 2012, a Recommendation to Issue Order for Professional Services No. P3412 for the Garden State Parkway to Gannett Fleming, Inc. for Design Services for GSP Widening from Milepost 38 to Milepost 41 through the Ten Year Capital Program Fund No. 39028031 in an amount of \$6,210,000.00, was approved.

The work to be performed under the referenced Order for Professional Services (OPS) will consist of professional services required for comprehensive final design services to implement the widening of the Garden State Parkway from two lanes to three lanes in both the northbound and southbound directions from Milepost 38 to 41.

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 \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and 50 engineering firms were prequalified and eligible under Profile Codes: A090 – Bridges: New; A091 – Bridges: Widening and Modifications; and A250 – Fully Controlled Access Highways. Twelve firms submitted EOIs by the closing date of March 1, 2012.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking: 1) Gannett Fleming; 2) Parsons Brinckerhoff, Inc.; 3) The Louis Berger Group, Inc.; and 4) Dewberry. These four firms were requested to submit Technical and sealed Fee Proposals. The Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Gannett Fleming, Inc. being the highest technically ranked firm. The fee submitted has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. P3412 be issued to the firm of Gannett Fleming, Inc. of South Plainfield, New Jersey not to exceed the amount of \$6,210,000.00. 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 Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1, et seq., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

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#### **183-05-2012**

In a document dated May 7, 2012, a **Recommendation to Issue Order for Professional Services No. A3444 to Stantec Consulting Services, Inc. for On-Call Engineering Services for both Turnpike and Parkway Roadways through Various Budgets in an amount of \$4,000,000.00**, was approved.

The Authority requires the professional services of an on-call engineering consultant to assist the Engineering Department on a variety of tasks on an as-needed basis. The services will generally consist of transportation planning, civil engineering, structural design and evaluation, and coordination and/or construction supervision.

The Order for Professional Services is for a two-year term commencing on or about July 2, 2012 with an option for the Executive Director to approve one, one-year extension, provided the fee ceiling is not exceeded in the prior two years. The total authorized fee is \$4,000,000.00

and each individual task order assignment must be less than \$250,000.00. Each task will be authorized via the Work Request Authorization Form (WRAF) Process under various budgets.

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 \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and ten engineering firms were prequalified and eligible under Profile Codes: A092 – Bridges: Miscellaneous Repairs; A093-Bridges: Deck Replacements and Rehabilitations; A250-Fully Controlled Access Highways; A257-Roadside Safety Features; A300-Roadway Lighting Systems; D470-Surveying: Topographic; D471-Surveying: Property and Right-of-Way; D490-Transportation Planning: Location and Alignment Studies; B153-Roadway Construction Inspection; B154-Roadway Resurfacing Inspection; B155-Bridge Construction Inspection; B157-Bridge Deck Repair/Replacement Inspection; D470-Surveying: Topographic; D471-Surveying: Property and right-of-way; and D490-Transportation Planning: Location and Alignment Studies. Seven firms submitted EOIs by the closing date of March 29, 2012.

The scoring of the EOIs by the Review Committee resulted in the following order of ranking: 1) Stantec Consulting Services, Inc.; 2) WSP – Sells; and 3) McCormick Taylor. These three firms were requested to submit Technical Proposals. The Committee reviewed and evaluated each firm's Technical Proposal and determined that presentations were not necessary. The final scoring resulted in Stantec Consulting Services, Inc. being the highest technically ranked firm. A fee proposal was not required to be submitted because the fee for each task will be negotiated independently in conjunction with the Work Request Authorization Form (WRAF) process.

It is, therefore, recommended that Order for Professional Services No. A3444 be issued to the firm of Stantec Consulting Services, Inc. of Rochelle Park, New Jersey, not to exceed the amount of \$4,000,000.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.8 for design related services and 2.50 for construction inspection related services, based on a 10% allowance for profit and an overhead rate of 154.54%, or, the firm's overhead rate as determined by Federal Audit Regulation procedure, 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., N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.8, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).



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210-05-2012

In a document dated May 23, 2012, a Recommendation to Issue Supplement C to Order for Professional Services No. T3217 for the New Jersey Turnpike to Gannett Fleming, Inc. for Preliminary Engineering and Environmental Studies for Improvements at Interchange 14A through the Ten Year Capital Program Fund No. 39013027, the Original OPS Amount was \$2,050,000.00, the Amount of Supplement is \$58,000.00, the revised OPS Amount is \$2,882,000.00, was approved.

This Order for Professional Services was issued at the April 2009 Commission Meeting in the amount of \$2,050,000.00 to provide environmental studies/investigations, traffic studies; conceptual alternative development; preparation of an Environmental Impact Statement; assistance in the public involvement process; and other related work as necessary to identify the appropriate solution to increase the capacity of Interchange 14A as defined in the RFEOL's Scope of Services. Supplement A, issued in September 2010 in the amount of \$462,000.00, provided for unanticipated work efforts pertaining to an expansion of the study limits to include Interchange 14. These additional studies resulted in the identification of a concept involving the diversion of port destined commercial traffic from Interchange 14A to Interchange 14B as a way of alleviating traffic congestion at Interchanger 14A. That concept was recommended as the Initially Preferred Alternative until significant opposition was received from stakeholders in Jersey City and the NJ Motor Truck Association. Supplement B, in the amount of \$312,000.00 was issued in August 2011 to provide for Gannett Fleming's additional studies and development of additional conceptual alternatives at Interchange 14A due to opposition to the Authority's proposal to divert commercial traffic to Interchange 14B. Additionally, a significant portion of the Environmental Impact Statement required revision because it had been essentially completed based on the originally recommended concept involving the traffic diversion to Interchange 14B.

Supplement C is required to provide preliminary engineering and environmental services to undertake improvements at Interchange 14A and to undertake detailed origin and destination studies associated with the proposed elimination of a traffic signal at 53<sup>rd</sup> Street in Bayonne. The studies were requested by Bayonne public officials to determine the impact that the traffic signal elimination will have on the local street network.

Gannett Fleming, Inc. submitted a proposal in the amount of \$58,000.00 to provide the required services. The proposal has been reviewed, negotiated, and is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplement C to Order for Professional Services No. T3217 be issued to Gannett Fleming, Inc., not to exceed the amount of \$58,000.00. The addition of this amount increases the total authorized fee from \$2,824,000.00 to \$2,882,000.00. 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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184-05-2012

In a document dated April 26, 2012, a Recommendation to Issue Supplement B to Order for Professional Services No. T3260 for the New Jersey Turnpike to T.Y. LIN International for Design and Environmental Permitting for Improvements at Interchanges 15W and 16W through the Ten Year Capital Program Fund No. 39003035, the original OPS Amount was \$1,935,000.00, the amount of Supplement is \$17,600.00, and the Revised OPS Amount is \$2,050,800.00, was approved.

This Order for Professional Services was issued at the October 2009 Commission Meeting in the amount of \$1,935,000.00 to provide engineering services associated with preliminary and final design, environmental permitting, and the preparation of contract documents for improvements at Interchanges 15W and 16W. Supplement A was issued at the October 2011 Commission Meeting in the amount of \$98,200.00 and provided for additional design services required for various out-of-scope tasks including a maintenance area access study at Interchange 16W that resulted in the decision to not construct a new \$7 million bridge for maintenance yard access.

Supplement B will compensate T.Y.LIN International for additional design services for the repair of an existing bridge deck and roadway shoulder as considered necessary before shifting traffic onto the left shoulder of the NSW roadway to perform the contract work. Additionally, the consultant has been requested to incorporate an extension of the Interchange 15W median barrier into the contract to address the high number of unsafe U-turns being made by motorists at the toll plaza.

T.Y.LIN International submitted a proposal in the amount of \$17,600.00 to provide the required services. The proposal has been reviewed and is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplement B to Order for Professional Services No. T3260 be issued to T.Y.LIN International, not to exceed the amount of \$17,600.00. The addition of this amount increases the total authorized fee from \$2,033,200.00 to \$2,050,800.00. 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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185-05-2012

In a document dated May 9, 2012, a Recommendation to Issue Supplement A to Order for Professional Services No. A3343 to Hatch Mott MacDonald for On-Call Environmental Remediation and Compliance Services at Various Locations along the Turnpike and Parkway Roadways through Special Project Reserve Fund No. 04010019, the Original OPS Amount was \$ 950,000.00, the Amount of Supplement is \$335,000.00, the Revised OPS Amount is \$1,285,000.00, was approved.

This Order for Professional Services (OPS) was issued at the June 2010 Commission Meeting in the amount of \$950,000.00 to provide on-call environmental remediation and compliance services for a three year period, August 30, 2010 to August 29, 2013. As a result of the environmental investigation and remediation efforts that have been undertaken by the consultant to date, it has been determined that additional unanticipated work is necessary to remediate existing contamination and to comply with the New Jersey Department of Environmental Protection's requirement to complete all remedial investigations by May of 2014. The additional work will include the installation of an active remediation system at Turnpike Interchange 14, the installation of additional monitoring wells at Turnpike Maintenance District 6 and the removal of pesticide contaminated soil at Turnpike Maintenance District 7. The term of the OPS will not change in conjunction with the Supplement.

Hatch Mott MacDonald submitted a proposal in the amount of \$335,000.00 to provide the required services. The proposal has been reviewed, negotiated, and is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplement A to Order for Professional Services No. A3343 be issued to Hatch Mott MacDonald, not to exceed the amount of \$335,000.00, allocated as follows: \$200,000.00 in 2012 and \$135,000.00 in 2013. The addition of this amount increases the total authorized fee from \$950,000.00 to \$1,285,000.00. 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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186-05-2012

In a document dated May 8, 2012, a Recommendation to Issue Supplement A to Order for Professional Services No. P3358 for the Garden State Parkway to TranSystems Corporation for Design Services for Contract No. P100.233 for Bridge Deck Reconstruction at Milepost 121 to 150 and Contract No. P100.237 for Bridge Deck Reconstruction at Milepost 124 to 163 through the Ten Year Capital Program Fund No. 39001010, the Original OPS Amount was \$ 5,900,000.00, the Amount of Supplement is \$771,000.00, the Revised OPS Amount \$6,671,000.00, was approved.

The Order for Professional Services was issued at the June 2011 Commission Meeting and provided for design services and preparation of contract documents for two construction contracts for bridge deck reconstruction on the Parkway between Milepost 121 and 163. This is the first phase of the Parkway bridge deck reconstruction program, focusing on the bridge deck reconstruction, parapet and median barrier replacement, deck joint replacement, structural steel repairs, drainage, lighting and other related work on twelve high priority bridges.

Supplement A will compensate TranSystems Corporation for additional design services and preparation of contract documents for the superstructure replacement for Parkway Bridge Nos. 150.3, 153.0S and 153.1N as requested by the Authority. These bridges were recently

inspected and load rated using both Load Factor Rating and Load Resistance Factor Rating methodologies for legal and design vehicles and were determined to have very low shear ratings. The inspection revealed shear cracks at the ends of the concrete beams, which indicates the beams are overstressed and which the load ratings support. The load ratings and inspection findings were confirmed by the Authority's General Consulting Engineers, HNTB Corporation, and the Engineering Department concurs with recommendations by TranSystems and HNTB to replace the superstructures of the three bridges. The superstructure replacement will be completed under Contract No. P100.233 which is scheduled to be awarded in the summer of 2013. Immediate repairs, replacement, or load posting are not required given the limitations on truck traffic for this segment of the Parkway. However, in accordance with recommendations from the Authority's General Consulting Engineers, the condition will be monitored on a quarterly basis through the Bridge Inspection Program until the superstructure replacement is complete. The construction cost for the superstructure replacement is estimated at \$10,000,000.00.

TranSystems Corporation submitted a proposal in the amount of \$1,645,000.00 to provide the required services. The proposal has been reviewed and negotiated to a final amount of \$771,000.00, which is considered fair and reasonable for the additional services to be provided.

It is, therefore, recommended that Supplement A to Order for Professional Services No. P3358 be issued to TranSystems Corporation, not to exceed the amount of \$771,000.00. The addition of this amount increases the total authorized fee from \$5,900,000.00 to \$6,671,000.00. 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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**ACKNOWLEDGE REPORTS OF**  
**ENGINEERING EXPENDITURES UNDER DELEGATED AUTHORITY**

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**187-05-2012**

The Board acknowledges the reports of Engineering Expenditures Under Delegated Authority as indicated below:

- Construction Progress Report
- Change Order Summary
- Utility Order Report

On motion by Treasurer DuPont and seconded by Commissioner Becht, the Authority unanimously approved items numbered 182-05-2012 through 186-05-2012 and 210-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda. The Authority unanimously accepted the reports contained in item 187-05-2012 and received same for file.

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**MAINTENANCE**

Assistant Director of Maintenance Joseph Lentini requested approval of item numbers 188-05-2012 and 189-05-2012. Moved is the items as follows:

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**188-05-2012**

In a document dated May 7, 2012, **a Recommendation to Award Contract No. P500.239 to Alma Construction Corporation for the Salt Dome at Garden State Parkway Asbury Maintenance Yard in Monmouth County through the Supplemental Capital Fund No. 08007022 in the amount of \$876,500.00**, was approved.

This contract involves the construction of an 82 foot diameter salt dome, calcium tank, grading and replacement of full depth pavement at the Garden State Parkway Asbury Maintenance Yard at MP 102.4 in Borough of Tinton Falls in Monmouth County, New Jersey.

Eight (8) bid proposals were received on April 19, 2012 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of \$876,500.00, may be compared to the second low bid proposal in the amount of \$911,925.00. Alma Construction Corp. has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P500.239 be awarded to the low bidder, Alma Construction Corp. of Secaucus, New Jersey, in the amount of \$876,500.00. 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 were procured and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

The General Consultant, HNTB Corporation, concurs with this recommendation.

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**189-05-2012**

In a document dated May 7, 2012, **a Recommendation for Final Acceptance, Contract No. P500.141 to McCauley Construction Co., Inc. for the Vehicle Wash Facility at Garden State Parkway Maintenance District 4 through the Supplemental Capital Fund No. 08007023 in an amount due to the contractor of \$29,828.76**, was approved.

This contract involved furnishing and installing a pre-engineered metal building with an automated vehicle wash system and water reclamation treatment system at Maintenance District 4, Milepost 116, Township of Holmdel, Monmouth County, New Jersey. The contract was awarded September 2010 to the low bidder, McCauley Construction Co., Inc., 1340 State Route 36, Hazlet,

NJ in the total amount of \$1,392,900.00.

During the course of the contract, there were 2 Change Orders for a total increase of \$98,538.22 adjusting the final total amount of this contract to \$1,491,438.22.

The Certification and Recommendation for Final Acceptance has been executed by the Engineers, the General Consultants and the Chief Engineer.

All required contract documents including the Engineer's Final Certification, Maintenance Bond, Affidavit of Prevailing Wage and the Final Payment Certificate (10F) have been submitted to the Law Department and approved as to correctness of form. Furthermore, the Law Department advises that there are no liens outstanding against the Contractor.

We concur and recommend that Contract P500.141 be accepted, and that final payment in the amount of \$29,828.76 be made to the Contractor.

On motion by Treasurer DuPont and seconded by Vice Chairman Gravino, the Authority unanimously approved item number 188-05-2012 and 189-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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**PURCHASING**

Director of Purchasing Andrea Ward requested approval of item numbers 190-05-2012 through 197-05-2012 and 200-05-2012 through 204-05-2012; items 198-05-2012 and 199-05-2012 have been removed. Moved as a group those items are as follows:

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**PUBLIC BIDS SOLICITATIONS**

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**190-05-2012**

In a document dated May 9, 2012, **a Recommendation for Diesel Powered Stump Cutters to R.A. Sherman & Associates, Inc., DBA Vermeer North Atlantic Sales and Service, R-90802 through Budget Code: 040 00 540 650010 04008033 in an amount of \$84,922.00,** was approved.

Authorization is requested to award a contract for two (2) new diesel powered stump cutters. The equipment is used to remove tree stumps from grass cutting areas on both Roadways. In addition, the cutters will replace existing older models. The bid was fully advertised and the six (6) vendors listed in the Authority's database for the referenced commodity were notified of the procurement. On April 11, 2012, bids were received as follows:

<b><u>Bidder</u></b>	<b><u>Total Price</u></b>
RA Sherman & Associates, Inc. DBA Vermeer	
North Atlantic Sales and Service, Lumberton, NJ	\$84,922.00
Department Estimate: \$88,000.00	

Non-Compliance

A bid was also submitted by Cherry Valley Tractor Sales, Marlton, NJ in the amount of \$82,482.00. The Maintenance Department staff reviewed this bid and concluded that it did not meet the technical requirements. Specifically, Cherry Valley’s proposed cutter does not comply with the minimum battery amperage (850 CCA v. the specified 950 CCA). In addition, Cherry Valley’s cutter has a smaller cutting wheel sweep arc than specified, and is non-compliant with the required paint color. These deviations are deemed material to the operations and uniformity of the equipment. Accordingly, it is recommended that the bid submitted by Cherry Valley Tractor Sales be rejected and the contract be awarded to the next low bidder, RA Sherman & Associates, Inc., dba Vermeer North Atlantic Sales and Service whose bid is compliant.

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority’s enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to RA Sherman & Associates, Inc., dba Vermeer North Atlantic Sales and Service in a total amount not to exceed \$84,922.00.

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191-05-2012

In a document dated May 16, 2012, **a Recommendation for 1-Ton Cargo Vans to Mall Chevrolet, R-91867 through Budget Code: 040 00 540 650080 04008033 in an amount of \$481,431.50,** was approved.

Authorization is requested to award a contract for (19) one-ton Cargo Vans and Accessories to replace existing older models. The equipment is used by various roadway Divisions, including Toll Technicians, Janitorial and Inventory. The bid was fully advertised and the 9 vendors listed in the Authority’s database for the referenced commodity were notified of the procurement. On April 25, 2012, bids were received as follows:

<u>Bidder</u>	<u>Unit Prices</u>	<u>Total Price</u>
<b>Mall Chevrolet, Inc., Cherry Hill, NJ</b>	<b>\$25,338.50</b>	<b>\$481,431.50</b>
Beyer Bros. Inc., Fairview, NJ	\$26,890.00	\$510,910.00

Department Estimate: \$475,000.00

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority’s enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive

Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to Mall Chevrolet, Inc. of Cherry Hill, NJ, in an amount not to exceed \$481,431.50.

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**192-05-2012**

In a document dated May 16, 2012, **a Recommendation for Air Compressors to Garden State Bobcat, Inc., R-91868 through Budget Code: 040 00 540 650080 04008033, in an amount of \$160,741.00,** was approved.

Authorization is requested to award a contract for seven (7) Diesel-Powered, Trailer-Mounted Air Compressors. The mobile equipment is used on both Roadways to inflate various air tools and other equipment. These are replacement units for older models that have exceeded their life expectancy and which will be sold at surplus if feasible. The bid was fully advertised and the 8 vendors listed in the Authority's database for the referenced commodity were notified of the procurement. On April 25, 2012, bids were received as follows:

<b><u>Bidder</u></b>	<b><u>Total Price</u></b>
<b>Garden State Bobcat, Inc., Freehold, NJ</b>	<b>\$160,741.00</b>
Foley, Inc., Piscataway, NJ	\$226,800.00

Department Estimate: \$161,000.00

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to Garden State Bobcat, Inc. in a total amount not to exceed \$160,741.00.

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**193-05-2012**

In a document dated May 21, 2012, **a Recommendation for First Aid, Safety and Weather-Related Supplies to The Olympic Glove and Safety Co., Inc., RM-92008, through Budget Code: 00010 220020, in an amount of \$70,593.00,** was approved.

Authorization is requested to award a contract for First Aid, Safety and Weather-Related Supplies to be stored in inventory for Authority personnel on both Roadways. Bidders were asked to quote unit and total prices on 93 line items of supplies, including, but not limited to, band aids, respirators, cold packs, emergency blankets, safety glasses, gloves, body harness, ear muffs, first aid kits and safety vests. For comparative purposes, bidders were required to quote on a minimum of 85 out of 93 line items, and the award will be made to the lowest responsible



bidder. The bid was fully advertised and the 15 vendors listed in the Authority’s database for the referenced commodity were notified of the procurement. On May 9, 2012, four bids were received and the results of the bid analysis were as follows:

<u>Vendor</u>	<u>Total Price</u>
The Olympic Glove and Safety Co., Inc., Elmwood Park, NJ	\$ 70,593.00**
Fremont Industrial Corp., Westbury, NY	\$ 73,045.23
Durawear Glove and Safety, Flemington, NJ	\$ 74,801.00
A & A Glove and Safety, Collingswood, NJ	\$103,184.00

Department Estimate: \$82,000.00

\*\* The Olympic Glove and Safety Co., quoted prices for all 93 items, however, the Inventory Division reviewed their proposal and determined that this bidder quoted the incorrect glove for Line Item No. 79 (a single palm leather work glove instead of the specified double palm glove). Therefore, the bid analysis for all bidders is based on the comparison of 92/93 items (deleting Item No. 79).

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority’s enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to The Olympic Glove and Safety Co., Inc., of Elmwood Park, NJ in total amount not to exceed \$70, 593.00.

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**194-05-2012**

In a document dated May 17, 2012, **a Recommendation for 4 Wheel Drive Utility Tractors to Cherry Valley Tractor Sales, R-92113, through Budget Code: 040 00 540 650080 04008033, in an amount of \$194,758.55,** was approved.

Authorization is requested to award a contract for seven (7) 4-Wheel Drive Tractors to replace outdated tractors that have far exceeded their life expectancy. The tractors are used by the Maintenance personnel to pull flail cutting mowers on the mainline grassy areas. Bidders were required to quote unit and total prices for the tractors. These are replacement units and the older models will be sold at surplus if feasible. The bid was fully advertised and the eight (8) vendors listed in the Authority’s database for the referenced commodity were notified of the procurement. On May 10, 2012, bids were received as follows:

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Price</u>
Rodio Tractor Sales, Inc., Hammonton, NJ	\$26,595.00	\$186,165.00**
Storr Tractor Company, Branchburg, NJ	\$27,513.00	\$192,591.00**
Cherry Valley Tractor Sales, Marlton, NJ	\$27,822.65	\$194,758.55
Smith Tractor and Equipment Inc., Washington, NJ	\$28,874.00	\$202,118.00
Central Jersey Equipment LLC, Columbus, NJ	\$32,700.00	\$228,900.00
Cammps Hardware and Lawn Products Inc., Belle Mead, NJ	\$36,269.00	\$253,883.00

Department Estimate: \$294,000.00

Non-Compliance

The Maintenance Department staff reviewed the bids and concluded that the two (2) lowest bidders, Rodio Tractor Sales, Inc., and Storr Tractor Company, respectively, took numerous and significant exceptions to the technical specifications requiring rejection of both bids. Specifically, the two bidders proposed overall smaller design features (weight, engine size, fuel capacity, hitch lift capacity) than required, resulting in their lower bid prices. Based on these discrepancies, Maintenance Staff has recommended rejection of their bids. The third low bidder, Cherry Valley Tractor Sales, fully met the required specifications, and its bid amount is below the Departmental Estimate.

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to Cherry Valley Tractor Sales for in a total amount not to exceed \$194,758.55.

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195-05-2012

In a document dated May 17, 2012, a Recommendation for 15' Flex Wing Mowers to Cherry Valley Tractor Sales, R-92393, through Budget Code: 040 00 540 650080 04008033, in an amount of \$145,651.80, was approved.

Authorization is requested to award a contract for ten (10) 15' Flex-Wing Mowers which are pulled by tractors for mowing on the Roadways. Bidders were required to quote unit and total prices for the units. These are replacement units to replace older mowers that have exceeded their life expectancy. The older models will be sold at surplus if feasible. The bid was fully advertised and the eight (8) vendors listed in the Authority's database for the referenced

commodity were notified of the procurement. On May 10, 2012, bids were received as follows:

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Price</u>
Rodio Tractor Sales, Inc., Hammonton, NJ	\$13,985.00	\$139,850.00**
Peach Country Tractor, Inc., Mullica Hill, NJ	\$14,373.27	\$143,732.70**
Cherry Valley Tractor Sales, Marlton, NJ	\$14,565.18	\$145,651.80
Harter Equipment Inc., Millstone Twp., NJ	\$14,824.00	\$148,240.00
Central Jersey Equipment LLC, Columbus, NJ	\$15,300.00	\$153,000.00
Smith Tractor and Equipment Inc., Washington, NJ	\$15,389.00	\$153,890.00
Storr Tractor Company, Branchburg, NJ	\$16,163.00	\$161,630.00
Cammps Hardware and Lawn Products Inc., Belle Mead, NJ	\$16,545.00	\$165,450.00

Department Estimate: \$150,000.00

#### Non-Compliance

\*\* The Maintenance Department staff reviewed the proposals and concluded that the two lowest bidders, Rodio Tractor Sales, Inc., and Peach County, Inc., respectively, took significant exceptions to the technical specifications. In both bids, the mower deck is 30% thinner than specified and the blade speed is 10% slower than specified. Both of these discrepancies would impact the durability and functionality of the mowers. In addition, both bids included several other exceptions. Based on these discrepancies, the Maintenance Staff has recommended rejection of their bids. The third low bidder, Cherry Valley Tractor Sales, fully met the required specifications, and its bid amount is in line with the Departmental Estimate.

Bids were procured, and authorization is being sought to award this contract in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

Accordingly, authorization is requested to award a contract to Cherry Valley Tractor Sales for 10 Flex-Wing Mowers in a total amount not to exceed \$145,651.80.

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#### 196-05-2012

In a document dated May 17, 2012, a Recommendation for the Rejection of Bids and Re-Advertisement of Contract for Tandem Dump Trucks, R-91640, was approved.

The Maintenance Department requisitioned three (3) Tandem Dump Trucks for roadway use. The bid was fully advertised and the 8 vendors listed in the Authority's database for the referenced commodity were notified of the procurement. Bids were procured in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006).

(NJTA BOARD Meeting – 05/30/2012)

On April 11, 2012, only one bid was received for the Tandem Dump Trucks from Ransome International, LLC. The sole bidder took numerous and significant exceptions to the technical specifications, especially to the snow plow requirements. For example, the bidder took exceptions with respect to the thickness of the steel tubing, angle thickness and supplying fewer adjustment points on the fitting of the snow plow than specified. Given these exceptions, the proposed equipment failed to meet the Authority's minimum requirements. In addition, the sole bid price is approximately 3% above the Departmental estimate. Staff is aware of additional prospective bidders for this equipment and believes that the Authority would benefit from increased competition. The Maintenance Department plans to revise the technical specifications to permit greater participation by different dealers. Therefore, it is recommended that the sole bid be rejected and the contract be re-advertised.

Accordingly, authorization is requested to reject the sole bid from Ransome International, LLC. and re-bid the contract with revised specifications.

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**197-05-2012**

In a document dated May 16, 2012, **a Recommendation for Rejection of Bids and Re-Advertisement of Contract, to Repair of Snap-On Auto Shop Equipment, RM-91582**, was approved.

The Maintenance Department requisitioned a one-year contract for repair services and parts for Snap-on Automotive Shop Equipment for both Roadways. Bidders were required to quote an hourly labor rate for repair of the Snap-on equipment (90 hours), as well as a discount off Manufacturer's List prices for additional parts (\$1,500.00).

Bids were procured in accordance with N.J.S.A. 27:23-6.1 of the Authority's enabling legislation, N.J.A.C. 19:9-2.2, promulgated pursuant thereto, and Executive Order No. 37 (Corzine 2006). The bid was fully advertised, and the six vendors, listed in the Authority's database for the referenced commodity, were notified of the procurement.

On April 11, 2012 one bid was received from Snap-On Industrial, a Division of IDSC Holdings LLC, Crystal Lake, IL. The sole bidder failed to include a quote for a percentage off of parts as required in the specifications. In addition, this bidder quoted only the total price instead of the unit and total prices as required. This information is material to analyzing the bid. Therefore, it is recommended that the bid be rejected and the contract re-advertised.

Accordingly, authorization is requested to reject the sole bid from Snap-On Industrial, a Division of IDSC Holdings LLC, and rebid the contract.

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**198-05-2012**

**(NOT USED)**

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199-05-2012(NOT USED)

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STATE CONTRACTS

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200-05-2012

In a document dated May 25, 2012, a Recommendation for Heavy Duty Truck Parts to Lawson Products, Inc., RM-92607, through Budget Code: 01 010 540 428020; 02 010 540 428020, Contract No. 1428, State Contract No. 73736, expiring 3/17/13, in an Original Contract Amount \$55,000.00, in an amount requested of \$25,000.00, for a new authorized amount of \$80,000.00, was approved.

At the October 25, 2011 Commission Meeting (Agenda Item 371-10), the Board authorized an award of contract to Lawson Products, Inc. for the supply of heavy duty truck parts through NJ State Contract No. 73736. These parts are used for repairs on all roadway equipment and snow plows. The contract has been extended through March 17, 2013 and funds have been depleted. The Maintenance Department has requested an increase of \$25,000.00 in order to purchase parts through the term of the contract.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006).

Accordingly, approval is requested to increase the authorized amount of Contract No. 1428 by \$25,000.00 for a new authorized amount of \$80,000.00.

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201-05-2012

In a document dated May 16, 2012, a Recommendation for Dodge OEM Parts through Smith Chrysler Jeep Dodge, R-92577, in an amount of \$35,000.00 and Fred Beans Parts, Inc., R-92572, \$20,000.00, through Budget Code: 01 010 540 428020; 02 010 540 428020, State Contract No. 79872/ 79160 expiration 6/25/14, in an amount of \$55,000.00, was approved.

Authorization is requested to award two contracts to Smith Chrysler Jeep Dodge and Fred Beans Parts Inc. for the supplies of Dodge OEM parts to repair, replace, and maintain the Authority's Dodge vehicles on both roadways. Both vendors will supply items that include but are not limited to filters, brake parts, electrical system, cooling system, and fan belts.

These contracts will be procured in accordance with N.J.S.A. 27:23:6-1 and N.J.A.C. 19:9-2.5(a), which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey. These State Contracts

are all valid through June 25, 2014.

Accordingly, authorization is requested to award contracts to: 1) Smith Chrysler Jeep Dodge (State Contract No. 79872) for the Northern and Central Regions in an amount not to exceed \$35,000, 2) Fred Beans Parts Inc. (State Contract No. 79160) for the Southern Region in an amount not to exceed \$20,000, both contracts subject to funding availability at the time of ordering.

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**202-05-2012**

In a document dated May 17, 2012, **a Recommendation for Hewlett-Packard Annual Maintenance Contract for TAS to Hewlett-Packard Company, R-92661, through Budget Code: 00 010 833 121020, New Jersey State Contract No. 70262 expiration 8/31/14, in an amount of \$49,928.28,** was approved.

Authorization is requested to award a contract to Hewlett Packard (HP") Company for the annual maintenance of HP hardware and software used by the Technology and Administrative Services Department. The HP systems covered by this maintenance agreement support traffic surveillance and control systems, and large scale general computing platforms. The fact that HP is the manufacturer of the hardware as well as the developer of the software ensures that the Authority receives the highest level of support, in addition to eliminating issue of accountability should technical problems arise. The support covered under this agreement cannot be provided internally. Moreover, the support includes remediation of software issues, supply of the latest software versions and patches, as well as hardware repair, and, when necessary, replacement of components.

The contract will be procured in accordance with N.J.S.A. 27:23:6-1 and N.J.A.C. 19:9-2.5(a), which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey. The State Contract is valid through August 31, 2014.

Accordingly, authorization is requested to award a contract to: Hewlett-Packard Company for the annual maintenance of HP hardware and software in an amount not to exceed \$49,928.28, subject to funding availability at the time of service.

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**203-05-2012**

In a document dated May 17, 2012, **a Recommendation for Hewlett-Packard Annual Maintenance Contract for ETC to Hewlett-Packard Company, Purchase Order 74868, R-92878, through Budget Code: 00 010 833 121020, New Jersey State Contract No. 70262 expiration 8/31/14, in an authorized amount of \$485,054.01, in an amount requested of \$8,574.12, with a new authorized amount of \$493,628.13,** was approved.

At the December 15, 2010 Commission Meeting (Agenda Item No. 306K-10), the Board of Commissioners awarded a contract to Hewlett-Packard for annual hardware and software maintenance contract renewals for the Electronic Toll Collection ("ETC") Department's systems used on both roadways. The systems which are essential to toll collection, include but are not limited to, host computers, plaza servers, data warehouse equipment, software development and quality assurance. Due to advances in technology, two line items in the Contract need to be modified: Line 1 for hardware maintenance increased by \$16,706.28 and Line 2 for software maintenance decreased by \$8,132.16. These modifications will enhance the effectiveness of the maintenance programs. The modifications to the Line Items will result in a net increase to the total authorized amount of the contract of \$8,574.12.

The contract will be procured in accordance with N.J.S.A. 27:23:6-1 and N.J.A.C. 19:9-2.5(a), which permits the Authority, without advertising, to purchase goods and services directly from vendors who hold contracts with the State of New Jersey. The State Contract is valid through August 31, 2014.

Accordingly, authorization is requested to increase the Contract No. 74868 awarded to Hewlett-Packard Company by an amount not to exceed \$8,574.12, for a new total authorized amount of \$493,628.13, subject to funding availability at the time of service.

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204-05-2012

In a document dated May 21, 2012, a Recommendation for Copier Rental to Ikon Office Solutions d/b/a Ricoh USA, Contract No. 618, RM-93171, through Budget Code: 010 00 825 467020, New Jersey State Contract No. 64039 expiration 8/31/12, was approved.

In February, 2007 the Authority entered into a 5-year contract with Ikon Office Solutions for the rental of a high-speed Copier located in the Authority's Print Shop. The contract was procured under New Jersey State Contract No. 64039. The Human Resources Department has requested Contract No. 618 be extended an additional three months through 8/31/12, pending the solicitation of a new contract for the services. The requested increase will continue rental and maintenance through the term of the contract at a cost of \$925.50 per month.

This contract was procured in accordance with N.J.A.C. 19:9-2.5(a), promulgated pursuant to N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation, and Executive Order No. 37 (Corzine 2006).

Accordingly, approval is requested to extend Contract No. 618 authorization for an additional three months and increase the authorized amount by \$2,776.50. This will bring the total authorized amount to \$52,776.50, subject to funding availability at the time of service.

On motion by Commissioner Pocino and seconded by Commissioner Becht, the Authority unanimously approved items numbered 190-05-2012 through 197-05-2012 and 200-05-2012 through 204-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## GENERAL BUSINESS

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## ELECTRONIC TOLL COLLECTION

Director of ETC Dennis Switaj requested approval of item number 205-05-2012. Moved is the item as follows:

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### 205-05-2012

In a document dated May 9, 2012, Authorization to Issue Supplement "W" to Xerox State and Local Solutions for the installation of a toll collection system at the new Interchange 8, which is scheduled to be in operation by December of 2012. The new Interchange 8 will have will provide a total of 10 toll lanes -- 5 entry lanes and 5 exit lanes. The work will be completed by November, 2012, in amount not to exceed \$1,269,138.57, through Budget Code: 39018001, was approved.

At the December 2002 Commission Meeting, a Professional Services Contract Agreement ("Agreement") with XEROX State and Local Solutions, Inc. ("ACS") was approved by the Authority's Board of Commissioners. Authorization is presently requested to issue Supplement "W" to the Agreement to provide for the installation of a toll collection system at the "new" Interchange 8 on the New Jersey Turnpike. The "new" Interchange 8 will encompass a total of 10 toll lanes, 5 entry lanes and 5 exit lanes. Specifically, XEROX will install the following:

- Automatic Vehicle Identification (AVI) system with Kapsch readers and antenna components
- Automatic Vehicle Classification (AVC) system with Doppler radar, inductive loops and overhead scanner components
- Video Enforcement System (VES) with camera components
- Manual collection system with toll collection terminals, printers and identification devices
- Exit Ticket Transports

Authorization is hereby requested to issue Supplement "W" to XEROX for the installation of a toll collection system at the "new" Interchange 8 on the New Jersey Turnpike at a cost not to exceed \$1,269,138.57. This Supplement should be charged to account 39018001.



On motion by Treasurer DuPont and seconded by Vice Chairman Gravino the Authority unanimously approved item number 205-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## FINANCE

Chief Financial Officer Donna Manuelli requested approval of item numbers 206-05-2012 and 207-05-2012. Moved is the item as follows:

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### 206-05-2012

In a memorandum dated May 17, 2012, a Recommendation to Extension Feeder Road Maintenance Agreement Between the NJTA and the State of New Jersey for the period July 1, 2012 to June 30, 2013, through Supplemental Capital Fund No. 08007015, was approved.

On June 18, 2009 the New Jersey Turnpike Authority entered into an Agreement with the State of New Jersey to provide reimbursement to the State for reconstruction, maintenance and repair of Feeder Roads. The original Agreement provided funding to the State for the period of January 1, 2009 to June 30, 2010. The Agreement has been renewed annually since that time and currently expires on June 30, 2012. At this time, authorization is requested to extend this Agreement for the period July 1, 2012 to June 30, 2013, the State's fiscal year.

The Agreement provides for reimbursement to the State for reconstruction, maintenance and repair of Feeder Roads on 20 New Jersey Turnpike Interchanges and 36 Interchanges on the Garden State Parkway. These Feeder Roads involve approximately 280 lane miles at a cost of approximately \$28,575 per lane mile. Reimbursement to the State for the one year period will be \$8,001,000. This amount is unchanged from the original Agreement. The State agrees to maintain the Feeder Roads at Authority Interchanges in a state of good repair sufficient to support the safe and efficient access and egress onto the New Jersey Turnpike and Garden State Parkway.

It is, therefore, recommended that the Executive Director be authorized to extend this Agreement as described above for one year in the amount of \$8,001,000.

On motion by Treasurer DuPont and seconded by Commissioner Pocino the Authority unanimously approved item number 206-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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**207-05-2012**

Chief Financial Officer Donna Manuelli presented the **Financial Summary** for the four (4) month ended April, 2012.

On motion by Treasurer DuPont and seconded by Commissioner Pocino the Authority unanimously approved item number 207-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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**OPERATIONS**

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Director of Operations Sean Hill requested approval of item number 208-05-2012. Moved the item as follows:

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**208-05-2012**

Director of Operations Sean Hill requested acceptance of the **Resume of All Fatal Accidents** for the Garden State Parkway and New Jersey Turnpike: Period 01/01/2012 through 04/30/2012; both with 2011-2012 Yearly Comparisons through April, 2012.

On motion by Commissioner Pocino and seconded by Treasurer DuPont, the Authority unanimously accepted the reports contained in item number 208-05-2012 and received same for file.

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**STATE POLICE**

ED Hakim addressed Major Pamela Elliott's items in her absence. Requested for approval is item number 209-05-2012. Moved is the item as follows:

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**209-05-2012**

Executive Director Hakim requested acceptance of the **New Jersey State Police Troop D Activity Reports**, For April, 2012, with 2011 – 2012 Yearly Comparisons.

On motion by Vice Chairman Gravino and seconded by Treasurer DuPont, the Authority unanimously accepted the reports contained in item number 209-05-2012 and received same for file.

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**EXECUTIVE SESSION**

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

- A. Personnel;
- B. Purchase, Lease or Acquisition of Real Property;
- C. Pending or Anticipated Litigation; and/or
- D. Contract Negotiations.

The motion was made by Treasurer DuPont and seconded by Commissioner Pocino, and, after the voice vote, the motion was duly adopted by the Board of Commissioners of the New Jersey Turnpike Authority.

Executive Session was adjourned at 10:12 a.m.; Chairman Simpson resumed the public portion of the meeting.

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**LAW**

Attorney Maura Tully requested approval of items 179-05-2012 through 181-05-2012 and 211-05-2012. Moved as a group those items are as follows:

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**179-05-2012**

In a memorandum dated May 4, 2012, **a Recommendation for Authorization to Settle Formal Workers' Compensation Matter Kevin Schwendeman v. New Jersey Turnpike Authority, through 10-870-405070, in an amount of \$41,238.00,** was approved.

Kevin Schwendeman was a Turnpike Division Heavy Equipment Operator hired in May 1985 and retired effective June 1, 2011. This recommended settlement will resolve a formal Claim Petition filed in 2011 resulting from a work related injury which occurred on or about February 17, 2010.

The petitioner is represented by Menz and Luxenberg located in Kendall Park, NJ. The Authority is defended by Special Counsel Bret Halpern of Gluck Walrath, LLP located in Trenton, NJ. The matter is venued in the district office of New Brunswick before Judge Virginia Dietrich.

Permanency evaluations were performed on behalf of both the petitioner, and the respondent. The petitioner's attorney made an initial demand of 30% of partial total. After reviewing the proofs of the case, the Judge of Compensation made a recommendation of 27.5% of partial total or \$41,238.00. All parties agreed to the Judge's settlement recommendation.

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 \$41,238.00.

This settlement will be payable under Account No. 10-870-405070.

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**180-05-2012**

In a memorandum dated May 7, 2012, **a Recommendation for Authorization to Settle Formal Workers' Compensation Matter Lee Merwin v. New Jersey Turnpike Authority, through 10-870-405070 in an amount of \$166,950.00**, was approved.

Lee Merwin was a Parkway Division Toll Plaza Supervisor hired in November 1983 and retired effective November 1, 2008. This recommended settlement will resolve two (2) formal Claim Petitions filed in 2008 resulting from work related injuries which occurred on or about August 31, 2008 and September 20, 2008.

The petitioner is represented by David Ades, Esq. located in Aberdeen, NJ. The Authority is defended by Special Counsel Bret Halpern of Gluck Walrath, LLP located in Trenton, NJ. The matter is venued in the district office of New Brunswick before Judge Virginia Dietrich.

Permanency evaluation on behalf of the petitioner was performed by Dr. David Weiss who opined 87% permanent partial total orthopedic disability. The petitioner was also evaluated by Dr. Vin Gooriah for the purpose of neurological/neuropsychiatric permanency evaluation. Dr. Gooriah opined 35% partial total neuropsychiatric disability and 60% partial total neurological disability. Permanency evaluation on behalf of the respondent was performed by Dr. Carl Mercurio who opined 5% permanent partial total orthopedic disability and Dr. Maria Carta who opined 5% partial total neurological disability. Due to these injuries and other past injuries, the petitioner is now considered totally disabled. Special Counsel sought redress from, and negotiated a 50/50 split with, the New Jersey Second Injury Fund which will reduce the total award paid by the Authority. Instead of \$333,900.00, the Authority will be responsible to pay an award of \$166,950.00.

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 \$166,950.00.

This settlement will be payable under Account No. 10-870-405070.

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**181-05-2012**

In a memorandum dated May 3, 2012, **a Recommendation Authorization to Settle Formal Workers' Compensation Matter Jacqueline Bellotto v. New Jersey Turnpike**

**Authority through 10-870-405070, in an amount of \$45,866.68,** was approved.

Jacqueline Bellotto is a Turnpike Division Toll Collector hired in March 1988. This recommended settlement will resolve a formal Claim Petition filed in 2008 resulting from a work related injury which occurred on or about February 21, 2008.

The petitioner is represented by Spevack & Cannan located in Edison, NJ. The Authority is defended by Special Counsel Michael Greenwood of McElroy, Deutsch, Mulvaney & Carpenter, LLP located in Newark, NJ. The matter is venued in the district office of New Brunswick before Judge Virginia Dietrich.

Permanency evaluations were performed on behalf of both the petitioner and the respondent. Per Special Counsel, the Judge of Compensation made a recommendation of 37.5% or \$89,100.00. Special Counsel believed this was excessive and recommended 33 1/3% or \$69,200.00. This settlement was accepted by all parties. There was also a third party recovery in the amount of \$35,000.00. The Authority exercised its Section 40 lien rights which equals a credit of two-thirds (2/3) of the third party settlement, or \$23,333.32. The remaining balance of the permanency award to be paid by the Authority equals \$45,866.68.

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 \$45,866.68.

This settlement will be payable under Account No. 10-870-405070.

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**211-05-2012**

In a memorandum dated May 23, 2012, **a Recommendation to Award Professional Services Contract for Special Workers' Compensation Counsel**, was approved.

On January 25, 2012, the Authority advertised a Request for Qualifications ("RFQ") for Special Workers' Compensation Counsel, in compliance with N.J.S.A. 27:23-6.1 and Executive Order 37 (Corzine 2006) and the regulations and policies of the Authority with regard to the procurement of professional services. The RFQ was advertised in the Star Ledger, The Times, Home News & Tribune, New Jersey Law Journal and on the State's and Authority's websites. The RFQ was mailed to thirty-four (34) law firms.

The Authority received proposals from the following fourteen (14) law firms seeking to be appointed Special Workers' Compensation Counsel.

Bernard Reilly LLC
Buttafuoco, Arce & Price LLC
Capehart & Scatchard, P.A.
Gluck Walrath, LLP
Eric M. Bernstein & Assocs.
Gebhardt & Kiefer
Gilmore & Monahan
Herold Law
Kamensky Cohen & Riechelson
King, Kitrick & Jackson LLC

Long Marmero & Assocs.
McElroy, Deutsch, Mulvaney & Carpenter, LLC
Morgan Melhuish Abrutyn
Waters, McPherson, McNeill

An Evaluation Committee was recommended by Authority staff and approved by the Executive Director. The Committee consisted of members from the Executive, Law, Human Resources, and Finance Departments.

After preliminary scoring, the Committee invited the top six (6) proposers to make oral presentations. The Committee then compiled a report which details the evaluation process and sets forth its findings and recommendations.

The Committee's recommendation is to award a professional services contract to Capehart & Scatchard, the top-ranked responder, in light of its outstanding and comprehensive qualifications in the field of workers' compensation law. Given the volume of the Authority's workers' compensation matters, the Committee further recommends that professional services contracts be awarded to the second through fourth ranked proposers -- Morgan Melhuish Abrutyn; McElroy, Deutsch, Mulvaney & Carpenter, and Gluck Walrath -- as Special Conflicts Workers' Compensation Counsel to the Authority. These firms shall act as Special Workers Compensation Counsel in the event Capehart & Scatchard has a conflict in a particular matter, or in the event that the Director of Law determines that the volume of work requires the services of more than one law firm.

The term of the contracts shall be for an initial term of two (2) years, with two one-year options to renew, at the sole discretion of the Authority. As mandated in the RFQ, compensation shall be at the blended rate of \$140.00 per hour for all attorneys, and \$75.00 per hour for legal assistants, with certain expenses to be undertaken at a flat fee.

Accordingly, authorization is requested for the Executive Director to enter into an agreement with Capehart & Scatchard to act as the Authority's Special Workers' Compensation Counsel, and with Morgan Melhuish Abrutyn, McElroy, Deutsch, Mulvaney & Carpenter, and Gluck Walrath to act as the Authority's Special Conflicts Workers' Compensation Counsel, in accordance with the terms set forth above. It is further recommended that the Commissioners authorize the Executive Director to execute any such other documents and take any such other actions as are deemed necessary to effectuate the intent of this authorization. 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 and Executive Order No. 117 (Corzine 2008), and having no objection to same.

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**212-05-2012**

In a memorandum dated May 29, 2012, **a Recommendation for Contract No. A200.269 for Guide Rail and Impact Attenuator Maintenance and Repair on the New Jersey Turnpike and Garden State Parkway, award to J. Fletcher Creamer & Son, Inc. in accord**

**with the Executive Director's Final Agency Decision, dated May 29, 2012, Special Projects Reserve Fund No. 04008028 in the Amount of \$8,886,116.00**, was approved.

On May 2, 2012 the New Jersey Turnpike Authority publicly opened two bid proposals for Contract No. A200.269, which consists of Guide Rail and Impact Attenuator Maintenance and Repair on the New Jersey Turnpike and Garden State Parkway. Both bid proposals were below the Engineer's Estimate of \$10,165,210.00.

On May 4, 2012, Griffin Sign, Inc., the apparent second low bidder at \$9,469,205.45, filed a timely protest of the apparent low bid proposal of \$8,886,116.00 from J. Fletcher Creamer & Son, Inc. contending, among other points, that J. Fletcher Creamer & Son, Inc.'s proposal was unbalanced in the extreme and therefore warranted rejection as being "nonconforming and materially deficient."

All issues and evidence under the protest have been presented through a hearing briefed on the papers, in full compliance with N.J.A.C. 19:9-2.12 of the Authority's regulations. Written submissions from the two bidders have been reviewed by the Executive Director. The Executive Director's Final Agency Decision, dated May 29, 2012, recommended award to J. Fletcher Creamer & Son, Inc. in the amount of its low bid of \$8,886,116.00. A copy of the Executive Director's Final Agency Decision is attached hereto.

Accordingly, it is requested that the Board of Commissioners authorize award of Contract No. A200.269 to J. Fletcher Creamer & Son, Inc. in the amount of \$8,886,116.00 pursuant to the May 29, 2012 Executive Director's Final Agency Decision.

This contract procurement is authorized under N.J.S.A. 27:23-6.1 of the Authority's enabling legislation and N.J.A.C. 27:19-9-2.2 promulgated pursuant thereto.

On motion by Treasurer DuPont and seconded by Commissioner Hodes the Authority unanimously approved item numbers 179-05-2012 through 181-05-2012, 211-05-2012; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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The motion to adjourn was made by Chairman Simpson, Treasurer DuPont and seconded by Commissioner Becht and, after the voice vote, the motion was duly adopted. The Authority adjourned at 10:14 a.m., to meet on Tuesday, June 26, 2012, at 9:30 A.M.

ATTEST:

  
Sheri Ann Czajkowski,  
Assistant Secretary to the Authority

  
Veronique Hakim, Executive Director

Corporate Seal

Date: May 30, 2012