

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
COMMISSION MEETING
TUESDAY, MARCH 29, 2011**

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.

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PRESENT

Present were Chairman Simpson, Vice Chairman Ronald Gravino, Treasurer Michael DuPont, Commissioner Harold Hodes, Commissioner Ulises Diaz, and Commissioner Troy Singleton. Commissioner Raymond Pocino was absent. The meeting commenced at 9:30 a.m.

ALSO PRESENT

Executive Director Veronique Hakim; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Acting Director of Law Linda Cavanaugh; Electronic Toll Collection Director Dennis Switaj; Chief Financial Officer Donna Manuelli; Human Resources Director Mary-Elizabeth Garrity; Assistant Director of Internal Audit Donna Wilser; Assistant Director of Maintenance Joseph Lentini; Director of Operations Sean Hill; Purchasing Director Andrea Ward; Acting Director of Technology and Administrative Services Stephen Ehrmann; Tolls Director Robert Quirk; Chief of Staff Megan Mulcahy; NJ State Police Troop D Commander Major Hines, and Assistant Secretary to the Authority Sheri Ann Czajkowski.

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

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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 February 23, 2011; he did not exercise his power to veto any items in those minutes.

Upon motion made by Vice Chairman Gravino seconded by Commissioner DuPont 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: 087-03-2011 through 094-03-2011 (ABSENT)

Commissioner Singleton: 088-03-2011 through 089-03-2011

Commissioner Hodes: 093-03-2011 and 107-03-2011

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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.

TOM TIGHE, LABOR MIDDLESEX CENTRAL LABOR COUNSEL

Mr. Tighe is the President of the Middlesex Somerset Labor Counsel. Mr. Tighe implored the Authority to let collective bargaining work. He indicated that the unions have been collectively bargaining for decades and have brought the Turnpike Authority to where it is today. Tighe indicated that he did not believe the Authority would be in the same spot it is today without these working people. The union has given enough concessions to the Authority that it should take the RFP off the table and allow collective bargaining to begin. Collective bargaining is the right of all working people to make themselves better for the next generation.

CHRISTOPHER BRENNAN, CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC

Mr. Brennan represents Tumino's Towing Service and spoke with regard to agenda item number 103-03-2011. Mr. Brennan said Tumino's Towing is an aggrieved bidder. On behalf of Tumino's, Mr. Brennan's firm is filing an appeal with the Appellate Division regarding the Authority's decision disqualifying Tumino's Towing pre-application qualification bid. Brennan requested that the Authority not vote on item 103-03-2011. In essence, Tumino's Towing believes that the final agency decision is wrong for a number of reasons and this will be detailed in the appeal.

CHARLES WOWKANECH, AFL-CIO

Mr. Wowkanech is the President of the New Jersey State AFL-CIO and has come forth at this meeting on behalf of the 800 toll takers who live and work in this state. Some of them are ready to plan a family and some are planning their retirement. The frustration of potentially losing their jobs has brought great chaos in their lives. It is shameful that in December the union made a substantial proposal to the Authority but it has never heard a word from the Authority. Mr. Wowkanech pointed out that the Authority's reluctance to collectively bargain is a terrible example to college students by taking a group of people who have performed a valuable service to the community and discarding them. New Jersey is a better State than what is being displayed here. Mr. Wowkanech asked each board member to please negotiate with the union and save the jobs of these employees.

RICHARD LOCCKE, COUNSEL TO LOCAL 194

Mr. Loccke represents Local 194 and stated that he had a short message -- the union wants negotiations. Loccke pointed out that he participated in three (3) meetings with Executive Director Hakim and Assistant Director of Tolls, Jim Roberts, both of whom were professional. Local 194 put forth a comprehensive, substantial proposal and the Authority has not responded to the union whatsoever. The proposal was not criticized, rejected or challenged. The cost of the proposal has not been challenged. Just utter silence. Loccke stated that there have been overtures to have a meeting and the union wants someone at the table with the ability to make a decision. Loccke's hope is to have someone who is desirous to come to a conclusion because the union is interested in saving these jobs and wants to resolve this matter through the collective bargaining process. The union is ready to meet whenever the Authority is ready.

GREG JUNEMANN, PRESIDENT OF THE IFPTE

Mr. Junemann indicated that the union is looking to enter into the collective bargaining process. The union understands that the Authority has tremendous financial responsibilities and

the union is willing to do its part to solve these problems. Proposals have been presented which save millions of dollars because the union wants to help the Authority succeed in its cost saving measure. Junemann asked that New Jersey be a leader and rely on the collective bargaining process, unlike Wisconsin. He asked that the Authority reconsider the privatization efforts, take a stand on collective bargaining, and work together with the unions to solve the problems that are faced today.

FRANK FORST, LOCAL 194

Mr. Forst has come before the board for the past thirty (30) years and has always felt that a relationship existed between the workers and the Authority. The workers' slogan is, "Clear and Dry." The Turnpike is the most famous road in the country for snow removal and no one has been able to compete with it. It has always been the goodwill of the people and the family attitude that has been upheld for years that has kept it this way. Now the Turnpike wants to carve up the people by proposing a drastic wage cut for the toll collectors and no one likes it. Mr. Forst indicated that the proposal submitted to the Authority on January 24th stated that instead of cutting only toll collectors salaries the union agreed to cut all members wages. However, it is the union's belief that the Authority is insisting that just the toll collectors' salaries be cut. The union wants the opportunity to negotiate a fair and just settlement for all of its members.

MICHAEL ZAGORSKI, LOCAL 194

Mr. Zagorski is a toll collector who works at Interchange 10. He was a part-timer and was very grateful to receive a full-time position about five (5) years ago. The 800 toll collectors affected by privatization do not compare to 800 cashiers from 'Piggly Wiggly'. Ordinary cashiers do not handle the volume nor do they perform the kind of work that toll collectors do for the Authority. The employees need their jobs and know the ramifications of doing something stupid. In addition, part-time toll collectors need the second income their jobs provide. In all my life experiences, I have never heard of a company that is making money and doing well to make a decision to replace the employees that have helped get them to where they are today. When all of the Commissioners wake up each morning feeling good about being a part of the best toll road in the country, what is going to happen if it is privatized and all of these people lose their jobs. If this bad decision is implemented please make every effort to keep the toll collectors employed in another department for the Authority. We need our jobs and we need our salaries. All of you hired us without reservation, we are your employees, don't sell us out.

RAE ROEDER, CWA 1033

Ms. Roeder said that there is no valid reason for privatizing toll collectors. Privatization has happened in state government before and the result is that it costs too much money, contracts are awarded based on favoritism, and the State inevitably takes back control of the areas that were privatized. Certainly the offers that have been put on the table by the union will reduce what the employees are receiving and this will save the Authority money. Face each other, talk the reasons over, and come to an agreement. When one group does not care about another group we wonder if we live in the United States of America. When a country defies peoples' rights to have a good job it destroys something inside of them. Let these employees come to work with decency and respect. If you have a reason for proceeding with this privatization effort, put it on the table. But the reason is not money. It has to do with friends, families, and contracts. Let the people work here with dignity and honor.

MONSIGNOR GILCHREST

Monsignor Gilchrest has been a Parish Priest for 53 years in Hudson county. Two months ago the Monsignor spoke on behalf of Local 863 where almost 1,000 workers lost their jobs. The Monsignor had a heavy heart then and he still has one now. In the 1960s we lived in a throwaway society and now I am afraid we have a society that has thrown away people. If you were to take a poll today to privatize these roads 90 percent of the people of New Jersey would be opposed to it. The Authority has the ability to make money and put the money toward other projects. The Monsignor pleaded to the Authority to discuss with the union the issues, he asked that the Authority think of the employees and give some joy to the world. Thank you and God Bless You.

MURRAY BODIN, CONCERNED GRANDPARENTS

Mr. Bodin discussed the evolution of technology and that it is moving forward fast and furious and the children of today need the knowledge of technology to make it through college. The Turnpike, Port Authority and NY State Thruway are moving forward as well. Bodin stated that everyone needs to create driving conditions that make it safer for drivers. Bodin spoke with Rich Raczynski and Sean Hill who have been willing to work to make information available to drivers.

DAN O'CONNELL, USTU

Mr. O'Connell is the New Jersey State Director of the United State Transportation Union and a member of the Executive Board of the New Jersey AFL-CIO. O'Connell indicated that he has never heard of a union having to make concessions to an employer that has a surplus of \$160 million. He does, however, understand the times we live in today. To privatize these jobs without negotiating runs counter to everything he had ever been told. The privatization efforts around the world did not do what they thought they would do. Privatization does not save tax payers money. It ends up costing the tax payers more money in the long run. The proposed RFP reduces wages by 50 percent, what does that do for New Jersey? What does that do for the tax payers? O'Connell asked the Authority to negotiate and not dictate. Give these employees the right to maintain these jobs and a decent standard of living because they too are tax payers.

ANN TOOMEY, HEALTHCARE UNION

Ms. Toomey represents health care professionals at a public hospital that was privatized. The largest public hospital in New Jersey was privatized a few years ago because the state said it was draining tax payers. The new owners stripped the pensions from employees and took benefits away. Millions of dollars of profits have been made at the hospital but the money goes to the out-of-state owners. The profits were supposed to reinvigorate the hospital but that has not happened. Privatization just does not work. A dedicated workforce that is committed to the workplace has so much more value than a few cents here and a few cents there. It is a moral and ethical obligation to negotiate with the union. Every day we struggle to keep standards high in this hospital, and it is a private fight with an owner every day. The Authority is blessed with employees who care about their jobs and we are asking you to do the right thing.

DANIEL VALENTI, TOLLS DEPARTMENT

Mr. Valenti has worked as a toll collector for over 25 years, and his father worked for the Authority for 20 years also. Mr. Valenti indicated that he loved working for the Turnpike and it has afforded him the ability to support his family and keep a roof over their heads. His wife is disabled and if he lost his job he would not know if he would be able to support his family or even live in New Jersey. He was accompanied by his daughter Elizabeth so that the Authority can see the face of someone who would be affected by the privatization move. The children's lives are the ones that will be changed drastically without a contract or a job with the Turnpike. Mr. Valenti stated that he

loves his job and asked that he be allowed to raise his children and support them by keeping his job. A healthy bottom line does not seem so healthy when you see the thousands of people that might be affected by the loss or termination of their livelihood.

BOB BROWER, NJFMBA

Mr. Brower is the Vice President of the New Jersey State FMBA, the fireman's union. Mr. Brower came to support the public employees, the toll collectors. He stated that he wished the Governor would follow through with the collective bargaining process and allow people who are willing to work to go to the table and negotiate. Solutions are done at the table and things can be worked out if given the opportunity.

LEONARD SCHIRO, LOCAL 196 BUSINESS AGENT

Mr. Schiro has been the Business Agent for Local 196, Parkway Toll Collectors and Maintenance, for more than sixteen (16) years. In December the union was approached by the Authority and asked to open its contract and make a number of concessions which were good for both sides. Schiro stated that he was here today not about retaining the jobs but about the economic sense not to privatize. The cold reality is that the Parkway toll collectors are faced with electronic toll collection technology that is right around the corner ready to replace the toll collectors. If the Authority enters into a 3-5 year contract and technology is only 2 years away, what economic sense does it make to privatize for a 3-5 year period. Schiro implored the Authority to review the concessions that were made by Local 196 and keep in mind that the technology is coming. Schiro asked that the Authority retain the workers it presently has on the Parkway and allow them to leave through attrition as technology takes over. He hopes that the Authority would seriously consider the concessions offered by Local 196.

COMMISSIONER DUPONT

Commissioner DuPont indicated that a few speakers stated that the Board was not listening to their pleas. He said that was not true. DuPont's family members were union workers in New York City. He indicated that he has made notes of the concerns of the speakers. He has looked into their eyes. DuPont has always maintained that the Turnpike's greatest asset is its workers and he has repeatedly proclaimed that through his service on the Board. Monsignor, it is ironic that you come up here with a heavy heart. At the end of the Lenten season there is always a joyous result. DuPont asked that everyone continue with their comments and passion. The pleas have been heard and they will be considered.

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EXECUTIVE DIRECTOR'S REPORT

ED Hakim indicated that on March 4th the Authority successfully implemented mixed mode, which now enables 136 cash lanes at 28 Turnpike Interchanges to accept both cash and E-ZPass. By having E-ZPass available in all lanes on the Turnpike, not only is customer convenience improved but safety is improved because there will be less weaving at the toll plazas. This process was an impressive display of interdepartmental coordination with everyone involved. The Operations, Maintenance, ETC, and Tolls Departments worked together leading up to this and then overnight under very difficult conditions. I applaud the result. E-ZPass is now up 76% on the Turnpike and a little over 73% on the Parkway.

In 2010 the Turnpike undertook a crisis management planning exercise with IBM. The major initiative was to get the crisis management plan done. Should an emergency situation occur it will facilitate the coordinated response by everybody that needs to be involved. This plan was led by Jim Carone and Donna Wilser of the Internal Audit Department. These individuals ably led this

initiative and will be responsible to maintain and update the plan on a regular basis.

At the end of this meeting there will be a safety presentation. This is the next step in the safety program and it is a collaboration of State Police Troop D and our in-house staff to roll out a series of initiatives.

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ENGINEERING

Chief Engineer Raczynski requested approval of item number 087-03-2011, Award of Contracts, moved is the item as follows:

AWARD OF CONTRACTS

087-03-2011

In a document dated March 9, 2011, a Recommendation to Award Contract No. T200.221 for the New Jersey Turnpike to Crisdel Group, Inc. for Resurfacing of Milepost 0 to 74, was approved.

This contract will provide for the resurfacing of asphalt concrete surface course pavement along Turnpike mainline roadways, ramps, shoulders and toll plazas, along with other incidental work between Milepost 0 and 74. All work is expected to be completed in 2011.

Eight bid proposals were received on March 8, 2011 for the above publicly advertised contract, as shown on the attached bid summary sheet. The low bid proposal, in the amount of \$5,286,000.00, may be compared to the second low bid proposal in the amount of \$5,423,000.00. Crisdel Group, Inc. has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.221 be awarded to the low bidder, Crisdel Group, Inc. of South Plainfield, New Jersey, in the amount of \$5,286,000.00. 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.

On motion by Commissioner DuPont, seconded by Commissioner Singleton, the Authority unanimously approved item 087-03-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ENGINEERING

Chief Engineer Raczynski requested approval of item numbers 088-03-2011 through 089-03-2011. Moved as a group the items are follows:

FINAL ACCEPTANCES OF CONTRACTS

088-03-2011

In a document dated March 3, 2011, a Recommendation for Final Acceptance for Contract IR-3 to Joseph M. Sanzari, Inc. for Immediate Repairs to Mile 0 to Mile 122 New Jersey Turnpike and Mile 0 to Mile 172 Garden State Parkway, was approved.

This contract provided for immediate repairs to bridge structures, buildings, toll plazas or roadways between Mile 0 and Mile 122 including the Pearl Harbor Memorial Extension and the Newark Bay-Hudson County Extension along the New Jersey Turnpike and Mile 0 to Mile 172 along the Garden State Parkway inclusive in Salem, Gloucester, Camden, Burlington, Mercer, Middlesex, Union, Hudson, Essex, Bergen, Cape May, Atlantic, Ocean, Monmouth and Passaic Counties. The contract was advertised and there were six bidders. The contract was awarded on October 16, 2007 to the low bidder, Joseph M. Sanzari, Inc. 90 West Franklin Street, Hackensack, New Jersey in the total amount of \$2,000,000.00.

During the course of the contract, there were 39 work orders executed for a total amount of \$1,799,626.26. There will be no final estimate and payment to the contractor for this contract, since the contract was paid in full after each work order task.

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, and Affidavit of Prevailing Wage 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 IR-3 be accepted.

089-03-2011

In a document dated March 9, 2011, a **Recommendation for Final Acceptance for Contract P100.090 to Kyle Conti Construction, LLC** for GSP Miscellaneous Structural Repairs at Milepost 0 to 172, was approved.

This contract involved GSP miscellaneous structural repairs from Milepost 0 to 172 in Atlantic, Ocean, Monmouth, Middlesex, Essex and Passaic Counties. The contract was advertised and there were 10 bidders. The contract was awarded on January 30, 2009 to the low bidder, Kyle Conti Construction, LLC, 749 Clawson Avenue, Hillsborough, NJ 08844 in the total amount of \$2,166,000.00.

During the course of the contract, there were two Change Orders for a total increase of \$37,365.20 adjusting the final total amount of this contract to \$2,203,365.20.

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 (#13F) 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 P100.090 be accepted, and that final payment in the amount of \$99,574.30 be made to the Contractor.

On motion by Commissioner Diaz, seconded by Commissioner DuPont, the Authority unanimously approved items 088-03-2011 through 089-03-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ENGINEERING

Chief Engineer Raczynski requested approval of item number 090-03-2011 through 093-03-2011. Moved are the items as follows:

PROFESSIONAL SERVICES (OPSS)

090-03-2011

In a document dated March 3, 2011, a **Recommendation to Issue Order for Professional Services No. T3376 for the New Jersey Turnpike to Johnson, Mirmiran & Thompson, Inc. for Supervision of Construction Services for Contract No. T200.221, Resurfacing, Milepost 0 to 74 and Contract No. T200.222, Resurfacing, Milepost 74 to 122**, was approved.

This Order for Professional Services provides for the construction supervision of the referenced contracts. These contracts will perform the annual resurfacing of asphalt concrete surface course pavement along Turnpike mainline roadways, ramps, shoulders and toll plazas, along with other incidental work.

This assignment is classified as a "Simple Project" based on the scope of work being clearly defined and not likely to change during the course of the project, and the cost not exceeding \$2,000,000.00. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and 61 engineering firms were prequalified and eligible under Profile Code B154 – Roadway Resurfacing Inspection. Seven firms submitted EOIs by the closing date of February 9, 2011.

Subsequent to the scoring of EOIs by the Review Committee, Fee Proposals were requested from the top three firms. The firms in the order of ranking are: 1) Johnson, Mirmiran & Thompson, Inc.; 2) KS Engineers, P.C.; and 3) Greenman-Pedersen, Inc. The fee submitted by Johnson, Mirmiran & Thompson, Inc. has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that Order for Professional Services No. T3376 be issued to the firm of Johnson, Mirmiran & Thompson, Inc. of Trenton, New Jersey, not to exceed the amount of \$1,275,300.00. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.35 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law

2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1, et seq., 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).

091-03-2011

In a document dated February 24, 2011, a **Recommendation to Issue Supplement B to Order for Professional Services No. T3152 for the New Jersey Turnpike to Dewberry-Goodkind, Inc. for Design Services for Contract No. T100.080 for Turnpike Bridge Deck Repairs and Resurfacing at Mile 0 to Mile 83 and the Pearl Harbor Memorial Turnpike Extension**, was approved.

This Order for Professional Services was issued at the December 2007 Commission Meeting in the amount of \$535,000.00 to provide design services and preparation of construction contract drawings for annual bridge deck repair contracts for 2009 for the southern sector of the Turnpike. Supplement A, in the amount of \$900,000.00, provided for the fast-tracked design of Contract No. T100.123, Northern Turnpike Deck Reconstruction, Milepost 83.0 to 122.0 and the Newark Bay-Hudson County Extension.

Supplement B will provide for additional design services which were not anticipated and outside the scope of the original OPS and Supplement A. The additional design services are associated with Contract No. T100.123 and primarily include: 1) preparation of two Changes of Plan to address drainage modifications and snow shield details, as directed by the Authority, based on local resident complaints; 2) preparation of a Change of Plan to modify Ramp A traffic shift plans and details based on Contractor's proposed means and methods for temporary work and constructability at overhang brackets; 3) field inspection of accident damage and development of repair plans at Str. No. 99.13B as directed by the Authority; and 4) performed additional post-design survey and updated and issued revised grade sheets as a result of a discrepancy between the design and contractor survey, as directed by the Authority. Due to the fast-track nature and schedule for the design, the Consultant used the Real Time Kinematic survey method. The Contractor used the conventional total station survey method. A comparison of the surveys revealed a variation of up to 2" based on a combination of the tolerances for each method and vibrations/deflection of the bridge under live load. In order to eliminate significant impact to the contract schedule, the Authority directed the Consultant to work with the Contractor's survey, confirm the accuracy, and update and issue revised grade sheets to allow for proper deck haunches and installation of stay-in-place deck forms that tie into the existing bridge deck to remain.

Dewberry-Goodkind, Inc. submitted a proposal in the amount of \$200,000.00 to provide the required services. The proposal has been reviewed and negotiated to a final amount of \$180,000.00 which is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplement B to Order for Professional Services No. T3152 be issued to Dewberry-Goodkind, Inc., not to exceed the amount of \$180,000.00, with compensation on the same basis as the original Order for Professional Services. The addition of this amount increases the total authorized fee from \$1,435,000.00 to \$1,615,000.00. The original contract was procured pursuant to 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).

092-03-2011

In a document dated February 24, 2011, a **Recommendation to Issue Supplement B to Order for Professional Services No. P3240 for the Garden State Parkway to LS Engineering Associates Corporation for Design Services for Contract No. P100.132 at Widening and Rehabilitation of Patcong Creek Bridge, Milepost 31.0**, was approved.

This Order for Professional Services was issued at the June 2009 Commission Meeting in the amount of \$1,453,000.00 to provide design services for the widening and reconstruction of the Patcong Creek Bridge located at Milepost 31.0 on the Garden State Parkway. Supplement A was issued at the June 2010 Commission Meeting, in the amount of \$207,000.00, and provided for unanticipated out-of-scope work required for this assignment including: 1) two additional alternative studies which included superstructure replacement and bridge replacement; and 2) additional design and development of contract documents for the final selected alternate which included replacement of the existing superstructure and pier strengthening with micropiles.

Supplement B will provide for additional design services which were not anticipated and outside the scope of the original OPS and Supplement A. The additional design services include: 1) additional effort and coordination meetings with the Environmental Program Manager to develop DEP permit modification documents and to obtain a US Coast Guard Permit based on final design plans; 2) attending Electronic Review Comment System (ERC) training as required by the Widening Program

Manager and additional time required to provide comments in ERC; 3) additional effort required to incorporate Standard Supplementary Specification updates; and 4) additional effort for seismic design and details to incorporate the 2010 AASHTO code based on Authority direction.

LS Engineering Associates Corporation submitted a proposal in the amount of \$224,000.00 to provide the required services. The proposal has been reviewed and negotiated to a final amount of \$81,000.00 which is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplement B to Order for Professional Services No. P3240 be issued to LS Engineering Associates Corporation, not to exceed the amount of \$81,000.00, with compensation on the same basis as the original Order for Professional Services. The addition of this amount increases the total authorized fee from \$1,660,000.00 to \$1,741,000.00. The original contract was procured pursuant to 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).

093-03-2011

In a document dated March 15, 2011, a **Recommendation to Issue Supplement A to Order for Professional Services No. A3352 for the Garden State Parkway and New Jersey Turnpike to HNTB Corporation as General Consulting Engineers for the Administration Building Feasibility Study at the Traffic Management Center Site**, was approved.

This Order for Professional Services was issued at the December 2010 Commission Meeting to provide services of the General Consulting Engineers. Part of this service provides the Authority with supplementary consulting engineering services that are necessary to develop and maintain a level of knowledge of the condition of the physical facilities of the New Jersey Turnpike and Garden State Parkway, and to provide professional assistance in an advisory capacity on a wide range of professional consulting issues.

The Authority is seeking to engage HNTB Corporation to develop scoping documents for the Facilities Improvement Program and to perform a feasibility study for the potential relocation of the Authority's headquarters to the Traffic Management Center site. For the Facilities Improvement Program HNTB Corporation will compile studies performed to date, assess and make recommendations as to the proposed location and size of maintenance facilities to be constructed, prioritize building construction and establish the program's cost estimate.

As part of an effort to control future costs, rather than leasing its headquarters building the Authority is considering the option of constructing a new facility on Authority owned property. As such, HNTB Corporation is being tasked to perform a feasibility study for constructing a new Authority Administration Building at the Traffic Management Center site in Woodbridge. The study will analyze site opportunities and constraints, review zoning and jurisdictional requirements, identify environmental concerns and present potential building locations, layouts, elevations and vehicular access options. Supplement A will provide for reimbursement of these costs.

HNTB Corporation submitted a proposal in the amount of \$670,000.00 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. A3352 be issued to HNTB Corporation, not to exceed the amount of \$670,000.00, with compensation on the same basis as the original Order for Professional Services. The original contract was procured pursuant to 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).

On motion by Vice Chairman Gravino, seconded by Commissioner Diaz, the Authority unanimously approved items 090-03-2011 through 093-03-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

ACKNOWLEDGE REPORTS OF ENGINEERING EXPENDITURES UNDER DELEGATED AUTHORITY

094-03-2011

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 Commissioner DuPont, seconded by Commissioner Diaz, the Authority unanimously accepted the reports contained in item 094-03-2011 and received same for file.

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PURCHASING

Director of Purchasing Andrea Ward requested approval of item numbers 095-03-2011 through 115-03-2011. Ward indicated that there was an error on the purchasing summary for item number 097, it reads "Transit Mix for the Garden State Parkway" but should indicate "Major Mechanical Repairs".

Vice Chairman Gravino asked Acting Director of Law Linda Cavanaugh what the issues are surrounding agenda item 103-03-2011. Cavanaugh indicated that Tumino's Towing was originally awarded a contract for Extra Heavy Duty Towing and Recovery Services. B&L Tire filed a protest of that award. The issue that formed the basis of the protest stems out of a requirement of several years experience at a particular location. The Authority followed the process according to the Regulations, which are very specific and detailed. A hearing was held and both parties, B&L and Tumino's, were given the opportunity to present their case. The Hearing Officer found in favor of B&L. In accordance with the Regulations the next step for Tumino's Towing is to appeal the decision made by the Authority in Superior court. The Authority's determination is not the end for this process. However, at this time there is no legal impediment to the award of this contract.

ED Hakim indicated that she was presented with a letter today indicating that Tumino's Towing will be moving forward with an appeal to the Appellate Division. She further advised that the Commissioners should proceed and award the item as recommended. Moved as a group those items are as follows:

PUBLIC BID SOLICITATIONS

095-03-2011

In a document dated March 15, 2011, a **Recommendation for Aluminum Light Poles, Bases, Arms and Mounting Hardware to Flagpoles, Inc.**, was approved.

Authorization is requested to award a one-year contract for Aluminum Light Poles, Bases and Mounting Hardware used for repairing and/or replacing lighting fixtures on the Authority's roadways. Bidders were required to quote 12 line items, including but not limited to, 125 aluminum light poles, 85 transformer bases and 60 pole arms. Requests for bids were distributed to five vendors. On February 15, 2011, three bid proposals were received as follows:

	<u>Total Price</u>
Flagpoles, Inc./P&K Tubular Products, Inc. E. Setauket, NY	\$118,835.00
Graybar Electric Co., Inc., Teterboro, NJ	\$124,149.90
Jewel Electric Supply Co., Inc., Jersey City, NJ	\$128,168.75

Department Estimate: \$120,000.00

Bids were procured, and authorization is being sought to award this contract to 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 one-year contract to Flagpoles, Inc. /P&K Tubular Products, Inc. in a total amount, not to exceed \$118,835.00, subject to funding availability at the time of ordering.

096-03-2011

In a document dated March 15, 2011, a **Recommendation for Sand, Stone and Gravel for the Turnpike Northern Division to LE-ED Construction, Inc.**, was approved.

Authorization is requested to award a one-year contract for Sand, Stone and Gravel for the New Jersey Turnpike Northern Division. Requests for bid were distributed to eight vendors. Bidders were required to quote on ten line items of sand, stone and gravel (collectively 3,000 tons). On February 17, 2011, six bid proposals were received as follows:

	<u>Total Price</u>
LE-ED Construction, Inc., Toms River, NJ	\$ 54,950.00
Tuckahoe Sand & Gravel, Inc., Pleasantville, NJ	\$ 61,654.00
Gibraltar Rock Inc., Belle Mead, NJ	\$ 64,880.00
Stavola Construction Materials, Inc., Tinton Falls, NJ	\$ 69,100.00
Weldon Materials, Inc. t/a Fanwood Crushed Stone Co, Westfield NJ	\$ 69,200.00
Tilcon New York Inc., Wharton, NJ	\$ 69,650.00

Department Estimate: \$40,000.00

The low bid amount is approximately 30 percent above the Departmental Estimate. In light, however, of the current increased fuel and other industry costs, as well as the competitive nature of this procurement, Staff concluded that the unit prices are reasonable.

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 one-year contract to LE-ED Construction, in a total anticipated expenditure not to exceed \$54,950.00, subject to funding availability at the time of ordering.

097-03-2011

In a document dated March 21, 2011, a **Recommendation for Major Mechanical Repairs, Service and Parts on State Police Vehicles to Fords National Automart, Inc. d/b/a Sansone Ford Lincoln Mercury/Motors Fleet**, was approved.

Authorization is requested to award a one-year Price Agreement for Major Mechanical Repairs and Parts for State Police Vehicles on the Authority's roadways. Bidders were permitted to quote on any or all of six Areas: Mt. Laurel, Cranbury, Newark, Bloomfield, Woodbridge, and Bass River. In addition, for comparative purposes, bidders were required to quote on the following three line items: 1) Discount off Ford OEM Manufacturers' List Price on an estimated \$15,000 of Miscellaneous Parts; 2) Discount off of Ford OEM Manufacturers' List Price on an estimated \$15,000 of Miscellaneous Major Assemblies (such as engines, transmissions and drive trains); and 3) Labor rate for estimated hours of Service and Diagnostics. The award for each Area is based on the combined (lowest) total dollar value of the three items.

Requests for bids were sent to 13 vendors. On March 1, 2011 seven bid proposals were received. Bid results are as follows.

Mount Laurel Area
\$30,000

	<u>Total Cost</u>
Fords National Auto Mart, Inc./ Sansone Ford Lincoln Mercury/	<u>31,200</u>
Motors Fleet, Ocean, NJ	
Chapman Ford Sales, Inc.	38,440
Egg Harbor, NJ	

Cranbury Area
\$65,000

	<u>Total Cost</u>
Sansone Ford Lincoln Mercury	<u>35,700</u>
All American Ford Inc.	
Hackensack, NJ	39,525
Malouf Ford-Lincoln Inc.	
North Brunswick, NJ	45,150

Chapman Ford Sales, Inc.	46,935
<u>Newark Area</u>	<u>Total Cost</u>
<u>\$30,000</u>	
Sansone Ford Lincoln Mercury	<u>31,200</u>
All American Ford Inc.	33,325
Malouf Ford Lincoln Inc.	37,250
Chapman Ford Sales, Inc.	38,440
<u>Bloomfield Area</u>	<u>Total Cost</u>
<u>\$30,000</u>	
Sansone Ford Lincoln Mercury	<u>31,200</u>
All American Ford Inc.	33,325
Malouf Ford Lincoln Inc.	37,250
Chapman Ford Sales, Inc.	38,440
<u>Woodbridge/Holmdel Area</u>	<u>Total Cost</u>
<u>\$65,000</u>	
Sansone Ford Lincoln Mercury	<u>35,700</u>
All American Ford Inc.	39,525
Malouf Ford Lincoln Inc.	45,150
Chapman Ford	46,935
<u>Bass River Area</u>	<u>Total Cost</u>
<u>\$30,000</u>	
Sansone Ford Lincoln Mercury	<u>31,200</u>
Chapman Ford	38,440

Overall the cumulative total cost value of the referenced bid proposals increased by three percent compared to the existing contracts. Staff concluded that the current bid proposals are reasonable given that the existing contracts were bid in 2008.

Non-Compliance

AAM Motor Sales LLC dba Jersey City Ford, Jersey City, NJ submitted a bid proposal for all six Areas. This bidder however did not provide a valid proposal guaranty as required in Bidder Guidelines/Checklist and the "Instruction to Bidders". Jersey City Ford submitted a document entitled "New Jersey Division of Motor Vehicles, Used Motor Vehicle Dealer Surety Bond", effective as of April 1, 2011. The Law Department reviewed Jersey City Ford's form of bid bond, contacted the Surety, which purportedly issued the bond, and determined that this bond was invalid as a form of proposal guaranty in accordance with the bid specifications. Moreover, even if the bidder's form was acceptable, the bond was not in effect on March 1, 2011 when bids were opened for this solicitation. Thus, Jersey City Ford's proposal bond submission is unacceptable. DDFLM, LLC t/a Ditschman/Flemington Ford Lincoln Mercury, Flemington, NJ also submitted a bid proposal for all six Areas. This bidder however did not submit any form of proposal guaranty which is a mandatory requirement in the specifications. In addition, Freehold Ford Inc. submitted a bid proposal for the Cranbury and Woodbridge Areas. Freehold Ford Inc. did provide the Authority's form of Letter of Surety. However, this bidder's proposal guaranty was not executed by a Surety company and thus, invalid. Therefore it is recommended that the bid proposals submitted by Jersey City Ford, Ditschman Flemington Ford Lincoln Mercury and Freehold Ford Inc. be rejected.

Bids were procured and authorization is being sought to award these contracts 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 one-year contract for all six Areas to Fords National Automart d/b/a Sansone Ford Lincoln Mercury in an anticipated annual expenditure not to exceed \$250,000.00, subject to funding availability at the time of order.

098-03-2011

In a document dated March 15, 2011, a Recommendation for **Body Work and Repairs on State Police Vehicles under 18,000GVWR to Pro-Line Collision, Inc., B&L Tire Service, Inc. t/a**

B & L Towing and Colormycar Inc., was approved.

Authorization is requested to award three (3) one-year Price Agreements for Body Repair Work on State Police Vehicles with a gross vehicle weight of less than 18,000 pounds. Bidders were required to quote on any or all of three Areas: Moorestown, Cranbury, and Newark. In addition, bidders were required to quote hourly labor rates for repairs (60% weight) as well as a discount off the Manufacturers' List Price on miscellaneous parts (40% weight). Per the specifications, the contracts will be awarded to the bidders quoting the highest weighed value which represents the combined hourly rates and discounts for each Area (providing the greatest value to the Authority).

Requests for bids were sent to 34 vendors. On March 2, 2011, 11 bid proposals were received. Bid results are as follows:

Moorestown Area

\$60,000

	Hourly Labor Rate	Discount	Weighed Value
Pro-line Collision, Inc., Runnemede, NJ	\$25.00	20%	1632
Mall Chevrolet Inc., Cherry Hill, NJ	\$37.50	15%	1056

(The recommended low bid proposal for the Moorestown Area compares favorably to the current contract of \$39 per hour labor rate with a 20 % discount off Manufacturers' List Prices.)

Cranbury Area

\$60,000

	Hourly Labor Rate	Discount	Weighed Value
B & L Tire Service, Inc. t/a B & L Towing and Autobody, Carteret, NJ	\$23.95	18%	1683
Pro-line Collision, Inc., Runnemede, NJ	\$25.00	20%	1632
Al's Auto Body, South Amboy, NJ	\$24.95	11%	1548
Mall Chevrolet Inc., Cherry Hill, NJ	\$37.50	15%	1056

(The recommended low bid proposal for Cranbury Area compares favorably to the current contract of \$25 per hour labor rate with a 12.5% discount off Manufacturers' List Prices.)

Newark Area

\$60,000

	Hourly Labor Rate	Discount	Weighed Value
Colormycar Inc., Newark, NJ	\$18.75	17%	2137
B & L Tire Service, Inc. t/a B & L Towing Carteret, NJ	\$22.95	20%	1683
A. Lembo Car and Truck Collision, Inc. Newark, NJ	\$23.00	15%	1721
T.K.H. Enterprises, Inc. d/b/a Maaco Collision Repair, Paterson, NJ	\$22.38	10%	1715
Pro-line Collision, Inc., Runnemede, NJ	\$25.00	20%	1632
Rochelle Park Auto Body, Inc. Rochelle Park, NJ	\$25.00	12.5%	1560
Diamond Auto Body, Jersey City, NJ	\$26.00	15%	1523
Al's Auto Body, South Amboy, NJ	\$27.75	12%	1401
John's Main Auto Body, North Bergen, NJ	\$40.00	0%	900

(The recommended low bid proposal for Newark Area compares favorably to the current contract of \$25 per hour labor rate with a 12.5% discount off Manufacturers' List Prices.)

Non Compliance:

Lusamer Auto Body Corp., Newark, NJ also submitted a bid proposal for all three Areas. Upon review Purchasing Department staff found that the bidder's proposal did not include valid bid guarantees as required. While Lusamer Auto Body Corp submitted two forms of proposal guaranty: a bond and a letter of surety signed by the vendor, neither form was executed by a Surety/insurance company. (The absence of the Surety's participation renders the bid guaranty forms invalid.) A valid bid guaranty is a mandatory requirement as stated in the specifications: "Bidder Guidelines/Check List and Instructions to Bidders". Therefore, it is recommended that the bid proposal submitted by Lusamer Auto Body Corp. be rejected.

Bids were procured and authorization is being sought to award these contracts 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). These awards are also 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.

Accordingly, authorization is requested to award three, one-year contracts: 1) For the Moorestown Area to Colormycar Inc., in a total amount not to exceed \$60,000.00; 2) For the Cranbury Area to B & L Tire Service, Inc. in a total amount not to exceed \$60,000.00; and 3) For the

Newark Area to Pro-line Collision, Inc., NJ in a total amount not to exceed \$60,000.00, subject to funding availability at the time of order.

099-03-2011

In a document dated March 15, 2011, a **Recommendation for Repair and Modifications of Toll Vault Lids for the Garden State Parkway to Tri-Technologies, Inc.**, was approved.

Authorization is requested to award a one-year contract for the Service and Repairs of Toll Vault Lids to be used by the Toll Collection Department on the Garden State Parkway. Requests for bids were distributed to eight vendors. Bidders were required to quote a unit price (including pick-up and delivery) for servicing a vault lid. (In accordance with the bid specifications, the vendor would have 100 lids to service per pick-up.) The award is based on the lowest unit price. On February 22, 2011, the Authority received the following one bid proposal:

	<u>Unit Price</u>
Tri-Technologies, Inc.	\$29.50

The bid unit price is approximately 30 % higher than the previous 2008 contract price (of \$22.75). Given the unavailability of vendors providing toll vault lid repair services, Staff concluded that the unit price is reasonable.

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 one-year contract to Tri-Technologies, Inc. for toll vault lids service and repair for a total anticipated expenditure not to exceed \$60,000.00.

100-03-2011

In a document dated March 21, 2011, a **Recommendation for Window Tinting on State Police Vehicles to Auto Image & Security Inc.**, was approved.

Authorization is requested to award a two-year contract for Window Tinting on 248 State Police Vehicles. Requests for bids were distributed to six vendors. Bidders were required to quote on 11 line items, consisting of various models of vehicles. On March 8, 2011, four bid proposals were received as follows:

	<u>Total Price</u>
Auto Image & Security Inc., East Brunswick, NJ	\$ 44,180.00
Tropic Window Tinting, LLC, Union NJ	\$ 45,170.00
Fords National AutoMart Inc. dba Sansone Ford-	
Lincoln Mercury, Ocean, NJ	\$ 50,320.00
Municipal Equipment Enterprises LLC, Egg Harbor, NJ	\$ 67,308.00

Department Estimate: \$50,000.00

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 two-year contract to Auto Image & Security Inc., in a total amount not to exceed \$44,180.00, subject to funding availability at the time of ordering.

101-03-2011

In a document dated March 21, 2011, a **Recommendation for Early Retiree Cost Reporting and Payment Aggregator Service to AON Hewitt**, was approved.

The Early Retiree Reinsurance Program (ERRP), which was created by the Affordable Care Act, reimburses employers for a portion of health coverage costs for retirees who are not age 65 and Medicare eligible. The federal program is funded at \$5 billion and will expire upon the exhaustion of that fund. In order for it to receive the reimbursement, the Authority must adhere to the reporting requirements as specified by Health and Human Services, including identification of the eligible population and reporting of medical and pharmacy claims aggregated in a prescribed reporting format. To secure such information, the Authority must retain the services of a qualified Aggregator. It is anticipated that the Authority could receive as much as \$2 million from the ERRP

program, dependent upon when the fund is depleted. The Authority does not have in-house technical capability to conduct the unique cost aggregation, thus, it publicly advertised a contract or an Early Retiree Reinsurance Cost Aggregation and Reporting. Requests for bids were distributed to 17 vendors. Bidders were required to quote a set-up cost for producing the required documents and the cost to produce 1 semi-annual and four quarterly reports. On March 8, 2011, two bid proposals were received as follows:

	<u>Total Price</u>
Aon Consulting Inc., d/b/a Aon Hewitt, Somerset, NJ	\$ 50,000.00
Buck Consultants, Secaucus, NJ	\$ 57,250.00

Department Estimate: \$50,000.00

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 one-year contract to Aon Consulting Inc., d/b/a Aon Hewitt, Somerset, NJ, in a total amount not to exceed \$50,000.00, subject to funding availability at the time of ordering.

102-03-2011

In a document dated March 15, 2011, a **Recommendation for NJTA Snow Plow Umbrella Contract (Ratification/Modification) Snow Plow Contracts for New Jersey Turnpike**, was approved.

In November 2010, the Authority established two accounts for the payment of snow removal contracts on the Authority's roadways, one for the Garden State Parkway and one for the New Jersey Turnpike. At the start of 2010-2011 snow season, the authorized amount for the Turnpike was \$1,062,702.00. This amount was depleted due to payments for significant snow and ice events this winter season. In March 2011, the Turnpike account was increased twice; first by \$159,405.00 (15%) in accordance with the terms of the contracts, and again by \$626,000.00 in an emergency measure to pay outstanding vendor invoices. These increases have also been depleted, and the Maintenance Department has requested an increase of \$214,595.00 to pay snow and ice removal invoices for the remainder of the 2010-2011 snow season.

This contract was publicly bid 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 37 (Corzine 2006). The contract is due to expire April 30, 2011.

Accordingly, approval is requested to ratify the prior increase of \$626,000.00, and authorize a new increase of \$214,595.00 to the multi vendor Contract No 563-TPK2010-11 for Snow Removal on the New Jersey Turnpike. This would bring the total authorized amount of the Contract to \$2,062,702.00, subject to funding availability at the time of ordering.

103-03-2011

In a document dated March 17, 2011, a **Recommendation for Extra Heavy Duty Towing and Recovery Services on the New Jersey Turnpike to B&L Tire Service and Highway Service**, was approved.

The Authority promulgated uniform regulations for the procurement of contracts for Towing Services on the Garden State Parkway ("Parkway") and the New Jersey Turnpike ("Turnpike"). Consistent with those regulations, the Authority publicly advertised contracts for several Service Provider Locations (hereafter referred to as "Zones") on the Turnpike and Parkway. Authorization is requested award two contracts for Extra Heavy Duty Towing and Recovery Services ("Towing Services") in Zone E (Interchange 12- Interchange 15E) on the Turnpike. (Contracts for all of the other Zones, except Zone C on the Turnpike, were awarded in October 2010. Awards for Zones C and E have been delayed pending resolution of bid protests.) To offset administrative costs, towing contractors ("Contractors") will be required to remit to the Authority on a monthly basis seven percent (7%) of gross receipts generated from the Towing Services under the contracts.

The solicitation process for Towing Services consisted of two parts. First, interested Contractors were prequalified by the Authority based on a number of operational and legal/administrative criteria, including, but not limited to, experience, location of garage, client references, garage and equipment inspection and criminal background check. Second, prequalified Contractors were then permitted to bid the Towing Services' charges for five Items. Contracts will be awarded to those who quoted the lowest weighted prices for the service charges within each Zone.

Three Contractors were initially prequalified for Zone E: Highway Services Corporation; B&L Towing and Auto Body, and Tumino's Towing. On July 21, 2010, all three Contractors submitted bid proposals for that Zone. Following the bid opening, the Authority received a bid protest challenging Tumino's pre-qualification status. In accordance with our regulations, the Authority conducted a hearing to resolve the bid protest. Upon review of the record, the Hearing Officer decided that Tumino's pre-qualification status should be rescinded. The Executive Director adopted the Hearing Officer's findings as the final agency decision. Since Tumino's was not pre-qualified, their bid proposal was rejected.

Zone E has two available contract opportunities, thus it is recommended that the Authority award contracts to both lowest responsible bidders at the following rates:

Legend:

- A) Heavy Duty Wrecker (Hourly Rate not to exceed \$250.00/hour)
- B) Landoll with Tractor (Hourly Rate not to exceed \$250.00/hour)
- C) Relief Box Trailer (Hourly Rate not to exceed \$250.00/hour)
- D) Supervisor (Wreck Master or Equivalent) (Hourly Rate not to exceed \$150.00/hour)
- E) Tech Labor (Hourly Rate not to exceed \$100.00/hour) and
- F) Total Weighted Price

Highway Services Corporation,	A. \$ 45.00;	B. \$45.00;	C. \$27.00;	D. \$27.00;	E. \$ 27.00	F. \$41.40
B&L Tire Service,	A. \$100.00;	B. \$ 0 ;	C. \$70.00;	D. \$ 0;	E. \$100.00	F. \$72.00

Bids were procured, and authorization is being sought to award these contracts 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). These awards are 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 contracts for Extra Heavy Duty Towing Services for Zone E on the Turnpike to Highway Services Corporation and B&L Towing and Auto Body.

STATE CONTRACTS

104-03-2011

In a document dated March 15, 2011, a **Recommendation for Front Load Trash Service on the Garden State Parkway and New Jersey Turnpike to Waste Management of New Jersey, Tri State Carting, and Integrated Waste Systems**, was approved.

The Maintenance Department requisitioned contracts for trash container and removal services at various locations along both Authority roadways. The trash containers will vary from two to eight cubic yards depending on facility usage. The State Purchase Bureau competitively solicited contracts for trash removal services in New Jersey, awarding contracts by county. Authority staff compared unit pricing from the prior public bid contracts with the State Contract pricing and found that the Authority will save approximately \$177,000.00 annually by utilizing the State Contracts. Thus, awards will be made to the following three State Contract vendors: No. 77549 - Waste Management of NJ for 10 counties; Inc., No. 77546 - Tri-State Carting, Inc. for two counties; and No. 77548 - Integrated Waste Systems, Inc for three counties. These contracts will expire September 13, 2013.

These contracts were 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, authorization is requested to award contracts to the following vendors: Waste Management of NJ, Inc. for \$818,350.00, Tri-State Carting, Inc. for \$60,700.00 and to Integrated Waste Systems, Inc. for \$98,750.00.

105-03-2011

In a document dated March 22, 2011, a **Recommendation for Upgrade to Dense Wave Fiber Optic Networking Equipment to E Plus Technology**, was approved.

The Technology and Administrative Services (TAS) Department requisitioned equipment and materials associated with the Authority's upgrade of the Dense Wave Division Multiplexing (DWDM) System. The DWDM System is used in connection with the Authority's fiber optic network and serves as a redundant path for all telecommunications including, data, voice, and video traffic. The DWDM System is the main transport layer of communications between NJDOT, New Jersey State Police, and the Statewide Traffic Management Center.

The requisitioned equipment and materials will provide greater bandwidth for data, while consolidating multiple system cards into one module, reducing chassis space. This simplified design and reduction in chassis and cards will reduce floor space requirements, power

consumption, environmental cooling, and thus reduced operating costs.

The upgrade and replacement equipment and materials can be procured through NJ State Contract No. 73979 with the Western States Contracting Alliance ("WSCA"). The State Contract is valid until May 31, 2012. This WSCA contract provides access to several technology providers, and therefore requires public entities to obtain competitive price quotations from three providers when procurement exceeds \$150,000. Quotes were solicited from the following three authorized Cisco dealers:

<u>Vendor</u>	<u>Total Amount</u>
EPlus Technology, Inc., Hamilton, NJ - Authorized Cisco Dealer	\$ 339,348.40
TransNet Corporation, Somerville, NJ - Authorized Cisco Dealer	\$ 411,181.40
Cisco Systems, Inc., San Jose, CA – Manufacturer	\$ 412,359.70

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, authorization is requested to award the referenced DWDM system equipment contract to EPlus Technology, Inc., in the amount of \$339,348.40.

106-03-2011

In a document dated March 15, 2011, a **Recommendation for Panasonic Toughbook Laptops and Accessories to CDW Government Inc.**, was approved.

The Technology and Administrative Services (TAS) Department requisitioned 15 "Toughbook" Laptop Computers. Ten of these ruggedized mobile computers are for use by the electronic toll equipment technicians and five for the NJ State Police (Troop D). These computers will replace those used in the field for five to seven years and have become damaged beyond repair. This procurement is part of an on-going Authority project to replace obsolete equipment.

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, authorization is requested to award the referenced laptop computer equipment contract to CDW Government, Inc., in the amount of \$51,550.65.

107-03-2011

In a document dated March 21, 2011, a **Recommendation for Hewlett Packard Servers from the Hewlett Packard Company**, was approved.

The Technology and Administrative Services (TAS) Department has requisitioned ten computer servers to support the implementation of the DELCAN Core Software Project at the Statewide Traffic Management Center (STMC). The procurement consists of five communications servers, three database servers, and two center to center servers, all with battery back-up and 5-year warranty.

The STMC DELCAN Core Software Project is intended to improve consistency and efficiency of traffic management, incident detection and incident response. This system will improve coordination between internal STMC operators, external agencies and response personnel through an enhanced process for sharing information. It will also consolidate or replace functionality of some of the existing systems, thereby decreasing the number of software applications involved in traffic and incident detection and response. The purchase of this hardware is necessary to implement this software system integration project.

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, authorization is requested to award the referenced purchase of computer servers contract to the Hewlett Packard Company in the amount of \$67,514.11.

108-03-2011

In a document dated March 22, 2011, a **Recommendation for PeopleSoft E-Settlements and Perpetual License to Dell Computer Corp.**, was approved.

The Technology and Administrative Services (TAS) Department requisitioned the PeopleSoft "E-Settlements" module to be installed and integrated into the Authority's existing PeopleSoft Financial System. This procurement is part of the "Upgrade and Enhancement" of the PeopleSoft Financial System, approved at the February 2011 Commission Meeting. The "E-Settlements" module will be used by Accounts Payable personnel in the Finance Department to streamline the invoice approval and check settlement processes. In addition, Authority vendors will now be able to track the status of invoices via the Internet. This procurement includes a perpetual software license, as well as one year support and maintenance for 500 users.

The software and licensing for the "E-Settlements" module can be procured through NJ

State Contract No. 77003, which is valid until June 30, 2015. This contract provides access to several software technology vendors, and where more than one vendor offers an identical product, requires agencies to seek quotes from those vendors, to ensure the most competitive pricing. Quotes were solicited from three vendors that offer Oracle software products, and only one vendor, Dell Marketing, LP is able to provide the software and licensing required.

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, authorization is requested to award the referenced software and licensing contract to Dell Marketing, LP, in the amount of \$101,060.00.

109-03-2011

In a document dated March 15, 2011, a **Recommendation for Fencing to EB Fence Corp.**, was approved.

The Maintenance Department requisitioned the supply and installation of chain link fencing for both Authority roadways. The contract will provide materials, removal of existing fencing, and installation of new fencing at seven facilities to surround and secure them from unauthorized pedestrian access, as well as prevent animal intrusion. The fencing is required to replace breaches beyond reasonable repair.

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, authorization is requested to award the referenced chain link fencing installation contracts to EB Fencing, in the amount of \$58,517.50.

110-03-2011

In a document dated March 16, 2011, a **Recommendation for Emergency Warning Lights to East Coast Emergency Lighting (MODIFICATION)**, was approved.

In June, 2009 the Authority awarded a contract to East Coast Emergency Lighting to provide vehicle safety lighting for various departments. This contract is utilized by the Roadway Maintenance, Motor Pool, and Inventory Divisions for replacing warning lights, strobe lights, and various accessories. The Inventory Department has requested that Contract No. 1189 be increased by \$15,000.00 as the authorized amount has been depleted, due largely to the addition of parts covered under the State 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. 1189 by \$15,000.00 for a new authorized amount of \$65,000.00.

111-03-2011

In a document dated March 15, 2011, a **Recommendation for Winter Hot Mix Asphalt for Northern Area of Turnpike and Parkway to Tilcon New York, Inc. (MODIFICATION)**, was approved.

In April, 2010 the Authority awarded a contract to Tilcon NY, Inc. to provide Winter Hot Mix Asphalt. This contract is utilized by the Northern Maintenance Division for the procurement of hot mix asphaltic concrete to fill roadway potholes throughout the winter months. The Maintenance Department has requested that Contract No. 1316 be increased by \$20,000.00 as the authorized amount has been depleted. The depletion of funds for this Contract is due largely to a higher volume of roadway repair work needed in response to numerous snow and ice events this winter. The original amount authorized by the Authority was for an amount not to exceed \$75,500.00.

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. 1316 by \$20,000.00 for a new authorized amount of \$95,500.00.

112-03-2011

In a document dated March 22, 2011, a **Recommendation for Industrial Supplies and Equipment to W W Grainger, Inc. (MODIFICATION)**, was approved.

In November, 2008 the Authority awarded a contract to WW Grainger, Inc. to supply a wide range of industrial hardware, tools, and equipment held in inventory. This contract is used extensively by Maintenance Roadways, Buildings and Automotive Divisions. The underlying New Jersey State Contract has been extended many times since the original issuance, and the Authority has taken advantage of competitive State Contract pricing. The Inventory Division has requested that Contract No. 1027 be increased once more as the authorized amount has been depleted. In

the meantime, staff is preparing documents to publicly bid these supplies in the near future.

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. 1027 by \$60,000.00 to continue the referenced goods through the expiration of the State Contract on April 30, 2011.

PROFESSIONAL SERVICES

113-03-2011

In a document dated March 22, 2011, a **Recommendation for Extend Agreements through April 30, 2011 Horizon Blue Cross Blue Shield, Cigna Healthcare and Delta Dental to Provide Third Party Claims Administration Services for the New Jersey Turnpike Authority's Self-Funded Health Benefits Program**, was approved.

At its December 31, 2004 Commission Meeting, the Authority authorized the award of contracts to Horizon Blue Cross Blue Shield, Cigna Healthcare and Delta Dental for third party claims administration and access to managed care networks for the Authority's self-funded medical, pharmaceutical, and dental plans ("health benefit plans"). These contracts became effective on April 1, 2005. On January 1, 2009, the employees of the South Jersey Transportation Authority ("SJTA") became members of the Authority's health benefit plans. The contracts were due to expire on March 31, 2010.

In March 2010, the Authority authorized an extension of twelve months to allow sufficient time to prepare an RFP and supporting documents, advertise the RFP, review the responses, and present a recommendation of the proposed vendor(s) to the Board of Commissioners, implement new contracts (which requires a minimum of 90 days in the event that incumbent carriers are replaced), and prepare for 2011 collective bargaining negotiations. Horizon Blue Cross Blue Shield, Cigna Healthcare and Delta Dental agreed to extend the current agreements under the same terms and conditions that exist today, including pricing for all administrative fees.

Subsequently, at its February 23, 2011 Commission Meeting, the Authority authorized awards of new contract agreements for provision of third-party claims administration and access to managed care networks for all elements of the Authority's self-funded group health benefits program, including medical, pharmacy, dental and vision care to two incumbent carriers, Horizon Blue Cross Blue Shield of New Jersey, and Delta Dental, and two new carriers, Express Scripts and Davis Vision. The fixed costs and projected claim expenses associated with implementation all of the new contract agreements shall yield substantial cost savings for the Authority.

In order to allow sufficient time for implementation of the new contract agreements, it is necessary to extend the current agreements for one more month through April 30, 2011. Horizon Blue Cross Blue Shield, Cigna Healthcare and Delta Dental have agreed to extend the current agreements under the same terms and conditions that exist today, including pricing for all administrative fees. All new contract agreements, already authorized, shall become effective on May 1, 2011.

Authorization is therefore requested to extend the expiring agreements with Horizon Blue Cross Blue Shield, Cigna and Delta Dental for provision of third party claims administration services from April 1, 2011 through April 30, 2011 for an amount not exceed \$195,000.00 for administrative fees. This "not to exceed" amount assumes current enrollees.

SOLE SOURCE

114-03-2011

In a document dated March 22, 2011, a **Recommendation for Clark-Volvo Loader Parts to Penn Jersey Machinery, LLC.**, was approved.

Authorization is requested to award a sole source contract to Penn Jersey Machinery LLC for Clark-Volvo loader parts and service. Penn Jersey Machinery, LLC is the sole supplier of parts and service in the State of New Jersey. Thus, no other vendor is capable of providing parts and repairs. In addition, this is an exceptional circumstance as this equipment is crucial to the Maintenance Department operations to effectively keep the loaders operational and to keep the roadway in a safe operating condition.

This contract was procured under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1, promulgated under N.J.S.A. 27:23-1 et seq., the Authority's enabling legislation. A resolution, as required by N.J.A.C. 19:9-2.2(d)1, is attached hereto. The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the awardee pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008), and having no objection to the same.

Accordingly, authorization is requested to award a one-year contract to Penn Jersey Machinery LLC. for Clark-Volvo loader parts and repairs in an anticipated annual expenditure not to exceed \$40,000.00, subject to funding availability at the time of order.

**RESOLUTION FOR SOLE SOURCE PROCUREMENT
CLARK-VOLVO LOADER PARTS AND REPAIRS**

WHEREAS, the Maintenance Department requisitioned the Authority to enter into an Agreement for parts and repairs of Clark-Volvo loaders;

WHEREAS, parts and service for loaders must be readily available to effectively keep the equipment operational and the roadway in a safe operating condition;

WHEREAS, Penn Jersey Machinery, Inc. is the authorized sole distributor in New Jersey for parts and repairs of Clark-Volvo construction equipment;

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

NOW THEREFORE, BE IT RESOLVED that the Authority's Commissioners hereby authorize and approve award of a contract for parts and service of Clark-Volvo loaders in an amount not to exceed \$40,000.00, as a sole source exception to procurement by public advertisement permitted by N.J.A.C. 19:9-2.2(d)1 promulgated under the Authority's enabling legislation, N.J.S.A. 27:23-6.1.

115-03-2011

In a document dated March 23, 2011, a **Recommendation for Authorization to purchase thirty (30) antennas for E-ZPass toll lanes to Kapsch TrafficCom**, was approved.

Authorization is requested to purchase thirty (30) antennas, which are used as part of the E-ZPass system, from Kapsch TrafficCom (formerly Mark IV IVHS Inc. "Mark IV"). The Authority is a member of the Interagency Group (IAG), which serves as the regional coordinating entity for the implementation of electronic toll collection technology. In August 1994, the members of the IAG competitively selected and entered into a contract with Mark IV to provide universal and compatible equipment for its members. Subsequently, the Authority executed an Irrevocable Offer (IO) with Mark IV which permits the Authority to continue purchasing tags, parts and equipment exclusively from Mark IV through August 16, 2011. Mark IV, the sole source provider for E-ZPass equipment was recently purchased by Kapsch TrafficCom. The IAG is nearing completion of a competitive RFP that will result in a recommendation to its member agencies of a vendor for the award of a successor contract.

The Electronic Toll Collection ("ETC") Department requisitioned 30 Antennas to replenish ones that were used for the mixed mode project on the New Jersey Turnpike ("Turnpike"). The mixed mode project provides E-ZPass capabilities in the staffed dedicated cash lanes on the Turnpike.) More antennas were installed and replaced for the project than originally anticipated. Consequently, almost all of the available stock of antennas was used. Under the IO, Mark IV is the sole source provider of the requisitioned antennas. This is an exceptional circumstance as the antennas are critical to the operation of the Authority's E-ZPass system, and thus to the collection of toll revenue.

This contract was originally procured under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1, promulgated under N.J.S.A. 27:23-1 et seq. the Authority's enabling legislation. Accordingly, authorization is requested to purchase 30 antennas from Kapsch TrafficCom in an amount not to exceed \$34,688.10.

On motion by Commissioner DuPont seconded by Commissioner Diaz, the Authority unanimously approved items 095-03-2011 through 115-03-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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GENERAL BUSINESS

Director of ETC Dennis Switaj requested approval of item number 116-03-2011. Moved is the item as follows:

116-03-2011

In a document dated March 21, 2011, a **Recommendation for Authorization to Amend Professional Services Agreement with ACS State and Local Solutions, Inc. to include Delaware River and Bay Authority E-ZPass Customer Service Center Operations**, was approved.

The New Jersey Turnpike Authority ("Authority") is the lead agency administering the New Jersey E-ZPass Customer Service Center, which handles back office operations for the Authority, South Jersey Transportation Authority, Delaware River Port Authority and Burlington County Bridge Commission (collectively "ETC Group"). ACS State & Local Solutions, Inc. ("ACS") is the Authority's contractor for the operation and maintenance of the New Jersey E-ZPass electronic toll collection

customer service center ("CSC") and violation processing center ("VPC"). At the Authority's December 2002 Board of Commissioners meeting, a Professional Services Contract Agreement with ACS State and Local Solutions, Inc. ("ACS") was approved by the Authority's Board of Commissions (the "Agreement"). The Agreement expires on July 31, 2014. Similarly, and under separate agreement, ACS serves as the customer service center operator for the Delaware River and Bay Authority ("DRBA").

Because the Authority and DRBA use the same operator, and that ACS's agreement with DRBA has expired, a unique opportunity has presented itself for the consolidation of New Jersey E-ZPass customer service operations. DRBA will derive significant benefits under this consolidated operation, including significant annual operating cost savings, and migration to an upgraded technology platform. The New Jersey ETC Group will benefit from the expanded use of the DRBA customer service center, in New Castle, DE, and the economies of scale resulting from an increased customer base and increased number of transactions. The Authority will not incur any costs as the result of this migration.

Therefore, authorization is requested to amend the Professional Services Agreement with ACS State and Local Solutions, Inc. to include the Delaware River and Bay Authority's Customer Service Center operation.

On motion by Vice Chairman Gravino, seconded by Commissioner DuPont, the Authority unanimously approved item 116-03-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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FINANCE

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Chief Financial Officer Donna Manuelli requested approval of item number 117-03-2011. Moved is the item as follows:

117-03-2011

Chief Financial Officer Donna Manuelli presented the Financial Summary for the two months ended February 28, 2011.

On motion by Vice Chairman Gravino seconded by Commissioner Diaz the Authority unanimously approved item 117-03-2011; 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 118-03-2011. Director Hill indicated that there is a correction on the Turnpike comparison of accidents report. On the January-February 2011 row entitled Injuries will be changed from 0.0 to 169 and the same column, row injuries/100 MVM, will be changed from 0.0 to 21.3. Moved is the item as follows:

118-03-2011

Director of Operations Sean Hill requested acceptance of the Resume of All Fatal Accidents for the Garden State Parkway and New Jersey Turnpike: Period 1/1/11 through 3/8/11; both with 2010-2011 Yearly Comparisons through February 28, 2011.

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

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STATE POLICE

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Major Hines requested approval of item number 119-03-2011. Moved is the item as follows:

119-03-2011

Major Hines requested acceptance of the New Jersey State Police Troops D Activity Reports, For February, 2011, with 2010 – 2011 Yearly Comparisons.

On motion by Vice Chairman Gravino, seconded by Commissioner DuPont, the Authority unanimously accepted the reports and received 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 Commissioner DuPont, seconded by Vice Chairman Gravino, 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 11:22 a.m.; Chairman Simpson resumed the public portion of the meeting.

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HUMAN RESOURCES

Director of Human Resources Mary-Elizabeth Garrity requested approval of item 082-03-2011. Moved is the item as follows:

082-03-2011

Human Resources Director Garrity submitted the Personnel Agenda, dated March 29, 2011, and requested confirmation of the personnel matters contained therein. The Executive Director certified the recommendations for consideration.

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

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LAW

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Assistant Director of Law Linda Lordi Cavanaugh requested approval of items 083-03-2011 through 086-03-2011, and 120-03-2011 through 121-03-2011. Moved as a group those items are as follows:

083-03-2011

In a memorandum dated March 22, 2011, Authorization to Approve Settlement in the Matter of Anthony Phelon v. New Jersey Turnpike Authority, et al was approved.

This matter arises from an accident that occurred on September 7, 2008 when Anthony Phelon ("Plaintiff") was operating his motorcycle and proceeding easterly on Interstate Route 78

near Interchange 14 on the New Jersey Turnpike in the City of Newark. While traveling eastbound, the motorcycle reportedly lost control and Mr. Phelon was separated from the motorcycle as they both fell to the roadway. The accident occurred during daylight hours and the road surface was dry according to the police report. Mr. Phelon alleges that there was a depression, sinkhole and/or collapsed road repair in the roadway, thereby propelling him from his motorcycle and onto the roadway. He further states in his complaint that due to the alleged negligence and carelessness of the New Jersey Turnpike Authority, Mr. Phelon was caused to sustain and suffer severe and permanent injuries, including but not limited to multiple fractures to his leg, shoulder, collar bone and ribs as well as severe bruising to the hip which required him to undergo four surgical procedures and the implementation of permanent surgical hardware.

Plaintiff states that he has been advised, by his doctors, that all the above injuries are considered to be permanent and that these severe injuries are disabling and continue to severely limit and compromise his daily activities of living, cause great pain on a daily basis and require continued therapy and rehabilitative care.

When considering the extent of Plaintiff's damages, the history of the road repairs and the Turnpike Authority's responsibility for maintenance of the area in question and resulting potential liability, the future litigation costs (both in expert fees and legal fees) to conclude expert-related discovery and to proceed with trial, as well as the jury verdict potential, a settlement amount of \$360,000.00 seems reasonable and is recommended.

Accordingly, the Law Department recommends that the Commissioners authorize full and final settlement of the matter, in an amount not to exceed \$360,000.00. This settlement will conclude all claims by Plaintiff against the Authority in the matter of Anthony Phelon v. New Jersey Turnpike Authority, et al. Authorization is also recommended to allow the Executive Director to execute any and all documentation upon review and approval by the Law Department and General Counsel necessary to conclude this litigation.

084-03-2011

In a memorandum dated March 22, 2011, **Ratification of Action taken for the Acquisition of Property Interests Required for the New Jersey Turnpike Authority Interchange 6-9 Widening Program, Acquisition of Four (4) Properties and Reimbursement for Damages**, 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 easements or other property rights needed to begin Phase 1 construction of the Widening Program with final action being brought to the Commissioners for ratification.

Since the last Commissioner's meeting, the Authority has taken final action with respect to the following properties.

I. New Acquisitions, Reimbursement for Damages and Relocation Benefits: The Authority has determined that the three (3) properties listed below are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations with the owners and their respective counsel as appropriate for the purchase of same or the settlement of any claims related to said acquisitions based on this appraised value and in compliance with the laws governing its powers of eminent domain. Negotiations continued and settlement of all terms was agreed upon. The following is a description of each property for which the parties have finalized negotiated terms of sale or other terms of settlement:

1. Turnpike Design Section 8, Turnpike ROW Section 4L
Parcel No. C1230, Block 55, Lot 9.02 (a/k/a 9.2)
28 Abeel Road, Monroe Township, Middlesex County
Owners: MJM Holding Corp.
Amount: \$1,600.00

The property currently consists of 3.50 acres of land improved with a one-story, 60,175 square-foot warehouse building (the "Property") The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of final grading and replacement of ROW fencing, impacting 0.080 acres of the Property to be designated as Parcel C1230.

2. Turnpike Design Section 8, ROW Section 4L
Parcel No. C1228, Block 55, Lot 5.01 (a/k/a Lot 5.1)
22 Abeel Road, Monroe Township, Middlesex County
Owner: Shima Seiki USA, Inc.
Amount: \$1,300.00

The property currently consists of 3.057 acres of land improved with a two-story, 27,863 square-foot warehouse building and approximately 15,000 square feet of finished office space (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of final grading and replacement of ROW fencing, impacting 0.066 acres for the Property to be designated as Parcel C1228.

3. Turnpike Design Section 8, Turnpike ROW Section 4L
Parcel Series 1220, Block 3, Lot 1.01 (**Partial Taking**)
257 Prospect Plains Road, Township of Cranbury, County of Middlesex
Owner: Keystone Cranbury East, LLC c/o ProLogis
Amount Damages: \$210,233.89

The Property currently consists of 74.369 acres of land improved with a 1,000,000 square foot multi-tenanted warehouse distribution building. Pursuant to a Right of Entry Agreement entered into by Keystone Cranbury East, LLC c/o ProLogis and the New Jersey Turnpike Authority on July 21, 2010, the Authority agreed to pay actual and reasonable costs for ProLogis obtaining approvals for and constructing an on-site temporary parking area to replace 40 trailer parking spaces to be temporarily lost during the relocation of the Colonial Pipeline. To date, five (5) invoices have been submitted totaling \$210,233.89.

II. New Eminent Domain Proceedings. The Authority has determined that the one (1) property listed herein is 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 same. With respect to the below parcel, 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 said property:

- 1) Turnpike Design Section 7, Turnpike ROW Section 4K
Parcel Series 1166A, 1166B & D1166, Block 7, Lot 18
61 Station Road, Cranbury Township, Middlesex County
Owner: Keystone Station Road, LLC
Amount: \$162,000.00

The property currently consists of 84.21 acres of land improved with a 771,893 square foot warehouse and distribution facility (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.378 acres of the Property to be designated as Parcel 1166A; (2) a fee simple interest in 0.428 acres of the Property to be designated as Parcel 1166B; and (3) a drainage easement consisting of the right to construct and maintain a drainage easement, containing subsurface drains and appurtenances, discharging water into Cranbury Brook, impacting 0.009 acres of the Property to be designated as Parcel D1166.

The acquisitions as proposed 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 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 and approved by the Law Department and General Counsel.

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

085-03-2011

In a memorandum dated March 9, 2011, **Authorization to Settle Formal Workers' Compensation Matter - Lisa Norris-Ciangiotto v. N.J. Turnpike Authority**, was approved.

Lisa Norris-Ciangiotto was a Parkway Division Assistant Toll Plaza Supervisor at the time of injury. She was hired September 9, 1987 and retired effective November 1, 2007 under an Ordinary Disability retirement. This recommended settlement will resolve three (3) formal Claim Petitions stemming from job related injuries which occurred on December 7, 2004, August 30, 2004, and an occupational claim filed April 5, 2005.

The petitioner is represented by Shebell & Shebell, LLC located in Oakhurst, NJ. The Authority is defended by Special Counsel Gary Price of Buttafuoco, Arce & Price located in South Plainfield, NJ. The matter is venued in the district office of Freehold before Judge Moncher.

Permanency evaluation on behalf of the petitioner was performed by Dr. Floyd Krengel who valued the body parts injured at 90% permanent partial total. Permanency evaluation on behalf of the respondent was performed by Dr. Arthur Canario who valued one injured body part at 15% of permanent partial total and 0% for the second body part.

After reviewing the treatment records and evaluations, the court suggested the case had a value of 42.5% or \$99,450.00. In addition, the court indicated that the Authority would be entitled to a credit of 17.5% or \$19,215.00 for prior injury as well as a deduction of 5% or \$5,100.00 for a voluntary offer made by the Authority in March 2007. This would reduce the total award paid by the Authority to \$75,135.00.

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 \$75,135.00.

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

086-03-2011

In a memorandum dated March 22, 2011, **Authorization to Approve Settlement in the Matter of Sijia Liu and Hejia Chen v. New Jersey Turnpike Authority, et al**, was approved.

This matter arises from an accident that occurred on October 13, 2006 which involved a head-on collision between two (2) vehicles on the New Jersey Turnpike (I-95) Interchange 15W TNW ramp in Kearny. Plaintiffs Sijia Liu and Hejia Chen ("Plaintiffs") were rear seat passengers in a vehicle operated by a Defendant Chen C. Szu. Plaintiffs' host vehicle travelled across a curbed concrete median separating opposite lanes of travel, which median was owned and controlled by the New Jersey Turnpike Authority (the "Authority"), and collided head-on with a tractor trailer. The host driver (Chun Szu) of Plaintiffs' vehicle, failed to safely negotiate the curve, crossed the 4-inch-high and 4-foot-wide concrete median, and struck a truck traveling in the opposite direction head-on. The truck driver, Richard Walborn, III ("Walborn") was traveling within the speed limit and had no opportunity to avoid the accident. Walborn has been dismissed via summary judgment, and the host driver (Szu) has settled for the limited limits of his policy, leaving the Authority as the sole viable defendant in this action.

As a result of the accident, both Liu and Chen sustained catastrophic and permanent personal injuries. Liu sustained injuries to his right arm, left arm, left leg and a concussion. Liu's most severe injury was a severe crush injury requiring complete amputation of his dominant right arm above the elbow. The amputation required multiple follow-up surgeries and he currently uses a prosthetic arm. Plaintiff Chen suffered severe injuries to her head, back, right shoulder, left shoulder, left hand, and left leg. These injuries include significant disfigurement and surgical scarring, soft tissue injuries, concussion and amnesia. Chen also suffered several fractures to her shoulders, left leg and left hand, necessitating several surgeries. Court-ordered non-binding arbitration resulted in an allocation of 25% of liability to the Authority, representing a significant potential liability on the part of the Authority.

The Authority engaged in mediation and the parties were able to reach a global settlement of this matter for a total amount of \$1,275,000, (\$925,000 for Plaintiff Sijia Liu, and \$350,000 for Plaintiff Hejia Chen) subject to Commissioner approval. Considering the extent of Plaintiffs' injuries and damages, the Authority's responsibility for operation and control of the area in question, the future litigation costs (both in expert fees and legal fees) to conclude expert-related discovery and to proceed with trial, as well as the jury verdict potential, the settlement amounts set forth above seem reasonable and are recommended.

Accordingly, the Law Department recommends that the Commissioners authorize full and final settlement of the matter, in an amount not to exceed \$1,275,000.00 allocated as set forth above. This settlement will conclude all claims by Plaintiffs against the Authority in this matter. Authorization is also recommended to allow the Executive Director to take all such actions and to execute any and all documents, after review and approval by the Law Department and General Counsel, necessary to conclude this litigation.

120-03-2011

In a memorandum dated March 21, 2011, a **Recommendation to Authorize Changes to the Administrative Code**, was approved.

In order to streamline operations, increase revenues, and provide for the more efficient collection of tolls, staff seeks authorization to commence the rulemaking process, under the Administrative Procedure Act, to amend existing Authority regulations as set forth below.

1. Amendment of Administrative Fee for E-ZPass Violators

In authorizing the Authority to implement E-ZPass on its roadways, see P.L. 1997, c. 59, §6, *et seq.*, the Legislature also permitted the Authority to impose a "reasonable administrative fee" for any violation of the Authority's E-ZPass regulations. See N.J.S.A. 27:23-34.3(e). The purpose of the administrative fee is not to generate incremental revenues for general operations or to punish violators. Rather, the fee's purpose, according to statute, is to recoup "the actual cost of processing and collecting the violation." N.J.S.A. 27:23-34.3(a). This fee need not be calculated with mathematical precision, but must be reasonable and bear a rational relationship to the actual costs of enforcement.

The administrative fee has remained unchanged at \$25 since the implementation of E-ZPass in the late 1990s. A financial analysis conducted by Authority staff shows that the actual costs of enforcement have risen to \$50 per violation. Staff is mindful of the need to proceed in an incremental fashion to avoid unduly penalizing motorists. But the cost of running the violations enforcement program is now being subsidized with toll revenues collected from the vast majority of the public which abides by the law. An adjustment of the administrative fee would properly allocate the enforcement costs to the narrow class of habitual or intentional toll violators.

Therefore, authorization is requested to amend N.J.A.C. 19:9-9.2(b) to increase the E-ZPass violation administrative fee to \$50, effective April 1, 2011. This increase will affect only E-ZPass violators, and the Authority will continue to adjudicate cases of inadvertent violations consistent with its existing business rules.

2. Video Enforcement of Toll Violations in Parkway Exact Change Lanes

On the Parkway, exact change lanes have long operated with automatic coin machines, or "ACMs". Some toll plazas are unstaffed during certain times of day. Under an existing regulation, N.J.A.C. 19:9-1.19, when a motorist uses an ACM lane that is unstaffed or the motorist is without exact change, the motorist is required to take a return envelope and mail the toll due to the Authority. Otherwise, motorists without exact change are required to stop and await assistance, unless otherwise directed. Compliance rates with respect to the return envelopes, however, are extremely low, and the process is cumbersome.

Video enforcement technology is now available for ACM lanes. This enforcement technology, which is similar to the E-ZPass enforcement apparatus, renders the envelope collection process obsolete. Authorization is therefore requested to amend N.J.A.C. 19:9-1.19 to delete the return envelope requirement, and to provide for the collection of unpaid tolls in the ACM lanes through the Authority's existing electronic toll collection regulations, N.J.A.C. 19:9-9.1 *et seq.* Thus, staff proposes to collect unpaid tolls in the ACM lanes in the same manner as the E-ZPass lanes, through the mailing of an advisory and payment request and the assessment of an administrative fee to recoup the costs of enforcement. Violators of ACM lanes will be captured through video images of the vehicle and license plate.

3. Prohibition on Non-Passenger Vehicles in Parkway Exact Change Lanes

As part of the 2008 toll adjustments, passenger cars towing trailers and pickup trucks with dual wheel rear axles were required to pay a higher toll on the Parkway than other passenger cars. To partially offset this increase, a Trailer Discount Program was instituted on the Parkway which provides customers of the New Jersey E-ZPass system a discounted toll rate. A significant number of patrons still attempted to avoid the increased toll, however, by choosing the ACM lanes on the Parkway. The ACM lanes charge these vehicles the lowest passenger vehicle toll because of certain technical limitations on the equipment. This resulted in the Authority experiencing an increased incidence of misuse and a loss of revenue. As a result, staff requests a change to N.J.A.C. 19:9-1.19 to prohibit all vehicles other than passenger cars without trailers from using the ACM lanes on the Parkway.

4. Public Access to Records

Effective November 9, 2010, the Legislature enacted, and the Governor signed into law, amendments to the Open Public Records Act which reduce the copying charges that may be charged for providing copies of public records, in general, to five cents per page or the agency's actual costs. Presently the Authority's regulations provide for a range of copying charges that are now in excess of the prescribed statutory limit, as amended. Authorization is requested to amend N.J.A.C. 19:9-4.4 to re-state the Authority's public records regulation to comply with the statutory amendment.

Staff also requests authorization to modify N.J.A.C. 19:9-4.1, which states the procedure to

obtain motor vehicle accident reports from the New Jersey State Police. Because Troop D and Troop E have been consolidated into one troop, it is necessary to revise the contact information set forth in the regulation.

Authorization to undertake the foregoing regulatory changes to N.J.A.C. 19:9 is respectfully requested.

121-03-2011

In a memorandum dated March 22, 2011, a **Recommendation to Conduct Public Hearings in Connection with a Proposed Adjustment in Existing Tolls**, was approved.

The Authority provides a discounted toll rate for any E-ZPass user who travels on the New Jersey Turnpike ("Turnpike") in a Class 1 vehicle, which generally is a passenger vehicle, during off-peak hours. Off-peak hours are defined as all hours Monday through Friday except for 7:00 am to 9:00 am and 4:30 pm to 6:30 pm. The peak vs. off-peak pricing strategy, which was adopted as part of the September 2000 toll increase and was termed "Value Pricing," is built into the Authority's toll rate schedules. The discount is available: (1) to all E-ZPass customers --the discount is not limited to only customers of the NJ E-ZPass system; and (2) only on the Turnpike. Peak vs. off-peak pricing is not offered for Class 1 vehicles on the Garden State Parkway.

Staff recommends eliminating the off-peak toll rates on the Turnpike for Class 1 vehicles using E-ZPass and instituting an off-peak discount of approximately 25% for only NJ E-ZPass customers.

In order to implement this recommendation, we respectfully request that the Board of Commissioners authorize staff to hold public hearings on a proposal to:

- eliminate from the Authority's toll rate schedule the off-peak E-ZPass discount for Class 1 vehicles on the Turnpike; and
- approve a toll rate schedule that charges E-ZPass and cash customers the same toll rate for all hours; and
- approve a new discount plan, with discounts at the same rates as the current off-peak discount plan, which will be given to only NJ E-ZPass customers. The new plan will be called the "E-ZPass Off-Peak Discount for Class 1 Vehicles."

The effect of the three (3) actions set forth above will be to eliminate a discount for E-ZPass users who are not customers of the NJ E-ZPass system. Consequently, E-ZPass users who are not customers of the NJ E-ZPass system will have an approximate 34% toll increase during off-peak travel. The NJ E-ZPass customer, however, will be unaffected by this change. Any individual may become a customer of the NJ E-ZPass system regardless of his or her state of residency.

In accordance with the Authority's enabling legislation, a public hearing must be conducted prior to any action by the Authority to effectuate a change in its toll rate structure so that the Board of Commissioners will have the benefit of public comment. Therefore, it is requested that the Board of Commissioners adopt the attached Resolution that authorizes staff to begin the public hearing process.

On motion by Commissioner DuPont seconded by Commissioner Singleton, the Authority unanimously approved items 083-03-2011 through 086-03-2011 and 120-03-2011 through 121-03-2011; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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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.

FRAN EHRET, LOCAL 194

Ms. Ehret opened with a statement indicating that there has not been one meeting between the union and the Authority wherein the union was given any hope that they will be afforded the opportunity to negotiate. There has only been silence on the part of the Authority. Ms. Ehret stated that the union had been very courteous and respectful to the Authority. The union presented a proposal to the Authority, and if it is not agreeable to the Authority, the union would like to discuss this with the Authority. The workers deserve better treatment, reducing their salaries to \$12.00 per hour will not only hurt our members and their families it will hurt the overall economy. The union has pointed out that the Turnpike is not broke, it is doing very well financially. The Tolls Department budget has gone down over the past several years. The union has agreed to cost saving measures, including contributing towards health benefits. The union is willing to make concessions to save jobs and they are still willing to do so. The members are willing to share the burden with an across-the-board pay cut but why won't the Authority let them. The union has been willing to sit

down and speak with the Authority. Our members want to know whether we will be able to have a meeting and negotiate and are we going to be allowed that opportunity. Ms. Ehret asked the Chairman if he was going to schedule a meeting and negotiate with them. Ms. Ehret said her members would not vacate the building until they were given a date to negotiate. Chairman Simpson indicated that the commission meeting is not the proper forum for him to address the union's request.

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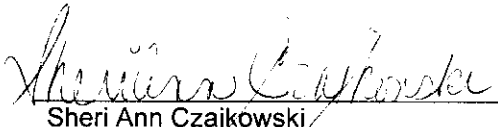
SAFETY PRESENTATION

The safety presentation was postponed to a later date due to the disruption by various union officials.

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The motion to adjourn was made by Chairman Simpson, Vice Chairman Gravino and seconded by Commissioner Diaz and, after the voice vote, the motion was duly adopted. The Authority adjourned at 11:36 A.M., to meet on Wednesday, April 27, 2011, at 9:30 A.M.

ATTEST:



Sheri Ann Czajkowski
Assistant Secretary



Veronique Hakim,
Executive Director

Corporate Seal

Date: April 4, 2011