

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
TUESDAY, FEBRUARY 24, 2009**

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

PRESENT

Chairman Stephen Dilts; Commissioner/Treasurer Michael DuPont; Commissioner Harold Hodes; Commissioner Raymond Pocino; and Commissioner Troy Singleton.

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Electronic Toll Collection Director Dennis Switaj; Finance Director Benjamin Hayllar; Human Resources Director Mary-Elizabeth Garrity; Internal Audit Director James Carone; Law Director George Caceres; Maintenance Director John Cifelli; Operations Director Sean Hill; Purchasing Director Andrea Ward; Strategic Planning & Policy Director Marilyn Lennon; Technology and Administrative Services Director Brian Gorman; Tolls Director Robert Quirk; Commander Matthew Walker, New Jersey State Police Troop D; Chief of Staff Joe Orlando; and Secretary Rose Stanko.

Also present were: General Counsel William Harla; Special Counsel John Beyel; General Consultant James Beattie; Authority Financial Advisor Dennis Enright; Governors' Authorities Unit Representative Sonia Frontera; Advocate for the Disabled Robin Weiss; additional individuals consisting of other NJTA employees; interested organizations; and the general public; and from the media: the Bergen Record.

NOTICE OF MEETING

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

APPROVAL OF MINUTES

The Secretary reported that ten days (excluding Saturdays, Sundays and holidays) have elapsed since Governor Jon S. Corzine received the proceedings of the January 28th meeting; he has not exercised his power to veto any items in those minutes.

Upon motion made by Commissioner DuPont, seconded by Commissioner Pocino, the minutes of the meeting of January 28, 2009 were unanimously approved.

RECUSALS

The Secretary reported that advisements of recusal have been submitted regarding agenda items: 48D-09, 51-09 and 52-09 for Chairman Dilts; 37-09, 38-09, 40-09, 46-09 and 47-09 for Commissioner Pocino; and 46-09 and 47-09 for Commissioner Singleton. She then asked for any further recusals or abstentions to be placed on record for this meeting. There was no response.

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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 DuPont and, after a 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.

When the Chairman adjourned the Executive Session and resumed the public portion of the meeting, the Members of the Authority moved on the following matters presented for consideration on the Executive Session agenda:

PERSONNEL

32-09

Human Resources Director Garrity submitted the **Personnel Agenda**, dated February 24, 2009, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendation 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 unanimously approved, ratified and confirmed, to become effective as of the dates specified and at the salaries listed.

LAW

Law Director Caceres requested approval of agenda numbers 33-09 through 36-09; moved as a group, those items are as follows:

33-09

In the memorandum dated February 18, 2009, concerning **Entry into a Land Swap Agreement with David Lipton to Transfer Property to Facilitate the Garden State Parkway Milepost 30 to Milepost 80 Widening Project**, Parkway Section 10, Borough of Beachwood, Ocean County. The New Jersey Turnpike Authority (the "Authority") is currently engaged in the design and preparation of widening the Parkway, (the "Widening"). The first phase of the Widening is between Mileposts 63 and 80 and involves the realignment of Birch Street. In order to realign Birch Street, the Authority requires certain property interests owned by David Lipton, located adjacent to the Parkway and Birch Street for the purpose of facilitating construction and resolving

outstanding title issues. In turn, the Authority has certain property interests which are surplus to its needs which it has proposed to transfer to Mr. Lipton in exchange for the property. All property is located in Parkway Section 10, Borough of Beachwood, Ocean County.

Following is a list of parcels that will be transferred to Mr. Lipton as part of the Birch Street realignment:

Parcels 4138B and 4138C, Block 5.28, Lot 2 (850 sq ft – fee taking and 1,044 sq ft permanent easement)

Parcel R4141 (now known as Parcel 4564L), Block 5.28, Lot 3 (7,150 sq ft)

Parcel R4149A, Block 5.29, Lots 7 and 8 (850 sq ft – fee taking and 1,044 sq ft permanent easement)

Following is a list of parcels that will be transferred to the Authority from Mr. Lipton as part of the Birch Street realignment:

Parcel 4138A (850 sq ft, 8.5' by 100' strip of land for the Birch Street right-of-way).

Parcel 4149B (850 sq ft, 8.5' by 100' strip of land for the Birch Street right-of-way).

Parcel E4541, Block 5.29, Lot 8 (245 sq ft Slope Easement)

Parcel D4542, Block 5.28 Lot 2 (1,044 sq ft Drainage Easement)

Parcel E4564L-2, Block 5.28, Lot 3 (1,064 sq ft Slope Easement)

The parties agree that the transfer of the property interests between the parties, including easement rights, will be deemed as an even exchange and shall be made with no additional consideration. The Authority and the General Counsel have reviewed the appraisals performed by its real estate appraiser, Johnson Realty Services, and have determined them to be fair and reasonable to the Authority.

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 Agriculture Development Committee Rules N.J.A.C 2:76-1.1, the Acts' 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. The total acreage of the parcels to be transferred is less than 1 acre.

Based on the foregoing, it is requested that the Commissioners authorize the Executive Director to take all steps necessary to execute an agreement, substantially as set forth above, and effectuate the terms thereof. It is further recommended that the Executive Director be authorized to take any other steps necessary for the transfer of the properties between the parties necessary for the realignment of the Birch Street overpass, upon review and approval of such action by the Law Department and General Counsel.

34-09

In the memorandum dated February 17, 2009, concerning the recommendation to **Approve the Negotiated Purchase of Four Parcels of Property Required for the Turnpike Interchange 6 to Interchange 9 Widening Program**, Project No. 06510057.

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 with construction scheduled to commence during summer of 2009.

In order to complete the Widening Program, the Authority must acquire certain property located adjacent to the Turnpike for the purpose of facilitating construction as well as for potential environmental purposes. The Authority has determined that the four properties listed herein are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations for the purchase of same based on this appraised value. The following is a description of each property for which the parties have negotiated terms of sale:

1. Turnpike Section 4L, Design Section 8
Parcel 1215; Block 2, Lot 5
269 Prospect Plains Road, Cranbury Township, Mercer County
Owner: Ronald C. and Nancy B. Witt
Amount: \$ 2,263,000

The subject property is a 4.84 acre lot improved with a 6,658 square foot owner occupied office building. The property is zoned Light Industrial. The lot is rectangular and is adjacent to the Turnpike.

2. Turnpike Section 4J, Design Section 6
Parcel 1105; Block 20.01, Lot 8
530 Route 33 East, East Windsor Township, Mercer County
Owner: 530 Route 33 East Windsor, LLC (c/o Lehigh Gas Corp.)
Amount: \$ 1,200,000 (plus cost of UST removal and well monitoring)

The subject property consists of a 0.73 acre rectangular lot improved with a one-story 2,262 square foot three-bay service garage with associated improvements. It is zoned PUD-8 (Planned Use Development), which permits those uses under the Neighborhood Commercial (NC) Zone such as, retail stores, business establishments, restaurants, office buildings, banks, and day care centers.

3. Turnpike Section 3E, Design Section 2
Parcel 263; Block 101, Lot 3
8 Bordentown-Chesterfield Road, Chesterfield Township, Burlington County
Owner: Dennis and Mary Donovan
Amount: \$ 430,000

The subject property consists of a single family home located on 0.46 acres. It is improved with a 1,662 + square foot owner occupied two-story colonial home. The property is zoned R-1 residential. The lot is rectangular in shape and located less than 200 feet from the Turnpike.

4. Turnpike Section 3E, Design Section 2
Parcels 251, UE251 and C251; Block 92, Lot 22 (Partial Taking)
N/S Georgetown Road, W/S NJ Turnpike, Bordentown, Burlington County
Owner: Williamsburg Village Condominium Association
Amount: \$ 464,350

The subject property is improved with a 151+ unit condominium complex located on 29.00 acres adjacent to the Turnpike. The property is zoned A/T Multi Family Development. Of the 29.00 acres, the Authority requires the following property interests: 1) fee taking of 1.02 acres; 2) utility easement of 1.39 acres; and 3) temporary construction easement of 0.29 acres.

Note that the purchase of the Witt (Commercial Residential); 530 Route 33 East (Commercial Relocation); and Donovan (Residential Relocation) properties will require expenditure of relocation benefits as defined by statute.

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.

The Authority's Law Department and its Real Estate Manager/Consultant in consultation with General Counsel recommend that the Authority acquire the properties upon the terms and conditions as set forth above.

Based on the foregoing, it is requested that the Authority Commissioners authorize the Executive Director and Director of Law to take all steps necessary to purchase the properties outlined above for the amounts set forth herein, for the combined total of Four-Million Three-Hundred-Fifty-Seven Thousand Three-Hundred-Fifty (\$4,357,350); and to satisfy those other costs required to be paid at closing, said costs not to exceed Ten Thousand (\$10,000) per transaction. It is further recommended that the Executive Director be authorized to take any other steps necessary for the acquisition of the property upon review and approval of such action by the Law Department and General Counsel.

35-09

In the memorandum dated February 17, 2009, concerning **Authorization to Commence Eminent Domain Proceedings and Acquire Property Necessary for Turnpike Interchange 6 to Interchange 9 Widening Program**, Project No. 06510057.

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 with construction scheduled to commence during summer of 2009.

In order to complete the Widening Program, the Authority must acquire certain property located adjacent to the Turnpike for the purpose of facilitating construction as well as for potential environmental purposes. The Authority has determined that 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 for the property. The Authority then entered into good faith negotiations with the owner for the purchase of same based on the appraised value and in compliance with the laws governing its powers of eminent domain. Despite such negotiations, the Authority has been unable to reach an agreed upon purchase price with the owner. The following is a description of the property:

Turnpike Section 3E, Design Section 2
Parcel 281A; Block 103, Lots 23 and 23Q
32 Shanahan Lane, Chesterfield, Burlington County
Owner: Mighty Mutts, Inc.
Appraised Value: \$ 272,900

The subject property consists of a 43.05 acre lot improved with a two-story residential dwelling in the process of being renovated. The dwelling is located on one (1) acre of the property. The property is adjacent to the Turnpike and is zoned AG restricted land. The Authority requires 8.39 acres for the construction of the Widening Program, which includes the dwelling, leaving 34.66 acres as the remainder.

Note that the purchase of the above property may require a residential relocation of an individual who is occupying the structure (log cabin) that will be affected by the taking. The Authority is prepared to pay relocation benefits, as required by law, to said individual to the extent that he qualifies for same.

The acquisition as proposed above does 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 has the above referenced property been designated or encumbered as Green Acres properties pursuant to N.J.S.A. 13:1D-52 et seq. and N.J.A.C. 7:35-26.1 et seq.

As such, the Authority's Law Department in consultation with General Counsel and its Real Estate Manager/Consultant recommend that the Authority commence eminent domain proceedings to acquire the property set forth above.

Based on the foregoing, it is requested that the Authority's Commissioners authorize the Executive Director and Director of Law to take all steps necessary to commence eminent domain proceedings with respect to the property as set forth above, including depositing with the Superior Court the appraised value of \$272,900. It is further requested that the Executive Director be authorized to take any other steps necessary for the acquisition of the property upon review and approval of such action by the Law Department and General Counsel.

36-09

In the memorandum dated February 18, 2009, concerning **Conveyance of Surplus Property Pursuant to the Authority's Surplus Property Policy**, Turnpike Section DE2, Parcel DE2-28, Dover Township, Ocean County.

On January 8, 2004, approval was obtained to declare Parcel DE2-28 (consisting of a portion of Block 13.01, Lot 44) in Dover Township as surplus to the Authority's needs made up of approximately 0.316 acres. The property was originally purchased in the 1970s for the Driscoll Expressway project, which project was never constructed. Sometime in 2003, the Authority was approached by Kara at Tallymawr, LLC ("Kara") with an offer to purchase the property as it was constructing a residential development around the parcel that would render the parcel landlocked being completely surrounded by the development. The Authority entered into an agreement of sale with Kara. The sale was not consummated as Kara maintained that it had no funds to close on the transaction. On April 16, 2007 the Authority filed suit for specific performance. At or about the same

time, Kara filed for bankruptcy. The Authority subsequently learned that the parcel was conveyed to private property owners or incorporated into township right-of-way and is now landlocked, undersized and in part, constructed on. In an effort to dispose of the parcel and recoup money previously paid for same, General Counsel for the Authority approached all of the parties to the original flawed conveyance in an effort to resolve the matter. General Counsel, in consultation with the Authority's Law Department, Engineering Department and real estate consultant, was able to obtain an offer from Mid-State Abstract Company ("Mid-State"), the title company to the original Kara conveyance, who insured the conveyance to the underlying private property owner. Mid-State offered \$4,750.00 in exchange for a Quitclaim Deed for the portion of Parcel DE2-28 owned by Michael and Alexis Lubrano in order to clear title.

Based on the foregoing, it is recommended that authorization be granted by the Authority's Commissioners for the Executive Director to execute any and all documents to dispose of and transfer this parcel via Quitclaim Deed to the underlying owners surrounding or adjacent to Parcel DE2-28, which is now landlocked and completely surrounded by the development. It is further recommended that the Executive Director be authorized to take any other steps necessary for the transfer of this parcel upon review and approval of such action by the Law Department and General Counsel.

Available funds certified by the Finance Director where applicable; the Executive Director certified the recommendations for consideration.

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the four (4) item Law agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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The following matters constitute the Public Session agenda:

ENGINEERING

Chief Engineer Raczynski noted the recorded reusals and explained that it is imperative that items 37-09, 38-09 and 40-09 be advanced at this meeting by citing the contracts contribution to the economic stimulus plan for the State of New Jersey and the creation and/or support of 1,300 jobs with associated economic benefits for the State. Items 46-09 and 47-09 were deferred.

At this time, Law Director Caceres advised that invoking the "Rule of Necessity" is justified because the three requirements of the Rule are present. Those requirements are: 1] an inability to act (without the commissioners' participation the Authority would not have a quorum and would be unable to take action on the items); 2] there is no alternative forum by which to award the contracts (other than by Commissioners vote); and 3] pressing public need.

Therefore, it is the opinion of the Law Department and General Counsel that, under the foregoing circumstances, Commissioners Pocino and Singleton possess a credible basis to

participate in the vote to award the contracts recommended in items 37-09, 38-09 and 40-09 on the basis of the Rule of Necessity. The vote was taken on those three items as a group; all other items were presented separately.

37-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 13, 2009, concerning **Award Contract No. P200.001 – Ferreira Construction Co. Inc.** – Rehabilitation of Concrete Median Barrier, Parkway Milepost 146 to Milepost 160, 2009 Capital Construction Program and Future Bond Issue.

The work to be performed under this contract consists of the removal and replacement of damaged, misaligned and deteriorated concrete median barriers on the Garden State Parkway mainline between Mileposts 146 and 160.

Eight proposals were received on February 12, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$14,377,728.00, may be compared to the second low bid proposal in the amount of \$15,224,697.06. The low bidder, Ferreira Construction Co., Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.001 be awarded to the low bidder, Ferreira Construction Co., Inc. of Branchburg, New Jersey, in the amount of \$14,377,728.00, allocated as follows: 2009 Capital Construction Program - \$6,000,000.00; and Future Bond Issue - \$8,377,728.00. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

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

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority approved the recommendation; authorized award of Contract No. P200.001 to Ferreira Construction Co. Inc., as presented; and received and filed the memoranda.

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38-09

Chief Engineer Raczynski presented the recommendation contained in the memorandum dated February 4, 2009, concerning **Award Contract No. P200.103 – Tilcon New York Inc.** – Northern Pavement Restoration and Miscellaneous Improvements, Parkway Milepost 127 to Milepost 172, Maintenance Reserve Fund No. 03020005.

This contract will provide for the restoration of asphalt concrete surface course pavement along the Northbound and Southbound mainline and ramps of the Garden State Parkway along with other incidental work between Mileposts 127 and 172.

Nine proposals were received on February 3, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$4,224,397, may be compared to the Engineer's Estimate in the amount of \$5,496,500. The low bidder, Tilcon New York, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.013 be awarded to the low bidder, Tilcon New York, Inc. of Wharton, New Jersey, in the amount of \$4,224,397. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

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

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority approved the recommendation; authorized award of Contract No. P200.103 to Tilcon New York Inc., as presented; and received and filed the memoranda.

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39-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 9, 2009, concerning **Issue Order for Professional Services No. P3197 – Dewberry-Goodkind Inc.** – Supervision of Construction Services for Contract No. P200.001, Rehabilitation of Concrete Median Barrier, Parkway MP 146 to MP 160, 2009 Capital Construction Program and Future Bond Issue; and Contract No. P200.103, Northern Pavement Restoration and Miscellaneous Improvements, Parkway MP 127 to MP 172, Maintenance Reserve Fund No. 03020005.

This Order for Professional Services (OPS) will provide supervision of construction for the referenced contracts. The work to be performed under Contract No. P200.001 consists of the removal and replacement of damaged, misaligned and deteriorated concrete median barriers on the Garden State Parkway mainline between Mileposts 146 and 160. The work to be performed under Contract No. P200.103 will provide for the restoration of asphalt concrete surface course pavement along the northbound and southbound mainline and ramps of the Garden State Parkway, along with other incidental work between Mileposts 127 and 172.

This assignment is classified as a "Complex Project" because the fee exceeds \$1,000,000. Fifty-two engineering consulting firms prequalified and eligible in Profile Codes B153 –

Roadway Construction Inspection and B154 – Roadway Resurfacing Inspection were invited to submit Expressions of Interest (EOIs). Six EOIs were received by the closing date of December 2, 2008.

Subsequent to the scoring of EOIs by the Review Committee, three firms were requested to submit Technical and sealed Fee Proposals. The firms are: 1) Dewberry-Goodkind, Inc.; 2) Boswell Engineering; and 3) Jacobs Engineering Group, Inc. The Review Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Dewberry-Goodkind, Inc. being the highest technically ranked firm. The fee submitted has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. P3197 be issued to the firm of Dewberry-Goodkind, Inc. of Bloomfield, New Jersey in the maximum amount of \$2,145,000, allocated as follows: 2009 Capital Construction Program - \$525,000; Future Bond Issue - \$1,100,000; Fund 03020005 - \$450,000 in 2009 and \$70,000 in 2010. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.2, to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected 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).

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized issue of OPS No. P3197 to Dewberry-Goodkind Inc., as presented; and received and filed the memorandum.

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40-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 9, 2009, concerning **Award Contract P200.113 – J. Fletcher Creamer & Son Inc.** – Guide Rail Post Replacement, Parkway Milepost 126.0 to Milepost 172.4 – 2009 Capital Construction Program and Future Bond Issue.

The work to be performed under this contract involves the replacement of all existing weathering steel guide rail posts with new galvanized protected weathering steel posts, end terminal upgrades and replacement of any existing damaged end sections along the Garden State Parkway between Mileposts 126.0 and 172.4.

Two proposals were received on February 4, 2009 for the above publicly advertised contract. The low bid proposal, in the amount of \$7,423,750, may be compared to the Engineer's

Estimate in the amount of \$7,116,050. The low bidder, J. Fletcher Creamer & Son, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.113 be awarded to the low bidder, J. Fletcher Creamer & Son, Inc. of Hackensack, New Jersey, in the amount of \$7,423,750, allocated as follows: 2009 Capital Construction Program - \$7,200,000; and Future Bond Issue - \$223,750. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine). The General Consultant, HNTB Corporation, concurs with this recommendation.

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

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority approved the recommendation; authorized Award Contract P200.113 to J. Fletcher Creamer & Son Inc., as presented; and received and filed the memoranda.

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41-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 9, 2009, concerning **Issue Order for Professional Services No. P3098 – KS Engineers P.C.** – Supervision of Construction Services for Contract No. P200.005, Parkway Interchanges 88 and 89 Signing Improvements; and Contract No. P200.113, Replacement of Existing Guide Rail Posts, Parkway MP 126.0 to MP 172.4, 2009 Capital Construction Program (CCP) and Future Bond Issue (FBI).

This Order for Professional Services (OPS) provides construction supervision for the referenced contracts. The work to be performed under Contract No.P200.005 involves furnishing and installing overhead sign structures and signs along the Garden State Parkway between Mileposts 90.0 and 98.0. The work to be performed under Contract No.T200.113 involves the replacement of all existing weathering steel guide rail posts with new galvanized protected weathering steel posts, end terminal upgrades and replacement of any existing damaged end sections along the Parkway between Mileposts 126.0 and 172.4.

This assignment is classified as a "Simple Project" based on the scope of work being clearly defined and not likely to change during the course of the project, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 56 engineering firms prequalified and eligible under Profile Code B153 – Roadway Construction Inspection. Five firms submitted EOIs by the closing date of January 12, 2009.

Subsequent to the scoring of the EOIs, a Fee Proposal was requested from the top three firms. They are, in the order of technical ranking: 1) KS Engineers, P.C.; 2) Kupper LLC; and 3) HAKS Engineers. The fee submitted by KS Engineers, P.C. 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. P3098 be issued to the firm of KS Engineers, P.C. of Newark, New Jersey in the maximum amount of \$820,000, allocated as follows: Contract P200.005: CCP - \$220,000 and FBI - \$125,000; Contract T200.113: CCP - \$300,000 and FBI - \$175,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.2, to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine).

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

On motion by Commissioner Pocino, seconded by Commissioner DuPont, the Authority unanimously approved the recommendation; authorized issue of OPS No.P3098 to KS Engineers P.C., as presented; and received and filed the memorandum.

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42-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 5, 2009, concerning **Issue Order for Professional Services No. T3195 – Chas. H. Sells Inc.** – Engineering Services for the 2009 New Jersey Turnpike Bridge Inspection Program – Part B, Special Project Reserve Fund No. 04010018.

This Order for Professional Services (OPS) provides for the inspection of the Authority's bridge structures in accordance with the requirements of the 2009 New Jersey Turnpike Bridge Inspection Program, Turnpike – Part B. This segment of the program includes inspection of 318 routine bridges located in Turnpike Maintenance Districts 4, 5 and 8; fracture critical member inspections; FHWA Structure Inventory and Appraisal Form Updates; New Jersey Turnpike Authority Bridge Management System inspection/data collection; on-call special inspection and related design assignments; and submittal of inspection and risk carrier reports.

This assignment is classified as a "Complex Project" because the fee exceeds \$1,000,000. Thirty engineering consulting firms prequalified and eligible in Profile Code D280C – Bridges, NBIS Program, Complex, were invited to submit Expressions of Interest (EOIs). Three EOIs were received by the closing date of December 19, 2008.

In accordance with the Statement of Policy of the New Jersey Turnpike Authority for compliance with Executive Order No. 26 for Complex projects, if only three or four EOIs have been deemed complete by the Authority, these respondents shall receive the Request for Proposal and the Review Committee will not review the EOIs. Therefore, the following firms were requested to submit Technical and sealed Fee Proposals: 1) HAKS Engineers; 2) Arora and Associates, P.C.; and 3) Chas. H. Sells, Inc. The Review Committee reviewed and evaluated each firm's Technical Proposal and the final scoring resulted in Chas. H. Sells, Inc. being the highest technically ranked firm. The fee submitted has been reviewed, negotiated and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3195 be issued to the firm of Chas. H. Sells, Inc. of Hamilton, New Jersey in the maximum amount of \$1,389,000, allocated as follows: \$1,350,000 in 2009 and \$39,000 in 2010. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.45, to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected 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).

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized issue of OPS No. T3195 to Chas. H. Sells Inc., as presented; and received and filed the memoranda.

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43-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 5, 2009, concerning to **Issue Supplement J to Order for Professional Services No. A3053 – HNTB Corporation** – General Consulting Engineers for the New Jersey Turnpike Authority, Design Services, Woodbridge Traffic Management and Data Center (TMC), Supplemental Capital Fund No. 08000003.

Order for Professional Services (OPS) No. A3053 was issued to HNTB Corporation at the August 2005 Commission Meeting to provide for professional engineering services as the General Consulting Engineer for the New Jersey Turnpike Authority over a five year term.

Supplement A was issued in January 2006, in the amount of \$2,644,922, to provide complete design services, including preparation of contract documents, for an addition to the existing Woodbridge Administration Building for a Traffic Management and Data Center (TMC). Supplement G was issued in February 2008, in the amount of \$818,949, to provide for expanded

design services resulting from an extension of the construction schedule, preparation of Changes of Plan resulting from the New Jersey Department of Community Affairs' (DCA) design changes and other miscellaneous design issues.

Supplement J will provide for additional unanticipated design services which are the result of DCA generated field changes subsequent to receipt of DCA design approval for TMC Contract Nos. A500.029B and A500.029C, as well as to address other incidental field change issues related to the new Traffic Management and Data Center.

The fee of \$37,000 submitted by HNTB Corporation for these additional services has been reviewed and is considered fair and reasonable for the services to be provided.

It is, therefore, recommended that Supplemental OPS No. A3053J be issued to HNTB Corporation in the amount of \$37,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee, for this particular task, from \$3,463,871 to \$3,500,871. 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.

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized issue of Supplemental OPS No. A3053J to HNTB Corporation, as presented; and received and filed the memorandum.

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44-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 6, 2009, concerning **Issue Supplement A to Order for Professional Services No. P3128 – Birdsall Engineering Inc.** – Operation, Maintenance and Monitoring of Groundwater Contamination, Parkway Service Areas of: Atlantic City, Forked River, Monmouth and Cheesequake, Special Project Reserve Fund No. 04010019.

This Order for Professional Services (OPS) was issued in April 2007 in the amount of \$410,500 for a two-year term to furnish professional services for the operation, monitoring and maintenance of groundwater remedial activities at the above referenced facilities, with an option for a one-year extension. The services also include compliance monitoring in order to satisfy existing NJDEP regulations and requirements.

The initial two-year term of the OPS expires on April 25, 2009. Based on Birdsall's exceptional performance and the requirement for continued NJDEP compliance, it is recommended to extend Birdsall's services for an additional one-year period (April 26, 2009 to April 25, 2010). The original authorized fee pertained only to the initial two-year term and will be expended; therefore a supplement of \$200,800 is required to extend the OPS for the additional one-year period.

It is, therefore, recommended that Supplemental OPS No. P3128A be issued to Birdsall Engineering Inc. in the amount of \$200,800, allocated as follows: \$134,000 in 2009 and \$66,800 in

2010, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$410,500 to \$611,300. 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.

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized issue of Supplemental OPS No. P3128A to Birdsell Engineering Inc., as presented; and received and filed the memoranda.

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45-09

Chief Engineer Raczynski presented the recommendation contained in a memorandum dated February 6, 2009, concerning **Issue Supplement A to Order for Professional Services No. P3129 – Earth Tech Inc. (AECOM)** – Operation, Maintenance and Monitoring of Groundwater Contamination, Parkway Services Areas of: Vaux Hall and Montvale, Special Project Reserve Fund No. 04010019.

This Order for Professional Services (OPS) was issued on May 10, 2007 in the amount of \$402,000 for a two-year term to furnish professional services for the operation, monitoring and maintenance (OM&M) of groundwater remedial activities at the above referenced facilities, with an option for a one-year extension. The services also include compliance monitoring in order to satisfy existing NJDEP regulations and requirements.

The initial two-year term of the OPS expires on May 9, 2009. Based on Earth Tech's exceptional performance and the requirement for continued NJDEP compliance, it is recommended to extend Earth Tech's services for an additional one-year period (May 10, 2009 to May 9, 2010). The original authorized fee pertained only to the initial two-year term and will be expended; therefore a supplement is required to extend the OPS for the additional one-year period.

In addition to the one-year extension of Earth Tech's current efforts, it is being proposed that the consultant's scope be expanded to include the implementation of a new remediation technology at the Montvale Service Area. This has been determined to be necessary because the current remediation efforts have not been as effective as anticipated. It is anticipated that by using the new technology the overall timeframe for remediation efforts will be reduced, resulting in a cost savings to the Authority. The cost of implementing the new remediation technology at the Montvale Service Area is estimated to be \$232,300. The additional year of OM&M at both service areas is anticipated to cost \$142,500. Therefore, the total cost of the Supplement is \$374,800.

It is, therefore, recommended that Supplemental OPS No. P3129A be issued to Earth Tech Inc. (AECOM) in the amount of \$374,800, allocated as follows: \$284,000 in 2009 and \$90,800 in 2010, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$402,000 to \$776,800. 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.

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

On motion by Commissioner DuPont, seconded by Commissioner Singleton, the Authority unanimously approved the recommendation; authorized issue of Supplemental OPS No. P3129A to Earth Tech Inc. (AECOM), as presented; and received and filed the memorandum.

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46-09

ITEM DEFERRED

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47-09

ITEM DEFERRED

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PURCHASING

Purchasing Director Ward highlighted item 48C-09; deferred item 48D-09; identified the remaining procurements in the purchasing agenda as routine; and requested approval. Moved as a group, items 48A-09 through 48G-09 are as follows:

Results of Bidding: Items 48A-09 through 48C-09 are in response to public advertisement for the commodities requisitioned by various departments. Awards are contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardees pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008) and having no objection to same. Bids for these items were procured and authorization is sought to award contracts to the lowest responsible bidders, pursuant to N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37.

Recommendations of contract awards to the low bidders meeting Authority specifications are as follows:

48A-09

<u>BIDDERS</u>	<u>BIDS</u>		<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>	<u>COMMODITY</u>		
24	1	Print Shop Supplies	SAS Graphic Supply Union, NJ	\$64,082.78

Requisition Memorandum (RM) 659; Bids Received: February 3, 2009

Requisitioned by the Technology and Administrative Department, this one-year Price Agreement is for printing supplies (82 items, such as, but not limited to, Konica Developer, Konica Contact Film, Citiplate Developer and Pin Bar, paper mask, Dupont Mylar, 3M Lithographic tape, water filters, rubber padding compound, adhesive-backed photo paper, and ink cartridges) for use by Printing Services. There are four Sections in the bid specifications. Bidders were required to supply a price for every item listed in a Section.

Recommend award be made to the sole bidder, SAS Graphic Supply. The anticipated annual expenditure will not exceed \$64,082.78, subject to funding availability at the time of service.

Original contract term may be extended for two additional one-year terms each under the same terms and conditions, at the sole discretion of the Authority.

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48B-09

BIDDERS BIDS		COMMODITY	VENDOR	AMOUNT
INVITED	REC'D			
9	2	Roadway Lighting Transformers Replacement	Cooper Electric Supply Co. Tinton Falls, NJ	\$80,930.80

Requisition Memorandum (RM) 670; Bids Received: February 4, 2009

Requisitioned by the Maintenance Department, this one-year Price Agreement is for four kinds of Constant Current Transformers for roadway lighting (20, 25, 30 and 40 KW). Bidders were required to quote unit prices per transformer type. (Freight costs would be determined at time of invoice.)

Recommend award be made to the lowest bidder, Cooper Electric Supply Co., in an amount not exceed \$80,930.08, subject to funding at time of order.

Original contract term may be extended for two additional one-year terms each under the same terms and conditions, in the sole discretion of the Authority.

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48C-09

BIDDERS BIDS		COMMODITY	VENDOR	AMOUNT
INVITED	REC'D			
2	1	Treated Rock Salt	International Salt Co. Clark Summit, PA	\$139,781.20

Requisition Memorandum (RM) 671; Bids Received: February 4, 2009

Requisitioned by the Maintenance Department, this one-year Price Agreement is for delivery of approximately 1,500 tons of granular sodium chloride treated with liquid magnesium chloride and organic-based performance enhancer ("Treated Rock Salt") for use on Garden State Parkway Driscoll Bridge and ramps. Bidders were requested to provide a cost per ton for Normal Delivery and Expedited Delivery.

Recommend award be made to the sole bidder, International Salt Co. for Treated Rock Salt in an amount not to exceed \$139,781.20. The anticipated annual expenditure is subject to funding availability at the time of service.

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

In addition, authorization is also requested to ratify an award of an emergency contract to International Salt Co. for 550.5 tons of Treated Rock Salt for \$45,243.99. This supply of Treated Rock Salt was needed on an expeditious basis during two recent snow and ice events in January 2009. On both occasions, the Maintenance Department determined that the Treated Rock Salt was essential to the safety of the motoring public on the Driscoll Bridge given freezing conditions. The components of the Treated Rock Salt were known to prevent precipitation from bonding on the road surfaces, allow for quicker cleanup, less corrosive to the bridge deck and environmentally friendly. In addition, Staff found that International Salt Co. had the Treated Rock Salt readily available and the vendor's cost proposal was deemed reasonable. Moreover, the Purchasing Department immediately advertised a new contract for Treated Rock Salt for the remainder of the winter season. Thus, the recommendation to award an emergency contract was permitted under the exigency exception to the Authority's public bid mandate of N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2(d)2 and Executive Order No. 37.

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48D-09

ITEM DEFERRED

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48E-09

In the memorandum dated February 9, 2009, concerning a recommendation to **Increase Amount of Contract No. 877 – All American Ford** – Ford OEM Replacement Auto Parts.

At the February 26, 2008 Commission Meeting, the Authority awarded a contract to All American Ford for Ford Original Equipment Manufacturer (OEM) Replacement Auto Parts for the period March 10, 2008 to March 9, 2009, in an amount not to exceed \$200,000. The contract was awarded 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.

The Inventory Section has indicated that, due to the large volume of Ford parts utilized under this contract, the original authorized funds have been utilized. Therefore, staff is requesting that the Contract be increased by \$20,000 to cover the period through March 9, 2009. In addition, Contract No. 877 is scheduled to expire, but the current vendor is not interested in extending the contract. A new contract will be publicly solicited for the next term.

Accordingly, authorization is requested to increase Contract No. 877 with All American Ford, Hackensack, NJ, by \$20,000 for the period through March 9, 2009. This will bring the Contract to a new total authorized amount not to exceed \$220,000.

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48F-09

In the memorandum dated February 11, 2009, concerning a recommendation to **Increase Amount of Contract No. 981 – American Asphalt Co. Inc.** – Hot Asphalt & Tack Oil.

At the September 2008 Commission Meeting, authorization was granted to award a price agreement for hot asphalt and tack oil used in roadway patching in an amount not to exceed \$54,000. The agreement was publicly bid in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37. The term of the contract was from August 22, 2008 through August 31, 2009 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. 981 be increased by \$15,000 to pay for additional required paving projects scheduled for the spring and summer of 2009. These projects include paving at Maintenance District No. 3, State Police firing range and the Southern Division storage area.

Accordingly, authorization is requested to increase Contract No. 981 with American Asphalt Co. Inc., W. Collingswood Heights, NJ, by \$15,000 for the period through August 31, 2009. This would bring the total authorized amount of the Contract to \$69,000, subject to availability of funding at the time of ordering.

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48G-09

In the memorandum dated February 9, 2009, concerning a recommendation to **Increase Amount of Contract No. 26354 – CapitalSoft Inc.** – Software Enhancements to CapEx Manager, Budget Code: 04008019.

In 2005, the Authority awarded a contract to CapitalSoft, Inc. for the web-based electronic bidding software for the construction contracts issued by the Engineering Department (“CapEx Software”). This contract was awarded pursuant to the sole source exception to the public bidding laws of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.S.A. 27:23-6.1. Since its implementation, the Engineering Staff identified several modifications that needed to be made to the CapEx Software to provide a more effective construction management system and to comply with recently enacted public bidding Laws which affected the Authority. These modifications were scheduled to be conducted in several phases. Thus, in 2006, 2007 and 2008, respectively,

Commission authorizations were granted to increase the initial authorized amount to accommodate the modifications to the CapEx Software bringing the total authorized amount to \$550,000. The Engineering Department has now requisitioned Phase 4 modifications, along with the support services required to fully implement the software enhancements to the CapEx Software and provide the necessary training to personnel in an amount not to exceed \$275,000.

Accordingly, authorization is requested to increase Contract No. 26354 with CapitalSoft, Inc., Richardson, TX, for additional enhancements to the CapEx Software by \$275,000. The new total authorized amount will not exceed \$825,000.

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the remaining six (6) items of the Purchasing agenda; and authorized or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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GENERAL BUSINESS

49-09

Purchasing Director Ward presented the recommendation contained in the memorandum dated February 19, 2009, concerning **Award of Professional Services Agreement – Allied North America**; and **Professional Services Agreement – Risk Strategies Company – Insurance Brokerage-Risk Management Services, for Implementation and Administration of the OCIP for Various Insurance Coverages, RM-636**

In connection with its recently approved Capital Program, the Authority has decided to implement an Owner Controlled Insurance Program (“OCIP”) in order to procure various insurance coverages for construction and maintenance projects on the New Jersey Turnpike and Garden State Parkway. OCIPs are increasingly common practice for large construction projects totaling \$50 million or more as they offer the owner better control and oversight of the costs and process of insurance procurement, management and administration. In an OCIP, the owner maintains one insurance program which encompasses all contractors and subcontractors on a specific project or group of projects. The OCIP serves to replace separate insurance policies typically obtained by each contractor and subcontractor. It is anticipated that the implementation of an OCIP will result in lower construction costs as the contractors and subcontractors are no longer obtaining specific insurance policies at the required levels. It also enables smaller companies who may be unable to obtain insurance at the required levels to bid on jobs previously unavailable to them. As a result the bidding process becomes more competitive which benefits the owner. The Authority does not currently have an OCIP in place for roadway projects.

A request for qualifications (“RFQ”) was advertised to solicit insurance brokerage/risk management services with respect to the OCIP, allowing the Authority the option of implementing

either a rolling OCIP and/or a project-specific OCIP(s) as deemed in its best interests. An RFQ was advertised in three newspapers, posted on the Authority's and State's websites and distributed to thirteen (13) firms. The professional services selection process 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. Furthermore, the RFQ documents were reviewed and approved by the New Jersey Office of State Comptroller as being in compliance with N.J.A.C. 52:15C-10 for contracts above \$10,000,000.

Nine (9) proposers responded to the RFQ: Allied North America, Jericho, NY; AON Risk Services, Inc., Parsippany, NJ; a joint venture consisting of Consolidated Risk Solutions and Conner Strong Companies Inc., Alpharetta, GA and Cherry Hill, NJ; a joint venture consisting of David MacGregor Company and Tanenbaum-Harber Co., Inc. Nutley, NJ; The Graham Company, Philadelphia, PA; Marsh USA Inc., Morristown, NJ; The NIA Group LLC, Mount Laurel, NJ; Risk Strategies Company, New York, NY and Willis of NJ Inc., Florham Park, NJ. The Executive Director appointed an Evaluation Committee consisting of members of the Law Department and the Insurance Section. A representative of the Engineering Department was included in the interviews and deliberations for advisory purposes only. The Evaluation Committee also enlisted the advice of an insurance and risk management consultant and the Authority's outside counsel.

The Committee thoroughly reviewed the Qualifications and conducted oral presentations with each of the nine (9) firms. The Evaluation Committee reviewed and ranked the proposals in accordance with the weighted factors set forth in the RFQ. Allied North America ("Allied") and Risk Strategies Company ("Risk Strategies") received the highest scores. The Committee Members were impressed with both companies' experiences with OCIPs in the construction industry and in their respective understanding of the Authority's needs. In response to the Scope of Services in the RFQ, Allied proposed \$3,910,985, and Risk Strategies proposed \$3,434,146 for estimated services for a five-year period. Based, however, on the discussions with the firms regarding the pricing structures, the Committee recognized that economies of scale might be achieved through further negotiations of the pricing structure and other components of the program. Thus, the Evaluation Committee concluded that it would be in the Authority's best interests to further negotiate more favorable fee structures with each of the two top firms prior to the commencement of the underlying construction programs in March 2009. It is anticipated that the cost of providing insurance services under the OCIP(s) will represent approximately one half of one percent of the anticipated cost of the Authority's \$7 Billion Capital Plan representing a significant savings to the Authority.

Accordingly, authorization is requested to delegate authority to staff to enter into price negotiations and finalize agreements with Allied North America and Risk Strategies Company, respectively, for brokerage and risk management services with respect to the five-year OCIPs, with final approval of the Executive Director, in an amount not to exceed \$7,345,131.

In the event that agreements are not reached with both or either firm in a timely fashion, authorization is also requested that staff be authorized to negotiate agreements with the third-ranked firm, David MacGregor Company partnered with Tanenbaum-Harber Co., Inc. and fourth-ranked firm, AON Risk Services, Inc., respectively. Said agreements are subject to final approval of the Executive Director and ratification by the Authority's Board of Commissioners.

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized the delegated authority to negotiate and finalize Professional Services Agreements for the OCIP, as presented; and received and filed the memorandum.

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50-09

Law Department Attorney Zach presented the recommendation contained in a memorandum dated February 19, 2009, concerning **Ratification of Premium and Policy Placement for Major and Minor Bridge Insurance for Garden State Parkway**

At its January 28, 2009 meeting, the New Jersey Turnpike Authority Commissioners approved the renewal of the above referenced line of insurance, in an amount not to exceed \$1.2 million while negotiations continued with the various carriers. This policy was set to expire on February 1, 2009. The broker of record, Risk Strategies, Inc., has worked diligently to negotiate a more favorable renewal of terms for the Authority. The major and minor bridge insurance for the Parkway has been placed with three carriers, each carrying the following risk: ACE will carry the first \$50,000,000; Landmark America will insure the next \$40,000,000; and Ironshore Specialty will insure the last \$10,000,000 for a total limit of \$100,000,000 per occurrence, consistent with the General Consulting Engineer's Calculations of Maximum Probable Loss. The aggregate renewal premium is now \$1,090,887, which includes a PLGIA surcharge of \$4,998 and is based on expiring terms and conditions. It is approximately \$109,000 less than anticipated in January and was renewed effective February 1, 2009.

Therefore it is requested that the Authority ratify the placement of coverage as outlined above, and as more fully set forth in Agenda Item 6-09 and the minutes of the January 28, 2009 meeting, indicating approval thereof.

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

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority unanimously approved the recommendation; ratified the premium and policy placement for Major and Minor Bridge Insurance for the Parkway, as presented; and received and filed the memorandum.

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51-09

ITEM DEFERRED

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52-09

ITEM DEFERRED

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53-09

Electronic Toll Collection Director Switaj presented the recommendation contained in his memorandum dated February 19, 2009, concerning **Amend Supplement P to Professional Services Agreement – ACS State & Local Solutions Inc.** – Electronic Toll Collection System, New Jersey Turnpike Western Spur Ramps, CW, WC, CNW and NWC Improvement Project, Construction Fund 20200001.

At its September 2007 meeting, the Authority’s Board of Commissioners authorized Supplement P to the Professional Services Agreement with ACS State & Local Solutions, Inc (“ACS”). Supplement P calls for ACS to design and install a two lane E-ZPass toll collection system on Ramp NWC which provides access from the Turnpike Southbound Western Spur roadway into the Sports Complex, in the vicinity of Interchange 18W, at an amount of \$861,500.

Since this authorization was granted, higher resolution and more efficient camera systems have become available for use in our toll collection system. These more technologically advanced cameras are more expensive than the cameras which were included in the original plans under Supplement P. These cameras will provide higher quality images which will result in a lower image reject rate and higher nighttime image visibility. These cameras also offer a higher network connectivity thereby eliminating the need for an in-lane violation server. The installation of these new cameras could potentially result in an increase in our violation collectibility. Also since the original award there has been an increase in the prevailing wage rates associated with the installation of electronic toll collection equipment. Thus, the increased cost of the cameras combined with the increased prevailing wage rates results in the need for an increase to Supplement P.

Therefore, it is requested that authorization be granted to amend Supplement P to include increased wage rates and the installation of a higher efficiency camera system. This amendment will require authorization of an additional \$138,500 thereby increasing the total authorized funding of Supplement P to \$1,000,000.

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

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

unanimously approved the recommendation; authorized amending Supplement P to the Professional Services Agreement with ACS State & Local Solutions Inc, as presented; and received and filed the memorandum.

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54-09

Finance Director Hayllar presented the financial results of the New Jersey Turnpike Authority for the Twelve Months ended December 31, 2008 and the One Month ended January 31, 2009. On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority's **Financial Summary** was unanimously accepted and received for file.

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55-09

Operations Director Hill presented the recommendation contained in his memorandum dated February 5, 2009, concerning **Contributions to Ambulance Squads and Fire Departments**, Period of July 1, 2008 through December 31, 2008, Operating Budget Account No. 10-710-442060.

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

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

The submitted schedules list all ambulance squads and fire departments, which provided service to the Authority for the period from July 1, 2008 through December 31, 2008 and the recommended contributions. For this period, 44 ambulance squads responded to 566 calls and 38 fire departments responded to 254 calls using 299 pieces of equipment.

Authorization is requested to make the contributions as detailed totaling \$129,060.

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

On motion by Commissioner DuPont, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized contributions to Ambulance Squads and Fire Departments, as presented; and received and filed the memoranda.

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56-09

Resume of All Fatal Accidents – Garden State Parkway and New Jersey Turnpike. Submitted by Operations Director Hill, they contain a descriptive account for the Period 1/1/09 to 2/10/09, together with 2008 – 2009 Yearly Comparisons for the one month through January 2009.

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

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57-09

New Jersey State Police Troops D and E - Reports of Activities for the one month through January, 2009, including 2008 – 2009 Yearly Comparisons, were submitted by Major Walker, New Jersey State Police Troop D Commander.

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

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58-09

Chief Engineer Raczynski presented the memorandum dated February 18, 2009, concerning the recommendation to **Issue Supplement No. 1 to Utility Order No. 1211-T – Colonial Pipeline Company** – Turnpike Interchange 6 to Interchange 9 Widening Program, Townships of Mansfield, Bordentown and Chesterfield, Burlington County, Townships of Hamilton, Robbinsville and East Windsor, Mercer County and Township of Cranbury, Middlesex County, Construction Fund No. 06510057

Utility Order No. 1211-T was required to expedite preliminary engineering services for the utility relocation of existing Colonial Pipeline Company (Colonial) facilities that will be directly impacted by the construction of the New Jersey Turnpike Interchange 6 – 9 Widening Program (Program) between Milepost 48.7 and 72.8 (24.1 miles). While final estimates were being prepared, Colonial was directed to perform up to \$249,000 worth of engineering services so as not to delay the project. Pursuant to the Executive Director's delegated authority, the Utility Order was executed in an amount of \$249,000.

Now that Colonial has completed a portion of the preliminary design, has established the approximate location and quantity of relocations required for the Program, it is necessary to execute Supplement No. 1 to Utility Order No. 1211-T, in the amount of \$1,221,000, to complete their preliminary engineering services. This supplement will provide Colonial with monies to complete their preliminary engineering efforts. Upon completion of preliminary design, a second supplement to this Utility Order will be requested to fund final design efforts.

It is, therefore, recommended that Supplement No. 1 to Utility Order No. 1211-T be issued to Colonial Pipeline in the amount of \$1,221,000. The addition of this amount increases the total authorized fee from \$249,000 to \$1,470,000.

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

On motion by Commissioner Hodes, seconded by Commissioner Pocino, the Authority unanimously approved the recommendation; authorized issue of Supplement No. 1 to Utility Order No. 1211-T to Colonial Pipeline Company, as presented; and received and filed the memorandum.

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Upon conclusion of the agenda, Chairman Dilts opened the floor to public comment on agenda business and other matters.

Robin Weiss addressed the Board advocating that disabled people be afforded the toll discounts recently offered to senior citizens, used in E-ZPass electronic toll collection. She said that toll payments grossly overburden those disabled persons who earn less than \$18,000 a year and who travel the roadways extensively to reach their medical providers.

Ms. Weiss appealed to the Board to revise the E-ZPass Senior Citizen Discount Program to include disabled people.

Chairman Dilts responded by saying that the disabled were not contemplated in the original program and that the Board would take her comments under advisement.

There were no further comments from the floor.

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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 11:15 A.M., to meet on Tuesday, March 31, 2009, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:

COMMUNICATIONS

Letter – dated February 10, 2009, from New Jersey Governor Jon Corzine – approving the minutes of the special meeting of the New Jersey Turnpike Authority held on February 9, 2009 wherein the Authority adopted a Resolution Authorizing the Execution and Delivery of a Qualified Swap Agreement with Barclays Bank PLC Relating to the Authority's Turnpike Revenue Bonds, Series 2009 B, C and D.

Letter – dated February 17, 2009, from NJDOT Commissioner Stephen Dilts, designating Kathy Diringier to serve as NJDOT designee to vote and otherwise act on behalf of the ex officio DOT Commissioner for the New Jersey Turnpike Authority Commission meetings.

Copy of Two Letters dated February 18, 2009, from New Jersey Governor Jon Corzine and the Governor's Director of Appointments, reappointing Harold Hodes a Commissioner of the New Jersey Turnpike Authority.

ADDITIONAL REPORTS:

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

Utility Orders – (one) under EDDA 117-05; Dated February 24, 2009.

Contract Change Order Summary, Type 1 and Type 2 – Period January 9, 2009 through February 5, 2009, Dated February 24, 2009.

Construction Progress – Period Ending February 6, 2009; Dated February 24, 2009.

AGREEMENTS/CONTRACTS:

Insurance – Umbrella Excess Liability Policy for the Self-Insured General / Automobile Liability Program for New Jersey Turnpike Authority; Risk Strategies Company Inc. as Broker, Period 9/01/08 – 9/01/09; authorized 9/9/08.

Insurance – Turnpike Major Bridge and Property; NIA Group Associates as Broker, Period 9/1/08 – 9/1/09; authorized 9/9/08.

Deed – to New Jersey Turnpike Authority; from Robert and Carol Appleby, dated October 2, 2008; Turnpike ROW Section 3E, Turnpike Design Section 2: Parcel 267; Block 103, Lot 1; 1 Bordentown - Chesterfield Road, Chesterfield, Burlington County; authorized 7/22/08.

Deed – to New Jersey Turnpike Authority; from Janice Borocz, dated December 27, 2007; Turnpike Section 3E: Parcel 260, Block 101, Lot 7, Chesterfield, Burlington County; authorized 9/25/07.

Deed – to New Jersey Turnpike Authority; from Steven and Brooke Doerler, dated September 3, 2008; Turnpike ROW Section 3F, Design Section 3: Parcel No. 317A; Block 2725, Lot 1, Hamilton, Mercer County; authorized 7/22/08.

Deed – to New Jersey Turnpike Authority; from Ted Konko, dated October 29, 2008; Turnpike ROW Section 3F, Design Section 3: Parcel 322; Block 2725, Hamilton, Mercer County' authorized 7/22/08.

Memorandum of Understanding, dated 11/21/09 – New Jersey Transit Corporation – Parkway Bridge No. 144.7, TRANSIT Bus Terminal; authorized 12/9/08.

Agreement – NJTA v. Aetna Casualty and Surety Co, et al. – Settlement Agreement and Release, dated November 2008; authorized 4/16/08.

Agreement, Cost Sharing, dated February 2009 – State of New Jersey, Department of Transportation (DOT) – St. Paul's Avenue Viaduct; authorized 1/28/09.

Agreement – DTN Meteorlogix – Weather Forecasting Services, dated October 28, 2008; authorized 10/3/08.

Agreement – Joe Carrelha Jr. Trucking Co. Inc. – Contract LC-03-08, Snow Plowing Services, dated March 10, 2008; authorized 7/22/08.

Agreement – Eagle Paving Corporation – Contracts SPS-01-8, SPL-02-08, LC-10-08, LS-01-08, LS-02-08, LS-04-08, LS-05-08, Snow Plowing Services, dated March 10, 2008; authorized 7/22/08.

Agreement – A. Macchione Brothers Inc. – Contract SPN-01-08, Snow Plowing Services, dated March 10, 2008; authorized 7/22/08.

Agreement – Joseph M. Sanzari Inc. – Contracts SPN-02-08, LC-09-08, LS-0-08, LN-08-08, Snow Plowing Services, dated March 10, 2008; authorized 7/22/08.

Agreement – Tarheel Enterprises Inc. – Contracts LN-09-08, SPC-01-08, SPN-04-08, Snow Plowing Services, dated March 10, 2008; authorized 7/22/08.

Contract No. P100.024 – Agate Construction Co. Inc; authorized 12/4/08.

Contract No. P100.52 – Joseph M. Sanzari Inc.; authorized 12/9/08.

Contract No. T100.077 – Gardner M. Bishop Inc.; authorized 12/9/08.

Contract No. T200.099 – Gardner M. Bishop Inc.; authorized 12/9/08.

ORDER FOR PROFESSIONAL SERVICES or PROFESSIONAL SERVICES AGREEMENTS

OPS No. T3085 – URS Corporation – Design Services; authorized 10/31/08.

OPS No. A3087B – Greenman-Pedersen Inc. – On-Call Engineering Services; authorized 10/31/08.

OPS No. A3088A – Stantec Consulting Services Inc. – On-Call Engineering Services; authorized 10/31/08.

OPS No. A3179 – Dewberry-Goodkind Inc. – On-Call Environmental Engineering Consultants; authorized 7/22/08.

OPS No. 3182 – Hatch Mott MacDonald – Environmental Engineering Consultant; authorized 10/3/08.

OPS No. 3183 – TranSystems Corporation – Engineering Services, 2009 Bridge Inspection Program for Parkway; authorized 12/9/08.

OPS No. 3184 – KS Engineers PC – Engineering Services, 2009 Bridge Inspection Program for Parkway; authorized 12/9/08.

OPS No. 3185 – Greenman-Pedersen Inc. – Design Services; authorized 12/9/08.

OPS No. 3186 – Michael Baker Jr. Inc. – Design Services; authorized 12/9/08.

OPS No. 3189 – The RBA Group – On-Call Environmental Consulting Services; authorized 10/31/08.

OPS No. 3190 – Lagan Engineering and Environmental Services Inc. – On-Call Environmental Consulting Services; authorized 10/31/08.

Supplemental OPS No. P3026A – PB Americas Inc. – Design Services; authorized 12/9/08.

Supplemental OPS. No. T3043A – Stone & Webster Inc. – Supervision of Construction Services; authorized 10/31/08.

Supplemental OPS. No. P3045A – Chas H. Sells – Design Services; authorized 10/31/08; ratified 12/9/08.

Supplement R Amendment, to Professional Services Agreement – ACS State and Local Solutions Inc. (ACS) – Regional E-ZPass Electronic Toll Collection System, Management of Annual Transponder Tag Purchase from Mark IV IVHS Inc., Various Transponder Tags, dated 11/21/08; authorized 10/31/08.

Rose Stanko
Secretary

APPROVED:

Stephen Dilts, Chairman and NJ Department of Transportation Commissioner

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner (ABSENT)

Raymond M. Pocino, Commissioner

Clive S. Cummis, Commissioner (ABSENT)

Troy Singleton, Commissioner