

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
TUESDAY, AUGUST 31, 2010**

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

PRESENT

Chairman James Simpson; Commissioner/Treasurer Michael DuPont; Commissioner Harold Hodes; Commissioner Raymond Pocino; Commissioner Troy Singleton; Commissioner Ulises Diaz; with Commissioner David Evans (attending via telephone conferencing).

ALSO PRESENT

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Electronic Toll Collection Director Dennis Switaj; Finance Comptrollers Donna Manuelli, Pamela Varga and Tracey Walters; Human Resources Director Mary-Elizabeth Garrity; Internal Audit Director James Carone; Law Director George Caceres; Deputy Law Director Linda Cavanaugh; Maintenance Director John Cifelli; Assistant Operations Director Henry (Chip) Eibel; Purchasing Director Andrea Ward; Technology and Administrative Services Director Brian Gorman; Tolls Director Robert Quirk; Chief of Staff Joe Orlando; NJ State Police Commanders Major Kevin Burke, Troop E, and Major Matthew Walker, Troop D; and Secretary Rose Stanko.

Also present were: General Counsel Judy Verrone; General Consultants James Beattie and Jack Finn; Governors' Authorities Unit Representative Maura Tully; Murray Bodin of Concerned Grandparents; additional individuals consisting of other NJTA employees; interested organizations; the general public; and from the media: the Asbury Park Press; Bergen Record; and Star Ledger.

NOTICE OF MEETING

This is a regular meeting of the New Jersey Turnpike Authority. Adequate notice of this meeting has been provided in accordance with Chapter 231, P.L. 1975 in that notice has been given to two newspapers and notice has been forwarded to the Secretary of State, Trenton, New Jersey. In addition, notice of said meeting has been and is being displayed in the main lobby of the Authority's Administration Headquarters in Woodbridge.

ACTION ON MINUTES

The Secretary reported that ten days, excluding Saturdays, Sundays and holidays, have elapsed since Governor Chris Christie received the proceedings of the regular meetings of June 29 and July 27, 2010; he did not exercise his power to veto any items in those minutes.

Upon motion made by Commissioner DuPont, seconded by Commissioner Singleton, the minutes of the June 29, 2010 and the July 27, 2010 meetings, were unanimously approved.

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RECUSALS

The Secretary reported that advisements of recusal had been submitted and asked for any further recusals or abstentions to be placed on record for this meeting. Those results are regarding items: 198-10, 203-10, 209-10 for Commissioner Hodes; 204-10, 205-10, 213-10 for Commissioner Pocino; 203-10, 213-10, 214F-10 for Commissioner Singleton; and 203-10 for Commissioner Diaz.

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

Executive Session was adjourned at 10:14 AM; the Chairman resumed the public portion of the meeting and opened the floor for comment pertaining to the public items being presented for Board approval.

Murray Bodin of *Concerned Grandparents* spoke to oppose the proposed authorization of items 214-D and 214-K regarding mowing equipment and objected to the mowing on the roadways, saying that it made them look like "a ribbon park." He said that the roadways are for transportation purposes, that they should not be perpetuated as parks, that mowing up to the houses is a waste of time and money and, further, contended that leaving the grass to just grow in the wide area medians would hide (vehicle) lights at night.

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

PERSONNEL

191-10

Human Resources Director Garrity submitted the Personnel Agenda, dated August 31, 2010, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendations for consideration.

On motion by Commissioner Pocino, seconded by Commissioner DuPont, employment of

those named to serve at the pleasure of the Authority and other recommended personnel actions, were approved, ratified and confirmed, to become effective as of the dates specified and at the salaries listed.

LAW

Law Director Caceres requested approval of items 192-10 through 201-10; moved together, those items are as follows:

192-10

In a memorandum dated July 30, 2010, concerning a recommendation to **Settle Formal Workers' Compensation Matter of Kevin Mooney v. New Jersey Turnpike Authority.**

Kevin Mooney is Parkway Division Tolls Supervisor hired in August 1983. This recommended settlement will settle a formal Claim Petition encompassing a job related injury which occurred February 22, 2009.

The petitioner is represented by Frank Salzer, Esq. located in Toms River, NJ. The Authority is defended by Special Counsel Curt Cox of Kamensky, Cohen and Associates located in Pennington, NJ. The matter is venued in the district office of Toms River before Judge Bradley Henson.

Permanency evaluation on behalf of the petitioner was performed by Dr. Martin Riss who opined the petitioner was 100% totally disabled. Permanency evaluation on behalf of the respondent was performed by Dr. Robert Brill who opined the disability was 5% of permanent partial total.

Petitioner's attorney made an initial demand of 27.5% permanent partial total or \$40,230.00. Special Counsel rejected that demand and after the case was discussed in detail between Special Counsel, petitioner's attorney and Judge Henson, a settlement of 25% partial total or \$35,310.00 was reached. Due to the significance of the injury and the major surgery involved, Special Counsel and our third party administrator believe this to be a fair and appropriate settlement request.

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 \$35,310.00. This settlement will be payable under Account No. 10-870-405070.

193-10

In a memorandum dated August 17, 2010, concerning a recommendation to **Approve Settlement in the Matter of Access 4 All, Inc. and Ronald Moore v. New Jersey Turnpike Authority,** United States District Court, District of New Jersey, Case No. 2:09-cv-03284-JAG-MCA, Account No. 653010, Project No. 04008022.

Plaintiff Access 4 All, Inc. is a Florida non-profit corporation whose purpose is to represent the interests of disabled persons. Plaintiff Ronald Moore is a patron of the Garden State Parkway and a paraplegic, which qualifies him as an individual with disabilities as defined by the Americans with Disabilities Act ("ADA"). Mr. Moore alleged that he attempted to participate in and take advantage of Defendant New Jersey Turnpike Authority's facilities (rest areas) along the Parkway but could not do so. Mr. Moore further alleged that the New Jersey Turnpike Authority failed to provide, among other things, adequate handicap parking, adequate access ramps and paths of travel and restroom access at various rest areas along the Parkway in violation of the ADA. On July 1, 2009, Plaintiffs filed a complaint alleging, *inter alia*, that there are architectural barriers existing on the Authority's property that constitute violations of the ADA. Plaintiffs Access for All, Inc. joined Plaintiff Moore in the instant lawsuit and filed on behalf of the disabled individuals whose rights were violated as a result of the alleged violations.

After several months of discovery and, without admitting all of the allegations of Plaintiffs' claim, the New Jersey Turnpike Authority agreed that certain accommodations could be made in order to make its facilities more accessible to the disabled. As a result, the Parties were able to reach an agreement in settlement of the lawsuit. The Consent Decree, memorializing the terms of this agreement and to be filed with the Court, generally included: (1) constructing or causing to be constructed the necessary alternations and modifications to Defendant's facilities in order to cure the alleged deficiencies within a 4 -year time frame; and (2) payment of plaintiffs' attorneys' fees.

Accordingly, the Law Department recommends that the Commissioners authorize full and final settlement of the matter, Access 4 All, Inc. and Ronald Moore. v. New Jersey Turnpike Authority in an amount not to exceed \$150,000 and to authorize the completion of any steps necessary to comply with the terms of the Consent Decree. 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.

194-10

In a memorandum dated August 24, 2010, concerning a recommendation to **Declare Property Surplus and Enter into Land Transfer Agreement with Cape May Regional Medical Center in Connection with the Garden State Parkway Interchange 9, 10 and 11 Grade Separation Project, Proposed New Jersey Turnpike Authority Surplus Property: Parkway Right-of-Way Section 12: Parcel 42E1 (portion); Parcel 43C and Parcel 51 (portion), (together consisting of ± 3.3 acres); Proposed Property to be Acquired from Cape May Regional Medical Center: Block 132.01, Lot 30 (± 2.9 Acres) and Block 131, Lot 1 (portions) (± 0.4 acres).**

In 1990 the New Jersey Highway Authority entered into a Cooperative Agreement (the "Agreement") with Burdette Tomlin Memorial Hospital, now known as the Cape May Regional Medical Center ("CMRMC"). The Agreement allowed for the Highway Authority to construct, on a

portion of its right-of-way (the "Proposed Surplus Property"), a commuter parking lot adjacent to the CMRMC, in order to provide parking for Parkway commuters, as well as employees and visitors of the hospital. The Agreement also provided that the Highway Authority would maintain the parking lot. This Agreement has been ongoing since 1990.

In July 2003, the New Jersey Highway Authority was consolidated with the New Jersey Turnpike Authority ("Authority").

As part of the preliminary design of the Parkway Interchange 9, 10, 11 Grade Separation Project (the "Project"), it was decided that the Proposed Surplus Property was not needed and could be declared surplus by the Authority, pursuant to the Authority's Surplus Property Policy. Also pursuant to the Surplus Property Policy, this Proposed Surplus Property would be exempt from public bidding requirements upon a determination that "it is needed by the Authority as an even swap for other property which the Authority needs to acquire for its Right-of-Way or ... for another purpose, such as wetlands mitigation, ... in furtherance of an Authority project".

The Authority's Engineering Department and its consultants reviewed the Proposed Surplus Property and properties in the surrounding area and made such a determination. Upon investigation of surrounding properties owned by CMRMC, it was determined that certain land on the eastern side of the Parkway, consisting of almost equivalent acreage, could be of value to the Authority for both right-of-way use and for potential wetlands mitigation.

The proposed Agreement would transfer the Proposed Surplus Property (Parkway Right-of-Way Section 12: Parcel 42E1 [portion]; Parcel 43C and Parcel 51 [portion]), to CMRMC and transfer the CMRMC Property (Block 132.01, Lot 30 [\pm 2.9 Acres] and Block 131, Lot 1 [portions] [\pm 0.4 acres]) to the Authority, as an even transfer.

As part of the proposed Agreement, the Authority would realign and reconstruct the commuter parking lot on the Proposed Surplus Property prior to conveying it to CMRMC. This work would be included in a construction contract for the Grade Separation Project and would be performed by the successful contractor through a competitive bidding process.

Therefore, it is requested that the Commissioners declare the Proposed Surplus Property as surplus. It is further requested that the Commissioners authorize the Executive Director to enter into an agreement substantially as set forth above. It is further recommended that the Commissioners authorize the Executive Director and the Director of Law to take all such actions and to execute all such further documents as are contemplated by the authorization above.

195-10

In a memorandum dated August 24, 2010, concerning a recommendation **to Enter into License and Maintenance Agreement with the Food Bank of New Jersey (Food Bank) – to Occupy a Portion of New Jersey Turnpike Authority Property**, Garden State Parkway Right-of-Way (ROW) Section 11, Parcel 2R721 (approximately +/- 19,000 sq. ft), Egg Harbor Township, Atlantic County.

The Food Bank of New Jersey ("Food Bank") operates a warehouse located on Block 2119, Lots 1 and 2, Egg Harbor Township, which collects and distributes food products to persons in need. This building has been at this location for many years and in the course of the Authority's design and planning for the widening of the Garden State Parkway, the Authority became aware that a portion of the Food Bank's paved parking lot, which leads to its loading dock, encroaches on Garden State Parkway right-of-way. The encroaching area consists of bituminous paving, striping, and concrete curbing. The Food Bank has been using this area for some time, with no negative impact on the Garden State Parkway roadway, or the Authority, and has requested that the Authority grant permission for it to continue use of this portion of the right-of-way.

The Authority has proposed, and the Food Bank has accepted, subject to Commissioner approval, entering into a License and Maintenance Agreement whereby the Food Bank would maintain the area that it is currently occupying. All maintenance would be at the cost and expense of the Food Bank. In the event the Authority requires the property occupied by the Food Bank for any purpose, the License can be revoked upon ninety (90) days notice.

Therefore, it is recommended that the Commissioners authorize the Executive Director to enter into an agreement, substantially as set forth above, after consultation with the Director of Law. It is further recommended that the Commissioners authorize the Executive Director and the Director of Law, to execute all such documents and take all such actions as are necessary to effectuate the above authorization.

196-10

In a memorandum dated August 17, 2010, concerning a recommendation to **Approve Global Agreement Between the Township of East Windsor, the East Windsor Township Municipal Utilities Authority and the New Jersey Turnpike Authority - In Connection With Certain Issues Arising From and Related to the Turnpike Interchange 6-9 Widening Program**, 2009 Capital Construction Program Fund No. 31018001.

The New Jersey Turnpike Authority (the "Authority") is proceeding with its plans to widen the New Jersey Turnpike between Interchange 6 in Mansfield Township, Burlington County and Interchange 9 in East Brunswick Township, Middlesex County (the "Widening Program"). A significant portion of the Widening Program will occur in the Township of East Windsor ("the Township" or "East Windsor"). To that end, the Authority must acquire certain property from both the Township and the East Windsor Township Municipal Utilities Authority (the "MUA"). Certain of these takings will require the relocation and or renovation of the facilities situated thereon including the buildings and structures used by the Department of Public Works and two pump stations located on the MUA property. In addition, the Authority is working with the County of Mercer (the "County") and the Township to effectuate the transfer of certain County and Township parkland in conformance with Green Acres Regulations.

Furthermore as a result of the Widening Program, certain issues have arisen with respect to the Township and the significant impacts, both temporary and permanent, that the Widening Program will have on the Township, including but not limited to, those disruptions caused by both the aforementioned acquisitions of property and/or the attendant construction activities, said impacts being both direct and indirect in nature.

The Authority, Township and the MUA reached a "Global Agreement" which identifies each individual agreement, the area of activity and impact, and the terms with respect to each. Pursuant to the terms of the Global Agreement, the Authority also agrees to pay to the Township specific amounts for the acquisition of property, as compensation for Right of Way, and as additional compensation for the purposes set forth therein, as generally outlined above, and as more specifically set forth in the documents attached hereto.

Based on the foregoing, it is requested that the Authority's Commissioners authorize and direct the Executive Director and the Director of Law, upon the advice and consent of General Counsel and the Chief Engineer, to take all actions and to execute any and all documents necessary to effectuate the terms of the Global Agreement and all documents referenced therein in substantially the form attached hereto and to pay to the Township the amount of One Million One Hundred Fifty Nine Thousand Dollars (\$1,159,000.00) pursuant to the terms outlined in said agreements.

197-10

In a memorandum dated August 23, 2010, concerning a recommendation to **Ratification of Action Taken for Acquisition of Property Interests Required for the New Jersey Turnpike Authority Interchange 6-9 Widening Program**, Acquisition of Six (6) Properties and Settlement of Damage Claims, 2009 Capital Construction Program.

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

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

(I) New Acquisitions And Reimbursement for Damages : The Authority has determined that the five (5) 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 for 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 a settlement of all terms was agreed upon. The following is a description of each property for which the parties have finalized negotiated terms of sale or other terms of settlement:

1) Turnpike Design Section 8, Turnpike Right-of-Way (ROW) Section 4L

Parcel No. 1206, Block 8, Lot 1.01
324 Half Acre Road, Cranbury Township, Middlesex County
Owner: US Industrial REIT II
Amount: \$ 15,700.00

The property currently consists of 66.7 acres of farmland improved with a horse farm that includes a main dwelling, barns and a stable (the "Property"). The NJTA acquired the necessary interests in the Property; authorization for said action was approved by the Authority's Board of Commissioners at the February, 2010 meeting. Pursuant to the agreement between the Parties, the Authority agreed to reimburse the Seller for the cost of the necessary relocation of a building sign measuring approximately 50' wide by 10' high located within Parcel 1206. The actual cost of said relocation is \$15,700.00.

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

Parcel Series 209, Block 30, Lot 6.02 (Partial Taking)
1244 Hedding Road, Mansfield Township, Burlington County
Owner: Susan and David Sharples
Amount: \$ 65,000.00 (additional \$26,500 only, \$38,500 previously approved)

The property currently consists of approximately 4.355 acres of land improved with a single-family residence and outbuildings (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 0.735 acres of the Property to be designated as Parcel 209; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Hedding Road, impacting 0.313 acres of the Property to be designated as Parcel E209; (3) a utility easement consisting of the right to construct and maintain a temporary electric line and permanent gas line, impacting 0.178 acres of the Property to be designated as Parcel UE209; (4) a drainage easement consisting of the right to construct and maintain a drainage pipe and appurtenances, impacting 0.085 acres of the Property to be designated as Parcel D209; (5) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a proposed driveway and the removal of the existing driveway, impacting 0.149 acres of the Property to be designated as Parcel C209; and (6) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of proposed utilities, impacting 0.015 acres of the Property to be designated as Parcel 2C209.

3) Turnpike Design Section 5, Turnpike ROW Section 4H

Parcel No. UE1028C, Block 43, Lot 1
407 Gordon Road, Robbinsville Township, Mercer County
Owner: Dakota Realty, LLC
Amount: \$993,614.00 (Payment for Damages)

The property currently consists of 72 acres of vacant preserved farmland (the "Property"). The Authority is in the process of acquiring the necessary property interests in the Property; authorization for said action was approved by the Authority's Board of Commissioners at the March, 2010 meeting. A portion of the property interests to be acquired/condemned by the Authority is a utility easement, UE1028C, which contains a quantity of nursery trees that the Authority must purchase in anticipation of said acquisition/condemnation of the easement. The Parties have agreed to the number (368) and type of trees on the easement and have further agreed upon a price for same.

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

Parcel No. 279, Block 108, Lot 2.03 (Partial Taking)
42 Shanahan Lane, Chesterfield Township, Burlington County
Owner: Peter Fadejew
Amount: \$ 7,500.00 (additional \$2,700.00 only, \$4,800.00 previously approved)

The property currently consists of 1.189 acres of land improved with a 2,212 square foot colonial style single-family house and a 2,048 square foot shed (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.060 to be designated as Parcel 279.

- 5) Turnpike Design Section 7, Turnpike ROW Section 4K
Parcel Series 1163, Block 15, Lot 1.01 (Partial Taking)
24-26 Brickyard Road, Township of Cranbury, County of Middlesex
Owner: Cranbury Property Holdings, LLC
Amount: \$ 760,000.00

The property currently consists of 68.490 acres of land improved with a 118,200 square foot industrial building (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 3.639 acres of the Property to be designated as Parcel 1163; (2) a utility easement consisting of the right to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead and ground facilities, and as may be deemed necessary or convenient by the Grantee or its assigns, for electric, CATV and communication purposes, for the use and benefit of the land and/or adjacent lands beyond the property. Together with the right to trim, cut and/or remove trees, tree branches, shrubs, roots, vegetation, structures and/or other objects or obstructions which in the sole judgment of the Grantee or its assigns, interfere with the installation of, or in the safe, proper or convenient use, maintenance, operation of, or access to, the Facilities including, without limitation, the removal of such trees and/or tree branches which overhang or endanger any of the Facilities, impacting 0.002 acres of the Property to be designated as Parcel UE1163; and (3) a drainage easement consisting of the right to construct and maintain a drainage ditch, cross drain and appurtenances, impacting 0.224 acres of the Property to be designated as Parcel D1163.

(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 an independent Appraiser and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value. With respect to the parcel listed below, the Authority has attempted to contact the respective property owner(s) or has entered into good faith negotiations with said owner(s) 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. In each instance, attempts at communication or negotiation have reached an impasse. Eminent Domain proceedings are being filed as a last resort. The following is a description of each property:

- 1) Turnpike Design Section 5, ROW Section 4H
Parcel Series 1026, Block 41, Lot 19.10 (Partial Taking)
25 Applegate Drive, Robbinsville Township, County of Mercer
Owner: Matrix/PRI, LLC
Amount: \$1,900,000.00

The property currently consists of 56.70 acres of land improved with 1,000,749 square foot "big box" warehouse (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 2.151 acres of the Property to be designated as Parcel 1026; (2) a slope easement consisting of the right to form and maintain slopes for grading and draining Gordon Road, impacting 0.459 acres of the Property to be designated as Parcel E1026; (3) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.041 acres of the Property to be designated as parcel D1026; (4) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.039 acres of the Property to be designated as Parcel 2D1026; (5) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall and appurtenances, impacting 0.050 screws of the Property to be designated as Parcel 3D1026; (6) a utility easement consisting of the right to construct and maintain a utility easement for Colonial Pipeline and appurtenances, impacting 3.336 acres of the Property to be designated as Parcel UE1026; (7) a temporary construction easement consisting of the right to enter upon remaining lands of the owner with personnel, materials and equipment in order to construct and maintain and remove temporary utility poles, overhead wires, guys and appurtenances, impacting 0.158 acres of the Property to be designated as Parcel C1026; (8) a temporary construction easement consisting of the right to access land and area for the construction of a Petroleum Pipeline, impacting 0.383 acres of the Property to be designated as Parcel 2C1026; (9) a temporary construction easement consisting of the right to access land and area for the construction of a Petroleum Pipeline, impacting 0.119 acres of the Property to be designated as Parcel 3C1026; and (10) a temporary construction easement consisting of the right to access land and area for the construction of a Petroleum Pipeline, impacting 0.531 acres of the Property to be designated as Parcel 4C1026; and (11) a temporary construction easement consisting of the right to access land and area for the construction for a Petroleum Pipeline, impacting 1.954 acres of the Property to be designated as Parcel 5C1026.

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.

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

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.

198-10

In a memorandum dated August 16, 2010, concerning **Ratification of Action Taken for Acquisition of Property Interests Required for the New Jersey Turnpike Authority Interchange 6 to Interchange 9 Widening Program, Acquisition of Six (6) Properties from Public Service Electric & Gas Company (PSE&G), 2009 Capital Construction Program**

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

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

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

(I) New Acquisitions: The Authority has determined that the six (6) 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 PSE&G and its respective counsel as appropriate for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Negotiations continued and a settlement of all terms was agreed

upon. The following is a description of each property for which the parties have finalized negotiated terms of sale:

1) Turnpike Design Section 2, Turnpike Right-of-Way (ROW) Section 3E

Parcel No. R265F, Block 130, Lot 1 (Partial Taking)
Georgetown Road (County Route 545), Bordentown
Bordentown Township, Burlington County
Owner: Public Service Electric & Gas Company
Amount: \$7,700.00

The subject property consists of a 4.363 acre mostly cleared tract located in the Public Uses Zone encumbered with one electric utility tower. The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee interest in 1.110 acres (48,353 sq. ft.) located in the western boundary line (Parcel No. R265F; and (2) a 0.065 acre (2,850 sq. ft.) temporary construction easement located in the central portion of the site (Parcel No. C265F).

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

Parcel No. R312, Block 2729, Lot 1 (Entire Taking)
Crosswicks-Hamilton Square Road
Township of Hamilton, Mercer County
Owner: Public Service Electric & Gas Company
Amount: \$ 42,900.00

The subject property consists of a 28,753 square feet tract located in the Public Uses Zone, subject to a slope easement and drainage easement. This property will hereafter be referred to as the "Property Interest"

3) Turnpike Design Section 5, Turnpike ROW Section 4H

Parcel Nos. 1033A and 1033B, Block 45, Lot 7(Partial Taking)
311 Sharon Road
Township of Robbinsville, Mercer County
Owner: Public Service Electric & Gas Company
Amount: \$ 111,500.00

The subject property currently consists of a 13.54 acre vacant tract with an irregular configuration located in the Rural Residential Zone which is currently used by PSE&G as a transportation corridor for a 500kV transmission line of electric service. 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 of 2.299 acres from the frontage along Sharon Road and the New Jersey Turnpike, divided into two segments, which leaves 11.241 acres as the fee remainder (Parcel Nos. 1033A and 1033B); (2) a permanent slope easement on a 0.042 acre strip of land that parallels the fee taking along Sharon Road (Parcel No. E1033A); (3) a permanent drainage easement on a 0.112 acre segment off the NJ Turnpike frontage (Parcel No. RD1033B); (4) a permanent utility easement on a 0.971 acre segment traversing the core area (Parcel No. RUE1033B); (5) a second permanent utility easement on a 0.559 acre segment off the NJ Turnpike frontage (Parcel No. 2R2UE1033B); (6) a permanent aerial easement on at 0.035 acre segment off the NJ Turnpike frontage (Parcel No. AE1033A); (7) a temporary construction easement with an estimated duration of 1 month on a 0.157 acre segment off the Sharon Road frontage (Parcel C1033A); (8) a temporary construction easement with an estimated duration of 3 months on a 0.47 acre segment within the core area (Parcel RC1033B); and (9) a temporary construction easement with an estimated duration of 3 months on a 0.825 acre segment off the Sharon Road frontage (Parcel 2C1033B).

4) Turnpike Design Section 5, Turnpike ROW Section 4H

Parcel Nos. 1033C, R1033D and 1033E, Block 46, Lot 7(Partial Taking)
Along Easterly New Jersey Turnpike
Township of Robbinsville, Mercer County
Owner: Public Service Electric & Gas Company
Amount: \$ 193,000.00

The subject property is a 19.50 acre vacant tract with an irregular configuration located in the Rural Residential Zone which is currently used by PSE&G as a transportation corridor for a 500kV transmission line of electric service. 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 of 5.67 acres divided between three sections along the subject's frontage on Windsor Road and the NJ Turnpike, which leaves 13.83 acres as the fee remainder (Parcel Nos. 1033C, R1033D and 1033E); (2) a permanent slope easement on a 0.018 acre wedge off the Windsor Road frontage (Parcel No. E1033C); (3) a permanent utility easement on a 0.994 acre strip of land abutting the fee taking (Parcel No. RUE1033D); (4) a permanent drainage easement that partially overlaps the permanent utility easement on a 0.37 acre strip of land (Parcel No. RD1033E); and (5) a temporary construction easement with a duration not to exceed 3 months on a 0.683 acre strip of land at the Windsor Road access point (Parcel RC1033D).

5) Turnpike Design Section 5, Turnpike ROW 4H

Parcel No. 1033F Block 46, Lot 5
Between Northbound New Jersey Turnpike and Perrineville Road
Township of Robbinsville, Mercer County
Owner: Public Service Electric & Gas Company
Amount: \$ 30,000.00

The Property currently consists of a 1.10 acre vacant tract with an irregular configuration located in the Rural Residential Zone which is currently used by PSE&G as a transportation corridor for a 500kV transmission line of electric service. 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 of 0.406 acre strip of land from the frontage along NJ Turnpike, which leaves 10.694 acres as the fee remainder (Parcel No. R1033F); (2) a permanent utility easement on a 1.127 acre strip of land that parallels the fee taking, to be traversed by a drainage easement (Parcel No. RUE1033F); (3) a permanent access easement on a 0.038 acre strip that extends along the subject's frontage along Perrineville Road (Parcel No. AE1033F); (4) a permanent drainage easement on a 0.018 acre wedge of land that overlaps the permanent utility easement at the Perrineville Road frontage (Parcel No. RD1033F); and (5) a temporary construction easement with a duration not to exceed 2 months on a 0.081 acre strip of land at the Perrineville Road access point. (Parcel C1033F).

6) Turnpike Design Section 5, Turnpike ROW 4H

Parcel No. 1033KF, F1033K, F1033H, 2F1033H, C1033J, C1033K, C1033H, 2C1033H and 3C1033H
Block 46, Lots 3, 8 and 9
Between Northbound New Jersey Turnpike and Allens Road
Township of Robbinsville, Mercer County
Owner: Public Service Electric & Gas Company
Amount: \$ 143,000.00

The Property currently consists of a 32.247 acre, vacant tract comprised of three adjoining lots with an irregular configuration located in the Rural Residential Zone. 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 a 5.822 acre section of land from the frontage along New Jersey Turnpike through to the Allens Road frontage (Parcel No. 1033KF); (2) a flood fringe easement on a 0.025 acre, irregular strip of land abutting an existing flood fringe easement (Parcel No. F1033K); (3) a flood fringe easement on a 0.06 acre, irregular strip of land abutting an existing flood fringe easement (Parcel No. F1033H); (4) a flood fringe easement on a 0.016 acre, irregular strip of land abutting an existing flood fringe easement (Parcel No. 2F1033H); (5) a temporary construction easement with a duration not to exceed 2 months on a 0.035 acre strip of land at the NJ Turnpike frontage (Parcel C1033J); (6) a temporary construction easement with a duration not to exceed 2 months on a 0.042 acre strip of land at the NJ Turnpike frontage (Parcel C1033K); (7) temporary construction easement with a duration not to exceed 2 months on a 0.032 acre strip of land at the NJ Turnpike frontage (Parcel C1033H); (8) a temporary construction easement with a duration not to exceed 2 months on a 0.046 acre strip of land at the NJ Turnpike frontage (Parcel 2C1033H); and (9) a temporary construction easement with a duration not to exceed 2 months on a 0.004 acre strip of land at the NJ Turnpike frontage (Parcel 3C1033H).

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

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

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

199-10

In a memorandum dated August 23, 2010, concerning **Authorization to Pay Currier McCabe & Associates Consulting Services (CMA)**, - for Costs Associated with Information Technology-Data Management Services Agreement, Project No. 04000004.

CMA Consulting Services was originally selected pursuant to State Contract for the expansion of the PeopleSoft Treasury System and the upgrade of the Payroll/HR System (the "Project") in April, 2009. Purchase Order No. 53499R was issued to CMA for these services. The Purchasing Website of the State of New Jersey Department of the Treasury Division of Purchase of Property (the "Website") indicated that CMA had been granted an extension of their State approval and shortly thereafter, the Authority issued a number of new work assignments to CMA.

These assignments include the migration of the PeopleSoft Financial System to a new IBM hardware platform, the addition of new functions in the Payroll/HR system that improved efficiency of operation and provided better HR operational information for analysis, as well as Database expertise to resolve performance issues associated with the new release.

Some time thereafter the Authority realized that issues existed with CMAs continued approval as a State of New Jersey authorized vendor. However at that time the new work assignments had already commenced and a significant majority of the work had been completed.

Steps have been taken by the Authority to ensure that this type of incident does not occur in the future. In the matter at hand, CMA Consulting Services has performed the work as directed by the Authority in a manner that was satisfactory and cost effective. Accordingly, the Law Department recommends that the Commissioners authorize payment in an amount not to exceed \$597,876.00 for the work as set forth above. 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 deemed necessary to conclude this matter.

200-10

In a memorandum dated August 23, 2010, concerning a recommendation to **Approve Settlement in the Matter of New Jersey Turnpike Authority v. Titan-PDC Carteret Urban Renewal, LLC et al.**, Superior Court of New Jersey, Law Division, Middlesex County, Docket No. MID-L-09149-07, Account No. 31078106.

The New Jersey Turnpike Authority (the "Authority") has recently completed the Interchange No. 12 Improvements Project (the "Project") which included the expansion of Interchange 12 and the construction of a new ramp designed to improve traffic flow to and from the interchange. The Project also included interim improvements which provide a direct connect from the interchange to Industrial Highway and have improved the flow of traffic along the Roosevelt Avenue corridor.

Titan-PDC Carteret Urban Renewal, LLC ("Titan") owns a 107 acre tract of land (the "Property") adjacent to the Project. The Authority determined that 0.681 acres of the Property was necessary for the Project. The Authority had appraisals prepared by independent Appraisers and reviewed by its Real Estate Manager/Consultant which set a fair value for same. The Authority then entered into good faith negotiations with Titan as appropriate for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. All attempts at negotiations reached an impasse and eminent domain proceedings were instituted and a Commissioners Hearing was held.

Once again negotiations were undertaken and a settlement of all terms has been reached by the Authority and Titan. The Authority has agreed to reimburse Titan for certain environmental expenses incurred during the modification of their site remediation permit with the New Jersey Department of Environmental Protection and for the expense for long term spoils cap maintenance and cover on the Property. The Authority has further agreed to pay Titan the amount of \$350,000.00 awarded by the Condemnation Commissioners on February 3, 2010 for the partial taking and temporary construction easement including the statutory interest. The additional terms of settlement include payment by the Authority of a separate cost for the construction easement, agreement by Titan to assist the Authority in certain dealings with the Borough of Carteret and an agreement that the Authority will relocate access to the Property as part of the Authority's proposed Tremley Point Connector Road project with no additional cost to Titan.

The above amounts total \$496,167.57 with \$225,000.00 of that amount previously authorized and on deposit with the court pursuant to the condemnation proceedings. Accordingly the Law and Engineering Departments recommend that the Commissioners authorize full and final settlement of the matter, N.J.T.A. v. Titan-PDC Carteret Urban Renewal, LLC in an amount not to exceed \$496,167.57. 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.

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• The following matters constitute the Public Session agenda:

LAW

201-10

In a memorandum dated August 5, 2010, concerning authorization to **Pay Additional Premium for the Authority's Excess Workers Compensation Insurance Policy** (#WCZ003160000), for the Period February 2, 1009 to January 31, 2010, Operating Budget Account No. 010-00-890-441-000.

By Agenda item 6-09 at the January 26, 2009 meeting, the Commissioners authorized the renewal of various insurance policies, including the Authority's policy for excess workers compensation. The premium for this renewal was \$701,088, was based on a rate of \$.3917 per

\$100 of payroll, and was subject to audit at the end of the policy Year. The estimated payroll for that period provided to the underwriter was \$179,000,000, which was based on the previous year's estimate of \$177,856,907 and was less than the actual payroll account of \$187,790,200 resulting in an additional premium due of \$34,486.00.

Therefore it is recommended that the Commissioners authorize the payment of the additional premium, and authorize the Executive Director and the Director of Law to take all such additional actions and execute all documents necessary to effectuate the intent of the above authorization.

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority approved the ten (10) Law items; and authorized and/or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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ENGINEERING

Chief Engineer Racznyski noted the recorded recusals and explained the significance of Item 203-10, advising that its award at this meeting is critical, from an engineering standpoint, to avoid costly construction delays.

At this time, General Counsel Verrone advised that based on information provided by the Chief Engineer, there is a pressing public need to go forward with this item; therefore, the "rule of necessity" may be invoked, thereby allowing any of the otherwise recusing Commissioners a vote, in order to complete the required quorum.

The Chief Engineer also highlighted, in particular, items 211-10 and 212-10 as combining two contracts into one which would ultimately save money in time, supervision and construction costs. A separate vote was taken on item 203-10, with remaining numbers 202-10, and 204-10 through 213-10 moved as a group. Those items are as follows:

202-10

In a memorandum dated August 3, 2010, concerning a recommendation to **Increase the Authorized Ceiling for Reimbursement of Pennsylvania Turnpike Commission – Professional Services Contract No. 08-013-RDPE** – New Jersey Turnpike, 2008 In-Depth Inspection of Delaware River Turnpike Bridge (NJTA Structure No. P0.00), Special Project Reserve Fund No. 04010018.

The Delaware River Turnpike Bridge is jointly owned and maintained by New Jersey Turnpike Authority (NJTA) and Pennsylvania Turnpike Commission (PTC). The In-Depth Inspection of this major structure is required on a four-year cycle as mandated by the National Bridge Inspection Standards (NBIS), with the 2004 inspection administered by NJTA and the 2008 inspection administered by PTC. In November 2007 PTC awarded Contract No. 08-013-RDPE to DMJM Harris (renamed AECOM), which included the 2008 In-Depth Inspection of the

Delaware River Turnpike Bridge with a total negotiated fee in the amount of \$185,000.00. In accordance with current agreements, the total cost for the inspection is to be shared equally between both agencies, with NJTA's share not to exceed \$92,500.00. At the April 2008 Commission Meeting, NJTA concurred in PTC's award of Contract No. 08-013-RDPE and approved reimbursement of one half of the total cost not to exceed \$92,500.00.

In June 2010 PTC notified the NJTA that the total cost for the 2008 in-depth inspection had increased by \$58,939.90 from \$185,000.00 to \$243,939.90. PTC also requested that NJTA concur in the reimbursement of one half of the adjusted total cost of \$243,939.90, or \$121,969.95. The increase in NJTA's authorized ceiling amount from \$92,500.00 to \$121,969.95 will cover additional labor expenses arising from lower productivity which was beyond AECOM's control. AECOM lost a total of 40 team-days of field inspection due to unanticipated malfunctions in PTC-supplied underbridge inspection equipment, inclement weather, and traffic control restrictions. It is noted that the total project cost still realized a net savings of approximately \$25,000 by using PTC-supplied underbridge inspection equipment instead of rented underbridge inspection equipment. Furthermore, the total final cost of \$243,939.90 for the 2008 in-depth inspection is consistent with the total cost of \$212,000.00 incurred for the previous in-depth inspection administered by PTC in 2000, adjusting for inflation. In summary, PTC and NJTA staff have reviewed the increase in total shared final cost from \$185,000.00 to \$243,939.90, and consider it to be fair and reasonable.

It is, therefore, recommended that the Commissioners authorize increasing the ceiling of Pennsylvania Turnpike Commission Professional Services Contract No. 08-013-RDPE of \$185,000.00 by \$58,939.90 to a revised ceiling of \$243,939.90. The addition of this amount increases the total NJTA share from \$92,500.00 to \$121,969.95.

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203-10

In a memorandum dated August 13, 2010, concerning a recommendation to **Execute Utility Order No. 1303-T – Verizon – NJ Inc.** – New Jersey Turnpike, Interchange 6 to 9 Widening Program, Contract No. T869.120.40, Interchange 7A Toll Lanes, Ramps and NSO/SNO Roadways, Grading, Drainage, Paving, Structures and Lighting, MP 59.7 to MP 62.0, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

A Utility Order is required to perform utility relocations of existing Verizon – NJ, Inc. facilities, which will be directly impacted by the construction of the referenced contract. The Authority will reimburse Verizon – NJ, Inc. for the installation, splicing and removal of Verizon cables, cost of various materials, and inspection of associated work to be performed by the Authority's contractor. The Authority's contractor will be responsible for the installation of the underground duct banks and manholes. This utility work will be done in the vicinity of West Manor Way and Robbinsville-Allentown Road in Mercer County.

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

It is, therefore, recommended that the Executive Director be authorized to execute Utility Order No. 1303-T, not to exceed the amount of \$850,000.

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority approved item 203-10; and authorized, as presented, the recommendations contained therein; and received and filed the memorandum.

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204-10

In a memorandum dated August 13, 2010, concerning a recommendation to **Award Contract No. T869.120.402 – PKF-Mark III Inc. – New Jersey Turnpike, Interchange 6 to 9 Widening Program, Interchange 7A – Toll Lanes, Ramps and NSO/SNO Roadways, Grading, Drainage, Paving, Structures & Lighting, Milepost 59.7 to 62.0, 2009 Capital Construction Program 31018001 and Future Bond Issue.**

This contract involves lengthening the West Manor Way and I-195 structures over the Mainline, constructing the SNO / NSO roadways and the three lane widening of the Interchange 7A Toll Plaza. Also included are nine retaining walls, four VMS structures, two CMS structures, additional sign structures, two noise walls and nine bridges. Construction is anticipated to begin in the third quarter of 2010 and be completed by the end of the second quarter of 2014.

Nine bid proposals were received on August 13, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$111,999,291.14, may be compared to the second low bid proposal in the amount of \$112,349,744.78. The low bidder, PKF-Mark III, Inc. has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.402 be awarded to the low bidder, PKF-Mark III, Inc. of Newton, Pennsylvania, in the amount of \$111,999,291.14. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006). The General Consultant, HNTB Corporation, concurs with this recommendation.

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205-10

In a memorandum dated August 17, 2010, concerning a recommendation to **Award Contract No. T869.120.602 – Cridel Group, Inc. and Sordoni Construction Co., a Joint Venture** – New Jersey Turnpike, Interchange 6 to 9 Widening Program, Utilities and Off-Site Improvements, Interchange 8, Milepost 67.5, Township of East Windsor, Mercer County, 2009 Capital Construction Program 31018001 and Future Bond Issue.

This contract will mitigate facilities impacted by the Interchange 6 to 9 Widening Program in the Township of East Windsor. Specifically, this contract includes building modifications and site improvements to the East Windsor Department of Public Works Building, the construction of the relocated Pump Station #7 and associated gravity and force mains, replacement of Pump Station #9, and associated off-site work required due to Widening Program impacts. Construction is anticipated to commence in the third quarter of 2010 and be completed by the end of 2011.

Five bid proposals were received on August 3, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$7,169,065.71, may be compared to the Engineer's Estimate in the amount of \$7,386,818.00. The low bidder, Cridel Group, Inc. and Sordoni Construction Co., a Joint Venture, has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.602 be awarded to the low bidder, Cridel Group, Inc. and Sordoni Construction Co., a Joint Venture of South Plainfield, New Jersey, in the amount of \$7,169,065.71. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006). The General Consultant, HNTB Corporation, concurs with this recommendation.

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206-10

In a memorandum dated August 24, 2010, concerning a recommendation to **Issue Order for Professional Services No. P3298 – Greenman-Pedersen Inc.**, Contract No. P200.199 Milepost 83.5 to 88.5; **Order for Professional Services No. P3299 – Michael Baker Jr. Inc.**, Contract No. P200.200, Milepost 88.5 to 93.5; and **Order for Professional Services No. P3300 – Jacobs Engineering Group Inc.**, Contract No. P200.201, Milepost 93.5 to 99.5 – Garden State Parkway, Design Services, Shoulder Restoration and Improvements, 2009 Capital Construction Program No. 31022023 and Future Bond Issue.

Through this single Order for Professional Services (OPS) procurement process the Authority will select three consultants to furnish design services consisting of preparation of final

contract documents for providing full width left and right shoulders along the Parkway in the areas identified and other related work.

These assignments are classified as "Complex Projects" since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$2,000,000. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website and 42 engineering firms were prequalified and eligible under Profile Codes: A250 – Fully Controlled Access Highways; A090 - Bridges: New; and A091 - Bridges: Widening and Modifications. Fifteen firms submitted EOIs by the closing date of May 27, 2010.

Subsequent to the scoring of EOIs by the Review Committee, the top six firms were requested to submit Technical Proposals. The Review Committee subsequently evaluated the Technical Proposals and agreed that oral interviews were required of the top four ranked firms: 1) Greenman-Pedersen, Inc.; 2) Jacobs Engineering; 3) Michael Baker Jr. Inc.; and 4) Gannett Fleming, Inc. The Committee recommended that Fee Proposals be requested from the top three firms. Oral interviews with each of the three consultants were also requested to discuss the scope of work for each OPS. The Request for Proposals stipulated that OPS assignment preference would go to the highest technically ranked firm, at the discretion of the Authority. Accordingly, the Authority exercised its discretion and assigned OPS No. P3298 to the highest technically ranked firm, Greenman-Pedersen, Inc. The Authority gave Jacobs Engineering, as the second highest technically ranked firm, the choice of the remaining two OPS' and they chose OPS No. P3300. The third highest ranked firm, Michael Baker Jr., Inc., was assigned OPS No. P3299 by default. The fees submitted by these three firms have been reviewed, negotiated, and are considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. P3298 be issued to the firm of Greenman-Pedersen, Inc. of Lebanon, New Jersey not to exceed the amount of \$7,755,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.75, based on a 10% allowance for profit and an overhead rate of 150% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

It is, therefore, recommended that OPS No. P3299 be issued to the firm of Michael Baker Jr., Inc. of Hamilton, New Jersey not to exceed the amount of \$8,795,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.8, based on a 10% allowance for profit and an overhead rate of 154.5% or, the firm's overhead rate as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

It is, therefore, recommended that OPS No. P3300 be issued to the firm of Jacobs Engineering Group, Inc. of Morristown, New Jersey not to exceed the amount of \$8,985,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.456, based on a 10% allowance for profit and an overhead rate of 123.3% or, the firm's overhead rate

as determined by Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses.

These awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firms were selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine 2006).

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207-10

In a memorandum dated August 12, 2010, concerning a recommendation to **Issue Order for Professional Services No. A3345 – Jacobs Engineering Group Inc.** – Garden State Parkway and New Jersey Turnpike, Supervision of Construction Services, Contract No. T200.206, Median Inlet Repairs, MP 0 to MP 83, Phase 2, 2009 Capital Construction Program No. 31002003 and Future Bond Issue.

This Order for Professional Services (OPS) was solicited to provide supervision of construction services for two contracts. Contract No. T200.206 will provide for Phase 2 of median inlet repairs between Milepost 0 and 80 on the Turnpike. The work to be performed under Contract No. A900.205 includes the replacement of 23 existing roadway, and construction of three new, Weather Information System stations on the Turnpike; and construction of 11 new RWIS stations on the Parkway.

This assignment was originally intended to include construction supervision for these two contracts and was classified as a "Complex Project" since the scope of work is likely to change during the course of the project, and the estimated cost exceeded \$1,000,000. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority's website on April 21, 2010 and 16 engineering firms were prequalified and eligible under Profile Code B 153 – Roadway Construction Inspection. Five firms submitted EOIs by the closing date of May 6, 2010.

Subsequent to the scoring of EOIs by the Review Committee, the top three firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) Jacobs Engineering Group, Inc.; 2) HAKS Engineers; and 3) KS Engineers, P.C. The Review Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Jacobs Engineering Group, Inc. being the highest technically ranked firm. During negotiations with Jacobs, the Authority decided not to move forward with the award of Contract No. A900.205 due to funding availability. As a result, the scope of services required for this OPS no longer required supervision of Contract No. A900.205 and the three firms were requested to submit revised Fee Proposals. The revised fee submitted by Jacobs Engineering Group, Inc. has been reviewed and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. A3345 be issued to the firm of Jacobs Engineering Group, Inc. of Morristown, New Jersey, not to exceed the amount of \$768,800. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.35 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8 and Executive Order No. 37 (Corzine 2006).

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208-10

In a memorandum dated August 18, 2010, concerning a recommendation to Issue Order for Professional Services No. T3365 – McCormick Taylor Inc. – New Jersey Turnpike, Final Design and Environmental Permitting, Improvements at Interchange 2, 2009 Capital Construction Program No. 31009036 and Future Bond Issue.

This Order for Professional Services (OPS) will provide engineering and environmental services to undertake operational and safety improvements at Turnpike Interchange 2. The improvements are anticipated to be comprised of the installation of a traffic signal at Route 322, along with pavement widening and other improvements considered necessary to accommodate anticipated future traffic volumes. Environmental permit applications will also be prepared along with an EO 215 Environmental Assessment. The design is anticipated to be completed in nine months.

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. Solicitations for Expressions of Interest (EOIs) were sent to 29 engineering firms prequalified and eligible under Profile Codes: A250 – Fully Controlled Access Highways; C190 – Preparation of EIS and EA's; and D491 – Transportation Planning: Alternative Analyses. Twelve firms submitted EOIs by the closing date of July 20, 2010.

Subsequent to the scoring of EOIs, Fee Proposals were requested from the top three technically ranked firms. The firms in the order of ranking are: 1) McCormick Taylor, Inc.; 2) Urban Engineers, Inc.; and 3) Hatch Mott MacDonald. The fee submitted by McCormick Taylor, Inc. has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3365 be issued to the firm of McCormick Taylor, Inc. of Mt. Laurel, New Jersey, not to exceed the amount of \$419,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.75, based on a 10% allowance for profit and an overhead rate of 150% or, the firm's overhead rate as determined by

Federal Audit Regulation (FAR) procedure, whichever is less, plus authorized, direct non-salary expenses. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firms were selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8 and Executive Order No. 37 (Corzine 2006).

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209-10

In a memorandum dated August 12, 2010, concerning a recommendation to **Issue Supplement N to Order for Professional Services No. A3053 – HNTB Corporation** – Garden State Parkway and New Jersey Turnpike, General Consulting Engineers for the New Jersey Turnpike Authority, Operating Budget Fund No.10890-444.

Order for Professional Services (OPS) No. A3053 was issued to HNTB Corporation at the August 2005 Commission Meeting. This OPS provides general consulting engineering services to the Authority for a period of five years and will expire on October 31, 2010.

The selection of a General Consulting Engineer will be delayed to later this year in an effort to provide ample time to generate the most interest in this assignment. Therefore, in order to maintain the services of a general consulting engineer, a supplement to OPS A3053 will be required. Supplement N will extend the term of OPS A3053 an additional two months through December 31, 2010. This extension will be to continue basic general consulting engineering services covered under the monthly retainer of \$83,824.17 for a total amount of \$167,648.34 for the two-month extension.

It is, therefore recommended that Supplemental OPS No. A3053N be issued to HNTB Corporation not to exceed the amount of \$167,648.34 with compensation on the same basis as the original OPS. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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210-10

In a memorandum dated August 13, 2010, concerning a recommendation to **Issue Supplement A to Order for Professional Services No. T3116 – Dewberry-Goodkind Inc.** – New Jersey Turnpike, Interchange 6 to 9 Widening Program, Design Engineer, Design Section No. 6, MP 66.8 to MP 68.3, Mercer County, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

This Order for Professional Services (OPS) was issued at the August 2007 Commission Meeting in the amount of \$19,250,000 to provide professional engineering services associated with final design and preparation of contract documents and other ancillary activities and services

required for the final design of Section No. 6 of the Interchange 6-9 Widening Program, which includes the relocation of the Interchange 8 Toll Plaza.

This Supplement will compensate Dewberry-Goodkind, Inc. for additional design services required for various out of scope tasks. These tasks include: (1) preparation of contract documents for two additional construction contracts within the milepost limits associated with OPS No. T3116 to expedite construction; (2) design services required to achieve LEED certification and future open road tolling at the proposed Interchange 8 Toll Plaza; (3) structural design associated with additional retaining walls required to minimize environmental and right-of-way impacts; (4) a u-turn alternative analysis; and (5) extensive coordination with East Windsor, Colonial Pipeline Company and other local utilities that could not have been anticipated.

Dewberry-Goodkind, Inc. submitted a proposal incorporating the negotiated amount of \$3,650,000 to provide the required services. The proposal has been reviewed and is considered reasonable.

It is, therefore, recommended that Supplemental OPS No. T3116A be issued to Dewberry-Goodkind Inc. not to exceed the amount of \$3,650,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$19,250,000 to \$22,900,000. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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211-10

In a memorandum dated August 13, 2010, concerning a recommendation to **Issue Supplement B to Order for Professional Services No. P3026 – PB Americas Inc.** – Garden State Parkway, Design Services for Contract Nos. P100.024 and P100.025, Mullica River Bridge Rehabilitation and Widening, Milepost 49.0, 2009 Capital Construction Program No. 31021015 and Future Bond Issue.

This Order for Professional Services (OPS) was issued at the May 2006 Commission Meeting in the amount of \$4,841,000 to provide design services for the referenced contracts. Supplement A in the amount of \$1,132,000 provided for unanticipated additional design services and escalation of direct salaries related to the delay in the award of the construction contracts due to environmental permitting issues. The additional design services included design and plan development for a scour monitoring system; the engagement of a specialty consultant to evaluate the use of self-consolidating concrete for the drilled shaft design and specifications; the addition of a traffic sensor system; and additional survey work required to recover baseline data altered by an adjacent paving contract which proceeded in advance of Contract No. P100.024

Supplement B provides for unanticipated design services outside of the scope of the original OPS and Supplement A. The additional design services include: Task 1) post design work for Contract No. P100.024 (new bridge) as a result of a value engineering proposal from the contractor related to the approach retaining wall system, actual field conditions revealed during

construction, or out of tolerance conditions requiring verification; Task 2) changes to the design for Contract No. P100.025; and Task 3) coordination with the GSP Interchange 30 to 63 Widening Program, specifically to incorporate Contract No. P100.025 Mullica River Bridge Rehabilitation into Contract No. P200.134 Widening, Milepost 48.0 to Milepost 52.5 to provide one single contract. The reason, costs and benefits for these tasks are outlined below.

Task 1 is for post design services for Contract No. P100.024 encountered due to unanticipated field conditions and a value engineering proposal from the contractor related to the approach retaining wall system. The contractor requested and was authorized to use Control Modulus Columns (CMCs) in place of Stone Columns for ground improvements at the approach retaining walls. The use of CMCs virtually eliminates ground settlement, pre and post construction. This change eliminated consolidation requirements and the associated duration for consolidation to occur prior to the construction of the Mechanically Stabilized Earth (MSE) Wall face. Two-stage MSE walls could be replaced with single-stage MSE walls thereby providing the contractor and Authority valuable flexibility with the overall construction schedule. The change was accepted at no additional construction cost to the Authority. Elimination of post construction ground settlement with the use of CMCs will result in long term savings in pavement maintenance for this segment of roadway and improved rideability. Other unanticipated post design work provided in Task 1 include out of scope consultation for field issues encountered related to the drilled shaft construction and pile installation during the completion of the demonstration shaft and geotechnical tests. Additional design review was required to provide acceptance for out of tolerance drilled shaft construction and consequences of an error in the survey control. Load rating calculations for Parkway structures located within the Contractor's determined transportation route for the delivery of the precast girder segments were required to approve the route. As a separate task, PB provided additional load rating calculations and analysis to substantiate GSP Interchange 48 to 50 (which serves as NJ Route 9) as an alternate route for overweight vehicles as requested by the NJDOT Trucking Services Unit and authorized by the Authority for the Superload/Got Permits Program.

Task 2 is for unanticipated additional design services required for changes to Contract No. P100.025 which include updating plans and specifications to incorporate Design Change Announcements issued since 2008 due to various unanticipated delays in the design schedule (permit acquisition, funding and revised construction completion date for Contract No. P100.024). The Authority also added full painting of the structure to the contract scope. This change will eliminate the need for a separate painting contract and result in a net savings to the Authority in both construction and construction supervision costs.

Task 3 is for unanticipated additional design services associated with incorporating the plans and specifications for Contract No. P100.025 within Contract No. P200.134 to provide for one single construction contract between Milepost 48.0 and Milepost 52.5. With the subsequent award and progression of Phase 2 design of the GSP Widening Program from MP 30 to 63, and

due to the environmental permit expiration constraints, Contract No. P200.134, construction of the roadway widening adjacent to the Mullica Bridge is currently being advanced concurrent with construction of Contract No. P100.025. Based on a review of current plans for both contracts, several significant conflicts have been identified relating to construction staging and Maintenance and Protection of Traffic (MPT). As a result, the Authority has determined that these two contracts need to be consolidated into a single contract in order to successfully complete the required roadway and bridge rehabilitation work in a condensed timeframe at least cost. This action will eliminate construction claims that would most likely occur if two separate contracts were awarded and results in a net savings in construction and construction supervision costs. The additional unanticipated design services include a reorganization of the P100.025 contract documents to be integrated into Contract No. P200.134, elimination of the Mullica-specific MPT details, coordination of Supplementary Specifications, plans, cost estimate, and a comprehensive review of the combined contract documents for accuracy and consistency.

PB Americas, Inc. submitted a proposal in the amount of \$555,000 to provide the required services. The proposal has been reviewed and is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplemental OPS No. P3026B be issued to PB Americas, Inc. not to exceed the amount of \$555,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$5,973,000 to \$6,528,000. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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212-10

In a memorandum dated August 24, 2010, concerning a recommendation to **Issue Supplement A to Order for Professional Services No. P3246 – Gannett Fleming** – Garden State Parkway, Design Services for Contract No. P200.134, GSP Widening Interchanges 48 to 63, MP 47.7 to MP 51.3, Atlantic and Ocean Counties, 2009 Capital Construction Fund No. 31028031 and Future Bond Issue.

This Order for Professional Services (OPS) was issued at the September 2009 Commission Meeting in the amount of \$5,369,000 to provide design services for the referenced contract.

Supplement A provides for unanticipated design services, outside the scope of the original OPS. The additional design services included: Task 1) incorporating Contract No. P100.025 - Mullica River Bridge Rehabilitation – Milepost 49.0 into Contract No. P200.134 - Widening Milepost 47.7 to 51.3 to provide one single contract; Task 2) develop a final paving and striping contract from Interchange 48 to 52 in order to open the widening improvements to traffic following the completion of Contract No. P100.130 - Widening and Rehabilitation of the Bass River Bridge Milepost 51.9; and Task 3) design of additional retaining walls at Interchanges 48

and 50 in order to maintain the permitted environmental impacts. The reason, costs and benefits for these major tasks are outlined below.

Task 1 is for the unanticipated design services required to incorporate the plans and specifications for Contract No. P100.025 into Contract No. P200.134 to provide for one single construction contract between Milepost 47.7 and 51.3. The improvements associated with the Garden State Parkway Widening Program from Interchange 30 to 80 are being implemented in phases. Phase 1, which is currently under construction, includes the widening from Interchange 63 to 80 and Contract Nos. P100.024 and P100.025, the Widening of the Mullica River Bridge – Milepost 49.0 and the Rehabilitation of the Mullica River Bridge - Milepost 49.0. Contract No. 100.025 is ready for advertisement, pending the completion of Contract No. P100.024. In 2009, funding to initiate Phase 2 of the Widening program was made available. Phase 2 will construct the widening from Interchange 48 to 63, including the widening and rehabilitation of the Bass River Bridge - Milepost 51.9, the widening and rehabilitation of the Patcong Creek Bridge - Milepost 31.0, and permit regulated grading and drainage improvements from Interchanges 30 to 48.

Upon review of the proposed construction schedules for Phase 1 and Phase 2, a conflict in the needed work zones between Contract No. P100.025 and Contract No. P200.134 Widening from Milepost 47.7 to 51.3 of the Interchange 48 to 63 widening, was identified. This conflict is attributed to two factors; Contract No. P100.25 was developed as an independent contract since at the time of procurement Phase 2 improvements were not funded or scheduled and the environmental permits secured for the entire Program require that the improvements in regulated areas be completed before June 2013.

Several areas of concern have been identified that will require revisions to design plans to eliminate conflicts. By combining these contracts, the Authority will eliminate duplicative construction efforts, save staff resources, reduce potential delays due to overlapping work zones, and reduce the overall construction and supervision costs to complete both contracts compared to them being pursued independently. The potential savings in supervision costs is approximately \$1.5 million. The potential for traffic delays will also be reduced and the completion time for the combined work effort will decrease, both direct benefits to the patrons of the Garden State Parkway.

The additional unanticipated design services required to incorporate elements of Contract No. P100.025 into Contract No. P200.134 include revisions to construction plans, grading and drainage plans, signing and striping plans, maintenance and protection of traffic plans, the construction schedule and the supplementary specifications. The design schedule is not expected to be delayed and the award of P200.134 remains scheduled for award in April 2011 which will continue to keep the program on track to meet the permit deadlines. The total fee for task 1 is \$184,000.

Task 2 is for unanticipated additional design services required to develop a final paving and striping contract between Interchanges 48 and 52. The anticipated completion date for Contract No. P200.134 - Widening from Milepost 47.7 to 51.3 is May 2013, and the anticipated completion date for Contract No. P100.130 - Widening and Rehabilitation of the Bass River Bridge Milepost 51.9 is June 2015. During the rehabilitation of the existing Bass River Bridge, northbound and southbound traffic will be diverted from the existing bridge to the new bridge. Two lanes in each direction will be maintained on the new bridge until the rehabilitation is completed. There will be a time, however, when the widening to six lanes north of Interchange 52 will be complete and can be opened to traffic before the Bass River Bridge rehabilitation is complete. Thus, it is anticipated that from May 2013 to June 2015 the Authority will have to maintain a transition from six lanes to four lanes until that bridge work is complete. The Authority has determined that a separate contract must be developed to open traffic to six lanes between Interchange 52 and Interchange 48. The additional unanticipated design services required to develop a final paving and striping contract include preparation of construction plans, specifications, construction schedule and cost estimates. The total fee for Task 2 is \$94,000.

Task 3 is for unanticipated services required to design retaining walls at the new bridge structures located at Interchanges 48 and 50. The scope of services for the original OPS was based on the improvements shown in the secured permit plans developed for the entire widening. The original permit applications were based on preliminary engineering and high level aerial mapping. As part of the final design scope of services, Gannett Fleming is required to update the mapping with low altitude mapping and photography. Differences in elevations at this location were identified during the grading design of the new roadway. The elevation differences cause grading that would increase the permitted environmental impacts at these locations and therefore retaining walls are required to maintain the permitted impacts. The additional unanticipated design services required to incorporate retaining walls at Interchanges 48 and 50 are engineering calculations, contract plans, specifications, and cost estimates for Phases B, C and D submissions, and for post-design services required to review shop drawing submittals. The total fee for Task 3 is \$192,000.

Gannett Fleming, Inc. submitted a proposal incorporating the negotiated amount of \$470,000 to provide the required services. The proposal has been reviewed and is considered reasonable.

It is, therefore, recommended that Supplemental OPS No. P3246A be issued to Gannett Fleming Inc. not to exceed the amount of \$470,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$5,369,000 to \$5,839,000. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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213-10

The following is a **Contract for Formal Acceptance and Final Payment:**

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<u>Contract T100.080</u>	South State Inc. New Jersey Turnpike Bridge Deck Repairs and Resurfacing MP 0.0 to MP 83.0 and the Pearl Harbor Memorial Turnpike Extension Salem, Gloucester, Camden, Burlington, Mercer and Middlesex Counties Maintenance Reserve Fund No. 03010001	\$257,858.50

The Authority accepted the certifications of the Engineers, General Consultant and Chief Engineer as to inspection and completion of the foregoing contract; the certification of the Authority's Law Department as to liens, claims, surety bonds and Final Payment Certificate, in the amount shown, due to the contractor for completion of the above contract.

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

On motion by Commissioner DuPont, seconded by Commissioner Diaz, the Authority approved items 202-10 and 204-10 through 213-10; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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PURCHASING

Purchasing Director Ward identified the items as routine goods and services, announced that the awardee in item 214A-10 has undergone a name change, highlighted the necessity of item 214P-10 and requested approval. Moved as a group, items 214A-10 through 214T-10 are as follows:

Results of Bidding: These items are in response to public advertisement for the commodity requisitioned. 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 and Executive Order 117 (Corzine 2008) and having no objection to same. Bids for these items were procured and authorization is sought to award contracts to the lowest responsible bidder, pursuant to N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37.

Bid prices are on file in the Purchasing Department. Recommendation of contract award to the low bidder meeting Authority specifications is as follows:

214A-10

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
23	3	7-Yard Dump Trucks with Accessories (stainless steel)	Freedom International* Trucks Inc. of New Jersey Philadelphia, PA	\$4,062,008.10

Requisition (R) 72890; Budget 01 080 540 156999, Project 08007021; Bid Date: July 27, 2010

In a memorandum dated August 11, 2010, this requisition is for the purchase of thirty (30) 7-yard dump trucks with accessories for use by the Maintenance Department. These are replacements for older model trucks, which will be sold at a public surplus sale. Bidders were required to quote unit prices for ten (10) line items, including but not limited to, rotator lights, tailgate spreader and snow plow hitch. In addition, bidders were also required to provide pricing on a stainless steel or aluminum dump body.

The contract includes a 3-year Open End Option which gives the Authority the right to purchase additional units conforming to the specifications at the same price and under the same

terms and conditions for the first model year and adjusted agreed-upon price terms for two (2) additional Model Years.

Recommend award be made to the lowest responsible bidder, Freedom International Trucks Inc. of New Jersey (*now known as Ransome), for 30 stainless steel 7-yard dump trucks, in an amount not to exceed \$4,062,008.10.

*Director Ward advised that Freedom International Trucks Inc. is now known as: Ransome International.

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214B-10

BIDDERS BIDS		COMMODITY	VENDOR	AMOUNT
INVITED	REC'D			
7	5	¾ Ton Crew Cab 2-Wheel Drive Pick-up Trucks with Accessories	Beyer Bros Corp Fairview, NJ	\$327,370.00

R 73178; Budget 040 01 540 650010, Project 04008054; Bid Date: July 27, 2010

In a memorandum dated August 15, 2010, this requisition is for the purchase of ten (10) ¾ ton, crew cab, 2-wheel drive pick-up trucks with accessories for use by the Maintenance Department. Bidders were required to quote unit prices for nine items listed, including but not limited to, crew-cab chassis, hitch trailer, bed liner, light bar and public address system. In addition, the specifications state that the trucks "must be delivered no later than December 15, 2010". Bid prices are on file in the Purchasing Department.

The contract includes a 3-year Open End Option which gives the Authority the right to purchase additional units conforming to the specifications at the same price and under the same terms and conditions for the first model year and adjusted agreed-upon price terms for two (2) additional Model Years.

Non-Compliance: The Maintenance Department staff reviewed the proposals and found that the four lowest bid proposals took exceptions on the delivery date requirement. Winner Ford's proposal states that it could deliver in 22-25 weeks, which equates to delivery in February or March 2011. Ford's proposal states that it could possibly deliver by December 15th but it could not guarantee the deadline. Flemington's proposal states that the trucks would be delivered by February 11, 2011. Mall Chevrolet states that it could deliver by the required date if the Purchase Order is issued in a timely fashion. The Maintenance Department determined that these deviations from the specifications are unacceptable. Moreover, the specifications contain a provision for liquidated damages in the event that the successful bidder fails to meet the said date. The bid proposal submitted by Beyer Bros. Corp, is fully compliant. Beyer Bros' bid amount is approximately 5.9% above the departmental estimate. Given the Maintenance Department's specified need to receive the trucks this year, the higher bid amount is acceptable. The Law Department also reviewed the proposals and concurs in the recommendation.

Recommend award be made to the lowest responsible bidder, Beyer Bros Corp. in an amount not to exceed \$327,370.00.

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214C-10

BIDDERS BIDS		COMMODITY	VENDOR	AMOUNT
INVITED	REC'D			
12	5	¾ Ton Conventional Cab 4-Wheel Drive Pick-up Truck	Mall Chevrolet Cherry Hill, NJ	\$153,495.00

R 73179, Budget 040 01 540 650010, Project 04008054, Bid Date: July 27, 2010

In a memorandum dated August 13, 2010, this requisition is to award a contract for the purchase of five (5) ¾ ton, conventional cab, 4-wheel drive, pick-up trucks for use by the Maintenance Department. These are replacements for older model trucks, which will be sold at a public surplus sale. Bidders were required to quote unit prices for seven items listed, including but not limited to, crew-cab chassis, snow plow, bed liner, light bar and safety rack. In addition, the specifications stated that the trucks "must be delivered no later than December 15, 2010".

The contract includes a 3-year Open End Option which gives the Authority the right to purchase additional units conforming to the specifications at the same price and under the same terms and conditions for the first model year and adjusted agreed-upon price terms for two (2) additional Model Years.

Non-Compliance: The Maintenance Department staff reviewed the proposals and found the first, second and fourth low bidders took exceptions on the delivery date requirement. The December 15th delivery date is necessary to fully implement maintenance operations for the 2010/2011 winter season. Flemington's proposal states that it could deliver by the required date if a Purchase Order was issued by August 15, 2010. Winner Ford's proposal states that it could deliver in 22-25 weeks, which equates to delivery in February or March 2011. Fords' proposal states that it could possibly deliver by December 15th but it could not guarantee the deadline. The Maintenance Department determined that these deviations from the specified delivery date are unacceptable. Moreover, the specifications contain a provision for liquidated damages in the event that the successful bidder fails to meet the said date. The bid proposal submitted by Mall Chevrolet and Beyer Bros Corps are fully compliant. Therefore, it is recommended that the bid

proposals submitted by Flemington, Winner Ford and Ford National Auto Mart, Inc. be rejected. The Law Department also reviewed the proposals and concurs in the recommendation.

Recommend award be made to the lowest responsible bidder, Mall Chevrolet, in an amount not to exceed \$153,495.00.

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214D-10

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
11	5	4- Wheel Drive 72" Rotary Rear Discharge Riding Mower	Rodio Tractor Sales Inc Hammonton, NJ	\$141,000.00

R 73742, Budget 01 040 540 650010, Project 04008033; Bid Date: August 5, 2010

In a memorandum dated August 11, 2010, this requisition is for the purchase of eight (8) 4-wheel drive 72" rotary rear discharge riding mowers for use by the Maintenance Department. These mowers will replace existing equipment, which in turn will be sold at public surplus sale. Bidders were required to provide unit price and total price per mower.

The contract includes a 3-year Open End Option which gives the Authority the right to purchase additional units conforming to the specifications at the same price and under the same terms and conditions for the first model year and adjusted agreed-upon price terms for two (2) additional Model Years.

Recommend award be made to the lowest responsible bidder, Rodio Tractor Sales Inc., in an amount not to exceed \$141,000.00.

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214E-10

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
4	2	Low Ground Pressure Dozer W/Enclosed Cab	Jesco, Inc. South Plainfield, NJ	\$ 96,573.00

R 73768, Budget 01 080 540 650010, Project 08007021; Bid Date: August 4, 2010

In a memorandum dated August 19, 2010, this requisition is for the purchase of one (1) low ground pressure dozer with enclosed cab for use by the Maintenance Department. This dozer is a replacement for older model maintenance equipment, which will be sold at a public surplus sale. Bidders were required to quote the unit price for the dozer.

The contract includes a 3-year Open End Option which gives the Authority the right to purchase additional units conforming to the specifications at the same price and under the same terms and conditions for the first model year and adjusted agreed-upon price terms for two (2) additional Model Years.

Recommend award be made to the lowest responsible bidder, Jesco Inc., in an amount not to exceed \$96,573.00.

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214F-10

Results of Bidding for Snow Plowing and Salting Services on New Jersey Turnpike and Garden State Parkway, RM 893, Bidders Invited: 19; Bids Date: August 10, 2010: 10.

In a memorandum dated August 19, 2010, authorization is requested to award multiple contracts for snow plowing and salting services on the Garden State Parkway and New Jersey Turnpike for three snow seasons beginning November 1, 2010 through April 30, 2013. The bid quotations are based on the hourly rates for the number and type of vehicles, and awards are based on total prices. Bids for these items were procured, and authorization is being sought to award contracts to the lowest responsible bidders, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order 37 (Corzine 2006). These awards are 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 117 (Corzine 2008) and having no objection to same.

The Authority has the sole discretion of extending the contract, under the same terms and conditions except for price, for two additional one-year terms. The prices for the succeeding years of the contract will be adjusted yearly based on the Consumer Price Index ("CPI") as designated in the average CPI for combined New York/Northern New Jersey and Philadelphia/Southern New Jersey areas. The maximum annual increase permitted however, shall be 5%.

Recommend awards for snow plowing and salting services be made to the lowest responsible bidders listed in the tables below. The anticipated annual expenditures (stated under the "amount not to exceed"), are subject to funding availability at the time of service. Those awards are as follows:

<u>Contract</u>	<u>Contractor</u>	<u>Amount Not to Exceed</u>
LN-1-10 – Montville Service Area	New Prince Concrete Construction Co. Inc, Hackensack, NJ	\$29,400
LC-1-10- Woodbridge TMC Building SPC-2-10 – Milepost (MP) 130-137 Parkway	Tarheel Enterprises Inc. Morgan, NJ	\$105,800
LC-2-10- Raritan Toll Plaza LC-4-10- Parkway Telegraph Hill LC-6-10- Asbury Toll Plaza	Joseph M. Sanzari Hackensack, NJ	\$155,600
LS-2-10- Toms River Toll Plaza LS-3-10- Parkway Exit 77 LS-4-10- Forked River Service Area LS-11E-10- Brick Toll Plaza MP 91 South SPC-10E-10- Parkway MP 91.8 to MP 105 SPSO-1-10- Parkway Ramps between Exit 63 and 82 SPSO-2-10- Parkway Exit 88 Ramps	Eagle Paving Corp. South Toms River, NJ	\$180,200
SPB-2-10- Turnpike MP 26, Woodbury to MP 53 SPC-1-10- Turnpike Interchange 8 to MP 94	Silvi of Englishtown Fairless Hills, PA	\$480,000
SPCO-4-10- Parkway MP 117 to 126 Outer Lanes SPC-7-10- Parkway MP 117 to 126 Inner Lanes SPC-8-10- Parkway MP 110 to 120 Inner Lanes SPCIO-9-10- Asbury Toll Plaza 104 to Raritan Tolls	AMC Industries Inc. Cliffwood, NJ	\$250,400
SPNO-1-10- Parkway Exit 159 to New York State Line SPNO2-10- Parkway Route 80 Ramps, Route 3 Ramps and Mainline MP 147 to Bergen Toll Plaza, SPN-3-10- Parkway Route 78 Ramps and Mainline Union to Essex Toll Plaza, DRIS-BR-10- Driscoll Bridge MP 127-129 SPCO-2-10- Parkway Exit 105 and Exit 117 Ramps	Nacirema Industries Inc. Bayonne, NJ	\$261,600
SPA-1-10- Turnpike MP 1 to MP 13.2 SPA-2-10- Turnpike Interchanges 2 to 4 LS-9-10- Great Egg Toll Plaza LS-10-10- Parkway Oceanview Service Area LS-11-10- Cape May Toll Plaza SPS-4-10- Parkway MP 46 to 65 SPS-5-10- Parkway MP 30 to 47 SPS-6-10- Parkway MP 14 to 30 SPS-7-10- Parkway MP 0 to 14 SPSO-3-10- Parkway Poorman's Parkway SPSO-4-10- Parkway Ramps, Exits 36 to 38	Tuckahoe Sand and Gravel Inc. Pleasantville, NJ	\$531,200

SPCO-1-10- Parkway Ramps, MP 123 to MP 131	Joe Carrelha Jr. Trucking Co.Inc. Marboro, NJ	\$62,800
LS-6-10-Barnegat Toll Plaza	Mathis Construction Co Inc. Little Egg Harbor, NJ	\$12,800
LS-7-10- New Gretna Toll Plaza		

No bids were received for the following Parkway Areas:

Contract No. SPC-3-10, MP 124- 131
Contract No. SPC-10-10, MP 98 to 104
Contract No. SPS-3-10, MP 63 to MP 75
Contract No. SPS-3E-10, Exit 69 North and South

Therefore, Staff requests authorization to immediately rebid these 4 areas to allow time to establish contracts prior to the 2010/2011 snow season.

Further, at the July 22, 2008, Commission Meeting, authorization was granted to establish two Snow Removal Contract Accounts, one for each roadway, for all snow removal services. The establishment of these accounts facilitates prompt payment to the snow removal contractors. Payments for these contract services will continue to be made from the respective Turnpike or Parkway Division's Snow Removal Contract Account.

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214G-10

Results of Bidding for Snow and Ice Removal Services for Park-and-Ride Facilities on Garden State Parkway, RM 894, Bidders Invited: 27; Bids Received on August 6, 2010: 4.

In a memorandum dated August 19, 2010, authorization was requested to award snow and ice removal services at two park-n-ride facilities on the Garden State Parkway, at Milepost 165 and Milepost 91, respectively. The term of the contract is two snow seasons from November 1, 2010 through April 30, 2012. Bidders were asked to quote hourly rates for providing all equipment and labor necessary to clear the facility bid for up to six inches of snowfall and also snowfall in excess of six inches. The awards are based on total prices bid per facility. Bids for these items were procured, and authorization is being sought to award contracts to the lowest responsible bidders, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37 (Corzine 2006). These awards are 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 117 (Corzine 2008) and having no objection to same.

The Authority has the sole discretion of extending the contracts, under the same terms and conditions except for price, for three additional one-year terms. The succeeding years of the contracts will be adjusted yearly based on the Consumer Price Index ("CPI") as designated in the average CPI for combined New York/Northern New Jersey and Philadelphia/Southern New Jersey areas. The maximum annual increase permitted for any year, however, shall be 5%.

<u>Park and Ride Contract</u>	<u>Contractor</u>	<u>Amount Not to Exceed</u>
CL-165-10, Milepost 165	New Prince Concrete Construction Co. Inc. Hackensack, NJ	\$124,000
Contract CL-91-10, Milepost 91	Eagle Paving Corporation South Toms River, NJ	\$176,000

Recommend awards for snow and ice removal services at the two Parkway Park and Rides be made to the lowest responsible bidders, New Prince Concrete Construction Co. for MP 165 in an amount not to exceed \$124,000 and to Eagle Paving Corp. for MP 91 in an amount not to exceed \$176,000, both subject to funding availability at the time of service.

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214H-10

In a memorandum dated August 12, 2010, concerning the recommendation to **Award through New Jersey State Contract No. 64067 – NEC Corporation of America – PBX Telephone System Relocation**, R 73796, Budget: 00 310 834 156529, Project: 31018001.

The Technology and Administrative Services Department has requisitioned services to relocate the Authority's personal branch exchange (PBX) telephone system at the Hightstown Maintenance Central Shops building. The PBX system is now located in a portion of the building that is pending demolition to accommodate the New Jersey Turnpike Interchange 6 – 9 widening program.

These services can be procured through New Jersey Contract No. 64067 with NEC Corporation of America, Inc. This State Contract No. 64067 is valid until November 30, 2010. In accordance with the State Contract pricing, NEC Corporation of America, Inc. has submitted a price proposal to provide these services for an amount not to exceed \$35,306.84.

NEC Corporation of America, Inc. has previously provided goods and services to the Authority in a satisfactory manner. This contract will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits the Authority to purchase goods and services directly, without advertising, from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to NEC Corporation of America Inc., Irving, Texas in an amount not to exceed \$35,306.84 as outlined herein.

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214I-10

In a memorandum dated August 12, 2010, concerning the recommendation to **Award through New Jersey State Contract No. 64067 – NEC Corporation of America Inc. – Replacement of Power Rectifiers**, R 73958, Budget: 00 080 834 156529, Project: 08007025.

The Technology and Administrative Services Department has requisitioned services to replace DC power rectifiers at seven Authority buildings. A rectifier serves as a back-up power supply, in case of power failure, for phone and telecommunications systems at each location.

The existing DC power rectifiers are at the end of their useful life cycles, and therefore require replacement.

The services and parts can be procured through New Jersey Contract No. 64067 with NEC Corporation of America, Inc. This State Contract is valid until November 30, 2010. In accordance with the State Contract pricing, NEC Corporation of America, Inc. has submitted a price proposal to provide these services for an amount not to exceed \$141,044.53.

NEC Corporation of America has previously provided goods and services to the Authority in a satisfactory manner. This contract will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits the Authority to purchase goods and services directly without advertising from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to NEC Corporation of America Inc., Irving, Texas in an amount not to exceed \$141,044.53 as outlined herein.

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214J-10

In a memorandum dated August 13, 2010, concerning the recommendation to **Award through New Jersey State Contract No. 68312 – Link Communications LTD – Digital In-Car Video Recorders**, R 74179, Budget: 040 01 720 650020, Project: 04010002.

New Jersey State Police Troops D and E have requisitioned a total of 100 mobile digital in-car video recorders ("DIVR"). The DIVRs will be installed in the vehicles of Troops D and E. These units will record police activities, such as traffic stops, for evidence and documentation. The DIVRs are the same units installed in all New Jersey State Police vehicles and are required by the State Police.

The DIVRs can be procured through New Jersey Contract No. 68312 with Link Communications LTD. This State Contract is valid until March 31, 2011. This procurement is in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which permits the Authority, without advertising, to purchase goods and services directly from vendors which hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to Link Communications LTD, Annapolis Junction, MD, in an amount not to exceed \$708,100.00, as outlined herein.

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214K-10

In a memorandum dated August 12, 2010, concerning the recommendation to **Award through New Jersey State Contract No. 68366 – Cherry Valley Tractor Sales – New Holland Tractors**, R 73952, Budget: 01 540 080 156999, Project: 08007021.

The Maintenance Department has requisitioned four (4) New Holland brand tractors for use in the Authority's mowing operations. The tractors will include right, left, and rear mowing flails to accommodate all mowing situations. These tractors will replace older units from 1983

and earlier. Due to their age and repair expense, these older models have exhausted their mechanical life cycle. The Authority intends to sell the used tractors at a public surplus sale.

The tractors can be procured through New Jersey Contract No. 68366 with Cherry Valley Tractor Sales. This State Contract is valid until February 17, 2011. This contract will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits the Authority, without advertising, to purchase goods and services directly from vendors which hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to Cherry Valley Tractor Sales, Marlton, NJ, in an amount not to exceed \$336,531.36 (\$84,132.84 per unit), as outlined herein.

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214L-10

In a memorandum dated August 20, 2010, concerning the recommendation to **Award through New Jersey State Contract No. 70262 – Hewlett Packard Company – ETC Consolidated Host Relocation Project**, PR No. 74138, Budget: 00-040-826-156529, Special Reserve Fund: 04000009.

The current electronic toll collection ("ETC") data processing is performed at the Disaster Recovery Site ("Host Processing") at the Union Toll Plaza located along the Garden State Parkway. For security purposes, the ETC Department has been planning to move the Host Processing activities to the Statewide Traffic Management Center ("STMC") in Woodbridge, NJ. The STMC location is currently utilized as a limited back-up processing site. The move, however, could not occur until the completion of modifications at the STMC, as well as the ETC programming efforts to consolidate the Garden State Parkway's and New Jersey Turnpike's Host Processing. The STMC is now able to accommodate the Host equipment. In addition, a common vehicle classification system is in place on both roadways, and a single common interface has been developed and successfully tested with the back office system. Thus, the ETC Department can move the Host Processing to the STMC.

To facilitate the move of the ETC Host to the STMC, the ETC Department needs to augment the current hardware at the STMC with additional data storage and processing capabilities. The ETC Department requisitioned the necessary hardware, software and support services to accomplish the move. The additional processor and storage capacity will be utilized for software development and quality assurance, storage area network management, software configuration and version control and database grid control, and .85 terabytes of additional redundant array of independent disks storage will be added to the STMC.

The hardware, software and services can be procured through New Jersey Contract system for an award made between Hewlett Packard and the Western States Contracting Alliances. State Contract No. 70262 is valid until August 31, 2014. In accordance with the State Contract pricing, Hewlett Packard has submitted a price proposal to perform the consulting

services in an amount not to exceed \$482,474.82. The ETC Department determined that the proposed price is reasonable for the items and services requisitioned to facilitate the Host Relocation Project.

Hewlett Packard has previously provided consulting services to the Authority in a satisfactory manner. This contract will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits the Authority to purchase goods and services directly without advertising from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to Hewlett Packard Company, Omaha, NE, in an amount not to exceed \$482,474.82 as outlined herein.

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214M-10

In a memorandum dated August 12, 2010, concerning the recommendation to **Award a New Jersey State Contract No. 70256 – Dell Marketing LP – E-Ticketing Scanner Kits**, R 73396, Budget: 01 040 720 650020, Project: 04010002.

The New Jersey State Police Troops D and E have requisitioned a total of 123 scanner kits with mounting brackets for use in the State Police E-Ticketing program. The State Police are implementing an electronic ticketing system, which will result in the elimination of handwritten summonses and replacing them with summonses that are produced electronically. The scanner kits will be installed in State Police vehicles. These requested units are the only ones that can function within the existing State Police network.

The scanner kits can be procured through New Jersey Contract No. 70256 with Dell Marketing L.P. This State Contract is valid until August 31, 2014. The kits will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which allow the Authority, without advertising, to purchase goods and services directly from vendors which hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to Dell Marketing LP, Round Rock, Texas, in an amount not to exceed \$56,352.45, as outlined herein.

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214N-10

In a memorandum dated August 12, 2010, concerning the recommendation to **Award through New Jersey State Contract No. 74184 – East Coast Emergency Lighting – Vehicle Emergency Lighting**, R 74548, Budget: 01 040 720 650020, Project: 04010002.

The New Jersey State Police has requisitioned nine (9) Items of emergency lighting assemblies, including but not limited to, light bars, mounting kits and brackets. These parts will be installed in 30 new vehicles (Chevrolet Tahoes) currently being prepared for delivery.

The items can be procured through New Jersey Contract No. 74184 with East Coast Emergency Lighting, Inc. This State Contract is valid until April 30, 2011. This contract will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits

the Authority, without advertising, to purchase goods and services directly from vendors which hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to East Coast Emergency Lighting Inc., North Brunswick, NJ, in an amount not to exceed \$55,299.94, as outlined herein.

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214O-10

In a memorandum dated August 13, 2010, concerning the recommendation to **Award through New Jersey State Contract No. 75179 – Jewel Electric Supply Company – Electrical Switchgear and Enclosure**, R 74938, Budget: 310 02 850 156012, Project: 31005013.

The Engineering Department requisitioned all the electrical hardware components required for a construction contract (No. P500.158A). This contract awarded in March 30, 2010, involves the replacement and relocation of the main electrical services for the PNC Arts Center Amphitheater on the Garden State Parkway. The requisitioned electrical components include the switchgear assembled in a prefabricated enclosure. (The switchgear supplies and controls all power to the entire amphitheater.) In addition, the electrical components include all ducting and cabling to distribute power to other related areas. Engineering staff compared quotations and determined that procuring the electrical hardware directly from a State Contract vendor would be less costly than paying the contractor to obtain the said components. The work for the construction contract is scheduled to commence immediately after the completion of the 2010 event season at the PNC Arts Center.

The electrical hardware can be procured through New Jersey Contract No. 75179 with Jewel Electric Supply Company. This State Contract is valid until September 30, 2012. In accordance with the State Contract pricing, Jewel Electric Supply Company has submitted a price proposal to provide these services in an amount not to exceed \$405,300.

Jewel Electric Supply Company has previously provided goods and services to the Authority in a satisfactory manner. This contract will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits the Authority to purchase goods and services directly without advertising from vendors who hold contracts with the State of New Jersey.

Accordingly, authorization is requested to award a contract to Jewel Electric Supply Company, Jersey City, NJ, in an amount not to exceed \$405,300 as outlined herein.

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214P-10

In a memorandum dated August 17, 2010, concerning the recommendation to **Award a Sole Source Contract – CapitalSoft Inc. – CapEx Manager Annual Software Maintenance, Client Support and Modifications**, R 72952, Budget: 040-00-850-156529-04008019; and R 73825, Budget: 010-00-833-121020.

At the August 25, 2009 Commission Meeting (Agenda Item 205F-09), authorization was granted to award a "sole source" contract to CapitalSoft, Inc. for the CapEx Manager Software ('CapEx Software"). This Software is used by the Authority's Engineering Department in the web-based electronic bidding and management of construction contracts. The electronic bidding process includes access to new business opportunities, the ability to view and purchase project plans and specifications online, and the opportunity to prepare and submit bids electronically.

In addition to the maintenance services, it is necessary that CapitalSoft, Inc. provide client support services to CapEx Software on an as needed basis to address unique issues that arise during the bid, award and management of construction contracts. Further, the Engineering Department has identified several areas of CapEx Software that require modifications in order to address issues that have arisen as a result of using the system over the past few years. These modifications include improvements to the construction modules to accurately track cost plus work in the field which would then be fully integrated directly into the reporting system. Also, modifications are required to the system to integrate and automate Change Orders. Modifications to the CapEx Software to incorporate these enhancements will provide more accurate and complete project records while reducing Engineering Department staff assistance and support services currently provided by CapitalSoft, Inc. The required support services and enhancement work will be performed by CapitalSoft, Inc. on a time and materials basis based on approved hourly rates that are customary and reasonable by industry standards based on the services required.

CapEx Software is proprietary to CapitalSoft, Inc., which is the publisher and holder of all copyrights. CapitalSoft, Inc. is the only vendor which has access to the source code needed to debug, improve, maintain and solve CapEx Software problems. Thus, no other vendor is capable of providing the services required under the annual maintenance agreement. In addition, this is an exceptional circumstance, as the client support and maintenance services are necessary for operating the Authority's electronic bidding software system.

Thus, it is recommended that the annual maintenance agreement, client support services and modifications to the CapEx Software be procured without public advertisement as a sole source exception to the public bidding laws and consistent with Executive Order No. 37. The cost for the annual maintenance services for the CapEx Software will be in an amount not to exceed \$100,000. The cost for the client support services and modifications to the CapEx Software is in an amount not to exceed \$220,000.

Accordingly, Authorization is requested to award a sole source contract to CapitalSoft, Inc., Richardson, Texas, for the annual maintenance services, client support services and modifications to the CapEx Software in an amount not to exceed \$320,000 (\$100,000 from 2011 budget), for the period August 1, 2010 through July 31, 2011. The award will be made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.S.A. 27:23-6.1. This award is contingent upon the Treasurer of the State of New Jersey completing

the review of all documents submitted by the awardee(s) pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and having no objection to same. **Resolution 214P-10** follows as:

**RESOLUTION FOR SOLE SOURCE PROCUREMENT
CAPEX MANAGER ANNUAL SOFTWARE MAINTENANCE,
CLIENT SUPPORT AND MODIFICATIONS**

WHEREAS, in an effort to simplify doing business with the Authority and to make the bidding process easier for the Engineering Department and construction contractors, the Authority procured the software to facilitate web-based electronic bidding process, entitled CapEx Manager (the "Software") and;

WHEREAS, the Technology and Administrative Services Department has requisitioned the annual client support and maintenance services to continue utilizing the Software for the period August 1, 2010 through July 31, 2011; and

WHEREAS, CapitalSoft, Inc. is the publisher, holder of all copyrights and exclusive distributor of the Software and therefore, the Software is of a unique and confidential nature that will not admit a generic or standard specification for procurement through competitive solicitation by public advertisement; and

WHEREAS, the Software can only be procured from CapitalSoft, Inc. at a cost not to exceed \$100,000 and support services and modifications not to exceed \$220,000, for a combined total cost of \$320,000; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Authority's Commissioners hereby authorize and approve the award of a contract to CapitalSoft, Inc. for the annual software maintenance to CapEx Manager in an amount not to exceed \$320,000, as a sole source exception to procurement by public advertisement permitted by N.J.A.C. 19:9-2.2(d)1 promulgated under the Authority's enabling legislation, N.J.S.A. 27:23-6.1.

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214Q-10

In a memorandum dated August 13, 2010, concerning the recommendation to **Increase Authorized Amount of Contract No. 1248 – Asplundh Tree Expert Co. ("Asplundh") – Tree Trimming and Removal Services on the Garden State Parkway.**

At the October 26, 2009 Commission Meeting (Agenda Item 257-09), authorization was granted to award a price agreement to Asplundh for tree trimming and removal services on the Garden State Parkway (the "Services") in an amount not to exceed \$240,000. The contract was publicly bid in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37 (Corzine 2006). The term of the contract was from November 18, 2009 through November 17, 2010, with an option to extend for two additional one year periods under the same terms and conditions.

The Maintenance Department has requested that Contract No. 1248 be increased by \$50,000. The additional funds are needed to continue the Services for the Clear Zone Project in the Southern Parkway, as well as to pay for unexpected storm cleanup in Cape May this past winter. Furthermore, Maintenance staff found that Asplundh's crews worked very diligently to perform the Services in a timely fashion.

Accordingly, authorization is requested to increase Contract No. 1248 with Asplundh Tree Expert Co., Willow Grove, PA, by \$50,000. This would bring the total authorized amount of the Contract to \$290,000.00, subject to availability of funding at the time of ordering.

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214R-10

In a memorandum dated August 9, 2010, concerning the recommendation to **Increase Authorized Amount for New Jersey State Contract No. 70844 – Craft Oil Corporation – Automotive Lubricants**, Contract No. 1092.

In February 2009, the Authority awarded a contract to Craft Oil Corporation to provide automotive lubricants, engine and gear oils, as well as hydraulic oils for the vehicle fleet. The contract was procured through New Jersey State Contract system, and the items are stored in inventory. The initial authorized amount of \$46,000 has been increased on several occasions. The most recent increase occurred in March, 2010 and brought the authorized amount to \$175,000. The Inventory Division has requested that Contract No. 1092 be increased once more as funds are significantly depleted (with approximately \$6,000 remaining in the account). Thus, an increase of \$75,000 is requested to continue the supply of automotive lubricants. These Items can be procured through New Jersey State Contract No. 70844. This contract is valid until May 30, 2011.

Craft Oil Corporation has performed similar contracts for the Authority in the past in a satisfactory manner. This contract was procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5(a), which regulation permits the Authority to purchase goods and services directly without advertising from vendors which hold contracts with the State of New Jersey.

Accordingly, approval is requested to increase the authorized amount of Contract No. 1092 with Craft Oil Corporation, Avoca, PA, for the period through May 30, 2011, by \$75,000 to a new authorized total amount of \$250,000, subject to availability of funding at the time of order.

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214S-10

In a memorandum dated August 20, 2010, concerning the recommendation to **Reject Sole Bid Proposal and Re-Advertise Contract – for Diesel-Powered Rough Terrain Forklift**, R-73807.

The Maintenance Department requisitioned two (2) diesel-powered, four-wheel drive, rough terrain hydraulic forklifts. Bids for these items were solicited in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order No. 37 (Corzine 2006). The contract was publicly advertised and requests for bids were sent to five vendors. The bid opening took place on August 5, 2010. The Authority received a bid proposal from only one vendor, Trico Equipment Services, LLC, Vineland, NJ.

The Maintenance Department reviewed the sole proposal and determined that the bid amount of \$135,000 for the 2 forklifts was excessive in comparison to the departmental estimate

of \$110,000 (22 ½ % higher). Maintenance staff based its estimate on quotes it recently had obtained for this type of forklift as well as prior contract prices. In addition, Maintenance staff represents that there are other interested forklift vendors and the Authority can achieve a better price by re-bidding the contract with revised specifications.

Accordingly, authorization is requested to reject the sole bid proposal from Trico Equipment Services, LLC and re-advertise the referenced contract as outlined herein.

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214T-10

In a memorandum dated August 19, 2010, concerning the recommendation to **Award a Professional Services Contract – Deer Oaks EAP Services** – Employee Assistance Program (EAP), R 75445, Budget: 00-010-870-445040.

Since 1983, the Authority has maintained an Employee Assistance Program (“EAP”) for its full time employees and eligible dependents. The program provides professional evaluation, counseling and referral services. The current contract expired on July 1, 2010 and has been extended pending award of a new contract. A Request for Proposals (“RFP”) was advertised on May 12, 2010 in the Star Ledger, The Times and posted on the websites of the Authority and the State of New Jersey. RFPs were mailed to eighteen (18) firms. The Authority received proposals from the following six (6) firms:

- Business Health Services, Baltimore, MD (“Business Health”)
- Corporate Counseling Associates, New York, NY (“Corporate Counseling”)
- Deer Oaks EAP Services, San Antonio, TX (“Deer Oaks”)
- MHN Services, Inc. New York, NY (“MHN”)
- Princeton Healthcare System, Princeton, NJ (“Princeton”)
- Quantum Health Solutions, Inc., Sparta, NJ (“Quantum”)

The procurement of this professional services contract was conducted in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.1(b), and Executive Order No. 37 (Corzine 2006). An evaluation committee (“Committee”), which had been recommended by the Director of Human Resources and approved by the Executive Director, consisted of personnel from the Authority's Law and Human Resources Departments (the “Committee”).

The Committee reviewed the proposals based on the criteria set forth in the RFP; their report was submitted to the Executive Director and Commissioners for review. The Committee invited the five (5) highest ranked firms to make oral presentations. The Committee decided not to request an oral presentation from MHN because its proposal indicated service providers in only 6 counties in New Jersey and the price quoted was the among highest of all proposers.

After careful evaluation of all proposals and oral presentations, the Committee ranked the firms as follows:

<u>Rank</u>	<u>Cost</u>
1. Deer Oaks	\$40,897
2. Business Health	\$45,360
3. Corporate Counseling	\$47,250
4. Quantum	\$51,300
5. Princeton	\$46,710
6. MHN	\$48,600

The Committee found Deer Oaks to have submitted the proposal which best responds to the Authority's requirements for an Employee Assistance Program. Deer Oaks offers evaluation, counseling, and referral services; a 24 hour clinician-staffed hotline; management and supervisory training; substance abuse professional services; coordination of services with the Authority's health benefits program; and educational literature for the employees. The cost per full time employee is \$1.51 per month. The annual cost is estimated to be \$40,897 based upon employee population. This compares favorably to the current annual contract cost of \$48,000.

Authorization is requested to enter into an agreement with Deer Oaks EAP Services to provide Employee Assistance Program at an annual cost not to exceed \$40,897. The contract is for a term of three (3) years. The Authority has the sole discretion of extending the contract, under the same terms and conditions, for two additional one-year terms. This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee(s) pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to same.

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

On motion by Commissioner Pocino, seconded by Commissioner Diaz, the Authority approved items 214A-10 through 214T-10; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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GENERAL BUSINESS

215-10

Finance Comptroller Manuelli presented the **Financial Summary** of the New Jersey Turnpike Authority for the seven months ended July 31, 2010.

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

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216-10

Résumé's of All Fatal Accidents – Garden State Parkway and New Jersey Turnpike. Submitted by Assistant Operations Director Eibel, they contain a descriptive summary for the Period 1/1/10 to 8/12/10, together with 2009 – 2010 Yearly Comparisons for the seven months through July 2010.

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

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217-10

New Jersey State Police Troops D and E - Reports of Activities, submitted for the seven months through July, 2010, including 2009 – 2010 Yearly Comparisons, were presented by Major Burke, New Jersey State Police Troop E Commander.

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

Commissioner DuPont announced that Major Burke is retiring today. He said that the Major has a reputation of being a tireless worker, very organized, independent and, perhaps most important, a true leader and wished him many blessings.

Commissioner Pocino commended Major Burke on the great job he has done here, wished him good luck and said he will be missed.

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Prior to the final action of the day being taken, Chairman Simpson opened the floor to public comment on other matters related to the Authority.

Murray Bodin of *Concerned Grandparents* spoke regarding dotted roadway traffic lines and opined that the State of New Jersey is negligent in that the markings on the Authority roadways are not in compliance with current code and he wanted answers as to why that is so. Chief Engineer Raczynski advised that Operations Director Hill has invited Mr. Bodin to attend a meeting to address his concerns. There were no further comments from the floor.

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At this juncture, Chairman Simpson presented the following:

Addendum Item

218-10

Resolution of the New Jersey Turnpike Authority
In Honor of Diane Gutierrez-Scaccetti
August 31, 2010

WHEREAS, Diane Gutierrez-Scaccetti joined the New Jersey Turnpike Authority in 1989 in an entry-level position before going on to ultimately head this great agency; and

WHEREAS, throughout her 21 years, Diane Gutierrez-Scaccetti's advancement at the Authority served as an example and inspiration for all employees as to what can be achieved with dedication and hard work; and

WHEREAS, during the course of her career, Diane Gutierrez-Scaccetti has been at the heart of every major initiative that served to better this agency as well as enhance the travels of millions of motorists, including the introduction of E-ZPass and consolidation of the New Jersey Turnpike Authority and New Jersey Highway Authority; and

WHEREAS, as an employee who rose through the ranks, Diane Gutierrez-Scaccetti has developed a strong understanding of not only the processes of the Authority but also of the people that make it run – earning the respect of all; and

WHEREAS, the accomplishments of Diane Gutierrez-Scaccetti on a professional level are too numerous to list and are only outnumbered by the lives of people she has touched with her generosity and kindness; and

WHEREAS, the time has come for Diane Gutierrez-Scaccetti to look back on an impressive career that should make her and her family proud as she begins her retirement;

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the New Jersey Turnpike Authority do hereby express their thanks and appreciation for her dedication and extend best wishes to her on the occasion of her retirement. More importantly let it be known that, at the end of the day, we are all better off for having known Diane Gutierrez-Scaccetti.

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

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously adopted Resolution 218-10.

Commissioner Singleton wished her well in her new venture and beyond, said that it has been an honor to have known Diane; a blessing to have worked with her and under her tutelage and that he may well continue to seek her advice.

Commissioner DuPont described Diane as professional, loyal, dedicated, experienced, determined, committed, a proud Mom and a woman of faith. He stated that is has been a blessing to know her and that she leaves a wonderful legacy in leading the best toll roads in the United States and the best employees in the best Authority in the State of New Jersey.

Commissioner Hodes said he has served in government for over 30 years and described Diane as being one of the few special people who stand-out over all his years. He continued that there are "spots" for her in New Jersey and hoped to see her soon. He said that the Turnpike Authority is losing two of its greatest assets today with both Diane and Major Burke leaving.

Commissioner Pocino said that Diane is unequivocally everything that has just been said, describing her as a terrific talent. He added that wherever she goes they will be lucky to have her and wished her all the best.

Commissioner Diaz thanked Diane for all her guidance, said that she will be a fantastic asset at wherever she decides will be the next venture and that he will miss her.

Commissioner Evans said he was continually amazed at the depth of her knowledge and understanding; of being able to navigate a very complex position from both a personnel and technical standpoint. He added that her intelligence was always impressive to him and with a friendship developed over the years he confessed that she will be missed terribly.

Chairman Simpson then read a letter from Chris Christie, Governor of the State of New Jersey, which extended best wishes, congratulations and applause for a job well done. Following that, jointly from the New Jersey Turnpike Authority and NJ Department of Transportation, Diane was presented with a commemorative plaque whose inscription focused on her humanitarian activities. In closing the presentations, the Chairman said that the Turnpike Authority is a gem of an asset to New Jersey and that it is not just a multi-billion dollar business but also a public benefit corporation. He spoke of the difficulties of the last several months and thanked Diane for her help in so many ways that he could not put it into words. He concluded by giving her flowers and offered his friendship looking forward to an enduring relationship in the future.

At this time, Diane Gutierrez-Scaccetti said that when she came to the Authority 21 years ago she never expected to be standing here today, adding that it has been a wonderful ride and

that she gave thanks to God. After sharing an anecdote about each individual Commissioner she recalled other memories from her years spent at what she described as “the greatest toll agency”.

Acknowledging Dorothy Hall, a retiring employee having 44 years with the New Jersey Turnpike Authority, Diane stated that those fortunate people who have had put in “time” with the Authority have been blessed, then declared that it has been an absolute honor and privilege to have been in the seat of Executive Director. She expressed feeling tremendous pride for the people she has worked with, describing the legacy of Authority employees as doing the right thing, working hard and always being there to help. She requested that everyone be good to each other and said that “...my boxes are packed, my office is empty but my heart is full with you in it ...be safe, be careful out there...I'll see you on the road.”

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The motion to adjourn was made by Commissioner DuPont, seconded by Commissioner Hodes and, after the voice vote, the motion was duly adopted. The Authority adjourned at 11:08 A.M., to meet on Tuesday, September 28, 2010, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:

ADDITIONAL REPORTS:

REPORT OF PURCHASES – for the one-month period: July 1 through July 31, 2010.

REPORT OF UTILITY ORDERS – under Executive Director’s Delegated Authority 117-05, modified by EDDA 150-09; Dated for August 31, 2010.

REPORT SUMMARY OF CONTRACT CHANGE ORDERS; only for Type 1 and Type 2 – Period July 10, 2010 through August 12, 2010; Dated for August 31, 2010.

REPORT OF CONSTRUCTION PROGRESS – Period Ending August 13, 2010; Dated for August 31, 2010.


Rose Stanko
Secretary

APPROVED:

James S. Simpson, Chairman and NJ Department of Transportation Commissioner

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner

Raymond M. Pocino, Commissioner

Troy Singleton, Commissioner

Ulises E. Diaz, Commissioner

